

*Planning Commission Regular Meeting Minutes*  
*Thursday, December 2, 2021*  
*220 East Morris Avenue, 2<sup>nd</sup> Floor*  
*Time 7:00 p.m.*

**Commission Members Present:**

Laura Vernon  
Jeremy Carter  
Christy Dahlberg  
Stacey Holscher  
George Pechmann  
Mary Anna Southey  
Clarissa Williams

**Staff Members Present:**

Alexandra White, Community Development Director  
Sean Lewis, Deputy Community Development Director  
Eliza Ungricht, City Planner  
Hanna Tuia, City Planner  
Brienne Brass, Deputy City Attorney

**Attendees:**

Liz Gabbitas  
Chad Ewell  
Dustin Holt  
Mark Isaac  
Omar Abdil  
Debbie Breivik  
Dan Hopes  
Annika Dugan  
Joe Rowberry  
Milton Tuia

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

**Pledge of Allegiance:**

**Commissioner Carter**

**APPROVAL OF AGENDA**

**Motion to approve the agenda, as written.**

**Motion:**

**Commissioner Holscher**

**Second:**

**Commissioner Pechmann**

**Vote:**

**Commissioner Carter – Aye;**  
**Commissioner Dahlberg – Aye;**  
**Commissioner Holscher – Aye;**  
**Commissioner Pechmann – Aye;**

**Commissioner Southey – Aye;  
Commissioner Williams – Aye;  
Chair Vernon – Aye.**

**The vote was unanimous.**

**NEW BUSINESS**

**1. Public Meeting – S-21-005 – Final Plat Approval for a Subdivision Plat to Consolidate Two Parcels.**

**Action Item**

**Applicant:** Sanders Associates Architects  
**Address:** 3028-303 South State Street

City Planner, Eliza Ungricht presented the staff report and stated that the request was presented at the November 4 meeting. The applicant is Shane Sanders representing Mountain America Credit Union (“MACU”). The Planning Commission recommended the City Council approve the zone change, which was done. Tonight’s request was to consolidate the two parcels into one. The site plan was displayed. The building will face State Street and meets all subdivision requirements. The Landscape Plan was presented, which includes a tree street line and meets all relevant Code standards. The elevations are also in compliance. Staff recommended final plat approval. The applicant was not present.

Community Development Director, Alexandra White, reported that the subdivision plat application went out for third-party review and was reviewed by the Engineering Department. The plat was determined to be in compliance. A public hearing was not required since it was the final plat.

Chair Vernon opened the meeting to public comment. There were no public comments.

Commissioner Carter asked about the front door issue. He was concerned that placing the front entrance on the backside of the building is contrary to what the Commission is trying to accomplish. Ms. White reported that the business has a front door facing the corner that complies with the ordinance. There is no back of house facing State Street and as a result, there is a higher percentage of glass articulation and material facing the street. All that is missing is centralized access into the building. With a bank, it is more complex because of security and the way the floor plan is laid out. Ms. White stated that the first quarter of next year staff will present a Title 17 Code Amendment forward with the design standards being addressed.

**Motion to APPROVE the application by Shane Sanders on behalf of Mountain America Credit Union for Final Subdivision Plat Approval of a two-lot subdivision consolidation of the subject properties located at 3028 and 3030 South State Street with the conditions enumerated in the staff report and on the record.**

**Motion:** Commissioner Pechmann

**Second:** Commissioner Dahlberg

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

The vote was unanimous.

- 2. Public Hearing – SV-21-001 – A Petition to the Planning Commission for a Recommendation to the City Council to Vacate a Portion of Wentworth Avenue located West of West Temple at approximately 125-155 West Wentworth Avenue.**

**Action Item**

**Applicant:** dbUrban Communities  
**Address:** Approximately 125-155 West Wentworth Avenue

Ms. White presented the staff report and stated that the matter was noticed as a public hearing with the City Council on Wednesday, December 8. Action was anticipated on the part of the Planning Commission tonight. The petition is for a right-of-way vacation of Wentworth Avenue, for property that runs west of West Temple. It is a dead-end road that ends in approximately 11 parcels. Four property owners surround Wentworth Avenue. The applicant owns the parcels shown in yellow and is proposing to redevelop the site if the vacation is granted. The purpose of the vacation is to acquire and build over the top of the Wentworth property identified on the rendering. In exchange, they will dedicate additional right-of-way along West Temple and Utopia Avenue and make significant public improvements there.

Ms. White reported that the property identified in purple on the rendering is a single-family home that fronts West Temple. The properties shown in red and blue are commercial buildings that have access to Wentworth Avenue. One has access to Utopia Avenue as well. Part of the project proposal would be to relocate public infrastructure and create a new access road for those properties. By State law, any vacation petition must show good cause and that it does not harm any surrounding property owner.

Ms. Ungricht reported that the area outlined in red is what the applicant is proposing to vacate. Per State law, the half-width of the vacated portion goes to the adjacent property owner. The area shown in bright yellow will be combined with the other properties reflected in yellow. Ms. White stated that per State Code 10.82, the City cannot give away public property. As part of the application, a third-party appraisal was obtained and included in the staff report. The property was valued at \$6.41

per square foot or \$78,000. If approved, the cost would be borne by the applicant. Graphics were shown to identify where the vacation was to take place. Buildings to be demolished were identified. Ms. White reported that a Maintenance Agreement will be entered into with the applicant. If the vacation is granted, an agreement would be put in place to address ongoing maintenance of the infrastructure. The Concept Project Plan was reviewed in the event the vacation is granted. The proposed location is very close to the TRAX line, which is of benefit to the project. It will include ground-floor retail with two rental spaces with access from Utopia Avenue and West Temple.

Mr. Ungricht reported that the applicant is proposing to include 187 rental units including 20 studio units, 128 one-bedroom units, and 40 two-bedroom units. There will be two stories of parking with five stories of residential above. They are also including amenity spaces and a rooftop patio on the top floor. A back view was displayed of the proposed project. Ms. White stated that this is a multi-phase project, and the application will come back to the Commission if the vacation is granted. It would be necessary to go through the subdivision process to consolidate.

Mark Isaac identified himself as the Owner's Representative and Land Use Planner. He was present with Dustin Holt, a Principal, and Partner at dbUrban Communities. Mr. Isaac stated that from a land-use perspective, in the early part of the process when they began to look at the property they met with staff about the Master Plan's call for a "festival street". The desire was for Utopia Avenue to meet that desire. They think that the walkthrough from Central Station is narrow. Their main access through the Downtown Central Business District is north-south. A light is proposed on West Temple and will serve as a catalyst site for the Downtown Central Business District. They will be able to provide a pedestrian influence from the Dakota office building phase to this project and connect uses on the other side. More right-of-way, however, was needed in Utopia. They then proposed to build a plaza on the north side of the building, move it as far south as possible, build a plaza, and influence the pedestrian flow to the south side of Utopia. The vision helped them realize that their north parcels became very narrow by giving the City an additional 16 feet of right-of-way and made it so that constructing two buildings was difficult. The decision was made to build over the top of Wentworth, which would have adversely impacted two parcels. It was suggested that a road be constructed on the west side that could also be used as a fire lane and for circulation.

Mr. Isaac stated that they need to find out what could be done with the small Wentworth parcel. They proposed taking over maintenance of the right-of-way on behalf of the City because it serves as the main entrance into their parking structures and the retail proposed to be built on West Temple. He considered this to be a perfect example of a public/private partnership.

Mr. Holt commented on the timing of the project and stated that it is not cadenced with a lot consolidation, a new plat, or a formal site plan, which they fully expect to go through. The primary reason for the request was because the property is in an opportunity zone, which must be made on a calendar year. They are looking at a \$50 plus million investment with more than \$20 million in equity. A tax component was at play and the reason they were looking to take action before the end of the calendar year.

The portion along the western boundary of the property shown in yellow was identified. It abuts the red and blue portion. The intent was to create a buffer and separation for fire and emergency vehicle access.

Chair Vernon asked about access to the property shown in purple. Ms. White stated that the access and utilities come directly from West Temple. A six-foot chain-link fence runs the entire length. Staff provided notice according to City ordinance and State law consisting of a 600-foot perimeter as well as any affected entities. Notice was also posted physically on site. Other than the fact that the property is abutting, there is no direct impact.

Commissioner Pechmann asked about the plan for Utopia. Ms. White explained that City ordinance requires a wider cross-section of Utopia Avenue than what exists currently. When going through the subdivision plat process applicants are required to dedicate that cross-section. If the vacation is granted they will come back and pursue a subdivision plat to consolidate all of the remaining parcels and dedicate a portion of Utopia Avenue based on that cross-section. It will provide additional sidewalks, tree-lined streets, and public and pedestrian infrastructure. The power lines will be underground, and the private plaza space will abut that public space.

Commissioner Carter asked if the height of the building in contrast to the single-family homes will be an issue. Ms. White stated that it is of concern. The existing home is non-conforming with the zone in that single-family is not a permitted use. She noted that there are very few single-family homes in the neighborhood. For that reason, the building was placed as it was. The intent was to create a buffer.

Ms. White reported that a full design review has not been done on the building. It will be done once the project is moving forward. Schematic designs and renderings were done, however, and staff has a good idea of what the building will look like.

Commissioner Dahlberg asked about the connection to the Central Line Station. Mr. Holt explained that they have had conversations with Paul Drake who is over the transit access with Utah Transit Authority (“UTA”). Their biggest deterrent was not having enough activity in that area. The proposed project was expected to serve as a catalyst to spur that conversation. Ms. White stated that the City is currently in the process of applying for TLC grant funding to complete a Station Area Plan in partnership with UTA on the Central Point Station, which would include the Streetcar Line. The intent was to redesign both stations, take down the fencing, and redo all of UTA’s infrastructure. She acknowledged the importance of access.

Chair Vernon opened the public hearing at 7:36 p.m. There were no public comments. The public hearing was closed.

Commissioner Southey was excited by the prospect of the project, the investment in the City and infrastructure, and improving what they want downtown. She was surprised that nothing had been heard from the owner of the single-family home. While it will have an impact, it will most certainly increase the property value. She was particularly pleased to hear that Utopia will be a more walkable thoroughfare that will be opened to public transportation.

In response to a question raised by Commissioner Pechmann, the applicants indicated that they have offered to purchase the property shown in purple.

Commissioner Pechmann stated that there are a lot of businesses on Utopia Avenue that will certainly be impacted by the project. If the area is more walkable it will have a positive impact on potential customers.

Commissioner Dahlberg commented that the area has all of the components for a successful TOD development. She stated that Utopia Avenue will be more inviting with more foot traffic.

Chair Vernon liked the characterization of a “festival street”.

Commissioner Williams asked about the impact the project will have on public safety and how many additional firefighters and police officers will be needed. Ms. White responded that bi-monthly she meets with the Mayor’s Economic Development staff, which includes the Fire Chief and the Police Chief. They are briefed on every project that is coming forward as well as the entitlement process and the scale and scope. Those factors are included in their budget needs each year. The scale and scope of projects is a challenge the City faces with the fiscal budget as well as the increase in population.

Ms. White stated that a traffic study was underway but has not yet been reviewed because it is part of the subdivision process. It will include not just this area but the surrounding intersections.

Commissioner Southey asked if there had been discussion of closing Utopia Avenue to traffic on a semi-regular basis to accommodate events. Ms. White stated that that was a topic for the City Council to address. Through the master planning process, they have tried to create right-of-way cross-sections in the downtown area to accommodate different types of events. They expect Utopia Avenue to be closed periodically for events.

Staff recommended approval of the request subject to the conditions set forth in the staff report. The Planning Commission’s options were to recommend approval or denial. If development does not occur, the approval would expire in 180 days.

**Motion to recommend APPROVAL of the application from dbUrban Communities to the South Salt Lake City Council to vacate a portion of Wentworth Avenue located between 125 West and 155 West based on the analysis and findings set forth in the staff report and the following conditions:**

- 1. The applicant shall pay fair market value for all vacated property based on the appraisal conducted by South Salt Lake City.**
- 2. The applicant shall post adequate improvement completion insurance for all public infrastructure improvements and utility relocations.**

3. **The applicant shall complete all utility relocations and new access connections for 155 West Utopia Avenue and 155 West Wentworth Avenue prior to any demolition of the existing road.**
4. **The applicant shall submit a Subdivision Plat Application to consolidate all subject parcels within 180 days if the vacation is approved.**
5. **The applicant shall enter into a Maintenance Agreement for the unvacated portion of Wentworth Avenue subject to approval by the South Salt Lake Attorney's Office.**
6. **The applicant shall submit proof of and maintain insurance coverage for the unvacated portion of Wentworth Avenue for the duration and an amount acceptable and approved by the South Salt Lake Attorney's Office.**
7. **All items listed in the staff report.**

**Motion:** Commissioner Dahlberg

**Second:** Commissioner Pechmann

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

The vote was unanimous.

**3. Public Hearing – C-21-004 – Conditional Use Permit for Establishment of a Child Care Center.**

**Action Item**

**Applicant:** Global Cubs Daycare  
**Address:** 2929 South Main Street

Ms. Ungricht presented the staff report and stated that the request is for a Conditional Use Permit application for Global Cubs Daycare. The current zoning of the property is Commercial General, and the surrounding uses are single-family to the north and office to the south, east, and west. The proposed use is a State licensed childcare center. The business can host children from six weeks of age to 12 years. The State has reviewed the application and approved spaced for 65 children in the facility. The business is located in a 5,000 square-foot space. The prior use in the unit was Office

Professional. It was noted that the Planning Commission is the land use authority for all conditional uses.

The site plan was displayed. The building fronts Main Street and there is also access into the parking lot from Century Park Way. A 2,350 square-foot outdoor play area was also proposed. State law requires only 1,600 square feet. It will be fenced and have outdoor play equipment. There is a drop-off and pick-up plan with the intent being to use access in the parking lot on the left-hand side going in off the main street. Currently, they have access to 18 parking stalls. They are only required to have 10 by Code. City Code lists childcare centers as a conditional use with the following minimum standards:

- Proof of State licensure. Must be provided within 60 days of Business License issuance.
- A design that precludes a front-yard playground and signage that is no larger than two square feet.
- A Traffic, Delivery, and Parking Plan to mitigate the adverse impacts of increased traffic generation.

Ms. Ungricht reported that the primary access is on Main Street. With regard to the Traffic and Drop-Off Plan, the drive aisle width is 30.5 feet. The Code requires 26 feet. Secondary access is provided from Century Park Way. The applicants also have security cameras and key code access. Parents must be registered to pick up their children. Only those who are registered can pick up children from the daycare.

The business also has a Building Permit that is pending approval of the Conditional Use Permit for additional drinking fountains, two wash sinks, and a mop sink. They plan to have food and snacks on-site and have been approved by The Health Department. There is also an in-ground grease trap, which is required by the City for any establishment that serves food.

Ms. Ungricht stated that there is no additional demand for public infrastructure or services. All City departments have been consulted regarding potential additional services that might be required. There are two waste containers on site. One is for trash and the other is for recycling. The applicant expects to have 10 employees during a maximum shift. The proposed hours of operation are 6:00 a.m. to 11:00 p.m. General drop-off times will be between 6:00 a.m. and 11:00 a.m. Pick-up times will be between 3:00 p.m. and 11:00 p.m. Approximately 20 children per hour will be dropped off and picked up during those times.

The building elevations and renderings of the site were presented. The proposed use and structure are within the Commercial General Land Use District, which supports a variety of flex and office type uses including childcare centers. Childcare centers are listed as a conditional use in the Commercial General District. Ms. Ungricht stated that the proposed use offers a valuable service of childcare and parental support. It has a secondary impact of freeing up parents for economic productivity and complies with the Municipal Zoning Ordinance that is designed to protect and promote public health, safety, and welfare.

Deputy City Attorney, Brienne Brass, reported that the Conditional Use Permit approval for the Planning Commission under State Code is that a land-use authority shall approve a conditional use if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. Staff recommended approval subject to the conditions set forth in the staff report.

Chair Vernon opened the public hearing at 8:00 p.m.

*Annika Dugan* gave her address as 18 East Cordelia Avenue, which is north of the proposed outdoor play area. She noticed on the plans that there was no recommendation to change the existing fence, which is not suitable for a playground. The existing fence is chain link but is in poor condition.

There were no further public comments. The public hearing was closed at 8:01 p.m.

Ms. White stated that the outdoor play area as it exists does not comply with State standards. Improvements will need to be made. She did not have specifics of the State standards but offered to come back at the next meeting with more information.

The applicant, Omar Abdil, stated that they plan to make improvements to the fence and other items as required by the State. The State will visit the site and inform them of the needed changes. The existing concrete in the play area will be replaced with turf or similar material.

Ms. White stated that one of the challenges the City has with daycare facilities is confusion with the City and State licensing. The State will not look at a site until the City issues approval for an applicant to move forward. It is difficult to get the State to certify, approve, or sign off on anything if the City has not already taken action. The State has specific requirements with respect to childcare.

Mr. Abdil reported that he owns another daycare center in West Valley City that the Commissioners were invited to visit. He gave the address as 5272 West 3500 South. That facility is smaller than the one that is proposed. At their West Valley location, they have approval for 49 children.

Chair Vernon was pleased that the business is providing childcare from 6:00 a.m. to 11:00 p.m.

Ms. Brass stated that the Planning Commission cannot deny the request but can continue the matter to impose additional conditions to mitigate negative impacts.

**Motion to recommend APPROVAL of Conditional Use Permit C-21-004 to establish a childcare center at 2929 South Main Street subject to the following conditions:**

- 1. The proposed childcare center shall meet all requirements of the South Salt Lake Community Development Department, South Salt Lake Fire Marshal, the South Salt Lake Building Official, and the South Salt Lake Engineering Department for a childcare center.**

2. **The applicant shall comply with all conditions of approval within the Conditional Use Permit prior to the release of a South Salt Lake Building Permit.**
3. **The applicant shall comply with all applicable construction codes prior to release of a Building Permit.**
4. **The applicant shall maintain 18 parking spaces at their location.**
5. **At least one employee shall remain outside during drop-off and pick-up hours to maintain safety and order on site.**
6. **The business shall maintain the required number of employees to comply with all State and student supervisory ratios with a maximum of 10 employees at high shift.**
7. **All outdoor areas shall comply with State standards for outdoor play areas.**
8. **All equipment and activities outside of a child play area shall be contained within the interior structure with the exception of the outdoor play area.**
9. **The business shall maintain security and regulate behavior with monitor detectors, access codes (only for employees and custodial parents), and monitoring and security to prevent escape or displacement of children in their care.**
10. **All food preparation shall comply with Salt Lake County Health Department Standards.**
11. **A license for a Utah Food Handlers Permit will be required and the food menu approved by Utah Childcare Licensing.**
12. **Signage shall be limited to a two square-foot nameplate.**
13. **The maximum delivery vehicle size is a box truck with no semi-trucks or similar vehicles allowed on site.**
14. **The applicant shall comply with all applicable construction codes prior to the release of the permit.**
15. **The applicant shall apply for and complete a South Salt Lake Building Permit prior to approval of a South Salt Lake Business License.**

**16. Proof of State approval of a daycare center shall be provided within 60 days of the release of a South Salt Lake Business License.**

**Motion:** Commissioner Pechmann

**Second:** Commissioner Holscher

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

The vote was unanimous.

**CONTINUING BUSINESS**

There was no Continuing Business.

**PLANNING COMMISSION BUSINESS**

**Action Item**

- Approval of the October 7, 2021, Planning Commission Meeting Minutes.

**Action Item**

**Motion to APPROVE the minutes of the October 7, 2021, Planning Commission Meeting.**

**Motion:** Commissioner Holscher

**Second:** Commissioner Carter

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

The vote was unanimous.

- **Approval of the November 4, 2021, Planning Commission Meeting Minutes.**

**Action Item**

**Motion to APPROVE the minutes of the November 4, 2021, Planning Commission Meeting.**

**Motion:** Commissioner Southey

**Second:** Commissioner Williams

**Vote:** Commissioner Carter – Aye;  
Commissioner Dahlberg – Abstained;  
Commissioner Holscher – Aye;  
Commissioner Pechmann – Aye;  
Commissioner Southey – Aye;  
Commissioner Williams – Aye;  
Chair Vernon – Aye.

**The vote was unanimous with one abstention.**

- **Approval of the November 18, 2021, Planning Commission Meeting Minutes.**

**Action Item**

**Motion to APPROVE the minutes of the November 18, 2021, Planning Commission Meeting.**

**Motion:** Commissioner Carter

**Second:** Commissioner Dahlberg

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

**The vote was unanimous.**

**STAFF BUSINESS – INFORMATION ITEMS**

Ms. White thanked the Commissioners for their service over the past year. She also thanked Commissioner Williams who will be joining the City Council in January. The next meeting agenda included the potential appointment of a New Planning Commission Member.

The next Planning Commission Meeting was scheduled for January 20, 2022.

**ADJOURNMENT**

**Motion to Adjourn:**

**Commissioner Pechmann**

**Second:**

**Commissioner Carter**

**Vote:**

**Commissioner Carter – Aye;  
Commissioner Dahlberg – Aye;  
Commissioner Holscher – Aye;  
Commissioner Pechmann – Aye;  
Commissioner Southey – Aye;  
Commissioner Williams – Aye;  
Chair Vernon – Aye.**

**The vote was unanimous.**

The Planning Commission Meeting adjourned at approximately 8:10 p.m.

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**For Planning Commission**

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**Planning Division Manager**