

SALT LAKE CITY
HISTORIC LANDMARK COMMISSION
Minutes of the Meeting
Room 326, 451 South State Street
October 6, 2011

This document along with the digital recording constitute the official minutes of the Historic Landmark Commission regular session meeting held on October 6, 2011.

Historic Landmark Commission Meetings are televised on SLCTV 17. Archived video of this meeting can be found at the following link under, "Historic Landmark Commission and RDA": http://www.slctv.com/vid_demand.htm,

A regular meeting of the Historic Landmark Commission was called to order on Thursday, October 6, 2011, at [5:33:27 PM](#) in Room 326 of the City and County Building, located at 451 South State Street, Salt Lake City, Utah, 84111. Commissioners present for the meeting included Chairperson, Anne Oliver, Vice Chair, Polly Hart, Sheleigh Harding, Stephen James, Earle Bevins III, Bill Davis and Arla Funk. Commissioner Dave Richards was excused.

Planning staff present for the meeting included Cheri Coffey, Assistant Planning Director; Joel Paterson, Planning Manager, Carl Leith, Senior Planner; Michaela Oktay, Principle Planner, Maryann Pickering, Principal Planner; Ray Milliner, Principal Planner and Michelle Moeller, Senior Secretary. City Attorney Paul Nielson was also present.

FIELD TRIP

Commissioners , Stephen James, Anne Oliver, Arla Funk, Polly Hart, Earle Bevins III and Bill Davis and were present for the field trip along with staff members Joel Paterson and Maryann Pickering and Ray Milliner. All left the City and County Building at 4:00 p.m. and visited the sites of the public hearing items that evening.

DINNER

Dinner was served to the Commission and staff at 5:00 p.m. in Room 126. The Commission had no substantive business to discuss.

ADMINISTRATIVE BUSINESS [5:34:25 PM](#)

Consideration of Amendments to the Historic Landmark Commission Policy Document

Ms. Cheri Coffey, Assistant Planning Director, explained the policy document originated in 1984 and had been updated through the years. She stated, over the years there were provisions adopted by the City Council that made some of the policies obsolete and different items such as design guidelines were now in a separate document. Ms. Coffey reviewed the different items that were not necessary to have in the policy document. She stated the document needed to be updated and revised to reflect the correct information.

Commissioner James asked what the difference was between the policy document and the fine tuning item listed on the agenda.

Ms. Coffey explained the fine tuning was of the Zoning Ordinance and would go to the City Council for final adoption. She stated the purpose of the policy document was because there was not a strong ordinance or design guidelines in 1984 and the policy document was adopted by the Commission to help them address design issues.

Commissioner James explained his confusion with clearly understanding the different planning documents when he first became a member of the Commission. He stated he agreed with the updates to the policy document and asked if a motion needed to be made.

Ms. Coffey stated it was Staff's goal to update the ordinance, design guidelines and other documents once a year keeping them as current as possible. She noted that the staff was looking for a motion to adopt the changes to the Policy document.

Chairperson Oliver stated the design guidelines and preservation plan are referenced in the updated policy document and asked what will happen with cases of this nature in the meantime while those documents were being drafted.

Ms. Coffey stated that particular policy was not a strong policy and not something that would be referred to on a project by project basis therefore, it would not cause issues with upcoming items if that policy were deleted at this time. She stated the language could be left in the policy document until the guidelines and preservation documents were adopted. Ms. Coffey stated things that were currently being worked on or that had not been addressed would remain in the policy document until the information was adopted in some other formal document. Chairperson Oliver stated she was concerned because the policy and the fine tuning ordinance left the Commission without any language addressing secondary structures. She said if the language addressing garages was removed from the policy document and the preservation ordinance the Commission would be left without language that specifically addressed garages or accessory structures.

Ms. Coffey stated all accessory structures still need a certificate of appropriateness. She noted that in staff is asking the Commission if a garage meets all of the design guideline standards and is in line with an allowable size identified in the zoning ordinance, but may be is larger than the size allowed by the policy document for administrative approval is it okay to administratively approve the larger garage if it met all of the design guidelines.

Chairperson Oliver stated it was not so much the square footage issue, but the fact that language regarding new construction other than that of a primary dwelling was not included in either document.

Ms. Coffey asked if it was understood that a certificate of appropriateness was required for all projects.

Chairperson Oliver stated she understood that, but there were no criteria for it to meet with the way the policy was written.

Ms. Coffey stated accessory structures were addressed in the design guidelines.

Chairperson Oliver stated maybe when the fine tuning document was addressed her question could be answered. She stated on page 9, regarding photographic evidence for demolished properties, would it be wise to include digital photography to reflect the SHIPO standards.

Ms. Coffey stated that digital photography could be included in the language. She suggested that all of the language relating to recordation could mimic what is required by the State Historic Preservation Office and add it to the Ordinance, rather than having it in the policy document.

Commissioner Harding moved to approve the changes to the Historic Landmark Commission Policy Document. Commissioner James seconded the motion. Commissioners Hart, Harding, James, Bevins, Davis and Funk voted "Aye". The motion passed with a 6-0 vote. Chairperson, Anne Oliver did not vote.

REPORT OF THE CHAIR OR VICE CHAIR [5:45:08 PM](#)

Chairperson Oliver and Vice Chairperson Hart noted they had nothing to report.

APPROVAL OF SEPTEMBER 1, 2011 and SEPTEMBER 15, 2011 MINUTES [5:45:31 PM](#)

Commissioner James moved to approve the minutes of September 1, 2011. Commissioner Davis seconded the motion. Commissioners Bevins, Davis, Funk, James, and Harding voted Aye. Commissioner Hart abstained from voting. The motion passed with a 5-0 vote. Chairperson, Anne Oliver did not vote.

Commissioner Harding moved to approve the minutes of September 15, 2011. Commissioner Funk seconded the motion. Commissioners Harding, Davis and Funk voted Aye. Commissioner's Hart, James and Bevins abstained from voting. The motion passed with a 3-0 vote. Chairperson, Anne Oliver did not vote.

PUBLIC COMMENTS [5:46:59 PM](#)

Chairperson Oliver asked if there was anyone in the audience who would like to address the Commission regarding preservation or the work of the Historic Landmark Commission in Salt Lake City that did not pertain to any of the agenda items.

Ms. Cindy Cromer, resident, explained a year ago she reported how nicely a synthetic fence on the corner of Hillside and State Street had turned out and suggested for Commissioners to look at the fencing located on the north and west sides of the Tracy Aviary. Ms. Cromer stated the fence was referred to as Omega Fencing which was transparent and high-tech.

PUBLIC HEARINGS [5:48:21 PM](#)

PLNHLC2011-00503 Avenues Parking Structure Replacement – A request by Zion's Bank Corp. for design approval of a new parking structure located at approximately 378 First Avenue, to replace the existing one on site.

Mr. Ray Milliner, Principle Planner, reviewed the project as outlined in the Staff Report. He stated it was Staff's recommendation that the Historic Landmark Commission approve the replacement of the parking garage based primarily on the finding that the impact to the neighborhood would not

be great because the impacts of the garage currently existed and the garage was to remain relatively the same.

The Applicant stated he had no further comments.

PUBLIC HEARING [5:50:58 PM](#)

Chairperson Oliver opened the Public Hearing

Mr. James Mahoon, 389 1st Ave, asked what the plan for parking during construction was.

Mr. Eric Storey, Zion's Bank, stated currently the parking structure was not filled everyday therefore, it was deemed unnecessary for alternative parking for every stall. He explained they were in the process of exploring the available options and he did not have an exact address of where the cars would be parked during construction. Mr. Storey explained some of the tenants of the building were relocating in the spring before the construction was planned which would lessen the number of vehicles in the area as well. He explained there was a lot to the South of the property that they were looking to use.

Chairperson Oliver asked the length of time for the construction.

Mr. Storey explained it would be roughly three to four months.

[5:54:12 PM](#)

Chairperson Oliver asked for any other public comment, hearing none the Public Hearing was closed.

EXECUTIVE SESSION [5:54:17 PM](#)

Commissioner James explained the different elements of the current parking structure to the proposed structure that he felt were of value in terms of Urban Design and how the structure fit into the neighborhood. He stated first there was a screen that created the sense that the parking structure was a building and not hovering in the air as well as created a sense of enclosure. Commissioner James stated those attributes created a more comfortable edge to walk along. He stated second the color in combination with the trees and the hedges made the parking garage secondary in the space. Commissioner James said if those features were replaced the parking feel itself would become more prominent.

Chairperson Oliver asked what Commissioner James meant by a screen.

Commissioner James stated it was the perforated block wall that screened the gap in the floors of the parking structure. He said he could understand why the applicant wouldn't want to build it that way, because of the issues with plowing and such, but what the masonry did was ground it in the context of the Avenues where there are brick walls. Commissioner James stated what the new construction was proposing to do, in a sense, was erode an element of place already intact although the structure was not a contributing structure it still had elements that worked in favor with the district. He asked what the lighting plans were for the new structure.

The Applicant explained lighting was planned for the upper level of the parking structure.

Commissioner James asked for clarification on what the Applicant's perspective was regarding how prominent the deck feature would be in the landscape, their view on screening and the replacement of the hedge that helped ground the structure.

Chairperson Oliver invited the Applicant to comment.

Mr. J. Lems, Architect, stated they had addressed similar points when designing the structure. He stated it was decided to omit the screening for safety concerns. He said the lower level had a tendency to be dark and somewhat obscured. Mr. Lems stated the reasons for not using the brick in the new design were due to the deterioration of the current brick and the challenge of removing snow from the lot without damaging the structure. He explained the plans did not show the current vegetation that would remain with the new structure. Mr. Lems reviewed the lighting that was proposed for the new structure.

Commissioner Bevins asked about the hedge along the side of the parking structure and if it would remain.

Mr. Lems stated yes, it would remain and although some of it may be disturbed during construction it would be replaced.

Commissioner James asked if there were any safety events that needed to be managed at the location or was the plan to stop that before it happened.

Mr. Lems stated he was not aware of any events and it was to address the potential of something happening.

Commissioner James stated the current screen was see through but still served a function of separating and screening parking which is a general theme in similar districts.

Commissioner Davis stated the one public comment, received by the Commission, from an adjacent property owner was regarding the height of the structure and the condition of the alley. He said the height was not an issue since the structure would not be any taller than it was currently.

Mr. Lems stated the alley was privately owned, but by whom they did not know. He explained the width of the alley and stated he did not know what the current maintenance requirements for the alley were.

EXECUTIVE SESSION [6:03:42 PM](#)

Commissioner Harding made a motion in the case of PLNHLC2011-00503 that the Historic Landmark Commission grants the petition with the following conditions of approval:

- 1. The applicant will receive all necessary building permits and approvals prior to the commencement of construction.**
- 2. The new building shall have the same footprint as the old building**
- 3. And this motion would be based upon the staff analysis and the finding and conclusions it made. It was also noted that the approval is based on the findings**

that all conditions of approval from the March 20, 1978 Board of Adjustment approval will continue to apply...

Commissioner Bevins asked if requirements for landscaping could be added.

Chairperson Oliver asked if a second to the motion was required prior to amending the motion.

Mr. Paul Nielson, Salt Lake City Attorney, stated it was fine to discuss the motion without a second.

Commissioner Bevins asked Commissioner Harding if she would add landscaping requirements along 1st Avenue.

Commissioner Harding clarified that a requirement for all existing landscaping be kept or replaced would be added to the motion.

Commissioner Bevins stated that was correct.

Commissioner Harding agreed to the addition.

Commissioner Funk stated her concern with the finish of the structure. She would like some consideration given to the material and the way the building will be finished. She stated she felt the finish should be something desirable for the neighborhood to see especially on the east wall and language should be added to the motion.

Commissioner Harding asked if Commissioner Funk would like her to add that the materials would be left to be approved by Staff.

Commissioner Funk stated she would agree to that.

Commissioner Hart asked if Commissioner Funk would agree to Staff approving the materials as requested...

Commissioner Davis stated the materials were already Staff approved.

Commissioner Hart stated that meant the materials would be concrete and not brick.

Commissioner Funk stated she would propose that it be something more decorative than concrete and asked if it was possible to have a decorative concrete, either colored or stamped so there was some design on the wall rather than a smooth finished concrete.

Commissioner Harding stated the Commission could add that the materials would be left to the discretion of Staff after considering the Commission's comments.

Commissioner Funk seconded the motion with the amendments.

Chairperson Oliver asked for discussion regarding the motion.

Commissioner James stated he felt a stamped concrete would be a bad idea.

Commissioner Davis asked about colored concrete.

Commissioner James stated the proposed architectural concrete generally had a pretty nice finish and to stamp it to look like something it wasn't could be problematic. He felt there would be something about the concrete in the proposed context that would be new.

Chairperson Oliver stated she liked the concrete and didn't think it needed stamped or colored. She stated it was a low wall and an honest expression of what it was. She said the point she was most interested in, was retaining some kind of perforated screen on the "E" Street side so that as the garage was very unobtrusive on the 1st Avenue side on the "E" Street side, when the full height can be seen, it was much more present. She said she felt the idea of screening made it look more like a building and also screened the cars from view.

Commissioner Funk asked what was meant by screening.

The Commission discussed the different types of screening that could be used on the parking structure. They discussed the benefits of having the screen such as creating the look of a building, making the cars less noticeable and overall just making the structure less prominent.

Commissioner Harding asked if the Commission would like to amend the motion further to include a screen with Staff's final approval.

The Commission agreed to the amendment.

Commissioner Harding stated she would further amend the motion to require a screen of some sort to be finalized with Staff.

Commissioner Funk seconded the amendment. She stated she would like to discuss the concrete finish.

Chairperson Oliver clarified the motion stating the parking structure was approved with the conditions listed in the Staff Report, to retain or restore all landscaping, to add a screen on the "E" Street side and to leave the choice of materials to Staff's discretion.

Commissioner Funk stated she would second that motion.

Commissioners Harding, Davis Funk, Hart, James and Bevins voted Aye. The motion passed with a 6-0 vote. Chairperson, Anne Oliver did not vote.

Chairperson Oliver explained that anyone wishing to appeal the decision had 10 days after the record of decision was posted to the website.

[6:14:26 PM](#)

PLNHLC2011-00417 Smith's #94 Fuel Center – A request by Jeff Randall of Great Basin Engineering South for construction of a new Smith's fuel center located at approximately 479 South 600 East.

Ms. Maryann Pickering, Principal Planner, reviewed the application as presented in the Staff Report. She explained the proposal needed a Certificate of Appropriateness because it was new construction in a historic district. She reviewed the plans, purpose of the layout and operation of the site as stated in the Staff Report. Ms. Pickering stated a Community Council meeting and an Open House had been held regarding the petition. She stated two emails had been received and passed on to the Commission, opposing the project. She stated a hearing with the Planning Commission was also required due to the requirement of a planning development permit. Ms. Pickering reviewed the three standards that had not been met for the planning development permit which were setbacks on the corner, the fifteen foot landscaping setback and the awning encroachment. She explained the standards could be modified by the Planning Commission. Ms. Pickering stated it was Staff's recommendation to forward the petition to the Planning Commission with a favorable vote.

Commissioner Hart asked about the location of the pedestrian walkways on the site.

Ms. Pickering reviewed the path at the corner of the lot.

Commissioner Hart asked if the one car stall on the north east corner was all that was required.

Ms. Pickering stated yes, it was the required one stall.

Commissioner Hart stated Commissioner Funk had expressed some concern over only having the one stall, but it looked like there was plenty of parking and the Applicant was just not planning to paint the lines.

Ms. Pickering stated that was correct and in the Zoning Ordinance parking was not required for gasoline stations unless there was a convenience store.

Commissioner Funk asked about the entrance to the restroom from the public right of way.

Ms. Pickering explained the restroom had a screen wall that blocked it from the sidewalk.

Commissioner James asked how a standard was applied to something that was not fundamentally a building.

Ms. Pickering stated it was difficult because it was not a typical building. She explained the way service stations had evolved over the years and why it was determined that putting it on an angle was the best way to meet the standards and needs on the property.

Commissioner James stated it seemed like the angle was directly counter to the standard because the standard stated buildings should have the same side orientation.

Ms. Pickering stated yes that was the standard but what was proposed was the best design in order to make the circulation on site work, because if it were straight with the sidewalk it would be difficult for fuel trucks to enter, unload the fuel safely and exit the property.

Commissioner Davis asked if other service stations on the block had a difficulty with delivery trucks. He stated he was trying to understand the layout of the site and wondered if there was an outcome the Applicant was looking for that would not occur otherwise.

Ms. Pickering stated the Applicant had been working on the project for several years and in previous meetings with the City there was discussion about putting the building back further to allow for setbacks but the current plan was the best way to accommodate internal circulation.

Ms. Lesa Bridge, Director of Real-estate for Smith's, reviewed the layout and reasons for the present configuration. She explained it was for the best use of the property and to get the best financial results. Ms. Bridge explained Smith's did not own the property where the Smith's Marketplace store was located. She explained it was owned by another entity and therefore it was not available for Smith's to have a fuel center on the property.

Ms. Nikki Anderson, Great Basin Engineering, explained the reason for the layout was mainly for truck circulation and trying to make sure activities on the site were safe. She presented samples of the materials that would be used on the building and drawings of the layout of the facility.

Commissioner Davis asked if any consideration had been given to alternative fuel being sold at the location in the future. He said it would be in the City's best interest when looking at fuel centers to look at more than just diesel and gasoline.

Ms. Bridge explained Smith's intentions was to have those type of fuels available but it would require a contract with Questar Gas, who did not have the budget for a station at the proposed location.

Chairperson Oliver stated there had been public comment regarding why the proposed location was chosen over other possible locations.

Ms. Bridge explained Smith's did not own the property where the food center was located and had looked at the opportunity to locate a fuel center on site but there was not space to do so. She explained the property owner did not want the fuel center on site because it would take up parking. Ms. Bridge explained Kroger would like to see a fuel station at every store regardless if it was within a short distance from others to keep the one stop shopping experience.

[6:36:11 PM](#)

Chairperson Oliver opened the Public Hearing.

Ms. Cindy Cromer, resident, stated she was delighted to hear Smith's was making a commitment to negotiate a charging station on the site of the Smith's Marketplace and to engineer the canopy to allow the placement of solar energy collectors in the future. She explained Smith's had done similar things in other locations as well and she felt it was a move in the right direction. Ms.

Cromer stated she did not see how the Commission could guarantee this would happen and that they didn't have the authority to make it a condition of approval.

Mr. Spencer Vriens, Ensign Wholesale Floral and Modern Display, stated the sidewalk on the corner not being accessible to pedestrian traffic was a concern. He said he felt this was a flaw in the area and explained the public transportation routes along the street would lead people to walk that section of sidewalk, but if a sidewalk along the fuel center was not available people would have to cross the street and then cross back to get to Trolley Square which was not good for pedestrian traffic flow. Mr. Vriens stated there were other gas stations on the block and he didn't understand why another gas station was needed. He stated the companies he was representing opposed the gas station but if it were approved he would recommend the reconfiguration of the sidewalk along the area to allow direct access to Trolley Square.

Chairperson Oliver stated Mr. Joel Paterson, Planning Manager, pointed out that the sidewalk did run all the way through along the street frontage of the proposed gas station.

Mr. Vriens stated he felt the gas station accommodated cars in the area and not pedestrians. He reiterated there are other gas stations in the area, another one was not needed.

Chairperson Oliver closed the Public Hearing

EXECUTIVE SESSION [6:40:17 PM](#)

Commissioner Funk stated she was concerned about the way the facility was proposed to be built and it did not meet the setback or landscaping standards. She said it was in a historic district and the gas station should fit with the rest of the block. Commissioner Funk stated she agreed with Commissioner James regarding the alignment of the station being parallel to the street and not on an angle. She said if it did not work for the Applicant to make the change then the Commission did not necessarily need to accommodate it if it didn't fit in with the neighborhood. Commissioner Funk said the canopy also reached almost to the street and she felt it was undesirable for a pedestrian walkway.

Commissioner James stated the petition showed a specific reference to try to fit in. He said he felt the addition of the wall along the right-of-way made a direct reference to Trolley Square with the use of brick and metal diagonal lines along the posts. He stated that the design was awkward at best, in terms of how it works architecturally. Commissioner James said it was a challenge because it was not a real building and was not addressed in the standards. He stated that applying the standards fundamentally would be a challenge and fairly compromising. Commissioner James reviewed the architectural aspects of the project and asked if the canopy could be oriented in combination with the wall to reinforce the existing pattern.

Ms. Bridge asked for clarification regarding what was meant by reinforcing the existing pattern.

Commissioner James stated it was the buildings relationship to the street. He said the proposed building was fundamentally a non-building, trying to be built based on truck transportation and as a result created awkward conditions. He said constructing the fuel center with the small kiosk located diagonally at the corner and wrapped by a stone wall, had no relationship with the existing

neighborhood. Commissioner James read the standards required for the building and stated none of them were being met.

Chairperson Oliver stated she agreed and felt it could be an interesting building. She suggested instead of referencing the domestic part of Trolley Square the canopy could reference the engineering aspect. Chairperson Oliver gave examples of how the canopy could be more of a factory looking canopy or another theme other than the domestic architecture. She stated the orientation was not a problem in her opinion. She said she liked the way the solid building mass was placed at the corner and therefore, anchored the corner. Chairperson Oliver said if the building was placed any other way the corner orientation would be lost. She said her issues with the design were the use of the weathered brick, the attempt to make it look like a un-gas station when it was a gas station and it was an engineering facility rather than a house or a apartment building.

Commissioner James questioned if the landscape contributed to the issues. He explained many urban gas stations had hardscape corners. He said with the landscaping it made it seem as though the gas station was not on a busy intersection.

Ms. Bridge stated they were not married to the design of the building and would be willing to work with the Commission to make any needed adjustments.

Commissioner Davis stated there are other gas stations in the area and asked if it was appropriate to add another one.

Commissioner James stated that was part of the question he had as well as how it worked in the context of the historic district.

Commissioner Davis stated it was interesting how the block worked in the historic district. It was his opinion that it was another building and it matched what was all ready in place.

Commissioner James stated it was not whether or not it was a new or old building, it was the point that there are places people feel comfortable circulating through on foot and places they don't. He said, on a significant corner it was important to keep the character of the district, make sure plans supported the area and do not erode it.

Chairperson Oliver stated it was important to keep in mind that the Commission could not change the use.

Commissioner James stated he knew it was irrelevant and a separate subject but how was it relevant to apply the traditional historic preservation standard to something that was not of historic value.

Chairperson Oliver stated she thought anything could be designed within the historic preservation standards. She said a project could focus on the idea that the building should be a product of its own time. Chairperson Oliver said it was not a brick house or Trolley Square it was a modern gas station.

Commissioner James stated it was in contest that it should be sensitive.

Chairperson Oliver stated yes but context was not using brick to make the building fit in, it was that the mass and scale should be as sensitive as possible. She said the canopy could be diminished to make it exciting and fit in better.

Commissioner James stated with the rotated setback the landscaping intuitively felt like the wrong response.

Chairperson Oliver said another thing to keep in mind, as far as the landscaping, was that 600 East was somewhat of a park street so there was some general softening.

Commissioner Harding stated she agreed that the canopy was the major issue and wondered if it would be something good for an Architectural Subcommittee to address.

Commissioner Funk asked why the landscape requirements in the front were being ignored, to make the gas station work. She said she felt the fifteen foot setback on the corner was a critical issue.

Mr. Paterson stated the Applicant was trying to address the other buildings on the block, all of which come out to the side walk. He explained the Applicant was trying to respond to other development in the area, particularly this block, by providing a presence along the property line and to anchor the corner with a building instead of pushing the structures back away from the property line.

Commissioner Funk stated because the development was so different from anything else on the block, she felt the landscape requirements were necessary.

Mr. Paterson stated the application was subject to the planned development process and the landscaping modification would be one of the requests the Planning Commission would consider.

Commissioner Davis asked how the Commission felt about the facility putting its back to the corner where urban design logic would say to face the corner.

Chairperson Oliver stated she was fine with it because of what as she said before that the solid mass was on the corner where it should be. She said if the little kiosk was on the back side of the lot there would be an open pavilion and, in a sense, another empty corner. She gave the examples of the parking garage on the Southeast corner and the parking lot on the Northwest corner and stated changing the building location would cause a vacant intersection with no buildings. Chairperson Oliver said it may not be much of a building but she was in favor of it.

Commissioner Davis stated the observation of trying to apply the standards to a structure that the standards were never intended to apply to was interesting. He asked would it disqualify the structure or should the standards be applied to something that they weren't designed for.

Commissioner Davis stated the role of the Commission was to apply the standards and if the building functionally couldn't meet the standard the project would not be approved.

Chairperson Oliver stated it would be more appropriately addressed under commercial design guidelines. She asked if gas stations were address in the up and coming design guidelines.

Mr. Paterson stated the new guidelines did not specifically address gas stations.

Chairperson Oliver stated it may be something to add due to issues such as the one being discussed, that was why the process for the guidelines started.

Mr. Paterson stated that even if the commercial guidelines were adopted and contained such information, the Commission would have to make a decision based on the standards in the Zoning Ordinance. Mr. Paterson said the project was subject to the new construction standards and any new construction of a principal use on the site would be subject to those standards regardless of the type of business.

Commissioner Davis stated the question was very good but was just a little awkward.

Commissioner James stated he didn't think the proposed design met any of the standards. He stated that it is not the role of the Commission to make exceptions but to actually interpret the standards. Commissioner James stated again that he did not think the proposed structure could be classified as a building.

Commissioner Davis stated if it was not a building then it did not have hope of ever being approved because every standard referenced a building.

Commissioner James stated that that was the dilemma; the standards didn't apply and the Commission shouldn't make an exception or ignore the standards because the project didn't fit in them.

Commissioner Bevins stated by definition a gas station was allowed in under the Zoning Ordinance. He asked what kind of gas station could be there under the standards.

Commissioner James stated one that met the standards.

Commissioner Bevins asked if there was one that would.

Commissioner Funk stated yes, one with a building.

Commissioner James stated it would have to be innovating, a new gas station prototype.

Commissioner Bevin asked what if it was not called a gas station but a fueling center.

Commissioner James stated fueling stations are evolving to be non-convenient stores so maybe there was a different model.

Ms. Coffey read the language in the ordinance regarding structures and buildings. She said it was the Commission's purview to determine whether the proposal met the standards in the ordinance. Ms. Coffey stated it had been said that there are no guidelines yet, but if the project was found to meet the ordinance standards a decision based on those standards could be made whether it was all

the standards of just some of them. She stated it was not a question of not taking action, the action could be to approve, approve with conditions, deny or table it and ask the applicant to make changes addressing certain issues but a decision can be made.

Commissioner Harding said that brought her back to having an Architectural Subcommittee because it sounded to her that a lot of problems were with the angle of the fuel station and how close it was to the sidewalk. She said the applicant had stated they were not married to the particular design, so perhaps it would be helpful to meet with them and to consider other acceptable designs.

Commissioner James stated he agreed with having a subcommittee meeting as well as with Chairperson Oliver about the design because part of the design guideline was to make the gas station a product of its own time and making it look like Trolley Square seemed to be the wrong direction.

Commissioner Funk stated most of Trolley Square was from this time era.

Commissioner James stated something very unique and interesting could be done with the project.

Commissioner Hart said the question was whether it was the Commission's job to do something unique and interesting or was it the Commission's job to try and evaluate the project and see if it met the criteria.

Chairperson Oliver stated before the Applicant was asked if they were willing to work with the Commission on a redesign, the Commission needed to decide if an Architectural Subcommittee would be a useful thing.

Commissioner James stated he thought it would be useful because with Staff involved, it would help the Commission understand the path the project had all ready traveled and the important outcomes. He said he also knew that it was probably hard for someone to anticipate what the feedback would be; a subcommittee would allow for feedback in real time, and therefore, it would be useful.

Chairperson Oliver asked who would like to be on the Architectural Subcommittee.

Commissioner Hart stated she felt a subcommittee was not necessary.

Chairperson Oliver invited the Applicant forward and asked if they were willing to entertain such a notion. She said the debate was how to make the design coincide best with the design guidelines and be a product of its own time. She asked the Applicant if they would be willing to participate.

Ms. Bridge stated they were willing to work with the Commission. She explained that Smith's has a contract to purchase the site that includes a timeline for project approval that she was concerned about.

Chairperson Oliver stated normally the Subcommittee would meet within the next several weeks and the project would then be addressed at the November 3rd meeting.

Ms. Bridge stated they were willing to work with the Commission.

Ms. Anderson stated they would bring in the different site plans for the fuel center that may help with making a decision.

Chairperson Oliver asked the Applicant to bring past history as well as any thoughts they had after hearing the Commission's discussion and concerns.

Ms. Bridge stated that Smith's developed the site plan using input from the City Staff.

Chairperson Oliver stated the Commission was aware of that and Staff would also come to the subcommittee meeting.

Ms. Anderson asked for clarification that there would be a work session and then it would come back to another Historic Landmark Commission meeting and then on to the Planning Commission.

Chairperson Oliver stated yes that was correct.

EXECUTIVE SESSION [7:10:33 PM](#)

Commissioner Funk asked if the Applicant was trying to put too much on a lot of this size. She said she understood the Applicant wanted to get the most out of the property but she wondered if it would be an improvement to decrease the size of the station.

Commissioner Davis stated that was something that could be addressed at the Architectural Subcommittee meeting. He said it would also be critical to have turning radius information for the supply trucks in order to help understand circulation needs, as well as any engineering and economic data.

MOTION [7:11:28 PM](#)

Commissioner Harding stated in the case of PLNHLC2011-00417 she moved to table the matter until the November 3, 2011 Historic Landmark Commission meeting to allow the Commission to conduct an Architectural Subcommittee meeting. Commissioner Davis seconded the motion. Commissioners Harding, Davis Funk, Hart, James and Bevins voted Aye. The motion passed with a 6-0 vote. Chairperson, Anne Oliver did not vote.

Ms. Coffey asked which Commissioner would make up the subcommittee.

Chairperson Oliver stated Commissioners James, Davis, Oliver and Bevins would make up the subcommittee and the meeting would need to be held in the next couple of weeks. She stated they would work with Ms. Pickering on a date and time for the meeting.

[7:13:26 PM](#)

PLNHLC2011-00390 Revised Certificate of Appropriateness for Major Alterations – A request by James Carroll, Architect, for major alterations to a single family residence located at approximately 876 East 4th Avenue, Salt Lake City.

Mr. Carl Leith, Senior Planner reviewed the case as presented in the Staff Report. He explained the process the petition had been through and the changes to the front dormer that were approved at the first of September. Mr. Leith reviewed the roof height, pitch and profile which more closely echo the existing building. He stated it was Staff's recommendation for the Historic Landmark Commission to approve the petition as presented.

Mr. James Carroll, Architect, said he hoped the revised elevations spoke for themselves. He reviewed the project design and how the standards were applied helping to achieve the end result. Mr. Carroll stated he felt the project fit in the area not just on the block face but in the neighborhood. He stated it was their intention to make the addition look like it was part of the original home and not just an addition.

Commissioner Davis asked if the Applicant was convinced that the asymmetrical roof lines on the side and rear of the house were all that could be changed.

Mr. Carroll stated that from the front streetscape view the home looked the most normal and from the other directions a person would not see the addition from the street. He explained the original proposal called for were two additional dormers on the backside allowing for height; the roof line was changed and the two dormers eliminated. He said he thought the simpler roof plan helped and did not complicate it as much. Mr. Carroll gave some suggestions that could work on the rear of the home but stated the ultimate goal was to make the addition blend well with the original home.

Commissioner James asked about the second primary gable on the front elevation, it almost looked like a big house was sitting behind the little house. He asked if there was any way to intergraded the gable into the primary roof form.

Mr. Carroll stated that the addition was located significantly behind and that it might not be visible from the street.

Ms. White, home owner, submitted some photos depicting the home and the addition. She stated she did not think the addition would be as visible as the Commission thought.

Commissioner James stated with the view being diminished and the pictures in 2D the full effect was not achievable.

Commissioner Hart clarified the plans for the deck and the actual staircases that should be depicted on the plans.

Mr. Carroll stated there was an existing lower deck and an existing flat roof deck that should have been shown on the upper left elevation. He stated that was an oversight on his part.

Chairperson Oliver asked about the rear and east elevations with the symmetrical gable ends. She stated the little gable end returns accentuated the difference in height without adding much to the design of the building. She said on the front the returns were used to echo the gable end returns over the front door but if the Applicant would be willing to eliminate them on the side she thought it would draw less attention to the asymmetrical gables especially if the roof ridge could not be centered like Commissioner James was suggesting. She asked the Applicant if they were wedded to the returns or if it was something that could be changed.

Mr. Carroll stated the returns could be changed as it was simply trying to carry the affect around the whole structure.

Chairperson Oliver stated she thought it would help resolve the issue a little bit because in old houses there are typically asymmetrical gables but the returns are not part of the language on a side gable.

PUBLIC HEARING [7:27:20 PM](#)

Chairperson Oliver opened the Public Hearing, hearing none she closed the Public Hearing.

EXECUTIVE SESSION [7:27:31 PM](#)

Commissioner Davis stated he thought this was a vast improvement from the last presentation. He stated he still had a little problem with the gable addition being 28 feet from the front of the house.

Chairperson Oliver stated it was a typical problem with having the original little house in the front and a large addition added to the back of the house. She said it was a trade from the last design to the present design because it was adding roof height without completely resolving all the issues.

Commissioner James stated he did not think the additional roof height detrimental and it certainly eliminated some awkward roof forms that were uncharacteristic. He said he still felt there was a solution to rationalize all the roof forms to look like one house instead of two but since the Applicant had approval it couldn't be expected to change.

Commissioner Funk stated that did not mean that suggestions could not be made. She stated some minor things could be incorporated to make it fit in better. Commissioner Funk suggested that the left side of the main gable in the back come down a little making it symmetrical with the other side and if the gable over the window were brought down lower rather than set up so high it seemed that those two things would make the whole thing gel better.

Chairperson Oliver asked if Commissioner Funk meant the left hand double window on the front elevation.

Commissioner Funk pointed out what she was referring to on the over head projector.

Commissioner Hart asked if she was the only one troubled over the increased height.

The other Commissioner's stated they were okay with the added height.

Commissioner Hart stated the design was better, but it was rapidly moving from a somewhat horizontal house to a square. She said she recognized it was set back but stated she was not comfortable with it.

Commissioner James stated he thought a roof pitch was one of the fundamental characteristics that could completely change the architecture of a house to a completely different era. He said he

thought when building in a historic district and making modification to the original home there should be a search for harmony between the two. Commissioner James said when he looked at the plans he was a little troubled but he thought it was an improvement over the other one.

Chairperson Oliver stated she agreed and she thought things could be cleaned up a bit, particularly because she thought they were doing things that the Commission asked them to do. She said removing the returns would clean up the lines. She stated she agreed with Commissioner Funk about the front dormers because they were so different and would look better with the suggested changes. She said a few small tweaks would make it a great solution.

Commissioner Funk stated in the case of PLNHLC2011-00390 she moved for the Historic Landmark Commission grant approval as requested based on the Staff Report and with the request that the Applicant meet with Staff again on the final design to incorporate the comments as discussed at the meeting. Commissioner James seconded the motion.

Commissioner Harding asked if the language referring to the increase in roof height was justified in the interest of design which was compatible with the buildings in its context.

Mr. Paterson stated that was one of the findings that Staff would make and if the motion referred to the findings in the staff report it was not necessary to specifically add it.

Commissioners Harding, Davis Funk, Hart, James and Bevins voted Aye. The motion passed with a 6-0 vote. Chairperson, Anne Oliver did not vote.

[7:38:50 PM](#)

PLNPCM2011-00470: Fine Tuning Historic Preservation Ordinance- A request by Salt Lake City Mayor Ralph Becker to improve the clarity of the language relating to the Historic Overlay Ordinance. In addition the Petition will codify applicable sections of the Historic Landmark Commission "Policy Document," revise requirements of the members of the Historic Landmark Commission, increase the term limits of members, and grant the Historic Landmark Commission authority to approve signs, modify bulk and lot regulations of the underlying zoning where it is found that conforming to the underlying zoning would not be compatible with the historic district. It will also address several minor fine tuning text amendments in various sections of Title 21A that reference the historic overlay. Related provisions of Title 21A-Zoning may also be amended as part of this petition; the changes would apply citywide if adopted by the City Council.

Ms. Michaela Oktay, Principal Planner, reviewed the need for fine tuning the ordinance and the purpose of the fine tuning to make the code easier to use and easier to understand. She reviewed the changes to the code as stated in the Staff Report and explained the benefits of making the needed changes. Ms. Oktay stated there was an email sent in from Kirk Huffaker, Executive Director of the Utah Heritage Foundation that instigated a proposed change on Page 18 of the proposed ordinance under M2 to spell out the words Utah Heritage Foundation to make sure the proper name was represented. She stated it was Staff's recommendation for the Historic Landmark Commission to transmit a favorable recommendation to the Planning Commission.

PUBLIC HEARING [7:42:51 PM](#)

Chairperson Oliver opened the Public Hearing.

Ms. Cindy Cromer, Resident, stated under membership she would recommend shortening the length of time individuals are appointed to the Commission. She said she felt it was critical to have an architect in the room at every meeting therefore; it would not be wise to reduce the number of architects on the Commission. She said she thought it was critical for someone to understand the nexus between code requirements, the ordinance and structures. Ms. Cromer stated it would be more beneficial to have more architects than fewer. She explained that as proposed in the draft ordinance, she would not be qualified to serve on the Commission because she did not have that professional experience in the areas required. She stated it would probably benefit the Commission to change the wording in that section.

Commissioner Hart stated the number of architects was actually the only thing that didn't get reduced.

Chairperson Oliver stated the words preservation advocates could be added to the qualifications. She closed the Public Hearing. [7:46:38 PM](#)

EXECUTIVE SESSION[7:46:40 PM](#)

Chairperson Oliver stated as a general large scale comment relating to formatting, Historic Landmark Commission, Planning Director and Planning Commission are lower case and because they are proper nouns they should be capitalized. She stated the other huge comment was that the terminology needed to be standardized. She said the word building was almost never used, the word site was used interchangeably with structure and it became very confusing. She said it was her suggestion to take the Secretary of Interiors definitions and use those consistently throughout the document so the Commission never had to refer to things as a contributing structure anymore because the structures that were being considered like the gas station was not a structure. She said a structure was really something like a fence. It was something that people did not live in, where as a building was. Chairperson Oliver suggested calling them contributing properties maybe instead of contributing structures. She said the whole document was a mishmash use of those terms. She said she thought it would really help to make the document easier to use and understand.

Commissioner James stated as he read through it the general logic seemed to make sense. He said he didn't have anything specific to address because it read well and made sense. He agreed with the comments regarding the structure language being changed.

The Commission discussed the document page by page asking questions and suggesting the following changes or modifications to the document:

Page 1. (of the ordinance) B. 1 & 2, would it become the Planning Staff's responsibility to conduct surveys and petition for designation. It was answered that the responsibility would basically be the City as administered by the Planning Division.

All advocacy language had been removed from the document. Staff explained that the issue was that the Historic Landmark Commission is a regulatory body and it is hard for members to be advocates and regulators at the same time. Staff explained that it was the same issue that the State Preservation Office staff have raised about the difficulty they have when asked to be an advocate.

The role of an advocate was the main purpose of the Utah Heritage Foundation, Community Councils and other people who support historic preservation. Furthermore, the preservation plan, once adopted, can help set policies for educating and informing those individuals. The Staff identified an example to help explain the issue. If the Commission as a whole stated they are against demolishing historic structures, then it creates a perception that when they have to rule on a demolition application they will be biased.

The Commission discussed the ability of the Commission to make an application for new historic district and who would be the petitioner in those cases. Staff explained that at this time, the Planning Commission, City Council, Mayor or property owners can initiate the petition but there is a current petition that would limit that to just the City Council, Mayor or a property owner. The job of the Landmark Commission should be to review the petition and determine if it meets the standards. It was decided that the Preservation Plan would help to clarify the issues raised.

The Commission decided to accept the proposed changes with the knowledge that the Preservation Plan would cover the items in question.

Page 2 new item number 7- The ordinance identifies one of the Historic Landmark Commission's duties is to make recommendations to the Planning Commission regarding the preparation of a general plan of the City. The Utah Heritage Foundation commented that it would also be a good idea for the Historic Landmark Commission to make recommendations on all other planning documents such as area plans, neighborhood plans and anything other than just the general plans. The Commission and Staff discussed if the statement was correct. It was determined that the general plan includes area plans, neighborhood plans, etc and therefore the verbiage did not need to be changed.

D and E-Membership and Qualifications of Members Some commissioners noted that the verbiage that the Commission would have a balanced geographic professional neighborhood and community interests was vague. It was suggested that the members consist of three or four members from different districts but that not all the districts would need to be represented all at once. Some commissioners voice support to retain the requirement of having a representative from the Utah Heritage Foundation and State History. It was decided that the requirement to have the representatives from the Utah Heritage Foundation, AIA and State History was not necessary but having people on the Commission who live in the historic districts is important.

The Commission discussed the number of appointed Commissioners and what was the ideal number is to ensure a quorum at the meetings. The Commission decided 11 Commissioners would be an ideal number to help with quorums. It was suggested that the Commission strongly encourage that representation come from the historic districts. . It was stated that the critical issue was that the members of the Commission have the knowledge, experience and interest in historic preservation. The Commission discussed where people could be recruited from to become members of the Commission and changing the ordinance to not specifically require a member of those groups to be involved. The qualifications of individuals being recruited as potential Commissioners was discussed and decided the word professional needed to be stricken and the language changed to make it possible for people who may not be licensed but would still have good insight should be included. They also noted that architects do not necessarily need to be licensed to be appropriate members. The Commission also requested that members could be from the urban planning and the legal fields as well as generic language relating to allied fields.

H- Record of Proceedings. Regarding the length of time an audio tape was kept on file. The Commission and Staff talked about the actual length of time the audio tapes were kept. Staff was proposing to eliminate the language 60 days and instead rely on the Government Records and Management Act (GRAMA) requirements which are requirements imposed by State Law. The policy of the Planning Department was to keep the audio tapes indefinitely and the language should reflect the policy.

K (former) - Conflicts of Interest. Some commissioners asked why this language about requiring a member that had a conflict of interest to leave the room was stricken. It was explained that a Commissioner may be representing the property or petition and therefore may need to remain in the room for the case. Staff noted that if Commissioners were prohibited from representing applicants, it may be difficult to recruit architects to serve on the Historic Landmark Commission. However, the Commissioner would not be allowed to vote for or against the item.

Page 4, 21A.34.020B.3- it was suggested to add a little addendum to the very bottom of the page last sentence to read non-contributing structures also include those that are less than 50 years old and that do not otherwise qualify as contributing structures based on the criteria outlined in subsection C2.

Page 5 21A.34.020.5 New Construction The interchangeable use of the words building and structure are the reason cases such as the request for a new gas station heard early tonight are so confusing. The language relating to structures and buildings should be standardized for clarity. Staff will check with the ordinance and clarify the language.

Page 6 21A.34.020 C 2 a.b. and c. Criteria for Designation The word “or” should not be substituted for the word “and” in this section. For designation purposes, the property must meet all three criteria. It was agreed that the word and should not be replaced with or.

Page 8 21A.34.020 F1.a.3 (Procedure for Issuance of Certificate of Appropriateness- Regarding administrative decisions, if staff can administratively approve substantial alterations that will not have a negative impact on a contributing structure or Landmark Site, then all of the cases could be approved by staff and the Commission would only see those cases that do not meet the criteria. The Commission discussed what Administrative Decisions currently cover and what would be included if the language was approved. Staff explained they were trying to operate under the philosophy that if something met all the standards of approval it should be easy to get approved. If something was questionable or it was not thought to meet the standards then it should be harder to get an approval. The Commission discussed the pros and cons of allowing Staff to make decisions on substantial alterations and questioned the Commission’s role if staff was making all of the decisions. The Commission made comments that there is a lot of interpretation and subjectivity in reviewing preservation cases and that it was best if decisions on substantial changes were left to the Commission. The Commission was not supportive of changing the language to allow staff the authority to administratively approve substantial changes that will not negatively impact a contributing structure. **Page 9-last red line-** 21A.34.020 F2.a.5**Appeal of Administrative Decisions by the Applicant** Some commissioners wondered where an appeal of an administrative decision by the applicant would go if not to the Historic Landmark Commission. Staff explained that the issue was the word appeal. In practice, staff does not deny applications. Where staff finds that a project cannot be approved administratively, they will require it to go to the Historic Landmark Commission for review and approval. The idea that an applicant would

have to appeal a staff decision is somewhat adversarial and Staff would like to have a more positive approach to application reviews.

Page 12- 10.a- Commission asked for clarification on why the word aluminum was crossed out and then re-added. Staff explained that it was to put the items in alphabetical order. It was asked whether the language relating to any other imitation siding material designed to look like wood was struck out because now such materials do exist that are approved. Staff answered yes that was exactly why the language was struck out

There was a discussion about the Economic Hardship verbiage in the ordinance. Staff explained that this petition related to Fine Tuning and that it did not include making substantive changes to the ordinance. Staff indicated that a petition to revamp the demolition regulations, including the provisions for Economic Hardship will be addressed in a future petition. Staff also indicated that the subject could not be addressed because proper notification relating to economic hardship had not been made.

Chairperson Oliver asked for a motion.

Commissioner Harding asked if a motion was required at that time due to the language of Economic Hardship needing to be addressed.

Chairperson Oliver stated that t a motion could be made to approve the document and the issue of Economic Hardship would be reviewed at a later date. She stated the petition notified for the meeting referred to fine tuning and not the extensive changes that would be required if the regulations for Economic Hardship were recommended for change.

Commissioner Harding stated Economic Hardship was part of the document and it would make sense to send it all together.

Ms. Coffey stated that Staff is aware that other substantive changes should be made to the ordinance. Staff would come back to the Commission at a later time to discuss those changes. She stated the current petition is to address fine tuning changes to the ordinance and staff would like the Commission to make a recommendation now on those proposed changes.

Commissioner Hart asked to clarify on Page 8 F.3 that Administrative Decisions would not include the substantial alterations. She stated as long as that was stricken she was ok with the rest of the document as well as the other suggested changes.

MOTION

Commissioner James stated in regards to PLNPCM2011-470 Fine Tuning Historic Preservation Ordinance he motioned for the Historic Landmark Commission to transmit a favorable recommendation to the Planning Commission to forward a positive recommendation to the City Council to adopt the proposed fine tuning changes to the Zoning Ordinance as it relates to the City Historic program but also to include the various details set forth through the discussion.

Commissioner Hart asked for page 8 F.1.3 to be specifically noted as a change that there would be no administrative approval on substantial alterations

Commissioner James withdrew his motion

MOTION [9:20:20 PM](#)

Commissioner Harding moved in the case of PLNPCM2011-00470 that the Commission transmit a favorable recommendation to the Planning Commission in accord with the discussion and the proposed changes particularly including the one that Commissioner Hart identified on page 8 section F.1.a.3 was deleted relating to Administrative Approvals of Substantive alterations. Commissioner Hart seconded the motion.

Commissioner James asked if the Commission just didn't want to clarify the language in the mentioned section.

Commissioner Hart stated no she wanted it deleted.

Commissioners Hart, Harding, Funk, Davis, James and Bevins voted Aye. The motion passed with a 6-0 vote. Chairperson Oliver did not vote.

[9:22:27 PM](#)

PLNPCM2011-00473 Conservation Districts – A request by Mayor Ralph Becker to analyze the appropriateness of creating a provision for conservation districts. The proposed ordinance would include a framework and process for creating conservation districts. It would not actually create a district. If adopted, neighborhoods would be able to go through a process for creating a district. The ability to create conservation districts would apply citywide.

Chairperson Oliver recognized Ms. Pickering as staff representative.

Ms. Pickering stated that the draft Preservation Plan identified several tools available to the City as part of the Historic Preservation Program. Some tools are broader, and designed to encourage neighborhood stability. Ms. Pickering stated that Character Conservation districts are one of the tools that are available to staff to do a broader approach, the purpose of a local historic district was to preserve the historic fabric, and the purpose of a Character Conservation district was to preserve the community character.

Ms. Pickering stated that because the two types of districts had different purposes, they would generally have different standards, designation processes and review process. The Character Conservation districts generally had fewer restrictions than a local historic district; the focus would be more on specific character defining features of a neighborhood. They could help preserve and protect the unique and distinctive neighborhood and commercial centers from future development that may be incompatible. The Character Conservation district was intended to supplement the existing zoning regulations and to promote development that enhances the character of the neighborhood.

Ms. Pickering added that Character Conservation districts will focus strictly on exterior improvements to buildings and may include demolition restrictions and new construction standards. Character Conservation districts will not regulate land use.

Ms. Pickering gave a PowerPoint presentation of some of the types of standards that could be regulated.

The draft ordinance did not designate any areas as Character Conservation districts; this would only establish the framework and process for creating new districts.

The process to adopt Character Conservation districts would be similar to that of other types of Zoning Map amendments Ms. Pickering noted that the last section would provide a standard for demolition that would need to be included with each of the adopted districts, including a process for submittal review which could vary greatly between the different districts.

Ms. Pickering stated that this item had been presented at the September 12, 2011 Open House meeting, where several residents who had asked questions but had not submitted formal questions; however, she had since received one email that was in support the Character Conservation districts in theory. Ms. Pickering noted that the issue had been opened on the social networking site, Open City Hall forum, and fifteen comments were noted both in favor and opposition.

Ms Pickering stated that this would be a zoning text amendment and as such would be reviewed based on the standards listed in the staff report. Staff recommends that the Commission forward a positive recommendation to the Planning Commission and the City Council.

COMMISSIONER COMENTS 9:27:04

Commissioner James asked what the fundamental differences were between the local historic districts and Character Conservation districts. He asked what the Character Conservation district would regulate.

Ms. Pickering answered that when each district would be created, it would focus on the features that would be important to that neighborhood.

Commissioner Davis stated that he advocated for conservation districts for several years. He added that the point would not be to preserve historic fabric, but to preserve community character.

Commissioner Hart clarified that conservation was the goal, but character was the parameter.

Ms. Pickering agreed.

Commissioner James stated he thought that definition was too broad.

Commissioner Hart asked if this ordinance was in response to what had happened in the legislature.

Assistant Director Coffey stated that this was an ordinance that could be used in any neighborhood.

Commissioner Hart asked if this was to be used in replacement of other tools.

Assistant Director Coffey replied that it was not, but just another tool that could be used.

Planning Manager Paterson added this would allow people within neighborhoods to protect the character defining features that they believe are essential qualities that define the neighborhood.

Commissioner James asked how one might amend or extinguish a Character Conservation district once the people who established the district were gone.

Planning Manager Paterson replied that property owners would have to petition for a zoning amendment which would be reviewed by the Planning Commission and City Council.

Commissioner Harding inquired about enforcement.

Planning Manager Paterson replied that enforcement would be the same as regular zoning enforcement. A property owner would have to meet the standards of the Character Conservation district to obtain a building permit. If construction was done contrary to the approved plans, zoning enforcement would be required.

Chairperson Oliver discussed the background of Conservation districts and stated that they were used nationally and initially intended to be applied to neighborhoods that did not qualify for historic districts, but still wanted to preserve neighborhood character-defining features.

Attorney Nielson stated that there was a provision in the ordinance that outlined who could apply for a zoning change, he stated he did not think a “group of owners” would qualify.

Commissioner Hart asked if it would be possible to petition a commission or the Planning Division to initiate the petition.

Attorney Nielson stated that he thought that could work.

Commissioner Harding was concerned about the vagueness of the ordinance. She stated that it did not seem that there was any real direction presented.

Chairperson Oliver said that she agreed and wondered if other ordinances in other cities were as vague. Chairperson Oliver inquired if other cities had adopted the same idea and wondered if it was effective.

Ms. Pickering stated that she used a model from a large city with a successful Character Conservation District ordinance. The difference was that the other city allowed the neighborhoods to control the process, whereas the City of Salt Lake would be more in control of the process while still working with the neighborhoods through a series of meetings and collaboration.

Commissioner Stephen stated he was concerned about the qualitative language in the ordinance.

Commissioner Hart asked if when each group writes their own rules, who decides which Commission will review the changes they want to make.

Ms. Pickering stated that it was not in the ordinance but could be added.

Planning Manager Paterson described the City’s appeals process which review bodies could hear appeals.

Assistant Planning Director Coffey stated that there had been an email from the public asking why the Historic Landmark Commission was hearing this ordinance tonight. The answer was that in the end, the Historic Landmark Commission may be the one to review projects in Character Conservation districts. She also mentioned that it is not uncommon for the City to request various advisory boards and review bodies to comment on a Zoning Ordinance amendment prior to review by the Planning Commission and the City Council.

PUBLIC HEARING

Chairperson Oliver summarized four cards from the public.

Karen Morgan, Jon Dewey, Kelly White, and Jen Hemming were all *opposed* to the petition.

The following points were made:

- Concern regarding the 50% owner buy-in requirement, how it would work and how it would be administered.
- Support of a provision to stop demolition in National Historic Districts.
- What would happen when the interested parties left the neighborhood?

James Bennion, 1860 E 900 South spoke in *opposition* to the ordinance. He believes that the building codes should be enough enforcement from the City. He stated he believed that it was another form of a home owners association. He stated it was too broad, and not definitive.

Kelly Marinan asked where the 50% approval number came from.

Lisette Gibson asked what the fee would be. She asked about the public hearing process, and would the projects within Characteristic Conservation districts be reviewed by the Historic Landmark Commission. She was also concerned about the 50% buy-in provision.

Close of Public Hearing

EXECUTIVE SESSION

Chairperson Oliver stated that there would need to be a motion to either transmit a favorable or negative recommendation to the Planning Commission.

Commissioner Hart stated that she felt the 50% requirement was onerous. She referenced paragraph G, page 2, of the draft ordinance. Commissioner Hart stated that the Planning Director could add any additional information necessary for the study and thought this language was too vague.

Commissioner Harding felt that the ordinance was not ready to be forwarded to the Planning Commission.

Commissioner Hart clarified that the 50% approval was only intended as support to initiate the process, not an indication of approval.

Commissioner James was concerned about scale, and wondered if districts could start small and expand.

Commissioner Harding answered that the smallest size of a new district would be a minimum of one block face.

The Commissioners discussed the pros and cons of adopting the ordinance as written. Suggestions were made to lower the buy-in percentage needed for the application submittal, and having a greater buy-in percentage to be demonstrated to continue the process after the standards of review are defined.

Chairperson Oliver asked if the intent was to offer a positive recommendation to the Planning Commission on the idea of the Character Conservation districts, or was it to give a positive recommendation on the ordinance as written.

Planning Manager Paterson stated that the Commission is being asked to make a recommendation regarding the proposed ordinance. If the Commission believes that more work is needed on the draft ordinance, it would be appropriate to provide Staff with direction and table consideration of the petition. Staff would then amend the draft ordinance and offer it to the Commission at a later date.

Commissioner Davis said he was in favor of the idea, but not of the proposed ordinance.

The Commissioners made the following suggestions:

- Be specific on where and when the property owner buy-in is required.
- Enforcement.
- Will the community be part of the design review process?
- Provide options for review and approval processes.
- How will boundaries be determined and defined?

MOTION

Commissioner Funk made the motion in regard to zoning text amendment PLNPCM2011-00473 that the Historic Landmark Commission send the ordinance back to staff for additional work, and forwarding the concept to the Planning Commission for input prior to the Historic Landmark Commission consideration of an amended draft Character Conservation district ordinance. Second by Commissioner Harding.

Vote: Commissioners Hart, Funk, Bevins, James, Harding and Davis all voted “aye”. The motion passed unanimously.

The meeting stood adjourned at 10:11:59 p.m.

Michelle Moeller, Historic Landmark Commission Secretary