

*Planning Commission Meeting Minutes
Thursday, October 5, 2023
South Salt Lake Council Chambers
220 East Morris Avenue
Time: 7:00 p.m.*

Commission Members Present:

George Pechmann, Chair
Jeremy Carter
Christy Dahlberg (via Zoom)
Olivia Spencer
Suzanne Slifka
Mary Anna Southey

Staff Members Present:

Amy Jones, City Attorney
Jonathan Weidenhamer, Community Development Director
Eliza Ungricht, Deputy Community Development Director
Jed Shum, City Planner
Tereza Bagdasarova, City Planner
Dawn Emery, City Planner
Alexandra White Halleck, Planning Consultant (via Zoom)

Other Attendees:

Cassie Ruiz
Brent Malili
Kurt Rose
Spencer Hymas
A Brett Bullock
Luis Limon
Robert Snead
Matt Knight
Bryan Lin (via Zoom)
Ben (via Zoom)
Jeff (via Zoom)
Mike (via Zoom)

PLANNING COMMISSION MEETING

Chair George Pechmann called the meeting to order at 7:00 p.m.

Pledge of Allegiance:

Commissioner Slifka

Motion to APPROVE the Agenda:

Motion:

Commissioner Southey

Second:

Commissioner Carter

Vote:

**Commissioner Carter– Aye;
Commissioner Dahlberg– Aye
Commissioner Spencer– Aye;
Commissioner Slifka - Aye
Commissioner Southey – Aye;
Chair Pechmann – Aye.**

The vote was unanimous.

STAFF BUSINESS – INFORMATION ITEMS

There was no staff business.

PLANNING COMMISSION BUSINESS

- 1. Approval of the September 21, 2023, Planning Commission Meeting Minutes.**

Action Item

Motion to APPROVE the September 21, 2023, Planning Commission Meeting Minutes:

Motion:

Commissioner Slifka

Second:

Commissioner Spencer

Vote:

**Commissioner Carter– Aye;
Commissioner Dahlberg– Aye
Commissioner Spencer– Aye;
Commissioner Slifka - Aye
Commissioner Southey – Aye;
Chair Pechmann – Aye.**

The vote was unanimous.

NEW BUSINESS

- 1. Public Hearing – A Petition for Final Plat Approval to Consolidate Two Existing Parcels into a One-Lot Plat, for a Flex Building at 3422-3426 South 300 West.**

Action Item

Applicant: J-Development

Address: 3422-3426 South 300 West, 300 West Industrial Park Project

Ms. Ungricht reported that the Preliminary Plat proposal was discussed by the Planning Commission at the last meeting. The Final Plat was now before the Commission. There are two parcels located at 3422-3426 South 300 West and 3410-3416 South 300 West. The parcels are in the Flex District and there was a desire to consolidate them into one lot. She shared an image of the existing conditions and explained that there was an automotive shop. The building that would remain in place had some manufacturing and construction business use.

The intention was to phase the project. Ms. Ungricht shared the proposed Site Plan and explained that the south end was the proposed new building. The second building would be added in a later phase. There was not a timeline for the phasing but the southern half met all of the parking requirements. The Subdivision Plat was shared. She reported that there was a 4.5-foot dedication for the right-of-way needed for 300 West. There are existing sidewalks throughout the property that would remain. Where there are no sidewalks, they would be added so the development would include necessary right-of-way improvements.

Ms. Ungricht shared the proposed building elevations. The top image represented what would be seen from 300 West and the bottom two reflected the interior view of the project. She clarified that the building elevations were only for the first phase as nothing had been submitted for the second phase. The application met a handful of General Plan considerations, including:

- Land Use and Neighborhoods Goal 3, Page 28:
 - Enhance urban and streetscape design in the City to support South Salt Lake's distinct image and enhance community pride.
- Economic Development Goal 1, Strategy 5, Page 46:
 - Encourage incremental development where appropriate to avoid vacant and underutilized parcels.

Staff recommended that the Planning Commission approve the final one-lot consolidation plat. The Staff recommendation was based on analysis and the findings included in the Staff Report.

Chair Pechmann opened the public hearing. There were no public comments. The public hearing was closed.

Motion to APPROVE the application by J-Development for a final one-lot consolidation plat application for the construction and operation of a flex building at 3422-3426 South 300 West, with the conditions enumerated in the Staff Report and on the record.

Motion: Commissioner Carter

Second: Commissioner Spencer

Vote: Commissioner Carter– Aye;
Commissioner Dahlberg– Aye
Commissioner Spencer– Aye;
Commissioner Slifka - Aye

**Commissioner Southey – Aye;
Chair Pechmann – Aye.**

The vote was unanimous.

2. Public Hearing – A Petition to the Planning Commission to Forward a Recommendation to the South Salt Lake City Council to Amend the Zoning Map for One Parcel from Commercial Corridor (“CC”) to Crossing MPMU for Property Located at 50 East 2100 South.

Action Item

Applicant: Cassie Ruiz
Address: 50 East 2100 South, In-N-Out Burger

Ms. White Halleck asked the applicant, Cassie Ruiz, to share comments prior to the presentation. Ms. Ruiz introduced herself to the Commission and stated that she is a Senior Development Manager with In-N-Out Burger. Although the current applications before the Planning Commission pertain to administrative inconsistencies, she felt it would be best to take a moment to introduce In-N-Out Burger to the Commissioners. She noted that In-N-Out Burger was founded in 1948. 75 years later, it is still a family-owned business. Every In-N-Out Burger location is privately owned and operated as In-N-Out Burger did not franchise.

Currently, In-N-Out Burger locations average approximately 81 associates per store. That means the potential addition of 81 jobs where both full-time and part-time associates receive above-average wages, benefits, and growth opportunities. In-N-Out Burger is consistently recognized as a top employer by various reputable publications, including Glassdoor and Forbes. In-N-Out Burger gives back to each of the communities served in different ways, including through two foundations. It is a family-friendly business with no alcohol or tobacco sales. Additionally, In-N-Out Burger is dedicated to providing both a quality product and excellent customer service.

Ms. Ruiz reported that In-N-Out Burger opened its first location in Utah in 2009. There are now 12 locations in operation throughout the State. The majority of those locations opened between 2009 and 2013 and had drive-thru lanes that accommodated an average of 12 to 15 vehicles. At the proposed location in South Salt Lake, the drive-thru lane will accommodate 34 vehicles. A lot of thought had gone into the development plan. In fact, over 10 months had been spent working through the various issues and concerns expressed. A thorough traffic analysis had been performed and would be presented with future applications for the site. The analysis looked at the traffic conditions along the corridor and considered the anticipated queuing needs.

Ms. Ruiz shared information about the site design and explained that access to 2100 South has been closed off. That was intentional because a lot of concerns had been expressed about potential queuing along there. The proposal was to have a longer drive-thru lane instead. She reiterated that all of the information, including the full traffic study, would be presented with the next application. As for the applications currently before the Planning Commission, she emphasized

that the request for a zone change had not been made to allow for drive-thru use. The current zones for both properties allowed for the use to take place. Rather, the intention was to clean up the fact that the Mad Greek lot was the only lot on the block that was not zoned Crossing MPMU. The zone change would result in a much cleaner zoning map. It would also allow for the site to be developed as one cohesive unit. Ms. Ruiz explained that the Ordinance amendment application would clean up conflicting information regarding landscaping, setbacks, and sidewalk widths.

Ms. White Halleck reported that the application includes a petition for a rezone of 50 East 2100 South. At the last Planning Commission Work Meeting, there was discussion about the application. She shared a map of the area and identified 50 East 2100 South, which was outlined in red. It was the former Mad Greek parcel, which had been vacant for some time. The property is currently zoned Commercial Corridor (“CC”) and the petition was to modify the zoning to Crossing MPMU, which is the same zone that was located over the WinCo property and the surrounding parcels. Ms. White Halleck noted that fast food is a permitted use in both districts, so the rezone does not come down to use. To consolidate the two parcels via a Subdivision Plat, it is necessary to start with both parcels being in the same zone.

The Planning Commission is the recommending body to the City Council. It was anticipated that the City Council would consider the Planning Commission recommendation and review the application at the next City Council Meeting on October 11, 2023. A Condition of Approval for the application was that if it was approved by the City Council, the applicant would need to come back with a Subdivision Plat, Preliminary Plat, and Final Plat application.

Ms. White Halleck shared images of the existing conditions with the Commission. The idea was that the Mad Greek building would come down as part of the site development. She shared a map of the area and explained that the request was to change the zone from CC to Crossing MPMU so it was contiguous and consistent with the surrounding parcels. The Conceptual Site Plan was reviewed. A lot of thought had been put into traffic, access, and site circulation. There is an extensive drive-thru lane and queuing on site. That was intentional to ensure that traffic does not back up into the intersections. The access driveways were placed as far south as possible on the parcel, which had been done to set the access points away from the intersections. The specific details of the Site Plan would be reviewed as part of the later subdivision application.

Conceptual elevations were shared. Ms. White Halleck reported that it matches the designs seen at the other In-N-Out Burger restaurants. There was a patio proposed to face 2100 South and more landscaping than what was shown in the renderings. There were a number of General Plan considerations that supported the rezone and the proposed project. Staff recommended that the Planning Commission forward a recommendation of approval to the City Council for the petition to rezone the parcel from the CC Zone to Crossing MPMU, based on the findings and conditions set forth in the Staff Report.

Ms. White Halleck explained that there will be a sunset clause on the petition. She noted that the Planning Commission’s three options are to approve, deny, or continue. Chair Pechmann wondered why there was a sunset clause. Ms. White Halleck explained that it is standard in South

Salt Lake. The idea was not to commit to a zone change if the project fell through. In this case, there was no downfall, because it would clean up the zoning.

Chair Pechmann opened the public hearing. There were no public comments. The public hearing was closed.

Motion to forward a POSITIVE recommendation to the City Council, with conditions, the petition by Cassie Ruiz to amend the zoning map for one parcel from Commercial Corridor (CC) to Crossing MPMU subject to the following:

Findings of Fact:

1. The subject property, 50 East 2100 South, consists of one distinct lot.
2. The subject property is located in the Commercial Corridor (CC) land use district.
3. The proposed zone change will change the land use designation of the lot to the Crossing MPMU
4. The subject property is currently a vacant fast-food restaurant.
5. In a separate application, the applicant is proposing consolidating via a Subdivision Plat Amendment for the subject lot with an adjacent parcel located at 28 East 2100 South to create a larger development lot to develop a new In-N-Out Burger restaurant
6. The parcel located at 28 East 2100 South is located in the Crossing MPMU land use district, which permits fast food restaurants.

Conditions of Approval:

1. If approved, the petition to amend the zoning map will not take effect until such time that the South Salt Lake Planning Commission grants Final Plat approval of the Subdivision Plat amendment, and said plat is recorded with the office of the Salt Lake County Recorder.
2. If approved and the applicant fails to record a Subdivision Plat within 180 days of Final Subdivision Plat approval, zoning map amendment petition approval is void.

Motion:

Commissioner Carter

Second:

Commissioner Slifka

Vote:

Commissioner Carter– Aye;
Commissioner Dahlberg– Aye
Commissioner Spencer– Aye;
Commissioner Slifka - Aye
Commissioner Southey – Aye;
Chair Pechmann – Aye.

The vote was unanimous.

3. Public Hearing – A Petition to the Planning Commission to Forward a Recommendation to the South Salt Lake City Council to Approve an Ordinance Amending Title 17.03.160 and 17.06.300 to Amend Development Standards for Sidewalks and Landscaping Setbacks Along Main Street in the Crossing MPMU.

Action Item

Applicant: Cassie Ruiz

Address: 28 East 2100 South and 50 East 2100 South, In-N-Out Burger

Ms. White Halleck reported that this was the second petition related to the In-N-Out Burger location. This was discussed during the previous Planning Commission Work Meeting. She reported that there was a petition to amend 17.03.160, which related to the Crossing MPMU Subdistrict standards, and 17.06.300, which related to Landscape and Development Standards. The intention was to make sure the language was consistent between the different standards. During the review of the In-N-Out Burger application, some conflicts in the Code were discovered.

There was a section in 17.06.300(F) that talked about urban streetscapes along 2100 South and Main Street, where it requires a 15-foot landscape setback along the frontage of the property between the back of sidewalk and any structure. Across the street, that specific district required a 15-foot urban sidewalk with trees and tree grates abutting the back of curb and no large landscape setback behind the sidewalk. When looking at the Crossing MPMU Standards, those were completely different. The Crossing MPMU currently requires a five-foot park strip and a five-foot sidewalk as well as a 10-foot landscape setback behind the sidewalk. The proposed amendment was as follows:

- The Crossing MPMU along Main Street requires a 10.5-foot sidewalk flush with curb and gutter with trees in tree grates along the curb (same standard as Downtown District);
- The Crossing MPMU along Main Street requires a 10-foot minimum landscaped setback between any sidewalk and structure.

Ms. White Halleck noted that the In-N-Out Burger site proposed a 13-foot landscaped setback, so the proposal was to provide more than what would be required in the Code. The amendments were fairly minor but would clean up certain sections so there was more consistency throughout. She shared the updated Conceptual Site Plan for In-N-Out Burger, which showed the landscaping. Along Main Street, there is a 10.5-foot sidewalk with trees and tree grates as well as the large

landscape buffer located behind the sidewalk. That would also be seen on Major Street. 2100 South was a Utah Department of Transportation (“UDOT”) road and was not a South Salt Lake road. The intention was to have the largest sidewalk that UDOT would allow given the right-of-way width there. The reason trees and tree grates were not shown there was for Americans with Disabilities Act (“ADA”) compliance. As a result, the applicant had proposed that there be trees there located behind the sidewalk. Everything in the Conceptual Site Plan complies with the proposed ordinance amendments.

Staff recommended that the Planning Commission forward a positive recommendation to the City Council which is the Land Use Authority on the application. Ms. White Halleck reported that the petition would be before the City Council at the next City Council Meeting. The Planning Commission’s options were to approve, deny, or continue the Ordinance amendment.

Chair Pechmann questioned whether the amendments would result in additional landscaping and greenery in the area. Ms. White Halleck explained that the current Crossing MPMU requires a five-foot park strip, a five-foot sidewalk, and landscaping behind the sidewalk. That would be shifted so there is not a park strip and it was placed behind the sidewalk. In the case of the In-N-Out Burger application, the proposal was to provide more than the minimum requirement.

Chair Pechmann opened the public hearing. There were no public comments. The public hearing was closed.

Motion to APPROVE the Ordinance amending Title 17.03.160 and 17.06.300 to amend development standards for sidewalks and landscape setbacks along Main Street in the Crossing MPMU.

Motion: Commissioner Southey

Second: Commissioner Carter

Vote: Commissioner Carter– Aye;
Commissioner Dahlberg– Aye
Commissioner Spencer– Aye;
Commissioner Slifka - Aye
Commissioner Southey – Aye;
Chair Pechmann – Aye.

The vote was unanimous.

4. Public Meeting – A Petition for a Conditional Use Permit for Victory Outreach Church Located at 3125 South State Street.

Action Item

Applicant: Luis Limon

Address: 3125 South State Street, Victory Outreach Church

City Planner, Jed Shum, stated that the last item on the Planning Commission Meeting agenda was a petition for a Conditional Use Permit for Victory Outreach Church. The property is located at 3125 South State Street. The current zoning of the property is in the CC Zone where a Place of Worship was a Conditional Use. As for the surrounding zoning, on the north, south, and west, it is all the CC Zone. On the east, it is the Commercial Neighborhood (“CN”) Zone. Mr. Shum shared a Vicinity Map with the Commissioners and identified the location of the subject property. Images of the existing conditions were shared for reference. The intention was to move into the structure on the front end shown. No exterior improvements would be made to the structure. There were currently no plans for signage but a separate application could be made for that in the future.

The Proposed Site Plan was shared. Mr. Shum reported that the previous use was a warehouse. Improvements would be made with the addition of 300 seats for the Place of Worship. The proposed seating plan was reviewed. One of the main issues related to the use was parking. The total number of stalls needed to accommodate the 300 seats was 75. He explained that for every four seats there needs to be one parking stall. According to the shared parking table, on the weekend, from 7:00 a.m. to 6:00 p.m. for a Place of Worship, there needs to be 100% and for light industrial, there needs to be 50%. For the church, 75 stalls were needed. Half of the required stalls were needed for the light industrial use next door. That resulted in 80 stalls overall. In the proposed plan, combined with the indoor parking, there would be 84 stalls provided. Ultimately, that number met the parking requirements for the proposed uses in the area.

Mr. Shum reviewed some of the General Plan considerations, which were as follows:

- Land Use & Neighborhoods Goal 1:
 - Continue to welcome new residents and businesses into South Salt Lake.
- Land Use & Neighborhoods Goal 2:
 - Enhance the livability of existing and planned residential neighborhoods.

Staff recommended approval of the proposed Conditional Use Permit to operate a Place of Worship at 3125 South State Street, based on the information submitted by the applicant, the General Plan considerations, and the Ordinance analysis. Mr. Shum noted that there were several Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Staff Report.

Chair Pechmann reported that this was a public meeting, so the Commission would move directly to a discussion and vote. Ms. Ungricht noted that the applicant was present if the Commission had any questions. Commissioner Jeremy Carter asked about the current location of the church. Luis Limon explained that there was no current location as the church had moved out of the previous location on September 12, 2023. He believed the 300 seats proposed would be adequate.

Motion to APPROVE the application submitted for a Conditional Use Permit, C-23-001, to operate a Place of Worship, located at 3125 South State Street subject to the following:

Findings of Fact:

- 1. On August 26, 2023, Luis Limon applied to petition for a Conditional Use Permit ("CUP") on behalf of Victory Outreach Church to operate a Place of Worship located at 3125 South State Street.**
- 2. The subject location, 3125 South State Street, is in the Commercial Corridor Land Use District.**
- 3. There are two buildings on the parcel where the proposed business will be located. One building is a manufacturing and warehouse building with Mountain West Timber LLC as the tenant. The proposed building was originally a commercial building; its previous use was as a warehouse.**
- 4. The proposed use will be located in a commercial building that will not have any exterior improvement done to it.**
- 5. The proposed building is approximately 16,230 square feet (about 8,115 square feet per level).**
- 6. The proposed use will have access along State Street only.**
- 7. Section 17.07.010 of the South Salt Lake Municipal Code states that a change of use in the building requires the building to comply with all IBC, IFC, development, and design standards.**
- 8. The proposed use is required to have seventy-five (75) stalls. They will have access to a total of 78 stalls. While the highest demand according to the shared parking table, the peak demand for on-site parking is 80. With the combination of on-site indoor and outdoor parking, there are a total of 85 on-site parking spaces**
- 9. There will be two service sessions on Sunday, but the schedule is still to be determined.**
- 10. There will also be service sessions on Thursday evenings, but the schedule is yet to be determined.**
- 11. No impact is expected as part of the use on environmentally sensitive lands. There is no environmentally sensitive land on site.**

12. **No specific hazards or adverse impacts are expected due to the proposed use.**
13. **All utilities are currently on-site, and there is no proposal at this time to upgrade the existing utilities.**
14. **No exterior signage will be installed at this time.**

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 Commercial Corridor.**
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 applicant shall comply with all of the conditions of approval below and within the Conditional Use Permit prior to the release of a South Salt Lake Building Permit.**
2. **The applicant shall comply with all applicable International Building Codes and International Fire Codes and must obtain and complete a South Salt Lake Building Permit.**
3. **The occupancy shall never exceed the maximum allowed, as determined by the South Salt Lake Building Official and South Salt Lake Fire Marshal's Office. The maximum allowed occupancy of the building shall be posted on the interior of the building.**
4. **The applicant shall obtain a South Salt Lake City sign permit prior to any sign installation.**
5. **The applicant shall maintain eighty (80) parking spaces on-site at their location.**

6. The applicant shall comply with the other provisions in Title 17.

Motion: Commissioner Slifka
Second: Commissioner Southey
Vote: Commissioner Carter– Aye;
Commissioner Dahlberg– Aye;
Commissioner Spencer– Aye;
Commissioner Slifka - Aye
Commissioner Southey – Aye;
Chair Pechmann – Aye.

The vote was unanimous.

CONTINUING BUSINESS

There was no continuing business.

ADJOURNMENT

Motion to ADJOURN.

Motion: Commissioner Carter
Second: Commissioner Spencer
Vote: Commissioner Carter– Aye;
Commissioner Dahlberg– Aye;
Commissioner Spencer– Aye;
Commissioner Slifka - Aye
Commissioner Southey – Aye;
Chair Pechmann – Aye.

The vote was unanimous.

The Planning Commission Meeting adjourned at approximately 7:39 p.m.

For Planning Commission

Community Development