

**SALT LAKE CITY  
HISTORIC LANDMARK COMMISSION  
Minutes of the Meeting  
Room 326, 451 South State Street  
August 1, 2013**

A roll is being kept of all who attended the Historic Landmark Commission Meeting. The meeting was called to order at [5:42:38 PM](#). Audio recordings of the Historic Landmark Commission meetings are retained in the Planning Office for an indefinite period of time.

Present for the Historic Landmark Commission meeting were: Chairperson Sheleigh Harding; Vice Chairperson Polly Hart, Earle Bevins III, Arla Funk and Robert McClintic. Commissioners Thomas Brennan, Heather Thuet and Charles Shepherd were excused.

Planning Staff members present at the meeting were: Cheri Coffey, Assistant Planning Director; Joel Paterson, Planning Manager; Janice Lew, Senior Planner; Elizabeth Buehler, Principal Planner; Katia Pace, Principal Planner; Michelle Moeller, Senior Secretary and Paul Neilson, City Attorney.

**FIELD TRIP NOTES:**

A field trip was held prior to the work session. Planning Commissioners present were: Earle Bevins, Arla Funk and Robert McClintic. Staff members in attendance were Joel Paterson, Janice Lew, Katia Pace and Elizabeth Buehler.

The following locations were visited:

- **Newhouse Apartments 644 W North Temple** - Staff gave an overview of the proposal, reviewed the proposed material and the reason behind changing the material from what was approved to the new material.
- **Marmalade Library 300 W 500 N** - Staff gave an overview of the proposal. The Commissioners asked questions about the location of the building on the parcel, entrance locations, setbacks, materials and the use of the current steel over the plaza.
- **McDonalds 242 S 700 E** - Staff gave an overview of the proposal. The Commissioners asked questions about the compatibility of the design with the district and the adjacent residential area.

## **DINNER**

Dinner was served to the Commission and Staff at 5:00 p.m. in room 126 of the Salt Lake City and County Building. A briefing on the Historic Landmark Commission Rules of Procedure was given by Ms. Cheri Coffey, Assistant Planning Director.

## **REPORT OF THE CHAIR OR VICE CHAIR**

Chairperson Harding stated she had nothing to report at this time

Vice Chairperson Hart stated she had nothing to report at this time

## **REPORT OF THE DIRECTOR**

Ms. Cheri Coffey, Assistant Planning Manager stated she had nothing to report at this time.

## **APPROVAL OF THE June 6 and July 18, 2013 MINUTES**

### **MOTION [5:45:57 PM](#)**

Commissioner Bevins moved to approve the minutes of July 18, 2013 with the correction. Commissioner McClintic seconded the motion. The motion passed unanimously.

### **PUBLIC COMMENTS [5:47:01 PM](#)**

Chairperson Harding opened the Public Comment period.

Ms. Mary Mark, resident, reported on the Century Link utility box in the Avenues. She stated it was not appropriate for the area and a better location for the box should be found.

### **PUBLIC HEARINGS [5:49:32 PM](#)**

**Newhouse Apartments New Construction at approximately 540 East 500 South - Strategic Capital Group is requesting approval from the City to amend a previously issued certificate of appropriateness for new construction of a multi-family structure. The applicant wishes to use Stucco rather than Hardie Panel, which was previously approved for portions of the exterior building material. This type of project must be reviewed as New Construction in an historic district. The subject property is within the Central City Historic District and is zoned Residential Office (RO). The property is in Council District 4, represented by Luke Garrott. (Staff contact: Elizabeth Buehler at 801-535-6313 or [elizabeth.buehler@slcgov.com](mailto:elizabeth.buehler@slcgov.com). Case number PLNHLC2012-00538)**

Ms. Elizabeth Buehler, Principal Planner, reviewed the petition as presented in the Staff Report (located in the Case File). She stated Staff was recommending the Historic Landmark Commission approve the petition as presented.

The Commission and Staff discussed the location of the proposed structure. They discussed the rivets that are visible on the proposed material.

Mr. Eric Tuttle, Tuttle & Associates, reviewed the primary building materials allowed in the ordinance and the conflicting language in the Staff Report. He stated the proposed material was durable and a better material than what was originally proposed.

**PUBLIC HEARING [5:55:00 PM](#)**

Chairperson Harding opened the Public Hearing, seeing no one in the audience wished to speak for or against the petition; Chairperson Harding closed the Public Hearing

**DISCUSSION [5:55:24 PM](#)**

The Commission discussed the design of the building and if it needed to be addressed. Staff stated the design was not under consideration as it had all ready been approved.

The Commissioners and Staff discussed the exterior design. The Commission stated they fully support the use of the proposed material for the project.

**MOTION [5:58:29 PM](#)**

**Commissioner McClintic stated consistent with the recommendation regarding PLNHLC2012-00538, based on the analysis and findings listed in the Staff Report, testimony and the evidence presented, He move that the Commission approve the use of stucco on the Newhouse Apartments at 540 East 500 South, with the conditions listed in the Staff Report. Commissioner Funk seconded the motion. The motion passed unanimously.**

**[6:00:13 PM](#)**

**McDonalds New Construction at approximately 242 South 700 East - Darrin Perkes is requesting approval from the City to rebuild the McDonalds restaurant at the above listed address. The property is located in the Central City Historic District and zoned CB Community Business District. This type of project must be reviewed as New Construction in an historic district. The subject property is within Council District 4, represented by Luke Garrott. (Staff contact: Janice Lew at 801-535-7625 or [janice.lew@slcgov.com](mailto:janice.lew@slcgov.com). Case number PLNHLC2013-00499)**

Ms. Janice Lew, Senior Planner reviewed the petition as presented in the Staff Report (located in the Case File). She stated Staff was recommending the Historic Landmark Commission approve the petition as presented.

Chairperson Harding asked Staff to give the Public direction as to whom to contact with enforcement issues. Staff stated the Public could contact Antonio Padilla with Salt Lake City Enforcement.

Mr. Darrin Perkes, Applicant, reviewed the purpose of the recessed door in the area of the play place. He stated the EFIS material was more durable and required less maintenance. Mr. Perkes stated they are willing to work with Staff on other concerns.

The Commission and Applicant discussed how the brick or stucco addressed the ground and the best options for materials. The Commission and Applicant discussed the past problems with the EFIS material and the advancement in the product. They talked about the color of the structure and if the Commission could regulate color.

Mr. Perkes stated the yellow was considered branding and the shade was trademarked. He stated they have worked with the public to address their concerns and are willing to continue working with them.

**PUBLIC HEARING [5:42:38 PM](#)**

Chairperson Harding opened the Public Hearing.

The following persons spoke to the proposal: Ms. Cindy Cromer, Mr. Terry Beever, Kathleen Pardee and Ms. Holly Cash.

The following comments were made:

- Enforcement officers have done a great job helping with this property
- Remaining historic properties on Markea are less viable with the existence of McDonalds right next to them
- Drive thru should never have been approved, was an issue and needed to be relocated on the property
- Location of dumpster next to houses should not be allowed
- Very noisy all hours of the night
- Garbage from the property over spills to neighborhood
- Water and oil flow into neighbor's yards
- Neighborhood has been degraded because of the McDonalds
- Flooding was a constant issue

- Retaining wall was proposed to be raised and would cause more water issues
- Commission should worry about the enforcement issues because the historic nature of the area
- McDonalds has ruined the neighborhood and takes away from the historic nature of the area
- Neighbors should have rights
- Business need to be a good neighbor
- Drainage needs to be addressed especially during the winter
- Traffic needs to be direct to 700 East and not Markea

Chairperson Harding closed the Public Hearing.

Mr. Perkes reviewed the placement of the drive thru speakers that would lessen the noise from the drive thru. He explained how the drainage issues would be addressed with the addition of a new drainage system and the curb on 600 East would keep people from driving in that area. He reviewed the landscaping materials for the property. Mr. Perkes stated the current building was obsolete, worn out and they would like to fix the issues to make everyone happy.

The Commission and Applicant discussed the proposed material for the fence. It was stated and agreed that a masonry fence would best for the area. They discussed the noise and light pollution from the building. It was asked if the speakers could be moved away from the residential area. They discussed the possibility of rearranging the configuration of the building. The Commission and Applicant discussed the access points and how traffic would be addressed. They talked about addressing the acoustics and discussed the approval needed for additional curb cuts. The Commission and Applicant discussed why traffic could not be redirected and the purpose of the site plan.

#### **DISCUSSION [6:47:29 PM](#)**

The Commission and Staff discussed if it was appropriate to require other business to allow access to the subject property and what issues were under the Commissions purview.

Staff stated the standards for new construction related to the design of the structure and the area it was in.

The Commission discussed if brick would be an appropriate material for a fence in the area. They discussed the landscaped buffer between the fence and the drive way. It was agreed that a masonry fence would be appropriate for the area and benefit the neighborhood.

The Commission discussed foundation and agreed constructing it from a material other than the stucco and brick was a plus. They discussed the fifteen foot wall (flagged by Staff in the Staff Report) and if Staff would resolve the issue of breaking up the wall with windows, art or architectural elements.

Staff stated they would address the wall as the Applicant was required by code to meet the standard.

The Commission discussed the EFIS material and if it would be appropriate for the project. It was stated that a type one EFIS would be the best. They discussed the proposed metal roof and the recessed entry, stating they were both appropriate for the project. The Commission agreed updates to the equipment would help with the grease and air pollution. They agreed the proposed changes to the drive thru and the addition of the buffer zone would help with the neighbors concerns.

**MOTION [6:56:56 PM](#)**

**Commissioner Funk stated in regards to PLNHLC2013-00499, based on the analysis and findings listed in the Staff Report, testimony and the proposal presented, she move that the Commission approve the request for new construction at 242 South 700 East. Leaving the final approval of the design to Staff with the direction that the project be given a base course, have a masonry fence, EFIS type 1 material be use on the exterior of the structure and with the conditions listed in the Staff Report. Commissioner McClintic seconded the motion.**

Ms. Coffey clarified that the Applicant preferred a masonry wall but that did not necessarily mean brick.

**Commissioner Funk amended the motion to state the fence be compatible brick.**

**Commissioner McClintic seconded the amendment.**

The Commissioners and Staff discussed the language in the motion regarding the fence material.

**Commissioner Funk amended the motion to state the fence material needs to be compatible with the neighborhood and the Commission allows Staff to approve the final material. Commissioner McClintic seconded the amendment. Commissioner Hart voted "nay". Commissioners Funk, McClintic and Bevins voted "aye". The motion passed 3-1.**

[7:00:58 PM](#)

Mr. Paul Neilson, City Attorney stated he was also the attorney for the library therefore, he needed to recues himself.

**Marmalade Library at approximately 270 West 500 North – Kevin Blalock, on behalf of the Salt Lake City Library System, is requesting approval from the City to develop a new two-story branch library in the Capitol Hill neighborhood. The building size will be approximately 18,690 square feet. The project is conceived as the first phase of a larger public/private development within the Marmalade Block at the above listed address. The property is currently vacant and is zoned Residential Mixed Use (RMU). It is located within the Capitol Hill Historic District. This type of project must be reviewed as New Construction in an historic district. The subject property is within Council District 3, represented by Stan Penfold. (Staff Contact: Katia Pace at (801) 535-6354 or [katia.pace@slcgov.com](mailto:katia.pace@slcgov.com). Case number PLNHLC2013-00505)**

Ms. Katia Pace, Principal Planner reviewed the petition as presented in the Staff Report (located in the case file). She stated it was Staff's recommendation that the Historic Landmark Commission approve the petition as presented.

The Commission and Staff discussed the on street parking, parking in the area and the proposed construction materials.

Mr. Kevin Blalock, Applicant reviewed the process the proposal had gone through and the proposed materials for the project.

The Commission stated the materials were appropriate for the area and very complimentary to the project. They discussed the weathering of the metal, the rust created from the metal and the need to have a collection area to manage the run off from the surfaces. They discussed the placement of the glass stair tower in the center of the library.

**PUBLIC HEARING** [7:24:45 PM](#)

Chairperson Harding opened the Public Hearing.

The following persons spoke to the proposal: Mr. Nephi Kemmethmuller

The following comments were made:

- Building was historically modern
- Library was favorable above all things to have in the neighborhood
- Great addition to the area

Chairperson Harding closed the Public Hearing.

**DISCUSSION** [7:26:29 PM](#)

The Commission stated they liked the design, discussed the amount of handicapped parking stalls required and if pedestrian friendly correctly described the area.

Staff reviewed the future parking that would be constructed in the area.

It was stated that parking was a building code issue not something that could be addressed by the Commission.

**MOTION** [7:29:35 PM](#)

**Commissioner Hart stated regarding PLNHLC2013-00505, from the evidence and testimony presented and pursuant to the plans submitted, she moved that the Historic Landmark Commission approve the request to construct a new two-story library building located at approximately 270 West 500 North based on the findings listed in the Staff Report. Commissioner Funk seconded the motion.**

The Commissioners discussed the use of the steel and the need to catch the drainage from the material.

**Commissioner Hart amended the motion to add that Staff work with the Applicant on the issue of the weathered steel and whether changes need to be made.**

**Commissioner Funk seconded the motion.**

**The motion passed unanimously.**

[7:32:42 PM](#)

**Demolition of Historic Buildings Ordinance Revisions – Salt Lake City Mayor Ralph Becker is requesting that the City adopt new regulations that will clarify how proposed demolitions of landmark sites and contributing buildings in local historic districts will be evaluated and the process for approving or denying a demolition request. This proposal will generally affect section 21A.34.020 of the Zoning Ordinance. Related provisions of Title 21A-Zoning may also be amended as part of this petition. If adopted, the proposed changes would apply to all City designated Landmark Sites and contributing buildings in local historic districts. (Staff contact: Janice Lew at 801-535-7625 or [janice.lew@slcgov.com](mailto:janice.lew@slcgov.com)). File number: PLNPCM2009-00014.**



Ms. Janice Lew, Senior Planner reviewed the petition as presented in the Staff Report (located in the Case File). She stated Staff was recommending the Historic Landmark Commission forward a favorable recommendation to the Planning Commission.

The Commission and Staff discussed when expert testimony could be requested, how it would be determined if an expert was needed and how it would be addressed when needed. They discussed the issue of demolition by neglect, what the process was and how issues such as these were addressed. The Commission and Staff discussed the enforcement that makes sure these properties are not willfully neglected just to allow someone to tear the structures down. The Commissioners and Staff discussed the consequences for someone that let their property deteriorate willfully, if the City could take over properties that are willfully neglected or enforce fines on the owners. They discussed how the City addressed willful neglect and the consequences that resulted for those that did not follow the ordinance. They discussed takings and how to best enforce that buildings are not allowed to be willfully neglected.

#### **PUBLIC HEARING [7:50:10 PM](#)**

Chairperson Harding opened the Public Hearing.

The following persons spoke to the proposal: Ms. Cindy Cromer, Mr. Tom Mutter and Ms. Kelly Marinan.

The following comments were made:

- Current ordinance was an improvement
- The historic fabric of Central City needs to be protected
- Nothing is done unless the buildings are boarded
- Would support a cooling off period to be able to discuss the options for the building before demolition
- Need to address how fire damage can be used to justify the demolition of buildings
- Developers need to be made to keep the buildings up and not willfully let them deteriorate
- Make the developer do something with the property so it does not remain vacant

Chairperson Harding closed the Public Hearing.

#### **DISCUSSION [7:57:01 PM](#)**

The Commission and Staff discussed the problems with takings and how troubling things could become. They discussed why it was ok to enforce weeds and garbage verses home repairs. The Commissioners discussed the loop hole to boarding property and if the Commission could do something about the problem. They asked if language could be

added to encourage Enforcement to move ahead and address issues that are undermining the Commissions purpose.

Mr. Neilson stated the Commission could send a recommendation however; the City Council would need something specific and would have to follow the same regulations as the Historic Landmark Commission.

Ms. Coffey stated Staff they could look into the issues to see what the regulations with vacant or boarded properties are and how they are addressed by the City.

The Commission and Staff stated these issues are the hardest to address due to the fact that it is private property.

Ms. Cindy Cromer discussed the issue of when a building was allowed to be boarded and how that was regulated. She stated she was unable to find the law or ordinance regarding the trigger for boarding. Ms. Cromer stated the City was not monitoring buildings that are not boarded and there is nothing written that regulates when a building can be boarded up. Ms. Cromer stated fining people was not the answer because they did not care.

The Commission discussed if it was possible to say that a vacant building, that has been broken into within six months must be there after boarded to secure it.

Staff stated there are boarding ordinances and boarding does not solve the problem of break-ins. Staff stated tracking the property was a better answer and possibly more enforcement could be implemented.

The Commission stated if boarding triggered enforcement then that was a positive.

Staff stated boarding was not the solution as it still didn't make the property owner improve the property.

Chairperson Harding stated demolition by neglect was a different part of the code and was added to the proposed ordinance as a reference. She stated it was not the main part of the proposed ordinance.

Staff stated they agreed and boarding provisions are not appropriate in the Historic Landmark section of the ordinance as they are dealt with in other parts of the City Code.

**MOTION [8:11:23 PM](#)**

Commissioner Funk stated in regards to PLNPCM2009-00014, based on the findings listed in the Staff Report, testimony and proposed text amendments presented, she moved that the Historic Landmark Commission transmit a favorable recommendation to the Planning Commission to forward a positive recommendation to the City Council to adopt the proposed changes to the zoning ordinance as it related to the demolition of all City designated landmark sites and contributing buildings within the H Historic Preservation Overlay District. In addition the Historic Landmark Commission would like the Planning Commission and City Council to look at adopting an ordinance with regard to finding an enforcement tool for demolition by neglect referring to section S of the proposed ordinance. Commissioner Hart seconded the motion. The motion passed unanimously.

**WORK SESSION [8:14:00 PM](#)**

**Revisions to Rules of Procedure Document** – The Historic Landmark Commission will review and discuss revisions to its Rules and Procedures document including adding language regarding public input and formal acceptance of Historic Survey Reports. (Staff Contact: Cheri Coffey at 801-535-6188 or at [cheri.coffey@slcgov.com](mailto:cheri.coffey@slcgov.com))

Ms. Cheri Coffey, Assistant Planning Director, reviewed the policies and procedures as presented in the memo (located in the Planning Office). She stated Staff was recommending the Historic Landmark Commission approve the document as presented.

**MOTION [8:14:49 PM](#)**

Commissioner Funk stated regarding the Rules of Procedure, she moved that the Historic Landmark Commission adopt the document as presented on August 1, 2013. Commissioner Hart seconded the motion. The motion passed unanimously.

The meeting stood adjourned at [8:16:39 PM](#)