

*Planning Commission Work Meeting Minutes
Thursday, June 16, 2022
City Council Chambers
220 East Morris Avenue
Time: 7:00 p.m.*

Commission Members Present: Laura Vernon, Chair
Jeremy Carter
Christy Dahlberg
Chad Ewell
Mary Anna Southey

Staff Members Present: Alexandra White, Community Development Director
Eliza Ungricht, City Planner
Hanna Tuia, City Planner
Taylor Greenwell, City Planner
Brienne Brass, Deputy City Attorney
Randy Sant, RDA Director

Others: Mark Isaac
Alan Regal
Jason Algaze
Daniel Rudofsky
Joshua Vohdran
Luelle Vernon
McKay Hussey
Dustin Holt

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

Pledge of Allegiance: Commissioner Southey

- **Approval of Meeting Agenda**

Motion to Approve the Agenda as written.

Motion: Commissioner Southey

Second: Commissioner Carter

Vote: Commissioner Carter – Aye;
Commissioner Ewell – Aye;
Commissioner Dahlberg – Aye;
Commissioner Southey – Aye;
Chair Vernon – Aye.

The vote was unanimous.

NEW BUSINESS

- 1. Public Meeting – S-22-001 – A Petition for Final Plat Approval for a Single Lot Consolidation to Consolidate Nine Existing Parcels into One, for a Multi-Family Dwelling at 2360 South Main Street.**

Action Item

Applicant: Bronstein Properties
Address: 2360 South Main Street

City Planner, Taylor Greenwell presented the staff report and stated that the request involves the final plat approval of the Billboard Project. The preliminary plat was approved in May by the Planning Commission. The petition is to consolidate nine existing parcels into one at 2360 South Main Street. The overall size of the lot once approved will be 1.69 acres. The Planning Commission is the Land Use Authority for subdivisions. The zoning is in the Downtown Mixed-Use Land Use District and is surrounded by mixed uses. It is currently vacant but was previously occupied by multi-family and retail. The applicant has gone through a number of steps in the entitlement process including an alleyway vacation to allow for the properties to be combined, underwent a design review, and submitted the Subdivision and Conditional Use Permit (“CUP”) applications.

The plan includes large, pedestrian-oriented sidewalks with street furniture. Along the frontage of the property, there will be a porte-cochere that will hang extend over the property line. To address this, there will be an Aerial Easement Agreement that will involve maintenance and liability provisions.

Commissioner Carter asked about the parking and if it will be included with tenancy or an additional fee. Mr. Greenwell understood that it was unbundled parking but deferred to the applicant for clarification. The applicant, Daniel Rudofsky, stated that they will ensure that the residents use the parking available for them and leave the street parking for customers.

Commissioner Carter asked if the curbing will be striped red along Main Street. It was determined that there will be no parking on Main Street.

Staff recommended approval with the conditions set forth in the staff report.

Motion to APPROVE the application by Bronstein Properties – S-22-001 – A Petition for Final Plat Approval for a single-lot consolidation to consolidate nine existing parcels into one for a multi-family dwelling at 2360 South Main Street (with a new address of 1 Burton Avenue), based on the following:

Findings of Fact:

- 1. The subject properties included in the project are 2358-2364 South Main Street (1524282013), 2386 South Main Street (1524282023), 2390 South Main Street (1524282024), 2394 South Main Street (1524282025), 20 West 2400 South**

(1524282022), 2396 South Main Street (1524282029 &152428203), 25 West Burton Avenue (1524282028), 35 West Burton Avenue (1524282010), and 39 West Burton Avenue (1524282009).

- 2. The current project address is 2360 South Main Street; the proposed address is 1 Burton Avenue.**
- 3. The subject project consists of nine separate lots.**
- 4. All subject properties are located in the Downtown – Mixed Use subdistrict.**
- 5. The proposed subdivision will consolidate the nine existing lots located at the above subject properties.**
- 6. The proposed subdivision will create one lot that will be 1.69 acres in size.**
- 7. The property owner is applying for a subdivision application to construct a 180-unit multi-family dwelling development.**
- 8. The prior use(s) for this property(s) is storage, multifamily, and retail.**
- 9. The Multi-Family Dwelling use is a conditional land use in the Downtown District.**
- 10. The property owner is applying for a Conditional Use Permit to construct a 180-unit multi-family dwelling development.**
- 11. There are no specific conditional use standards that apply to Multi-Family Dwellings.**
- 12. The subject properties are currently vacant and the prior buildings are in the process of being demolished.**
- 13. 2396 South Main Street currently has an electronic message center (“EMC”) billboard located on the property. The billboard is to remain as part of the development with the design incorporated into the building.**
- 14. All units near or impacted by the billboard are angled or situated in a manner to have no glare or lighting impacting the views of the property.**
- 15. The billboard is owned by YESCO, and YESCO applied for and received a sign permit on 12/17/2021 to increase the billboard height from 65 feet to 70 feet.**

16. **The billboard is nonconforming with current South Salt Lake sign code proximity requirements and heights, this typically would mean no increases or substantive changes would be allowed.**
17. **The increase in billboard height from 65 feet to 70 feet is enabled by UC 72-7-510.5 which states the owner of the sign may raise the entire advertising content of the sign to a height to make it visible.**
18. **The districts to the north, east, and west are Downtown – Mixed Use. The district to the south is TOD.**
19. **Staff has reviewed this conditional use permit application for compliance with SSL Municipal Code Sections 17.05.010, 17.05.020, 17.05.050, 17.05.060, and 17.05.100, and found that this conditional use permit application is compliant with this section, as outlined above.**
20. **Staff has reviewed this subdivision for compliance with the SSL Downtown Code Sections 5, 6, 7, and 8, and found that this subdivision is compliant with those sections, as outlined above.**
21. **The proposed building height is 84' 6".**
22. **The ground level height is 19' 8" and the upper stories are between 10' and 12'.**
23. **The north façade has the following material percentages:**
 - a. **Fiber cement siding – 6.3%**
 - b. **Glazing – 38.5%**
 - c. **Masonry – 17.9%**
 - d. **Stucco – 37.3%.**
24. **The south façade has the following material percentages:**
 - a. **Concrete – 25.4%**
 - b. **Glazing – 38.5%**
 - c. **Masonry – 17.9%**
 - d. **Stucco – 37.3%**
25. **The east façade has the following material percentages:**

- a. **Fiber cement siding – 7.8%**
 - b. **Glazing – 36.5%**
 - c. **Masonry – 16.9%**
 - d. **Stucco – 38.8%**
- 26. The west façade has the following material percentages:**
- a. **Concrete – 27.7%**
 - b. **Fiber Cement Siding – 4.2%**
 - c. **Glazing – 17.3%**
 - d. **Masonry – 4.4%**
 - e. **Stucco – 48.4%**
- 27. All parking is located in a parking structure on the first three building levels.**
- 28. The total number of parking stalls provided is 207 while the number required after the application of parking reductions for unbundled parking, bike locker/storage, and shared parking is 197 stalls.**
- 29. The proposed building has frontage along 2400 South, Main Street, and Burton Avenue.**
- 30. The multifamily building will have full-time, on-site property management.**
- 31. The proposed multi-family building will have a porte-cochere that will encroach into the public right of way along Burton Avenue. An encroachment agreement will be submitted by the applicant to permit this encroachment and resolve any concerns about setbacks along the property frontage caused by the porte-cochere.**

Conclusions of Law:

- 1. The subdivision and use, as specifically conditioned below, are consistent with the South Salt Lake City General Plan.**
- 2. The subdivision and use, as specifically conditioned below are compatible in use, scale, and design with the allowed uses in Downtown District.**

3. **The subdivision and use, as specifically conditioned below, do 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 subdivision and use, as specifically conditioned below do not impose disproportionate burdens on the citizens of the city.**

Conditions of Approval:

1. **The applicant will continue to work with City Staff to make all technical corrections necessary prior to recording.**
2. **Prior to plat recordation and any additional development of the subsequent lot, the applicant must provide City Staff with the Final Plat mylar to include notarized signatures of owners consistent with dedication, and obtain signatures of all entities indicated on the subdivision plat attached hereto.**
3. **The applicant shall complete (or post an adequate improvement completion assurance), warrant, and post-required warranty assurance for all required landscaping and public infrastructure improvements.**
4. **The applicant shall ensure that all site improvements are installed consistent with the requirements of the South Salt Lake City Municipal Code.**
5. **The final plat mylar shall contain all fire hydrants to a capacity deemed adequate by the South Salt Lake Fire Marshal. The applicant shall dedicate an easement to the City of South Salt Lake for purposes of stormwater management practices and ensure that the plat includes language of the dedication of such easement, in a form as approved by the City Attorney's Office**
6. **The proposed building shall be constructed according to South Salt Lake design standards.**
7. **The applicant shall submit and receive approval of an encroachment agreement to resolve any issues related to the overhang of a porte-cochere along Burton Avenue.**
8. **The applicant shall record the encroachment agreement and easement for the porte-cochere prior to any building permit for the project being released.**

Motion:

Commissioner Dahlberg.

Second: Commissioner Southey.

Vote: Commissioner Carter – Aye;
Commissioner Ewell – Aye;
Commissioner Dahlberg – Aye;
Commissioner Southey – Aye;
Chair Vernon – Aye.

The vote was unanimous.

2. Public Meeting – S-22-002 – A Petition for a Final Plat Approval for a Single Lot Consolidation to Consolidate Nine Existing Parcels into One, for a Multi-Family Dwelling Located at 123 West Utopia Avenue.

Action Item

Applicant: Mark Isaac for BRC ADG QOZB 1 JV, LLC
Address: 123 West Utopia Avenue

City Planner, Eliza Ungricht presented the staff report and stated that the application is for the Utopia Apartments located at Utopia Avenue and West Temple. The matter was first presented to the Commission in December 2021 at which time they approved a vacation of Wentworth Avenue. The Preliminary Plat and Conditional Use Permit came before the Commission in May. The current request is for the Final Plat Approval and the final Conditional Use Permit.

The application consists of nine parcels including Wentworth Avenue which was vacated and is directly north of West Temple and directly south of the Hi-Grade Apartments. It has been used for office buildings that are currently vacant and will soon be demolished. The proposal is for an apartment building and will be in the Downtown Station District. The total project size is 1.58 acres. The building will have seven stories and 187 units. The building meets the applicable design standards and is primarily metal paneling and concrete. There will be amenities within the building including a rooftop deck that will have a view of the University of Utah.

All Technical Review requirements have been met. The utilities along Wentworth Avenue will be relocated and the utilities that are connected to the remaining buildings will be rerouted through Utopia Avenue. As part of the plat, there is an easement for the utilities. There is a 14.25-foot dedication along Utopia Avenue to access the required cross-section. On West Temple, there is an 11-foot dedication to get the required cross-section as well.

Commissioner Dahlberg stated that when the matter was first discussed back in December there was talk of the project helping to connect to Central Point Station. With the many barriers to that station, she wondered if the developers and the City were able to work with the Utah Transit Authority (“UTA”) to address the barrier issues. Ms. Ungricht responded that there is an ongoing conversation with UTA who is very supportive of the projects taking place in the area. Some logistics need to be addressed with the adjacent property owners. The City does not own the right-of-way to the fence so the developer and the City will need to work with the property owner on the street to gain an

easement to the fence and then work with UTA to eliminate the fence. The City received a \$100,000 TLC grant for the Central Point Station that will begin in July. The City has partnered with UTA for all aspects of the station including access, development, infrastructure, and circulation.

Staff recommended approval with the conditions based on the Findings of Fact, Conclusions of Law, and Conditions of Approval set forth in the staff report.

Motion to APPROVE the application by Mark Isaac, on behalf of BRC ADG QOZB 1 JV, LLC for Final Subdivision Plat for a nine-lot subdivision consolidation of the subject properties located at 124 West and 133 West Wentworth Avenue; 123 West, 125 West, and 145 West Utopia Avenue; 2176 South and 2182 South West Temple; and the previously vacated portion of Wentworth Avenue, based on the following:

Findings of Fact:

- 1. On February 9, 2022, Mark Isaac submitted a Subdivision application and a Conditional Use Permit application on behalf of BRC ADG QOZB 1 JV, LLC to build and operate a Multi-Family building located at 125 West Utopia Avenue.**
- 2. The subject properties are located at 124 West and 133 West Wentworth Avenue; 123 West, 125 West, and 145 West Utopia Avenue; 2176 South and 2182 South West Temple; and the previously vacation portion of Wentworth Avenue.**
- 3. The subject properties consist of nine separate lots.**
- 4. All subject properties are located in the Downtown – Station subdistrict.**
- 5. The proposed subdivision will consolidate the nine existing lots located at the above subject properties.**
- 6. The proposed subdivision will create one lot that will be 1.58 acres in size.**
- 7. The property owner is applying for a subdivision application to construct a 187-unit Multi Family Dwelling development.**
- 8. The Multi-Family Dwelling use is a conditional land use in the Downtown District.**
- 9. The property owner is applying for a Conditional Use Permit to construct a 187-unit Multi-Family Dwelling development.**
- 10. There are no specific conditional use standards for Multi-Family Dwellings in Section 17.05.040 of the South Salt Lake Municipal Code.**

11. **The subject properties currently have vacant buildings that will be demolished before construction begins.**
12. **The proposed lot will be served by existing and new vehicular and pedestrian access points on West Temple and Utopia Avenue.**
13. **Staff has reviewed this conditional use permit application for compliance with SSL Municipal Code Sections 17.05.010, 17.05.020, 17.05.050, 17.05.060, and 17.05.100, and found that this Conditional Use Permit Application is compliant with this section, as outlined above.**
14. **Staff has reviewed this subdivision for compliance with SSL Municipal Code Section “17.10.140 Subdivision Development Lot Standards” and found that this subdivision is compliant with this section, as outlined above.**
15. **Staff has reviewed this subdivision for compliance with SSL Municipal Code Section “17.10.150 Subdivision and Condominium Plat Layout Requirements” and found that this subdivision is compliant with this section, as outlined above.**
16. **Staff has reviewed this subdivision for compliance with SSL Municipal Code Sections 17.10.160, 17.10.170, 17.10.180, 17.10.190, 17.10.200, and 17.10.300, and found that this subdivision is compliant with those sections, as outlined above.**
17. **Staff has reviewed this subdivision for compliance with the SSL Downtown Code Sections 5, 6, 7, and 8, and found that this subdivision is compliant with those sections, as outlined above.**
18. **Staff has reviewed this Conditional Use Permit for compliance with SSL Municipal Code Section 17.05 and found that this Conditional Use Permit is compliant with those sections, as outlined above.**

Conclusions of Law:

1. **The subdivision and use, as specifically conditioned below, are consistent with the South Salt Lake City General Plan.**
2. **The subdivision and use, as specifically conditioned below are compatible in use, scale, and design with the allowed uses in Downtown District.**
3. **The subdivision and use, as specifically conditioned below, do 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 subdivision and use, as specifically conditioned below do not impose disproportionate burdens on the citizens of the city.**

Conditions of Approval:

1. **The applicant will continue to work with City Staff to make all technical corrections necessary prior to recording.**
2. **Prior to plat recordation and any additional development of the subsequent lot, the applicant must provide City Staff with the Final Plat mylar to include notarized signatures of owners consistent to dedication, and obtain signatures of all entities indicated on the subdivision plat attached hereto.**
3. **The applicant shall complete (or post an adequate improvement completion assurance), warrant, and post-required warranty assurance for all required landscaping and public infrastructure improvements, including streetlights.**
4. **The applicant shall ensure that all site improvements are installed consistent with the requirements of the South Salt Lake City Municipal Code.**
5. **The Street Lighting Plan shall be submitted with the following:**
 - a. **The lighting plan shall show where they are connecting to the power source. This must be approved by Rocky Mountain Power.**
 - b. **The plan shall call out SSLC Supplementary Standard Plan for the pole base detail.**
 - c. **The plan shall show the conduit layout.**
 - d. **The lighting fixtures and pole height shall comply with the SSL Lighting Master Plan.**
6. **The applicant shall dedicate an easement to the City of South Salt Lake for purposes of stormwater management practices and ensure that the plat includes language of the dedication of such easement, in a form as approved by the City Attorney's Office.**
7. **The proposed building shall be constructed according to South Salt Lake design standards.**
8. **The proposed Multi-Family development shall meet all requirements of the South Salt Lake Community Development Department, South Salt Lake Fire Marshal, the South Salt Lake Official, and the South Salt Lake Engineering Department.**

9. **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.**
10. **The applicant shall obtain a South Salt Lake City sign permit prior to any sign installation.**
11. **The applicant shall obtain approval from South Salt Lake City prior to any murals being painted.**
12. **The applicant shall apply for and complete a South Salt Lake Business License application.**
13. **All items in the staff report**

Motion: Commissioner Carter

Second: Commissioner Ewell

Vote: Commissioner Carter – Aye;
Commissioner Ewell – Aye;
Commissioner Dahlberg – Aye;
Commissioner Southey – Aye;
Chair Vernon – Aye.

The vote was unanimous.

CONTINUING BUSINESS

1. **Public Meeting – C-22-003 – A Petition for Approval of a Conditional Use Permit for a Multi-Family Dwelling located at 2360 South Main Street.**

Mr. Greenwell reported that the above application is for a Conditional Use Permit. All districts require a Conditional Use Permit for multi-family buildings. The CUP is the final step after going through the process of subdivision approval, so it is a separate item.

The details have not changed from the presentation heard earlier in the meeting. Mr. Greenwell reviewed the conditions of the permit.

Action Item

Applicant: Bronstein Properties
Address: 2360 South Main Street

Motion to Approve the application by Bronstein Properties, for a Conditional Use Permit for a multi-family dwelling development located at 2360 South Main Street subject to the following:

Findings of Fact:

- 1. The subject properties included in the project are 2358-2364 South Main Street (1524282013), 2386 South Main Street (1524282023), 2390 South Main Street (1524282024), 2394 South Main Street (1524282025), 20 West 2400 South (1524282022), 2396 South Main Street (1524282029 & 152428203), 25 West Burton Avenue (1524282028), 35 West Burton Avenue (1524282010), and 39 West Burton Avenue (1524282009).**
- 2. The current project address is 2360 South Main Street; the proposed address is 1 Burton Avenue.**
- 3. The subject project consists of nine separate lots.**
- 4. All subject properties are located in the Downtown – Mixed Use subdistrict.**
- 5. The proposed subdivision will consolidate the nine existing lots located at the above subject properties.**
- 6. The proposed subdivision will create one lot that will be 1.69 acres in size.**
- 7. The property owner is applying for a subdivision application to construct a 180-unit multi-family dwelling development.**
- 8. The prior use(s) for this property(s) is storage, multifamily, and retail.**
- 9. The Multi-Family Dwelling use is a conditional land use in the Downtown District.**
- 10. The property owner is applying for a Conditional Use Permit to construct a 180 unit multi-family dwelling development.**
- 11. There are no specific conditional use standards that apply to Multi-Family Dwellings.**
- 12. The subject properties are currently vacant and the prior buildings are in the process of being demolished.**
- 13. 2396 South Main Street currently has an electronic message center (“EMC”) billboard located on the property. The billboard is to remain as part of the development with the design incorporated into the building.**

14. All units near or impacted by the billboard are angled or situated in a manner to have no glare or lighting impacting the views of the property.
15. The billboard is owned by YESCO, and YESCO applied for and received a sign permit on 12/17/2021 to increase the billboard height from 65 feet to 70 feet.
16. The billboard is nonconforming with current South Salt Lake sign code proximity requirements and heights, this typically would mean no increases or substantive changes would be allowed.
17. The increase in billboard height from 65 feet to 70 feet is enabled by UC 72-7-510.5 which states the owner of the sign may raise the entire advertising content of the sign to a height to make it clearly visible.
18. The districts to the north, east, and west are Downtown – Mixed Use. The district to the south is TOD.
19. Staff has reviewed this conditional use permit application for compliance with SSL Municipal Code Sections 17.05.010, 17.05.020, 17.05.050, 17.05.060, and 17.05.100, and found that this conditional use permit application is compliant with this section, as outlined above.
20. Staff has reviewed this subdivision for compliance with the SSL Downtown Code Sections 5, 6, 7, and 8, and found that this subdivision is compliant with those sections, as outlined above.
21. The proposed building height is 84' 6".
22. The ground level height is 19' 8" and the upper stories are between 10' and 12'.
23. The north façade has the following material percentages:
 - e. Fiber cement siding – 6.3%
 - f. Glazing – 38.5%
 - g. Masonry – 17.9%
 - h. Stucco – 37.3%.
24. The south façade has the following material percentages:
 - e. Concrete – 25.4%

- f. Glazing – 38.5%**
 - g. Masonry – 17.9%**
 - h. Stucco – 37.3%**
- 25. The east façade has the following material percentages:**
 - e. Fiber cement siding – 7.8%**
 - f. Glazing – 36.5%**
 - g. Masonry – 16.9%**
 - h. Stucco – 38.8%**
- 26. The west façade has the following material percentages:**
 - f. Concrete – 27.7%**
 - g. Fiber Cement Siding – 4.2%**
 - h. Glazing – 17.3%**
 - i. Masonry – 4.4%**
 - j. Stucco – 48.4%**
- 27. All parking is located in a parking structure on the first three building levels.**
- 28. The total number of parking stalls provided is 207 while the number required after the application of parking reductions for unbundled parking, bike locker/storage, and shared parking is 197 stalls.**
- 29. The proposed building has frontage along 2400 South, Main Street, and Burton Avenue.**
- 30. The multifamily building will have full-time, on-site property management.**
- 31. The proposed multi-family building will have a porte-cochere that will encroach into the public right of way along Burton Avenue. An encroachment agreement will be submitted by the applicant to permit this encroachment and resolve any concerns about setbacks along the property frontage caused by the porte-cochere.**

Conclusions of Law:

1. The subdivision and use, as specifically conditioned below, are consistent with the South Salt Lake City General Plan.
2. The subdivision and use, as specifically conditioned below are compatible in use, scale, and design with the allowed uses in Downtown District.
3. The subdivision and use, as specifically conditioned below, do 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 subdivision and use, as specifically conditioned below do not impose disproportionate burdens on the citizens of the city.

Conditions of Approval:

1. The proposed Multi-Family development 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.
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 applicant shall obtain a South Salt Lake City sign permit prior to any sign installation.
4. The applicant shall obtain approval from South Salt Lake City prior to any murals being painted.
5. The applicant shall apply for and complete a South Salt Lake Rental License application.
6. The applicant shall have all commercial tenants apply for and complete a South Salt Lake Business License application.
7. The development shall be limited to a maximum of 180 residential units.
8. The final design of the building shall comply with the Downtown Code Section 5, Building Types for a storefront multi-family building.

9. **The property owner shall continually meet all amenity requirements as outlined in the analysis table above.**
10. **On-site amenities and useable open space will not be removed or repurposed without city approval.**
11. **The property owner will continuously comply with all applicable eligible rate reductions to justify a 10% reduction in parking, for a total of 197 stalls to always be required on-site.**
12. **The applicant shall retain 57% open space on-site.**
13. **A minimum of 25% of the first floor shall be commercial.**
14. **The site shall comply with the Downtown Code Section 7, Landscape Standards.**
15. **The property owner shall continually maintain on-site management, as proposed.**
16. **On-site management shall monitor daily the site for solid waste, litter, loitering, camping, and other such nuisances.**
17. **The applicant shall provide an aerial easement agreement for the Porte-cochere.**
18. **On-site management shall monitor daily that the residential amenity components of the building are not operated after 10:30 PM.**
19. **Trash and recycling shall be picked up regularly to ensure that there is no buildup of trash in the trash or recycling rooms.**
20. **Deliveries (other than third-party food services) shall be limited to 9 AM to 6 PM daily.**
21. **Residential delivery, service and loading/unloading shall take place outside the public right-of-way underneath the Porte-cochere located along Burton Avenue.**
22. **Retail delivery shall take place off Burton Avenue beneath the Porte-cochere.**
23. **The property owner shall require a written lease for every rental unit.**
24. **The property owner shall utilize a lease form that allows eviction for criminal acts or maintaining a nuisance by a tenant, occupant, or guest.**
25. **The applicant shall supply and follow construction mitigation procedures to ensure no nuisances arrive during the construction process.**

26. **The applicant shall record the encroachment agreement and easement for the Porte-cochere prior to any building permit for the project being released.**
27. **The final plat mylar shall contain all fire hydrants to a capacity deemed adequate by the South Salt Lake Fire Marshal.**
28. **The applicant shall construct a solid concrete masonry fence in compliance with South Salt Lake Municipal Code along with all neighboring lots or parcels.**
29. **All items of the staff report.**

Motion: Commissioner Carter

Second: Commissioner Southey

Vote: Commissioner Carter – Aye;
Commissioner Ewell – Aye;
Commissioner Dahlberg – Aye;
Commissioner Southey – Aye;
Chair Vernon – Aye.

The vote was unanimous.

2. Public Meeting – C-22-001 – A Petition for Approval of a Conditional Use Permit for a Multi-Family Dwelling Located at 123 West Utopia Avenue.

Action Item

Applicant: Mark Isaac for BRC ADG QOZB 1 JV, LLC
Address: 123 West Utopia Avenue

Ms. Ungricht reported that similar to the previous application, the Conditional Use Permit application for the project must be applied for and obtained after the Final Plat subdivision approval. The conditions of approval were reviewed.

Commissioner Ewell asked about the 20% parking reduction. Ms. Ungricht reported that steps can be taken to get a reduction in the parking requirement. The applicant did two of the possible items including bike storage for a 5% reduction and supplying transit passes for the tenants at a 15% reduction. They are still over their required parking stalls even with the reduction rate.

Commissioner Dahlberg asked about the transit passes and if every tenant will receive one, and if it renewed annually. Dustin Holt, from DB Urban, expressed appreciation to staff for the project. He explained that their intent is to make the area more accessible and walkable to TRAX and back up

to State Street. They partnered with UTA and found that providing TRAX passes through their discount program is good for the residents.

Motion to APPROVE the application submitted for a Conditional Use Permit, C-22-001, to operate a Multi-Family Dwelling development located at 123 West Utopia Avenue based on the following:

Findings of Fact:

- 1. On February 9, 2022, Mark Isaac submitted a Subdivision application and a Conditional Use Permit application on behalf of BRC ADG QOZB 1 JV, LLC to build and operate a Multi-Family building located at 125 West Utopia Avenue.**
- 2. The subject properties are located at 124 West and 133 West Wentworth Avenue; 123 West, 125 West, and 145 West Utopia Avenue; 2176 South and 2182 South West Temple; and the previously vacation portion of Wentworth Avenue.**
- 3. The subject properties consist of nine separate lots.**
- 4. All subject properties are located in the Downtown – Station subdistrict.**
- 5. The proposed subdivision will consolidate the nine existing lot located at the above subject properties.**
- 6. The proposed subdivision will create one lot that will be 1.58 acres in size.**
- 7. The property owner is applying to a subdivision application to construct a 187-unit Multi Family Dwelling development.**
- 8. The Multi-Family Dwelling use is a conditional land use in the Downtown District.**
- 9. The property owner is applying for a Conditional Use Permit to construct a 187-unit Multi-Family Dwelling development.**
- 10. There are no specific conditional use standards for Multi-Family Dwellings in Section 17.05.040 of the South Salt Lake Municipal Code.**
- 11. The subject properties currently have vacant buildings that will be demolished before construction begins.**
- 12. The proposed lot will be served by existing and new vehicular and pedestrian access points on West Temple and Utopia Avenue.**

13. Staff has reviewed this conditional use permit application for compliance with SSL Municipal Code Sections 17.05.010, 17.05.020, 17.05.050, 17.05.060, and 17.05.100, and found that this Conditional Use Permit Application is compliant with this section, as outlined above.
14. Staff has reviewed this subdivision for compliance with SSL Municipal Code Section “17.10.140 Subdivision Development Lot Standards” and found that this subdivision is compliant with this section, as outlined above.
15. Staff has reviewed this subdivision for compliance with SSL Municipal Code Section “17.10.150 Subdivision and Condominium Plat Layout Requirements” and found that this subdivision is compliant with this section, as outlined above.
16. Staff has reviewed this subdivision for compliance with SSL Municipal Code Sections 17.10.160, 17.10.170, 17.10.180, 17.10.190, 17.10.200, and 17.10.300, and found that this subdivision is compliant with those sections, as outlined above.
17. Staff has reviewed this subdivision for compliance with the SSL Downtown Code Sections 5, 6, 7, and 8, and found that this subdivision is compliant with those sections, as outlined above.
18. Staff has reviewed this Conditional Use Permit for compliance with SSL Municipal Code Section 17.05 and found that this Conditional Use Permit is compliant with those sections, as outlined above.

Conclusions of Law:

1. The subdivision and use, as specifically conditioned below, is consistent with the South Salt Lake City General Plan.
2. The subdivision and use, as specifically conditioned below is compatible in use, scale, and design with the allowed uses in Downtown District.
3. The subdivision and use, as specifically conditioned below, do 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 subdivision and use, as specifically conditioned below do not impose disproportionate burdens on the citizens of the city.

Conditions of Approval:

- 1. The proposed Multi-Family development shall meet all requirements of the South Salt Lake Municipal Code.**
- 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 applicant shall obtain a South Salt Lake City sign permit prior to any sign installation.**
- 4. The applicant shall obtain approval from South Salt Lake City prior to any murals being painted.**
- 5. The applicant shall apply for and complete a South Salt Lake Rental Business License application.**
- 6. The development shall be limited to a maximum of 187 residential units.**
- 7. The final design of the building shall comply with the Downtown Code Section 5, Building Types for urban style multi-family building.**
- 8. The property owner shall continually meet all amenity requirements as outlined in the Building Types Standards and below:**
 - a. Main floor retail space – this includes Retail – Pad A that is 2,479 square feet, Retail – Pad B that is 1,865 square feet, and the business center area that is 4,240 square feet;**
 - b. Public art amenity (mural) – this will be located along the west façade of the building;**
 - c. Full-time on-site management;**
 - d. A lobby accessed from Utopia Avenue that is 4,240 square feet;**
 - e. Interior social areas – this includes a clubroom located on the third that is 1,627 square feet and a clubroom located on the seventh level that is 4,304 square feet;**
 - f. Indoor fitness room that is located on the third level that is 1,556 square feet;**
 - g. A 915-square-foot swimming pool that is located in the courtyard on the third level.**

- 9. The property owner shall continually maintain 23% common open space on-site:**
 - a. The courtyard area located on the third level is approximately 10,300 square feet, and includes a swimming pool, two outdoor dining/kitchen areas and landscaped planters;**
 - b. The rooftop deck area located on the seventh level, is approximately 1,030 square feet, and includes seating, a gas fit pit, and landscaped planters;**
 - c. The active streetscape area located on the ground level on both the West Temple and Utopia Avenue frontage. The active streetscape is approximately 4,745 square feet and includes seating, 2 bike racks, 15 trees in tree grates, and landscaped planters.**
- 10. On-site amenities and useable open space will not be removed or repurposed without city approval.**
- 11. The property owner will continuously comply with all applicable eligible rate reductions to justify a 20% reduction in parking, for a total of 190 stalls on-site:**
 - a. Bike Storage (5% parking reduction) – The bike storage will be located on the northwest side of the first floor;**
 - b. Development Supplied Transit Passes (15% parking reduction) – Transit passes shall be supplied to the tenants.**
- 12. The site shall comply with the Downtown Code Section 7, Landscape Standards.**
- 13. The property owner shall continually maintain on-site management, as proposed:**
 - a. On-site management shall monitor daily the site for solid waste, litter, loitering, camping, and other such nuisances;**
 - b. On-site management shall monitor daily that the residential amenity components of the building.**
- 14. Valet trash shall be used to ensure that the third-party provider comes on a regular basis and that there is no buildup of trash in the trash room.**
- 15. Deliveries (other than third-party food services) shall be limited to 9 AM to 6 PM daily.**

16. **Residential delivery, service, and loading/unloading shall take place off Utopia Avenue next to the off-street parking access at the northwest corner of the property.**
17. **Retail delivery shall take place off Wentworth Avenue.**
18. **The property owner shall require a written lease for every rental unit.**
19. **The property owner shall require all adult occupants of the unit to be listed on the lease.**
20. **The property owner shall run a criminal background check on every adult tenant listed on each lease.**
21. **The property owner shall provide the City with a telephone number, email, and postal address for the property owner or property owner's representative to which information regarding inappropriate behavior by tenants, occupants, or their guests and other notices, which may be sent to the property owner or property owner's representative. The property owner agrees that this information is sufficient to provide notice, is accurate, and will be kept up to date.**
22. **The property owner shall practice CPTED (Crime Prevention through Environmental Design) on the premises.**
23. **The property owner will maintain the rental dwelling in a fit and habitable condition, as required by State Code and relevant building, fire, and land use codes.**
24. **The property owner shall utilize a lease form that allows eviction for criminal acts or maintaining a nuisance by a tenant, occupant, or guest.**
25. **All items of the staff report.**

Motion: Commissioner Carter

Second: Commissioner Dahlberg

Vote: Commissioner Carter – Aye;
Commissioner Ewell – Aye;
Commissioner Dahlberg – Aye;
Commissioner Southey – Aye;
Chair Vernon – Aye.

The vote was unanimous.

PLANNING COMMISSION BUSINESS

- **Approval of the May 5, 2022, Planning Commission Meeting Minutes.**

Action Item

Motion to Approve the May 5, 2022, Planning Commission Meeting Minutes

Motion: Commissioner Ewell

Second: Commissioner Carter

Vote: Commissioner Carter – Aye;
Commissioner Ewell – Aye;
Commissioner Dahlberg – Aye;
Commissioner Southey – Aye;
Chair Vernon – Aye.

The vote was unanimous.

- **Approval of the May 19, 2022, Planning Commission Meeting Minutes.**

Action Item

Motion to Approve the May 19, 2022, Planning Commission Meeting Minutes

Motion: Commissioner Dahlberg

Second: Commissioner Southey

Vote: Commissioner Carter – Aye;
Commissioner Ewell – Aye;
Commissioner Dahlberg – Aye;
Commissioner Southey – Aye;
Chair Vernon – Aye.

The vote was unanimous.

STAFF BUSINESS – INFORMATION ITEMS

Community Development Director, Alexandra White announced that she had resigned her position with the City and was in the process of moving to Montana. Tomorrow would be her last day. She

stated that former Deputy Community Development Director, Sean Lewis was no longer working for South Salt Lake Community Development and there had been a transition.

Taylor Greenwell had also taken a Planning Director position in Wisconsin and would be leaving on June 24.

Randy Sant was to serve as the Interim Community Development Director as staff transitions through the changes. Eliza Ungricht would serve as the Interim Deputy Director moving forward.

Mr. Sant addressed the Commission and stated that there would be an open house for Ms. White the following day at 3:00 p.m. All were invited. She will be missed but stated that the City is in good hands. Ms. White will remain on contract with the City during the transition. Chair Vernon thanked Ms. White and the others for all their service.

Commissioner Carter reported that there are big shoes to fill and those leaving will be greatly missed. He thanked them for their work and commitment to the City.

Commissioner Dahlberg stated that Chair Vernon nominated the City of South Salt Lake for an American Planning Association Award. Ultimately, the City received the award.


ADJOURNMENT

Motion to Adjourn:

Motion:	Commissioner Dahlberg
Second:	Commissioner Carter
Vote:	Commissioner Carter – Aye; Commissioner Ewell – Aye; Commissioner Dahlberg – Aye; Commissioner Southey – Aye; Chair Vernon – Aye.

The vote was unanimous.

The Planning Commission Meeting adjourned at approximately 7:45 p.m.



For Planning Commission



Community Development Director