



# Staff Report

PLANNING DIVISION  
DEPARTMENT *of* COMMUNITY *and* NEIGHBORHOODS

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To: Salt Lake City Planning Commission

From: Amy Thompson, Senior Planner, [amy.thompson@slcgov.com](mailto:amy.thompson@slcgov.com) or 385-226-9001

Date: August 25, 2021

Re: (PLNPCM2021-00431) – FB-SE Second-Story Rooftop Commercial Uses

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## Zoning Text Amendment

**MASTER PLAN:** Sugar House

**ZONING DISTRICT:** FB-SE (Form Based Special Purpose Corridor Edge Subdistrict)

**REQUEST:** Bill Grodnik, owner of the property at approximately 2166 S 900 East, has submitted an application for a zoning text amendment that would impact all properties in the FB-SE (Form Based Special Purpose Corridor Edge Subdistrict) citywide. The FB-SE zone currently limits commercial or nonresidential uses to first two stories and a height of 30 feet. The proposed text amendment would allow for rooftop commercial uses above the second story, subject to meeting the 30-foot height limitation. The proposed amendment affects section 21A.27.040.D FB-SE Building Form Standards. Related provisions of Title 21A Zoning may also be amended as part of this petition.

**RECOMMENDATION:** Based on the information in this staff report and the factors to consider for zoning text amendments, Planning Staff recommends that the Planning Commission forward a positive recommendation to the City Council regarding this proposal.

**ATTACHMENTS:**

- A. [Vicinity Map](#)
- B. [Proposed Text Amendment](#)
- C. [City Plan Considerations](#)
- D. [Standards for Zoning Text Amendments](#)
- E. [Public Process & Comments](#)
- F. [Table of Permitted & Conditional Uses in Form Based Districts](#)

## PROJECT DESCRIPTION:

The FB-SE zoning regulations currently limit commercial uses to the first two stories and a height of 30 feet. The proposed text amendment would allow for rooftop commercial uses above the two-story limitation subject to meeting the 30-foot height requirement. A rooftop use above the second story is not considered an additional story, but it is considered above the two-story limitation and the proposed text amendment is seeking to address that. The proposal does not change the land use table – existing permitted and conditional uses for the FB-SE zone will remain the same. The proposed zoning text amendment impacts the FB-SE zoning district citywide.

The proposal is to amend the text of a section of table 21A.27.040.D. The proposed amendments are shown below underlined.

TABLE 21A.27.040.D

### FB-SE BUILDING FORM STANDARDS

Limitation on Commercial Uses	Commercial or nonresidential uses are limited to the first 2 stories and a height of 30 ft. <u>Commercial and nonresidential rooftop uses are allowed above the second story subject to meeting the 30 ft. height requirement.</u>
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## Background

This petition was submitted by Bill Grodnik, the owner of the property at 2166 S 900 East. The applicant has an existing two-story building that he intends to use as a restaurant, which is a permitted use in the FB-SE zone. The applicant would like the ability to add outdoor dining on the rooftop above the second story. Because the FB-SE zoning regulations limit commercial uses to the first two stories, he has submitted an application for a text amendment that would allow him to utilize the rooftop above the second story for additional outdoor seating. Although the applicant is applying for these changes because of plans for his specific building, the proposed changes would impact all properties zoned FB-SE, and not just his specific property.

## KEY CONSIDERATIONS:

The key considerations and concerns below have been identified through the analysis of the project, and neighbor and community input.

- 1. Compliance with Master Plan Policies**
- 2. Conditional Use for Rooftop Uses**
- 3. Impacts of the Proposed Text Amendment**
- 4. Height Exceptions**

### Consideration 1: Compliance with Master Plan Policies

The proposal affects the FB-SE zoning district which is primarily located within the Sugar House Community area. There are several policy and goal statements in the Sugar House Community Plan that are supportive of the proposal. Additionally, the proposal is consistent with several initiatives included in Plan Salt Lake related to Neighborhoods, Beautiful City, and Economy. Applicable plans and policies are outlined in [Attachment C](#). The master plans reiterate that the area is expected to be a vibrant mixed-use pedestrian oriented area. Active commercial rooftop uses in the FB-SE zone provide eyes on the street and streetcar corridor. The plans emphasize supporting small businesses and providing incentives for developers to accommodate these businesses into new projects. The proposal maintains the existing 30 FT height limitation for commercial uses to preserve the open space characteristic of the streetcar corridor, which is largely adjacent to FB-

SE zoned parcels, as well as provide an appropriate transition in building size and scale between existing neighborhoods and the core area of the Form Based Special Purpose Corridor District.

### **Consideration 2: Conditional Use for Rooftop Uses**

This text amendment proposal was heard by the Sugar House Land Use Committee. During that meeting it was suggested that rooftop uses in the FB-SE zone should go through a Conditional Use process. The Sugar House Land Use Chair also submitted a letter (included in [Attachment E](#)) with a recommendation to make the proposed text amendment a Conditional Use. Planning staff carefully considered that suggestion and is of the opinion the proposed amendment for commercial rooftop uses above the second story should not be a conditional use for the following reasons:

- Impacts to Other Zones/Land Use Table – A rooftop use is not a use currently defined in our table of permitted and conditional uses or in our definitions section. Making second story commercial rooftop uses a conditional use in the FB-SE zone would require adding it to our land use tables in section 21A.33 of the zoning ordinance and to the definitions section of the ordinance in section 21A.60. Many of our zoning districts do not have the two-story use limitation that the FB-SE zone has so this change would also require identifying whether a rooftop use is permitted or conditional in all of the zoning districts. Staff believes this change would go beyond the scope of this petition as it would impact all the land use tables.
- Confusion When Implementing the Ordinance – Separating out any rooftop use above the second story as a conditional use, solely on its own, also complicates the approval and permitting process when the use is otherwise permitted on the interior of the building and above the first story on the roof. A conditional use must be approved unless significant negative impacts cannot be mitigated. In looking at restaurants and other uses that would otherwise be permitted on the interior and above the first story on the roof, staff believes that any impacts would be negligible when looking at these uses above the second story.
- Certain Uses Still Require a Conditional Use Process - The City Council has adopted the table of permitted and conditional uses for Form Based Zones. The permitted uses in the FB-SE land use table are anticipated uses that are compatible with the zoning district. There are specific uses identified in the FB-SE zone that require a conditional use process to look at potential impacts and compatibility with adjacent land uses and surrounding neighbors. The permitted and conditional uses for the FB-SE zone are not changing with the proposed amendment. Examples of permitted uses in the FB-SE are restaurant, office, retail, and an art gallery. Examples of conditional uses in the zone are mostly alcohol related uses such as a bar establishment, brewpub and tavern, where these uses are proposed with a rooftop component, the rooftop activity would be analyzed and addressed for detrimental effects.

### **Consideration 3: Impacts of the Proposed Text Amendment**

Under the current FB-SE building form regulations, a commercial use is permitted or conditional (depending on the use) above the first story. The current regulations only limit commercial uses above the second story, and the proposed text amendment simply addresses those commercial rooftop uses above the second story, still capping the height at 30 feet for commercial uses. If someone in the FB-SE zone wants to build a one-story restaurant with rooftop dining, that is currently permitted. Staff is of the opinion that the proposed amendment for rooftop uses above the second story does not have more of an impact than a rooftop commercial use above the first story, in fact it may be less impactful above the second story.

The FB-SE zone has additional setback requirements for properties adjacent to a residential district. The interior side yard and rear yard setback is a minimum of 25% of the lot width up to

25 FT. Staff is of the opinion these existing setback requirements are sufficient in terms of buffering commercial uses when they are adjacent to residential districts and additional setbacks would reduce the building size. The commission could consider adding an additional setback requirement for commercial rooftop uses above the second story if they think additional buffering is needed. Staff is not recommending this but providing this as an option for consideration.

#### **Consideration 4: Height Exceptions for Rooftop Amenities**

Some members of the public made the suggestion during the community council meeting that there should be height exceptions built into the proposed text amendment for some rooftop structures like pergolas, sound walls, and elevator stair bulkheads. These types of structures are included in the overall measurement for building height. The applicant's proposal maintains the existing commercial building height requirement in the FB-SE zone of 30 FT. Staff is of the opinion that even a two-story building with a pergola, sound wall, elevator bulkhead, or other similar structure on the rooftop area will likely still be under the 30 FT height requirement, so building in an exception is not necessary. Tables with umbrellas could be included on the rooftop to provide shade and shelter from the weather and those would not be included as part of the building height measurement.

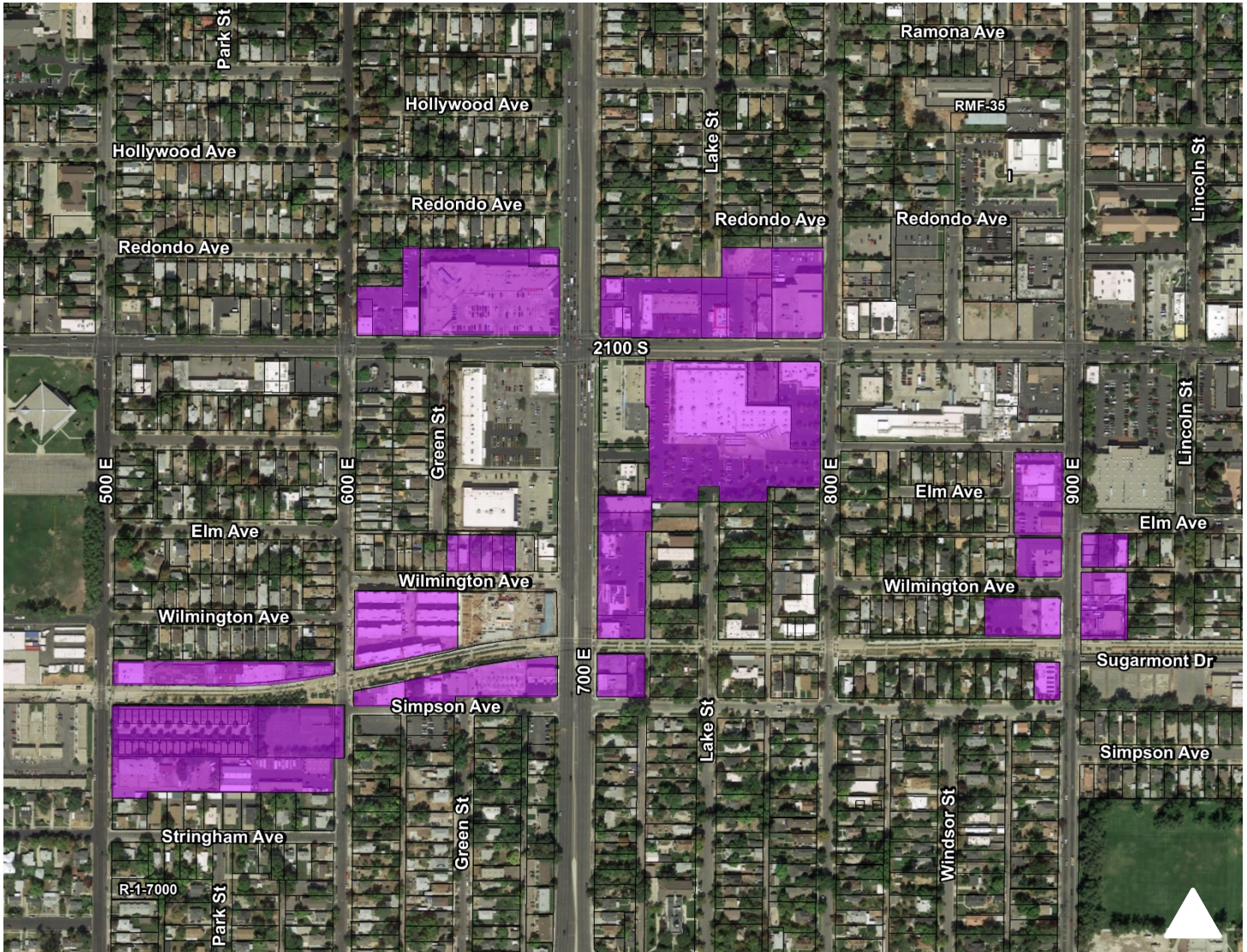
#### **NEXT STEPS:**

The Planning Commission can provide a positive or negative recommendation for the proposal and can request that changes be made to the proposal. The recommendation and any requested changes will be sent to the City Council, who will hold a briefing and additional public hearing on the proposed changes. The City Council may make modifications to the proposal and approve or decline to approve the proposed changes.

If ultimately approved by the City Council, the changes would be incorporated into the City Zoning code and development would be required to follow the new regulations.



## ATTACHMENT A – ZONING MAPS



 PROPERTIES ZONED FB-SE



# Zoning Map





## ATTACHMENT B – PROPOSED TEXT AMENDMENT

TABLE 21A.27.040.D  
FB-SE BUILDING FORM STANDARDS

Permitted Building Forms Cottage, Row House, Multi-Family And Storefront		
H	Maximum building height	Maximum building height in the FB-SE is 45 ft.
	Limitation on commercial uses	Commercial or nonresidential uses are limited to the first 2 stories and a height of 30 ft. <u>Commercial and nonresidential rooftop uses are allowed above the second story subject to meeting the 30 ft. height requirement.</u>
F	Front and corner side yard setback	Greenway
		Neighborhood
		Avenue
		Boulevard
B	Required build-to	Minimum of 50% of street facing facade shall be built to the minimum setback line.
S	Interior side yard	When adjacent to a residential district, a minimum setback of 25% of the lot width, up to 25 ft., is required. Any portion of the building taller than 30 ft. must be stepped back 2 ft. from the required building setback line for every 1 ft. of height over 30 ft. When adjacent to other zoning districts, no minimum setback is required. See illustration below.
R	Rear yard	When adjacent to a residential district, a minimum setback of 25% of the lot width, up to 25 ft., is required. Any portion of the building taller than 30 ft. must be stepped back 2 ft. from the required building setback line for every 1 ft. of height over 30 ft. When adjacent to other zoning districts, no minimum setback is required. See illustration below.
L	Minimum lot size	4,000 sq. ft.; not to be used to calculate density.
W	Minimum lot width	50 ft.
DU	Dwelling units per building form	No minimum or maximum.
BF	Number of building forms per lot	1 building form permitted for every 4,000 sq. ft. of lot area provided all building forms have frontage on a street.

# ATTACHMENT C – CITY PLAN CONSIDERATIONS

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## Adopted City Plan Policies and Guidance

The proposal affects the FB-SE zoning district which is primarily located within the Sugar House Community area. The following are the adopted City planning documents associated with these community areas. They include:

- [\*Sugar House Community Master Plan\*](#)
- [\*Sugar House Streetcar Update to Sugar House Master Plan\*](#)
- [\*Sugar House Community Master Plan\*](#)

[\*Plan Salt Lake\*](#) is a city-wide vision for the future of Salt Lake City for the next 25 years. The Plan outlines the overarching “umbrella” policies related to managing growth and change.

The below sections include extracts of applicable policies and initiatives from the above plans.

### Sugar House Master Plan

- Develop the Sugar House Community to be a sustainable, attractive, harmonious and pedestrian oriented community.
- Maintain, protect, and upgrade Sugar House as a residential community with a vital supporting commercial core.
- Support small locally-owned neighborhood businesses to operate harmoniously within residential areas.
- Examine ways to preserve small businesses and provide incentives for developers to accommodate these businesses into new projects.

### Sugar House StreetCar Update to Master Plan

- Development along the streetcar and greenway should encourage transit and trail usage and provide eyes on the corridor. All buildings should have entrances from the corridor, windows along the corridor, and should minimize blank walls. Seating, dining areas, and active accessory functions should be encouraged.
- Building heights should be sensitive to the open space characteristic of the corridor and allow sufficient sunlight.

### Plan Salt Lake

#### Neighborhood Initiatives

- Encourage and support local businesses and neighborhood business districts.
- Provide opportunities for and promotion of social interaction

#### Beautiful City Initiatives

- Support and encourage architecture, development, and infrastructure that:
  - Is people-focused;
  - Responds to its surrounding context and enhances the public realm;

#### Economy Initiatives

- Support the growth of small businesses, entrepreneurship and neighborhood business nodes



## ATTACHMENT D – ZONING TEXT AMENDMENT STANDARDS

### ZONING TEXT AMENDMENTS

**21A.50.050:** A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. In making a decision concerning a proposed text amendment, the City Council should consider the following:

FACTOR	RATIONALE	FINDING
<b>1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;</b>	<p>The amendments to the zoning code are in-line with the policies found in the Sugar House Master Plan and Plan Salt Lake. The proposed zoning code regulations are intended to ensure that future development helps achieve the general policies and goals in these plans that speak vibrant mixed-use areas, pedestrian oriented development and supporting small locally owned neighborhood businesses to operate harmoniously within residential areas. Rooftop uses above the first story are already allowed in the FB-SE zone as either a permitted or conditional use, and staff is of the opinion that allowing commercial uses above the second story is not much of a change and consistent with various adopted plans.</p> <p>Additional information and analysis regarding these plans and policies is located in <a href="#">Attachment C</a>.</p>	<p>The proposal is generally consistent with the policies of the applicable adopted planning documents for the area.</p>
<b>2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;</b>	<p>The purpose statement of the FB-SE zone is the following:</p> <p><i>The FB-SE Special Purpose Corridor Edge Subdistrict is intended to provide an appropriate transition in building size and scale between existing neighborhoods and the core area. Buildings may be up to four (4) stories in height, with appropriate setbacks when adjacent to lower scale residential neighborhoods. Development regulations are based on building type, with the overall scale, form and orientation as the primary focus.</i></p>	<p>The proposal generally furthers the purpose statement of the FB-SE zone.</p>

	Commercial uses in the FB-SE zone are limited to 30 FT in height. The proposed text amendment is to allow for rooftop uses above the second story as long as they maintain the 30 FT height requirement. The proposed text amendment is consistent with the purpose statement and the development regulations of this zone where size and scale are two of the primary focuses.	
<b>3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards;</b>	There are no overlays applicable to this area that are being impacted by the proposed changes.	The proposed changes are consistent with any associated overlays, as there are none being impacted by the changes.
<b>4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.</b>	Active rooftop uses encourage opportunities for social interaction and positively contribute to a vibrant mixed-use pedestrian oriented area.	The proposal is consistent with current professional urban planning and design practice.

## **ATTACHMENT E – PUBLIC PROCESS & COMMENTS**

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### **Public Notice, Meetings, Comments**

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project since the applications were submitted:

- **Recognized Organization Notification - May 26, 2021** – Notice of the project was provided to the Sugar House and Liberty Wells Community Council Chairs.
- **Early Notification to Property Owners and Residents - June 3, 2021** – Early notification of the project was provided to all properties currently zoned FB-SE as well as all property owners and residents within 300 FT of FB-SE zoned property that may be impacted by the proposal.
- **City Open House – June 14, 2021** – Staff hosted an online Open House to solicit public comments on the proposal. The Online Open House period started on June 14, 2021 and ended on July 10, 2021.
- **Community Council Meeting - June 21, 2021** – The proposal was presented at the Sugar House Land Use Committee Meeting. The applicant and planning staff were both in attendance to answer questions during the meeting. The Sugar House Community Council submitted a letter regarding the proposal. The letter is included on the following pages of this attachment.

### **Notice of the public hearing for the proposal included:**

Public notice posted on City and State websites and Planning Division list serve on August 11, 2021

### **Public Input:**

The Sugar House Community Council submitted a letter regarding this proposal that is included on the following pages of this attachment. The letter from the community council also includes several public comments, some of which are duplicative to public comments sent to staff. Planning staff received 7 public comments – 3 in favor and 4 in opposition to the proposal. Public comments submitted to staff are located in this attachment on the following pages.

If any comments are received after publication of the Staff Report, they will be forwarded to the Commission and included in the public record.





Find all our information at  
[SUGARHOUSECOUNCIL.ORG](http://SUGARHOUSECOUNCIL.ORG)

August 1, 2021

TO: Amy Thompson

FROM: Judi Short, Vice Chair and Land Use Chair  
Sugar House Community Council

RE: Petition PINPCM2019-00611 2166 South 900 East

We received an application for a text amendment that would impact the FB-SE Zoning district citywide. The FB-SE zone currently limits commercial or nonresidential uses to the first two stories and a height of 30'. The proposed amendment would allow for rooftop commercial or nonresidential uses above the two story limitation. We knew this was coming, because the bar has effectively already been built.

We advertised this in our SHCC newsletter, and flyer'd porches that were adjacent to a FB-SE property. We have received numerous comments, and they are attached.

In general, if you read the comments, folks think this is overly broad. The proposal we received came with a list of allowed uses in this zone. Here are the questions:

- Would this mean that any of those uses could be allowed on the roof? Like a child day care center?
- Is the roof by definition open air?
- What about accessible, does this mean every building that wants a rooftop use would need to put in an elevator?
- A large number of the negative comments have to do with noise. We think that there needs to be standards written into the text that specify what sort of sound deadening devices would be allowed. We are keenly aware that Salt Lake County does a terribly job of enforcing violations of the sound ordinance. How would sound emanating from these facilities be controlled?
- How tall they could be.
- Does this mean a building could be 28' tall with a 10 foot tall deck? Or would it have to be two floors of 10' plus the deck on top for a not to be exceeded height of 30"?
- What about amplified sound, would it be allowed? How could it be contained to the property and not spill over into the neighborhood?
- Would the owner be responsible to see that customers are civil to patrons and neighbors?

We would like to see the staff report contain many comments from people who didn't respond through the SHCC website. Those that live adjacent to one of these B-SE parcels, to see what they have to say.

Our recommendation is that this draft text amendment be rewritten for clarity, so that all these things are spelled out. And then, if you feel you must approve it, make it a conditional use. Put some qualifiers in, like parcels on a state road or something that might limit where these go. Or not adjacent to a single family home. Say that it must include sound barriers, specify hours of operation like maybe not open after 10 p.m. on school nights. This process absolutely needs the feedback of property owners adjacent to a lot that has such a proposal before the city, no over the counter permits will be satisfactory.

We think these can be nice amenities to our community, and add to the ambiance. But I guarantee you that someone buying a home next to a FB-SE parcel is probably clueless, and won't think to go to the zoning code to see the ramifications, so this needs to be a conditional use, so they are notified when something is proposed. We are sorry that this requires more staff time, but it makes Salt Lake city a more pleasant place to live, when the neighbors feel their opinions matter, and are taken into consideration. Thank you.



## Comments FB-SE Text Amendment

From: Arnold Bayer Klemens <[aklemens@yesco.com](mailto:aklemens@yesco.com)><2636 S HIGHLAND DR>

Subject:Roftop Use in the FB-SE Zone

What kinds of activities would be placed here? Would the noises from such activites disturb or impact the local homeowners? If so, this does nto seem like a good idea.

From: Rene HENRICUS A SMINK <[rsrink@hotmail.com](mailto:rsrink@hotmail.com)><550 S 400 E>

Subject:Roftop Use in the FB-SE Zone

Yes please , This city needs rooftop terraces, not only in Sugarhouse but also downtown.

In Favor

1921 East Downington Ave>

Subject:Roftop Use in the FB-SE Zone

Safety and noise control are my two biggest concerns here. As these zones border residential areas, and most of these residential buildings are below 30 feet, sound would definitely carry to the homes. There might also be safety concerns for passerbys if items fall from these higher commercial areas.

From: Tyler Garzo <[processing@sondroyo.com](mailto:processing@sondroyo.com)><Prefer not to provide>

Subject:Roftop Use in the FB-SE Zone

This seems like a change appropriate only for the property in question, and not for the entire FB-SE zone as Salt Lake does not have appropriate capabilities for noise enforcement. I am interested in joining the meeting.

From: Christopher Sanchez <[CMSAN7575@YAHOO.COM](mailto:CMSAN7575@YAHOO.COM)><1252 driggs ave>

Subject:Roftop Use in the FB-SE Zone

I would be for this if there was a hours of operation limit, could only be open certain hours and abide by nighttime noise ordinances. The reasons are is that these are in a mix used neighborhood. I feel noise levels and activity at night would be too much for the neighborhood.

From: Patrick DePaulis <[pdepaulis@me.com](mailto:pdepaulis@me.com)><1335 Westminster Ave>

From: George Venturino <[george.venturino@gmail.com](mailto:george.venturino@gmail.com)><2480 Highland Dr. Salt Lake City UT.>

Subject:Roftop Use in the FB-SE Zone

I think if an establishment want to serve cocktails on their roof, that should be fine as long as it doesn't infringe on the privacy of the neighbors.

What concerns me more is the prospect of UTA tearing down my house on Highland Dr. to make way for an unnecessary street car line. Please let us know when you're going to address that.

Thank you,

From: Julie Adams-Chatterley <[jadamschatterley@gmail.com](mailto:jadamschatterley@gmail.com)><1150 Ramona Ave, SLC 84105>

Subject:Roftop Use in the FB-SE Zone

How will these additional structures become ADA compliant? How often will construction be monitored and will there be continual monitoring after the structures have been built?

to me

From: Molly Jones <[mollydooleyjones@gmail.com](mailto:mollydooleyjones@gmail.com)><2285 Hannibal st>

Subject:Roftop Use in the FB-SE Zone

I support allowing this change. Rooftops are an excellent way to add value to properties and businesses.



## Unknown

I do think we need a bar on every roof along with grass and trees as the city and developers refuse to put in wide sidewalks, side walk cafes and bars or make our streets livable. We might as well move to the roof but demand they plant trees for shade and carbon sink! Then we would not have people parking in front of us or cruising the street or delivering amazon packages, all with polluting exhaust while we try to talk and sip our drink. I would approve the zoning change if we had to have at least one every block. Roof top pubs and sunset over the Great Salt Lake. Bravo. Salt Lake could be a leader!

From: George Chapman <[gechapman2@gmail.com](mailto:gechapman2@gmail.com)><1186S 1100E>

Subject:Roftop Use in the FB-SE Zone

Against it due to complaints about noise at a smaller rooftop bar next door

From: Steven Gottfredson <[gottfredson@gmail.com](mailto:gottfredson@gmail.com)><2120 Country Club Dr>

Subject:Roftop Use in the FB-SE Zone

Can you please provide examples of commercial rooftop uses? Are we talking solar panels? To me this proposal is written very cryptically. I don't believe the typical person understands what the impact is.

From: Lindsey Heinig <[lindsey.heinig@gmail.com](mailto:lindsey.heinig@gmail.com)><2000 S Lake St>

Subject:Roftop Use in the FB-SE Zone

As a homeowner next to a large parcel that would be effected by this I am opposed as it is written. The option of additional outdoor use that could infringe on privacy/ noise levels is not appropriate. Stipulations that barriers be built to lower noise/visuals on existing residential areas would be sufficient or granting a single use permit for this rooftop. Not changing the zoning on the whole area.

From: Tamara M Wright <[anthropology\\_lady365@yahoo.com](mailto:anthropology_lady365@yahoo.com)><1996 S Lake St>

Subject:Roftop Use in the FB-SE Zone

As an individual that lives in a residential neighborhood that will be directly affected by this I am against this due to privacy concerns, traffic concerns, blocking views, many things that will come with this. Also traffic is being impacted by all the high rise apartments as it is and that is a concern. In a recent meeting a few months back that I attended where the developer discussed their new buildings that were going to be where the 24 hour fitness and old liquor store were, someone asked (in a message as no one is allowed to directly speak in these Zoom meetings, hopefully we will get to in person meetings so people aren't censored like that anymore) about if a traffic study had been done. The developer answered that they were "working on this". This was after they blue prints had been drawn up and the development was happening, so regardless of the outcome traffic would be affected regardless of what the report says. I think Covid-19 and Zoom meetings have limited the amount of what residents can say and I would like for us to go back to in person meetings once again, so that I don't feel like those of us that oppose a lot of things going on can actually voice us, rather than have us muted online to not have a voice. I feel like this has been a time for the council here and other government bodies to do whatever they want and not have to answer to anyone due to the fact we have had limited communications available to us to say anything.



Wed, Jun 16, 3:52 PM (1 day ago)

From: Lucy Houser <[houserlc@yahoo.com](mailto:houserlc@yahoo.com)><1982 South 800 East, SLC 84105>

Subject:Rooftop Use in the FB-SE Zone

I am generally in favor of the proposed change

From: Patty Wells <[patty.wells@gmail.com](mailto:patty.wells@gmail.com)><1025 E Garfield Ave>

Subject:Rooftop Use in the FB-SE Zone

This is too wide a change. We could end up with noisy bars competing with each other and all of them too close to family homes. Please don't grant this change.

From: Mattie Casey <[mcasey13mt@gmail.com](mailto:mcasey13mt@gmail.com)><1995 S Lake Street>

Subject:Rooftop Use in the FB-SE Zone

I oppose this amendment as a homeowner directly next to buildings in the FB-SE zone. This will reduce privacy, increase noise, and increase traffic flow through our neighborhood. Our street already sees a significant number of vehicles that speed down to avoid the light at the 700E/2100S intersection only to encounter the dead end and speed back. The speed limit is never enforced and frequently cars catch air on the dip at the end of the block. This has been so forceful that one car knocked into the street light in front of our neighbors house. An amendment allowing rooftop uses will only be detrimental to this residential area and make it even more dangerous for pedestrians, cyclists, pets, wildlife and children.

From: Logan Horne <[loganhorne13@gmail.com](mailto:loganhorne13@gmail.com)><1995 s Lake St>

Subject:Rooftop Use in the FB-SE Zone

As a local homeowner in the near vicinity, I oppose the proposal. I am most concerned about the increasing noise and traffic that this zoning change could cause. People already speed down our street, and we enjoy the small-town feel where dogs and children can play without fences with less fear of being hit by a car.

I am an enthusiastic supporter of local business, and I would gladly support a rooftop bar if the zoning change was limited to that building only!

Thank you for the opportunity to weigh in!

From: Lynn Schwarz <[lsbx101@gmail.com](mailto:lsbx101@gmail.com)><2023 East Crystal Ave, SLC 84104>

Subject:Rooftop Use in the FB-SE Zone

I am against this change in the FB-SE zoning. This is another example of what is, essentially, spot zoning by one developer to get what he wants for one project. There is no crying need or groundswell of yearning for this type of zoning change. This is one developer trying to get one project done after being denied during the usual process.

I am very concerned about the noise that will drift over to neighboring residences, especially when it is windy..Under no circumstances should amplified sound, whether from music or tvs broadcasting sports, be allowed and this prohibition must be included in any zoning code change. I assume that some type of screening structure will be necessary to keep away the bugs attracted by the lights in the summer. This will necessitate an at least 8 foot high screening structure, increasing the height of the roof top use, eventually becoming permanent.

While this may seem a relatively innocuous change, and not affect much of SLC, I am aware that SLC is in love with FB Zoning and would like to see much of SLC with this type of zoning. This could eventually be in effect in almost all of SLC.

Do not approve this change.

Fri, Jun 18, 11:22 AM (2 days ago)



From: Troy Bowcutt <[just.bowcutt@gmail.com](mailto:just.bowcutt@gmail.com)><1946 S 900 E>

Subject:Rooftop Use in the FB-SE Zone

I support the change, as I believe it will allow an increased diversity of use for business in the area. Providing more open air dining and gathering spots without crowding on to pedestrian areas, bike paths and parking.

Wed, Jun 16, 6:47 PM (4 days ago)

From: Shelley Reynolds <[shelleyutah@yahoo.com](mailto:shelleyutah@yahoo.com)><653 Wilson Avenue>

Subject:Rooftop Use in the FB-SE Zone

I'd like to engage in this process being a long-time resident of the area.

**Melissa Clyn via [server.aqusagtechnologies.com](http://server.aqusagtechnologies.com)**

Wed, Jun 16, 7:43  
PM (4 days ago)

From: Melissa Clyne <[melclyne@gmail.com](mailto:melclyne@gmail.com)><1760 e Hollywood Ave>

From: Steven Parkin <[steveparkin28@yahoo.com](mailto:steveparkin28@yahoo.com)><3011 South 700 East>

Subject:Rooftop Use in the FB-SE Zone

I want this Rezone Request to be accepted; and then become an ideal example of rooftop commerce. If it advances, I will be among the citizenry that observe it over the coming months. Key points are; (1) customer noise levels, especially after sunset, (2) customer S-Line transit use rate, and (3) customer civility and interface with nearby businesses and residences.

Please represent me on these points if I miss the Zoom meeting.

Wed, Jun 16, 10:21 PM (4 days ago)

From: Anna Boller <[ANNABOLLER@WATERFORDSCHOOL.ORG](mailto:ANNABOLLER@WATERFORDSCHOOL.ORG)><1011 E. Hollywood Ave>

Subject:Rooftop Use in the FB-SE Zone

As a 28 year tax paying home owner and small business owner in Sugarhouse, I strongly oppose PLNPCM2021-00431 a Text Amendment to allow Rooftop Commercial Uses in the FB-SE Zone. (LIGHT BLUE).

Noise pollutions has already has increased to much objection in our zip code and needs amendments to DECREASE this rather than increase it. Increased noise from more bars, more drunken pedietrians, more parking and traffic, all impact negatively impact our neighborhood.

Sustainable development of the Sugarhouse area requires THOUGHTFUL PLANNING, not just planning that follows the business biased development..

We are already in DEMAND THAT EXCEEDS SUPPLY demand for every possible business, high rise, apartment, and other business development. It is TIME TO STOP THE FLOW AND STOP ALLOWING EXTRA PRIVALIDGES AND REQUIRING MORE COMMUNITY BASED INVESTMENT FROM ALL FUTURE BUILDERS!

Please, take a renewed look and the long term consequences of poor planning of all the development in this area. We need more community gathering spaces in front of any new building - not new burdens of NOISE POLLUTION.



Sincerely,  
Anna Boller  
[drannaboller@bollerpsychologicalservices.com](mailto:drannaboller@bollerpsychologicalservices.com)  
801-661-1992

From: Barbara Boller <[ANNABOLLER@WATERFORDSCHOOL.ORG](mailto:ANNABOLLER@WATERFORDSCHOOL.ORG)><1005 E. Hollywood Ave>  
Subject:Rooftop Use in the FB-SE Zone

I strongly oppose PLNPCM2021-00431 a Text Amendment to allow Rooftop Commercial Uses in the FB-SE Zone. (LIGHT BLUE on city map).

I have owned a house on Hollywood Ave for 25 years. As a former resident of Arlington, Virginia, I have lived the consequences of unplanned growth in our downtown, which historically was very similar to Sugarhouse. High rises without adequate public gathering spaces and expanded side walks, high noise levels due to traffic and roof allowances, and all the other impacts of growth without consideration of long term healthy community quality of life aspects, turned that area into an unlivable area for all residents that have given up their homes to businesses and developments. These are significant populations that are part of the fabric of the desirability of the Sugarhouse Area. Our diversity of families, retirees, young couples, and diversity in all areas are part of our health and appeal.

Please, look at national studies of sustainable growth. Noise pollution has a significant impact on wellness and the health of communities.

Sincerely,  
Barbara Boller  
1005 East Hollywood Ave.  
SLC, Utah 84105

From: Sarah L Woolsey <[commsarahw@gmail.com](mailto:commsarahw@gmail.com)><1027 E Hollywood Ave , SLC UT 84105>  
Subject:Rooftop Use in the FB-SE Zone

I am OPPOSED to this change for 1 business owner. Please change it for his block only if his neighbors approve. We are faced with long standing sensory abuse from the commercial businesses like clubs that are in our area. I am not in favor of more opportunities to have late night noise in Sugarhouse. We are a mixed use area. We need to design as if we are mixed use. Open air bars are NOT needed. Closed bars are fine. Sound carries. I live far away and noise from these areas will affect us. Locations that are > 1 block away are heard in our bedroom and they are enclosed. The city does not enforce sound code, so I have no hope that this will be regulated whatsoever,

From: Jeff Laver <[cjefflaver@gmail.com](mailto:cjefflaver@gmail.com)><1957 S 900 E>  
Subject:Rooftop Use in the FB-SE Zone

A rooftop bar or restaurant would produce too much noise. The music would destroy any tranquility within a two or three block radius

From: Thea Brannon <[theabrannon@yahoo.com](mailto:theabrannon@yahoo.com)><1768 E Wilson>  
Subject:Rooftop Use in the FB-SE Zone

I believe this request should be categorically denied. Any such use would need to be approved as an exception to zoning rules as they stand. The residential areas abutting proposed rooftop uses would be adversely impacted. A rooftop bar would generate an incredible amount of noise disturbance to the adjoining neighborhood homes.



From: Shaunelle Eckman <[sulrij@hotmail.com](mailto:sulrij@hotmail.com)><1999 S Lake Street>

Subject: Rooftop Use in the FB-SE Zone

We as residents are extremely frustrated with the density and overcrowding being foisted upon us. We do not have the infrastructure, amenities, water and streets to maintain this type of growth in our small sector of the city. As it is, we have to drive 2 miles out of our way to purchase groceries, due to the over-crowding at our closest grocery store. Our properties are already encroached upon by surrounding businesses and traffic, which includes our street being used as a shortcut to avoid traffic on 7th East. Speed limits are not obeyed, nor enforced and will surely increase as the population density increases. We have several families with small children and the traffic is a danger to them and animals domestic and wild. As it is, due to the aforementioned problems, we have little privacy, noise pollution from the surrounding streets and businesses, as well as light pollution from surrounding businesses. This is greatly affecting our well-being. Our neighborhood is pushed to it's limits with car traffic, foot traffic, crime, noise and adding anymore is just unfair to we as homeowners and citizens.

From: george chapman <[gechapman2@gmail.com](mailto:gechapman2@gmail.com)>

Sent: Monday, June 21, 2021 9:17 PM

To: Judi Short <[judi.short@gmail.com](mailto:judi.short@gmail.com)>; Thompson, Amy <[Amy.Thompson@slcgov.com](mailto:Amy.Thompson@slcgov.com)>

Cc: Sugar House <[Minnesotaute76@gmail.com](mailto:Minnesotaute76@gmail.com)>; Norris, Nick <[Nick.Norris@slcgov.com](mailto:Nick.Norris@slcgov.com)>

Subject: (EXTERNAL) Comments on rooftop (bar) FB text amendment

I am against the text amendment since it creates a beautiful and extremely popular use without mitigating the negative impacts on adjacent properties, specifically parking, privacy and noise.

The parking on FB zones/Transit Zones is scheduled to go to almost nothing but a rooftop restaurant will be so popular that it will require much more on site parking. Adjacent single family home neighbors will lose parking for their visitors and adjacent commercial properties will be claiming the same on street parking that this building will claim.

The adjacent property north of 2166S 900E does have parking issues. Many customers use the Smiths lot (I watch them cross the street) and many park in front of the fire hydrant on the street. That is proof that there is not enough parking now.

The 900E project is proposing a pedestrian island in front of 2166S which requires removing parking on the 2166S westside. Even without the island (which interferes /stops truck left hand turns), there should not be parking near the crosswalk for visibility reasons.

A rooftop restaurant should have a setback from the edge due to the building actually taking up the sidewalk (City sold it to developer) and a rooftop open area could threaten the adjacent sidewalk pedestrians literally below. A setback from the front would also be a safety issue.

ADA requirements require an elevator.



This City keeps approving almost all conditional use applications, most recently with ADUs which is one reason why the ADU ordinance is being changed. Conditional use is not a solution. It is a problem.

This City prefers Citywide zoning, not one property at a time. The Form Based zoning, although developed for transit stations, is being allowed for areas and projects well away from transit stations so this text amendment could be used Citywide. Cleveland Court and Georgia Apartments were approved by the Planning Commission. The idea of rooftop restaurants and bars are too popular to refuse and the City should stand their ground and say no next to residences now. Or the City Council will have a big fight every week to stop rooftop restaurants and bars.

The main meeting for this project, which occurred when nearby residents heard that a rooftop bar or restaurant would be possible, clearly resulted in almost 90% against it due to potential noise and privacy concerns, and parking impacts.

I urge the SHCC and all communities in SLC to fight against this text amendment. This will be worse than the Brew Ha Ha project which suggested 6 on site parking spots for 155 potential restaurant seatings. The other parts of the building already need all of the on site parking. In fact it doesn't seem enough. A rooftop restaurant could/should easily double parking requirements.

George Chapman 1186 S 1100 E, SLC 8018677071

From: Meaghan Kelliher <[kelliher.meaghan@gmail.com](mailto:kelliher.meaghan@gmail.com)><1915 S 1300 E>

Subject: Rooftop Use in the FB-SE Zone

Just wanted to send in a quick comment to support this proposed change! I would love Sugarhouse to have more available rooftop bars and dining. After just returning from a visit to Chicago, where rooftop bars/dining is very popular, I can absolutely see how this would add to the character of our city.

Hi Judi, sorry, I was a bit late to the meeting, so not sure what I missed, however I was there when Soren expressed the idea that there needed to be something to address handicapped individuals access to the rooftop cafe/ bar. To not make that an expensive requirement/addition, Town Club installed an exterior lift for those members who were not able to use the stairs to the second floor. Admittedly that is not a popular alternative for some, but it does provide handicap access. This particular applicant's location does not appear to be in much of a residential neighborhood since there are also other eateries /businesses there; however if other applicants opt for rooftop dining, there should be noise reduction rules that would not negatively affect residents. Then, of course, there is as always the parking issue....Will we ever be able to solve that one?

From: Rebecca W Davis <[rdavis2655@gmail.com](mailto:rdavis2655@gmail.com)><1564 E Blaine Ave. SLC 84105>

Subject: Rooftop Use in the FB-SE Zone

I am opposed to the proposal submitted for a text amendment that would impact the FBSE zoning district citywide to accommodate rooftop restaurant seating above the first two stories of a proposed restaurant in Sugarhouse. This would have a negative impact on the residential areas that surround commercial properties in these FBSE zoned neighborhoods. There would be noise and privacy issues in residential neighborhoods close to the commercial properties in the zone. Rooftop restaurants belong in commercial areas that are not surrounded by residential areas. The city could look at this from a city-wide perspective rather than have this zoning change request for one property impact all commercial properties in this zoning district throughout the city.

to me, Amy, Landon, nick

I am against the text amendment since it creates a beautiful and extremely popular use without mitigating the negative impacts on adjacent properties, specifically parking, privacy and noise.

The parking on FB zones/Transit Zones is scheduled to go to almost nothing but a rooftop restaurant will be so popular that it will require much more on site parking. Adjacent single family home neighbors will lose parking for their visitors and adjacent commercial properties will be claiming the same on street parking that this building will claim.

The adjacent property north of 2166S 900E does have parking issues. Many customers use the Smiths lot (I watch them cross the street) and many park in front of the fire hydrant on the street. That is proof that there is not enough parking now.

The 900E project is proposing a pedestrian island in front of 2166S which requires removing parking on the 2166S westside. Even without the island (which interferes /stops truck left hand turns), there should not be parking near the crosswalk for visibility reasons.

A rooftop restaurant should have a setback from the edge due to the building actually taking up the sidewalk (City sold it to developer) and a rooftop open area could threaten the adjacent sidewalk pedestrians literally below. A setback from the front would also be a safety issue.

ADA requirements require an elevator.

This City keeps approving almost all conditional use applications, most recently with ADUs which is one reason why the ADU ordinance is being changed. Conditional use is not a solution. It is a problem.

This City prefers Citywide zoning, not one property at a time. The Form Based zoning, although developed for transit stations, is being allowed for areas and projects well away from transit stations so this text amendment could be used Citywide. Cleveland Court and Georgia Apartments were approved by the Planning Commission. The idea of rooftop restaurants and bars are too popular to refuse and the City should stand their ground and say no next to residences now. Or the City Council will have a big fight every week to stop rooftop restaurants and bars.

The main meeting for this project, which occurred when nearby residents heard that a rooftop bar or restaurant would be possible, clearly resulted in almost 90% against it due to potential noise and privacy concerns, and parking impacts.

I urge the SHCC and all communities in SLC to fight against this text amendment. This will be worse than the Brew Ha Ha project which suggested 6 on site parking spots for 155 potential restaurant seatings. The other parts of the building already need all of the on site parking. In fact it doesn't seem enough. A rooftop restaurant could/should easily double parking requirements.

George Chapman 1186 S 1100 E, SLC 8018677071



Good afternoon Amy,

Regarding the zoning text amendment for FB-SE Commercial Rooftop Uses:

I do not support this zoning text amendment. The property in question has been zoned incorrectly as it has substantial setbacks from residential property and as well as commercial neighbors on a busy street. Trying to modify all of FB-SE because it is "easier" is inappropriate. FB-SE does not need 3rd floor rooftop restaurants/bars projecting the sound and music of drunk millennials until SLC has more aggressive noise ordinance enforcement.

Alternatively, revise FB-SE to allow ANY rooftop commercial uses only as a conditional use. Include 2nd story rooftop commercial in this conditional use group. Basically, make the zoning a little more restrictive as a sort of compromise for the people who live here. Masonry walls shielding rooftop spaces from any residential single family properties and a setback that is double the footprint of the roof seem like reasonable sound mitigation.

Thank you,  
Tyler Garzo  
520 E Wilmington Ave

Dear Mr. Guymon:

My name is Ben Raskin and I'm a candidate for Salt Lake City Council District 7. I participated in last night's Sugar House Community Council transportation subcommittee meeting and wanted to share a couple of thoughts regarding the rezoning of the property on 2166 South 900 East.

I support the rezoning for the rooftop bar. Not only would it be good to have an additional restaurant in the community, esthetically, I think it's been a successful remodel. I'm looking forward to touring the building today at 6:00 p.m. and seeing the potential the property might have. As a former bartender (20+ years), I'm curious to see if the building has the bones to be one of the new hot spots in town.

In addition, I walked my dog around the building this morning and agree that sound should not be a problem. If residents are not worried about the noise from Trolley Wing Company's upstairs patio, this building should not present too much additional noise in the area. And frankly, I like the idea of the building being occupied with a staff to take care of the surrounding area. There is human waste and urine on the outside of the building plus trash blown into the nooks. I'm confident whoever occupies the building would put a stop to that immediately—or at least go hose it off.

As I mentioned last night in the chat, my concern is the licensing of the business. I paced off the distance from the abandoned tennis courts on Sugarmont and 900 East and it's pretty close to the 300 feet. I am making the renovation of the Boys & Girls Club a priority for my campaign. The state has some pretty whacky liquor laws, and I would encourage you to find out if potential tenants are able to get a restaurant/club license. In addition, the thoroughfare of S-Line can be considered a park and it would be unfortunate if the city voted on the rezone and the state says no to being able to serve alcohol.

The renovation to the building is the kind of development I fully support. I like investors saving and improving buildings in the community. The preserve first/raze second method is preferable to some other development in the community. I still think of the Este Pizza building as the old Russian restaurant when I first moved to town 22 years ago. Feel free to contact me at 801-918-7440 if you have any follow up questions.

Best wishes,  
Ben Raskin

**From:** [Rikki Sonnen](#)  
**To:** [Thompson, Amy](#)  
**Cc:** [Joe Sonnen](#)  
**Subject:** Re: (EXTERNAL) Roof Top Zoning Open House/Comment  
**Date:** Monday, June 14, 2021 10:16:02 AM

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Thank you for the response and clarification.

I am a supporter of the proposed revision for several reasons.

1. We live in an exceptionally urbanized area that is continuing to experience urban growth, this provides opportunities for greater use of outside space
2. It allows us folks without views of the sunset to catch one if we're at a restaurant in the area.
3. Improves quality of life

On Mon, Jun 14, 2021 at 10:07 AM Thompson, Amy <[Amy.Thompson@slcgov.com](mailto:Amy.Thompson@slcgov.com)> wrote:

I think your understanding is correct, but it doesn't need to be an existing building it would apply to any new development too. Although this text amendment was submitted by the property owner at 2166 South 900 E, it will impact any property in the FB-SE zone (see map attached) as it is a citywide text amendment that doesn't just impact one property – which is why an address was not provided in the notice. The existing language is black and the proposed language is red.

**TABLE 21A.27.040.D**  
**FB-SE BUILDING FORM STANDARDS**

Limitation on Commercial Uses	Commercial or nonresidential uses are limited to the first 2 stories and a height of 30 ft. <b>Commercial and nonresidential rooftop uses are allowed above the second story subject to meeting the 30 ft. height requirement.</b>
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This amendment would allow any permitted or conditional commercial/nonresidential rooftop use above the second story and a height of 30 feet - so it's not just restaurant uses that would be allowed. Let me know if you have any additional follow up questions or comments.

Thanks,

**AMY THOMPSON**

Senior Planner

Planning Division

**DEPARTMENT of COMMUNITY and NEIGHBORHOODS**

SALT LAKE CITY CORPORATION

TEL 801-535-7281

CELL 385-226-9001

Email [amy.thompson@slcgov.com](mailto:amy.thompson@slcgov.com)

[WWW.SLC.GOV/PLANNING](http://WWW.SLC.GOV/PLANNING)

*Disclaimer: The Planning Division strives to give the best customer service possible and to respond to questions as accurately as possible based upon the information provided. However, answers given at the counter and/or prior to application are not binding and they are not a substitute for formal Final Action, which may only occur in response to a complete application to the Planning Division. Those relying on verbal input or preliminary written feedback do so at their own risk and do not vest any property with development rights.*

---

**From:** Rikki Sonnen <[REDACTED]>  
**Sent:** Monday, June 14, 2021 9:39 AM  
**To:** Thompson, Amy <[Amy.Thompson@slcgov.com](mailto:Amy.Thompson@slcgov.com)>  
**Cc:** Joe Sonnen <[REDACTED]>  
**Subject:** (EXTERNAL) Roof Top Zoning Open House/Comment

Hi Amy -

I live at 2233 S 500 East (one of the blocks that would be changed), but I am residential obviously.

I do have questions, because as a technical person, I am having trouble understanding what is allowed vs proposed.



Here is my understanding:

Current:

2 stories or 30 ft max height for commercial.

Proposed:

2 stories and 30 ft max height (existing building), but they want to put a restaurant on top.

If my understanding is correct, YES, please, allow rooftop patios/restaurants everywhere!!!

Are you allowed to share the specific building? Assuming its the one on 9th east that they just refinished?

<https://www.slc.gov/planning/2021/06/10/fb-se-rooftop-text-amendment/>

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**Rikki Sonnen, P.E., PTOE**

Utah Department of Transportation

Statewide Traffic Performance Engineer

[REDACTED]

--

**Rikki Sonnen, P.E., PTOE**

Utah Department of Transportation

Statewide Traffic Performance Engineer

[REDACTED]

**From:** [george chapman](#)  
**To:** [Judi Short](#); [Thompson, Amy](#)  
**Cc:** [Sugar House](#); [Norris, Nick](#)  
**Subject:** (EXTERNAL) Comments on rooftop (bar) FB text amendment  
**Date:** Monday, June 21, 2021 9:17:02 PM

---

I am against the text amendment since it creates a beautiful and extremely popular use without mitigating the negative impacts on adjacent properties, specifically parking, privacy and noise.

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George Chapman 1186 S 1100 E, SLC [REDACTED]

**From:** [Paxton Guymon](#)  
**To:** [bill grodnik](#); [Bill Grodnik](#); [Thompson, Amy](#)  
**Subject:** (EXTERNAL) FW: Attention Paxton Guymon  
**Date:** Tuesday, June 22, 2021 9:54:53 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Bill and Amy:

FYI – see the email below from Benjamin Raskin.

Thanks,



**Paxton R. Guymon, Esq.**  
**Managing Partner**  
10610 S. Jordan Gateway, Suite 200  
South Jordan, Utah 84095  
801.527.1040 (main)  
801.527.1000 (fax)  
[paxton@yorkhowell.com](mailto:paxton@yorkhowell.com)  
[www.yorkhowell.com](http://www.yorkhowell.com)

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**From:** Front Desk <frontdesk@yorkhowell.com>  
**Sent:** Tuesday, June 22, 2021 8:46 AM  
**To:** Paxton Guymon <paxton@yorkhowell.com>  
**Cc:** Ciara Bedke <ciara@yorkhowell.com>; Ashley Tedesco <ashleyt@yorkhowell.com>  
**Subject:** FW: Attention Paxton Guymon

---



**From:** Benjamin Raskin <[REDACTED]>

**Date:** Tuesday, June 22, 2021 at 8:40 AM

**To:** Admin [REDACTED]

**Subject:** Attention Paxton Guymon

Dear Mr. Guymon:

My name is Ben Raskin and I'm a candidate for Salt Lake City Council District 7. I participated in last night's Sugar House Community Council transportation subcommittee meeting and wanted to share a couple of thoughts regarding the rezoning of the property on 2166 South 900 East.

I support the rezoning for the rooftop bar. Not only would it be good to have an additional restaurant in the community, esthetically, I think it's been a successful remodel. I'm looking forward to touring the building today at 6:00 p.m. and seeing the potential the property might have. As a former bartender (20+ years), I'm curious to see if the building has the bones to be one of the new hot spots in town.

In addition, I walked my dog around the building this morning and agree that sound should not be a problem. If residents are not worried about the noise from Trolley Wing Company's upstairs patio, this building should not present too much additional noise in the area. And frankly, I like the idea of the building being occupied with a staff to take care of the surrounding area. There is human waste and urine on the outside of the building plus trash blown into the nooks. I'm confident whoever occupies the building would put a stop to that immediately—or at least go hose it off.

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The renovation to the building is the kind of development I fully support. I like investors saving and improving buildings in the community. The preserve first/raze second method is preferable to some other development in the community. I still think of the Este Pizza building as the old Russian restaurant when I first moved to town 22 years ago. Feel free to contact me at 801-918-7440 if you have any follow up questions.

Best wishes,

Ben

--

Ben Raskin

[REDACTED]  
[REDACTED]

**From:** [Thompson, Amy](#)  
**To:** [REDACTED]  
**Cc:** [Paxton Guymon](#); [bill grodnik](#); [Bill Grodnik](#)  
**Subject:** Distancing Requirements for Alcohol - 2166 S 900 E  
**Date:** Thursday, July 8, 2021 10:22:00 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[Distance.JPG](#)

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Ben,

I'm following up on some comments you had regarding state licensing and distancing requirements from the Boys and Girls Club. I will preface this email with the City is not involved in issuance of the liquor license. The city's involvement would include business licensing and potentially a conditional use process depending on the type of use proposed, but those processes don't preclude the applicant from having to obtain a liquor license and meeting those State requirements.

From what I can piece together reading through the State Code as it relates to distancing requirements for alcohol related licenses, I believe the property at 2166 S 900 E would meet the distance requirements from the Boys and Girls Club for a restaurant license. The Boys and Girls club property is approximately 426 FT away from the nearest entrance to the building at 2166 S 900 E. State Code says:

*Except as otherwise provided in this section or Section [32B-1-202.1](#), the commission may not issue a license for a restaurant if, on the date the commission takes final action to approve or deny the application, there is a community location:*

- (i) within 300 feet of the proposed restaurant, as measured from the nearest patron entrance of the proposed restaurant by following the shortest route of ordinary pedestrian travel to the property boundary of the community location; or*
- (ii) within 200 feet of the proposed restaurant, measured in a straight line from the nearest patron entrance of the proposed restaurant to the nearest property boundary of the community location.*

I don't believe this property at 2166 S 900 E would meet the distancing requirements to be a bar establishment (which the applicant has said is not in their plans anyway). A bar establishment requires a retail license and a retail license is considered an "outlet" in the proximity section of the State Code.

*(a) Except as otherwise provided in this section or Section [32B-1-202.1](#), the commission may not issue a license for an outlet if, on the date the commission takes final action to approve or deny the application, there is a community location:*

- (i) within 600 feet of the proposed outlet, as measured from the nearest patron entrance of the proposed outlet by following the shortest route of ordinary pedestrian travel to the property boundary of the community location; or*
- (ii) within 200 feet of the proposed outlet, measured in a straight line from the nearest patron entrance of the proposed outlet to the nearest property boundary of the community*

location.

Here is a link to the State Code sections I looked at –

[https://le.utah.gov/xcode/Title32B/Chapter1/32B-1-S202.html?v=C32B-1-S202\\_2021050520210505](https://le.utah.gov/xcode/Title32B/Chapter1/32B-1-S202.html?v=C32B-1-S202_2021050520210505)

Definitions –

[https://le.utah.gov/xcode/Title32B/Chapter1/32B-1-S102.html?v=C32B-1-S102\\_2021050520210505](https://le.utah.gov/xcode/Title32B/Chapter1/32B-1-S102.html?v=C32B-1-S102_2021050520210505)

I hope this helps. Let me know if you have any follow up questions.

Thanks,

**AMY THOMPSON**

Senior Planner  
Planning Division

**DEPARTMENT of COMMUNITY and NEIGHBORHOODS**  
SALT LAKE CITY CORPORATION

TEL 801-535-7281  
CELL 385-226-9001  
Email [amy.thompson@slcgov.com](mailto:amy.thompson@slcgov.com)

[WWW.SLC.GOV/PLANNING](http://WWW.SLC.GOV/PLANNING)

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**From:** Paxton Guymon <[REDACTED]>  
**Sent:** Tuesday, June 22, 2021 10:10 AM  
**To:** Thompson, Amy <Amy.Thompson@slcgov.com>; bill grodnik <[REDACTED]>; Bill Grodnik <[REDACTED]>  
**Subject:** RE: (EXTERNAL) FW: Attention Paxton Guymon

Much appreciated Amy.



**Paxton R. Guymon, Esq.**  
**Managing Partner**  
10610 S. Jordan Gateway, Suite 200



South Jordan, Utah 84095

801.527.1040 (main)

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**From:** Thompson, Amy <[Amy.Thompson@slcgov.com](mailto:Amy.Thompson@slcgov.com)>

**Sent:** Tuesday, June 22, 2021 10:01 AM

**To:** Paxton Guymon <[paxton@yorkhowell.com](mailto:paxton@yorkhowell.com)>; bill grodnik <[billgrodnik@gmail.com](mailto:billgrodnik@gmail.com)>; Bill Grodnik <[bgrodnik@davincivirtual.com](mailto:bgrodnik@davincivirtual.com)>

**Subject:** RE: (EXTERNAL) FW: Attention Paxton Guymon

Thanks Paxton. I will add this to the public record and it will go in the Staff Report for the Planning Commission for the public hearing. I will try to follow-up on his question about distance to boys and girls club/whether or not the s-line is considered a park and get back to you and Judi on that. Thanks.

---

**From:** Paxton Guymon <[paxton@yorkhowell.com](mailto:paxton@yorkhowell.com)>

**Sent:** Tuesday, June 22, 2021 9:55 AM

**To:** bill grodnik <[billgrodnik@gmail.com](mailto:billgrodnik@gmail.com)>; Bill Grodnik <[bgrodnik@davincivirtual.com](mailto:bgrodnik@davincivirtual.com)>; Thompson, Amy <[Amy.Thompson@slcgov.com](mailto:Amy.Thompson@slcgov.com)>

**Subject:** (EXTERNAL) FW: Attention Paxton Guymon

Bill and Amy:

FYI – see the email below from Benjamin Raskin.

Thanks,



**Paxton R. Guymon, Esq.**

**Managing Partner**

10610 S. Jordan Gateway, Suite 200

South Jordan, Utah 84095

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**From:** Front Desk <[REDACTED]>  
**Sent:** Tuesday, June 22, 2021 8:46 AM  
**To:** Paxton Guymon <[REDACTED]>  
**Cc:** Ciara Bedke <[REDACTED]>; Ashley Tedesco <[REDACTED]>  
**Subject:** FW: Attention Paxton Guymon

---

**From:** Benjamin Raskin <[REDACTED]>  
**Date:** Tuesday, June 22, 2021 at 8:40 AM  
**To:** Admin <[REDACTED]>  
**Subject:** Attention Paxton Guymon

Dear Mr. Guymon:

My name is Ben Raskin and I'm a candidate for Salt Lake City Council District 7. I participated in last night's Sugar House Community Council transportation subcommittee meeting and wanted to share a couple of thoughts regarding the rezoning of the property on 2166 South 900 East.

I support the rezoning for the rooftop bar. Not only would it be good to have an additional restaurant in the community, esthetically, I think it's been a successful remodel. I'm looking forward to touring the building today at 6:00 p.m. and seeing the potential the property might have. As a former bartender (20+ years), I'm curious to see if the building has the bones to be one of the new hot spots in town.

In addition, I walked my dog around the building this morning and agree that sound should not be a problem. If residents are not worried about the noise from Trolley Wing Company's upstairs patio, this building should not present too much additional noise in the area. And frankly, I like the idea of the building being occupied with a staff to take care of the surrounding area. There is human waste and urine on the outside of the building plus trash blown into the nooks. I'm confident whoever occupies the building would put a stop to that immediately—or at least go hose it off.

As I mentioned last night in the chat, my concern is the licensing of the business. I paced off the distance from the abandoned tennis courts on Sugarmont and 900 East and it's pretty close to the 300 feet. I am making the renovation of the Boys & Girls Club a priority for my campaign. The state has some pretty whacky liquor laws, and I would encourage you to find out if potential tenants are able to get a restaurant/club license. In addition, the thoroughfare of S-Line can be considered a park and it would be unfortunate if the city voted on the rezone and the state says no to being able to serve alcohol.

The renovation to the building is the kind of development I fully support. I like investors saving and improving buildings in the community. The preserve first/raze second method is preferable to some other development in the community. I still think of the Este Pizza building as the old Russian restaurant when I first moved to town 22 years ago. Feel free to contact me at 801-918-7440 if you have any follow up questions.

Best wishes,  
Ben

--

Ben Raskin

[REDACTED]  
[REDACTED]



**Subject:** (EXTERNAL) Fw: petition# PLNPCM2921-00431

[Sent from Yahoo Mail on Android](#)

----- Forwarded Message -----

**From:** "Carla Martinez" <[REDACTED]>  
**To:** "[amy.thompson@slc.com](mailto:amy.thompson@slc.com)" <[amy.thompson@slc.com](mailto:amy.thompson@slc.com)>  
**Cc:**  
**Sent:** Mon, Jun 28, 2021 at 4:46 PM  
**Subject:** petition# PLNPCM2921-00431

Ms Thompson-

As per our conversation today I'm sending you my concern regarding FB-SE Commercial Rooftop uses of the construction apartments on 2100 South between 500 and 600 East. These apartments share an alleyway backing up to are homes on Commonwealth, which already have a view to our backyard and fringes upon our privacy, therefore it is our opinion with the added rooftop expansion would further this privacy issue.

Within the last couple of years the neighborhood has had large apartment complex build with limited parking therefore has caused homeowners in the area to lose their parking on the street- this the concern of the Commonwealth Homeowners due to the fact of limited parking for the tenets and no parking allowed 2100 South.

We also have concern with the current water shortage. Construction action begins at 700 am (we feels this is to early for residential area).

Please feel to forward the email to the appropriate Council, and call if there are further question.

[REDACTED]

Concerned Homeowner  
LaVaughn Mullenax

[REDACTED]

[Yahoo Mail on Android](#)

**From:** [Thompson, Amy](#)  
**To:** ["Carla Martinez"](#)  
**Subject:** RE: (EXTERNAL) Fw: petition# PLNPCM2921-00431  
**Date:** Tuesday, June 29, 2021 4:13:00 PM  
**Attachments:** [Vacinity Map - FBSE zone.jpg](#)

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Thank you for your comments, Carla. I will add them to the public record for this petition and they will be included in the Staff Report that goes to the Planning Commission and eventually the City Council. Just a quick point of clarification regarding your public comment – your comment seems to focus on concerns related to apartment buildings. This text amendment is specific to the FB-SE zone and is specific to commercial uses (apartment buildings are a residential use). The zoning regulations related to apartment buildings in the FB-SE (Form Based Special Purpose Corridor Edge Subdistrict) zone are not changing with the proposed amendment. Apartment buildings in the FB-SE zone can be a height of 45 feet and there is not a limitation on rooftop uses if they meet the 45 FT height requirement. The FB-SE zone currently limits commercial uses to the first two stories of a building and a height of 30 FT. The proposal is to allow commercial rooftop uses above the second story (they are currently allowed above the first story) as long as they meet the 30 foot height requirement. I've attached a zoning map that shows the FB-SE zoned parcels. The parcels identified on the attached map are the parcels that the proposed text amendment is applicable to.

The apartments you are referring to on 2100 South and between 500 & 600 East are zoned CB (Community Business). This zoning amendment is not applicable to CB zoned parcels and only is applicable to FB-SE zoned parcels.

Please feel free to reach out if you have any follow-up questions. Thank you.

**AMY THOMPSON**

Senior Planner  
Planning Division

**DEPARTMENT of COMMUNITY and NEIGHBORHOODS**  
SALT LAKE CITY CORPORATION

TEL 801-535-7281  
CELL 385-226-9001  
Email [amy.thompson@slcgov.com](mailto:amy.thompson@slcgov.com)

[WWW.SLC.GOV/PLANNING](http://WWW.SLC.GOV/PLANNING)

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---

**From:** Carla Martinez <[REDACTED]>  
**Sent:** Tuesday, June 29, 2021 2:16 PM  
**To:** Thompson, Amy <Amy.Thompson@slcgov.com>

**From:** [Tyler Garzo](#)  
**To:** [Thompson, Amy](#)  
**Cc:** [judi.short@gmail.com](mailto:judi.short@gmail.com)  
**Subject:** (EXTERNAL) public comment on FB-SE Commerical Rooftop Uses  
**Date:** Wednesday, June 30, 2021 10:58:05 AM

---

Good afternoon Amy,

Regarding the zoning text amendment for FB-SE Commercial Rooftop Uses:

I do not support this zoning text amendment. The property in question has been zoned incorrectly as it has substantial setbacks from residential property and as well as commercial neighbors on a busy street. Trying to modify all of FB-SE because it is "easier" is inappropriate. FB-SE does not need 3rd floor rooftop restaurants/bars projecting the sound and music of drunk millenials until SLC has more aggressive noise ordinance enforcement.

Alternatively, revise FB-SE to allow ANY rooftop commercial uses only as a conditional use. Include 2nd story rooftop commercial in this conditional use group. Basically, make the zoning a little more restrictive as a sort of compromise for the people who live here. Masonry walls shielding rooftop spaces from any residential single family properties and a setback that is double the footprint of the roof seem like reasonable sound mitigation.

Thank you,  
Tyler Garzo



**From:** [Wanda](#)  
**To:** [Thompson, Amy](#)  
**Subject:** (EXTERNAL) NO TO PLNPCM2021-00431  
**Date:** Thursday, July 1, 2021 2:35:43 PM

---

Amy,

I know that my comments won't make a difference to the Planning Commission, as they already have their minds made up to give developers what they want over the concerns of their constituents. The Planning Commission has allowed a handful of developers to pillage our neighborhoods. However, I want to say NO to revising the language for FB-SE zoning. If you allow developers to have business/non-residential uses on rooftops, you are taking away the privacy of people who live next to these developments. Our neighborhoods are being over run with these huge developments that are taking away the privacy for their neighbors, Izzy South is a perfect example.

Wanda Brown

**From:** [Kaia Ragnhildstveit](#)  
**To:** [Thompson, Amy](#)  
**Subject:** (EXTERNAL) FB-SE Rooftop Text Amendment  
**Date:** Thursday, July 1, 2021 3:50:42 PM

---

Hi Amy,

I am a resident on Elm Ave and am in favor of the text amendment. I think a restaurant rooftop patio would be a great use of the current vacant building on 900 E (and other areas of Sugarhouse), and I'm not too concerned about the noise since Trolley Wing Co is already pretty lively.

One suggestion for a restaurant tenant is for staff and patrons to also utilize the small office complex parking lot just to the south on 900 E and Wilmington in the evenings, if possible, to alleviate a further increase in residential parking concerns.

Best,

Kaia Ragnhildstveit

Development Associate  
Northstar Builders



**ATTACHMENT F – TABLE OF PERMITTED & CONDITIONAL USES  
IN FORM BASED DISTRICTS**

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**21A.33.080: TABLE OF PERMITTED AND CONDITIONAL USES IN FORM BASED DISTRICTS:**

To view TABLE OF PERMITTED AND CONDITIONAL USES IN FORM BASED DISTRICTS in PDF, click [HERE](#)

Note: Uses which are not listed in the following table are not permitted in any Form Based Code Zoning District.

Legend:	C =	Conditional	P =	Permitted
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Use	Permitted Uses By District			
	FB-UN1	FB-UN2	FB-SC	FB-SE
Accessory use, except those that are specifically regulated in this chapter, or elsewhere in this title	P	P	P	P
Alcohol:				
Bar establishment		P	P	C
Brewpub		P	P	C
Tavern, 2,500 square feet or less in floor area		P	P	C
Animal, veterinary office		P	P	P
Antenna, communication tower		P	P	P
Art gallery		P	P	P
Artisan food production		P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>
Bed and breakfast	P	P	P	P
Bed and breakfast inn	P	P	P	P
Bed and breakfast manor	P	P	P	P
Clinic (medical, dental)		P	P	P
Commercial food preparation		P	P	P
Community garden	P	P	P	P
Community recreation center		P	P	P
Daycare center, adult		P	P	P
Daycare center, child		P	P	P
Daycare, nonregistered home daycare	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>
Daycare, registered home daycare or preschool	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>
Dwelling:				
Assisted living facility (limited capacity)	P	P	P	P
Assisted living facility (small)		P	P	P
Congregate care facility (large)		C	C	C
Congregate care facility (small)	C			
Group home (large)		P	P	P
Group home (small) when located above or below first story office, retail, or commercial use, or on the first story where the unit is not located adjacent to street frontage		P	P	P
Multi-family		P	P	P
Residential support (large)		P		
Residential support (small)		P		
Rooming (boarding) house		P		

Single-family attached	P	P		P
Single-family detached	P			
Single-family detached (cottage development building form only)		P		P
Single room occupancy		P		
Two-family	P			
Farmers' market		P	P	P
Financial institution		P	P	P
Funeral home		P	P	P
Government facility	P	P	P	P
Health and fitness facility		P	P	P
Home occupation	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>
Hotel/motel		P	P	
House museum in landmark site	P	P	P	P
Laboratory (medical, dental, optical)		P	P	P
Library		P	P	P
Mixed use developments including residential and other uses allowed in the zoning district		P	P	P
Municipal service uses, including City utility uses and police and fire stations	P	P	P	P
Museum		P	P	P
Nursing care facility		P	P	P
Office		P	P	P
Office and/or reception center in landmark site		P	P	P
Open space	P	P	P	P
Park	P	P	P	P
Parking, off site	P	P	P	P
Photo finishing lab			P	P
Place of worship		P	P	P
Plazas	P	P	P	P
Recreation (indoor)		P	P	P
Research and development facility		P	P	P
Research facility (medical/dental)		P	P	P
Restaurant		P	P	P
Retail goods establishment		P	P	P
Retail goods establishment, plant and garden shop with outdoor retail sales area		P	P	P
Retail service establishment		P	P	P
Sales and display (outdoor)		P	P	P
School:				
College or university		P	P	P
Music conservatory		P	P	P
Professional and vocational		P	P	P

Seminary and religious institute		P	P	P
Seasonal farm stand		P	P	P
Solar array		P	P	P
Store, specialty		P	P	P
Studio, art		P	P	P
Theater, movie		P	P	P
Urban farm	P	P	P	P
Utility, building or structure	P	P	P	P
Utility, transmission wire, line, pipe, or pole	P	P	P	P
Vending cart, private property		P	P	P
Wireless telecommunications facility		P	P	P

Qualifying provisions:

1. Subject to section 21A.36.130 of this title.
2. Subject to section 21A.36.030 of this title.
3. Must contain retail component for on-site food sales.

(Ord. 51-20, 2020: Ord. 13-19, 2019: Ord. 23-18, 2018: Ord. 47-17, 2017: Ord. 46-17, 2017)