

# HISTORIC LANDMARK COMMISSION

## Jimmy John's Pole Sign Modifications PLNHLC2014-00191 605 East 400 South August 7, 2014



Planning and Zoning Division  
Department of Community and  
Economic Development

**Applicant:** Matt Gilbert,  
Isignz & Awnings

**Staff:** Thomas Irvin  
thomas.irvin@slcgov.com  
(801)535-7932

**Tax ID:** 16-06-428-010-0000

**Current Zone:** TSA-UN-C  
Transit Station Area, Urban  
Neighborhood, Core

**Central Community Master  
Plan**

**Council District:**  
District 4—Luke Garrott

**Lot Size:** 7,192 square feet

**Current Use:** Restaurant

**Applicable Land Use  
Regulations:**

- 21A.34.020.H Historic Preservation Overlay District
- 21A.46.070 Special Exceptions
- 21A.26.078 Sign Standards for TSA Districts

**Notification:**

- Notice mailed: 7/19/14
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites: 7/23/14
- Property posted: 7/25/14

**Exhibits:**

- A. Applicant Letter
- B. Rendering of Proposal
- C. Site Photographs

### ***Request***

The applicant, Matt Gilbert of Isignz & Awnings, is requesting approval to attach additional signage to an existing legal nonconforming pole sign for Jimmy John's restaurant located at 605 East 400 South. The restaurant is located in the Central City Historic District and is a noncontributing building. The applicant is requesting the following:

1. Sign design approval
2. A Special Exception to increase the sign area on an existing nonconforming pole sign.

### ***Recommendation***

Based on the findings listed in this staff report, it is the Planning staff's opinion that the application fails to meet the applicable standards for a historic special exception and therefore recommends that the Historic Landmarks Commission deny the application as proposed.

### ***Potential Motions***

**Consistent with Staff Recommendation:** Based on the analysis and findings listed in this staff report, testimony and the proposal presented, I move that the Commission deny the request to install additional signage on the existing nonconforming pole sign.

**Not Consistent with Staff Recommendation:** Based on the analysis and findings listed in this staff report, testimony and the proposal presented, I move that the Commission approve the request to install additional signage on the noncomplying pole sign.

(The commissioner then makes alternative findings relating to standards and provisions at summarized below)

**Section 21A.34.020.H, Standards For Certificate Of Appropriateness Involving New Construction Or Alteration Of A Noncontributing Structure**

1. Scale And Form:

- a) Height And Width: The proposed height and width shall be visually compatible with surrounding structures and streetscape;
- b) Proportion Of Principal Facades: The relationship of the width to the height of the principal elevations shall be in scale with surrounding structures and streetscape;
- c) Roof Shape: The roof shape of a structure shall be visually compatible with the surrounding structures and streetscape; and
- d) Scale Of A Structure: The size and mass of the structures shall be visually compatible with the size and mass of surrounding structure and streetscape.

**Section 21A.52.060, Special Exceptions.**

- A. **Compliance With Zoning Ordinance And District Purposes:** The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.
- B. **No Substantial Impairment Of Property Value:** The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.
- C. **No Undue Adverse Impact:** The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.
- D. **Compatible With Surrounding Development:** The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.
- E. **No Destruction Of Significant Features:** The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.
- F. **Material Pollution Of Environment:** The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.
- G. **Compliance With Standards:** The proposed use and development complies with all additional standards imposed on it pursuant to this chapter.

**21A.46.070.V, General Standards for Historic District Signs**

**V. Historic District Sign:** The historic landmark commission may authorize, as a special exception, modification to an existing sign or the size or placement of a new sign in a historic district or on a landmark site if the applicant can demonstrate that the location, size and/or design of the proposed sign is compatible with the design period or theme of the historic structure or district and/or will cause less physical damage to the historically significant structure.

## Vicinity Map



## Project Information

### Background

The building that Jimmy John's currently occupies was constructed in 1985 as an ice cream parlor for Snelgrove's Ice Cream, a locally owned chain whose ice cream factory was located in Sugarhouse. The existing pole sign, including the giant spinning double cone was installed at the same time. Snelgrove's operated from this location until 1998 when Squirrel Brothers took over and continued to operate the site as an ice cream parlor. In 2008, the building was remodeled for its current tenant, Jimmy John's Gourmet Sandwiches. Changes to the signage for the restaurant were approved, but the pole sign and ice cream cone were retained. Instead of removing the cone, Jimmy John's chose to paint it black in order to match the colors of the rest of the pole sign and primary building.

The 400 South portion of the Central City Historic District is primarily newer commercial development and auto-oriented in design. As a result, no historic context remains. The subject property was rezoned from Community Shopping (CS) to Transit Station Area, Urban Neighborhood, Core (TSA-UN-C) in 2012 as a part of the 400 South Livable Communities Station Area Plan. This change made the existing pole sign legal nonconforming.

In July of 2013, Housing and Zoning Enforcement was notified that additional signage had been placed on the ice cream cone without permits or historic review. These signs have remained in place while the applicant seeks special exception approval for the modification of a sign in a historic preservation overlay district.

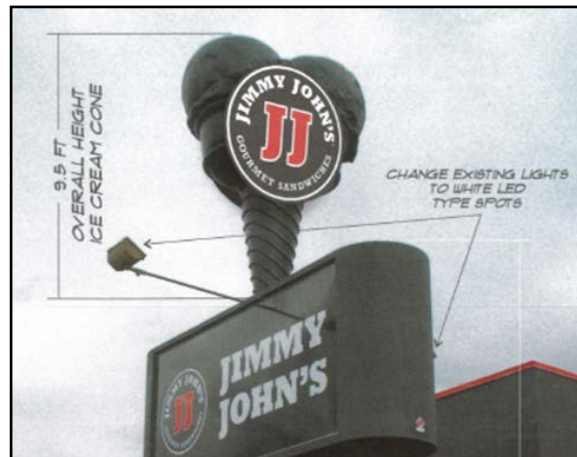
## Project Description

Matt Gilbert of Isignz & Awnings is requesting approval to attach additional signage to the existing nonconforming pole sign for Jimmy John's Gourmet Sandwiches. These modifications include the following:

- Install two flat 54 inch round aluminum faces on each side of the ice cream cone containing Jimmy John's logo.
- Replace the existing mounted lights with white LED type spot lights.



Pole Sign Prior to Changes



Proposed Sign Changes

## Public Comments

Section 21A.52.040.A.4 A Notice of Application was sent to adjoining property owners on April 9, 2014. This was required by 21A.52.040.A.4, procedures for processing Special Exceptions. No comments were received. No public comments were received prior to the time of the preparation and distribution of this staff report.

## Analysis

### Sign Standards of Review

The Transit Station Area zoning districts do not allow for pole signs because they are specifically aimed at automobile traffic instead of pedestrians or users of mass-transit. The following are the standards applicable in this case:

**21A.26.078.A.1. TSA Core Area:** The purpose of the core area is to provide areas for comparatively intense land development with a mix of land uses incorporating the principles of sustainable, transit oriented development and to enhance the area closest to a transit station as a lively, people oriented place. The core area is generally within a one-fourth ( $1/4$ ) mile walk of a transit station platform.

**21A.46.095.A.1. Sign Regulations for Transit corridor and Transit Station Area Districts:** Purpose: Sign regulations for the TC-75 and TSA districts are intended to provide for appropriate signage oriented primarily to pedestrian and mass transit traffic.

**Analysis:** The existing pole sign and associated ice cream cone were installed in the 1980's, a time when 400 South was primarily an auto-oriented thoroughfare. Since then, the University Trax line has been installed and the adjoining properties have been rezoned to embrace a more pedestrian environment. The current zoning does not allow pole signs as they are primarily oriented to motorized traffic and not pedestrians. The existing pole sign is not appropriate in the district, but since it existed prior to the change, it is allowed to remain. Enlarging the total sign face on the non-conforming pole sign is not appropriate in the zoning district because it would result in an increase in this non-conformance.

**Finding:** The expansion of the non-conforming sign is not in keeping with the objectives of the sign regulations in the Transit Station Area Districts.

### **Nonconforming Signs Standards of Review**

The existing pole sign is considered nonconforming since it is not a permitted sign type in any of the TSA zoning districts. The zoning ordinance only allows for minimal changes to nonconforming signs and prohibits alterations or enlargements. The following is the applicable standard in this case:

**21A.46.140.A. Nonconforming Signs: Moving, Extensions Or Alterations:** A nonconforming sign shall not be reconstructed, raised, moved, replaced, extended, altered or enlarged unless the sign is changed so as to conform to all provisions of this chapter. Alterations shall also mean the changing of the text or message of the sign as a result of a change in use of the property. Alterations shall not be interpreted to include changing the text or copy on outdoor advertising signs, theater signs, outdoor bulletins or other similar signs which are designed to accommodate changeable copy.

**Analysis:** Increasing the amount of area covered in signage is considered an enlargement and an increase in the nonconformance. If the property were not within a historic district, there would be no option to request a special exception for an enlargement.

**Findings:** Increasing the sign area of the non-conforming pole sign is contrary to the provisions governing nonconforming signs in the zoning ordinance.

### **21A.46.070.V: Historic District Signs**

The historic landmark commission may authorize, as a special exception, modification to an existing sign or the size or placement of a new sign in a historic district or on a landmark site if the applicant can demonstrate that the location, size and/or design of the proposed sign is compatible with the design period or theme of the historic structure or district and/or will cause less physical damage to the historically significant structure. The applicant is proposing to use this provision to legalize the expansion of their nonconforming sign.

**Analysis:** Within historic districts, the ability to modify sign regulations through the special exception process has been provided. The intent of this provision is to allow flexibility for applicants that wish to provide unique signage that is found to be more compatible with the historic structure or district. It is not intended as a means to circumnavigate the underlying sign regulations. The applicant states that allowing additional signage to be mounted on the cone will both enhance the appearance of the structure and protect the history of the sign.

Staff does not agree that the additional sign added to the cone in order to provide more advertising is within the spirit of the special exception processes which it intended to find design solutions for signs that will be more compatible with the historic structure or district. The sign is not considered to be a historic structure and adding additional signage for advertisement does not protect a historic resource.

This location is not a contributing site, nor does this particular block of the Central City historic district retain any historic character. It primarily consists of new commercial developments. The additional signage requested does not further compatibility with the design theme of the historic district.

**Findings:** Staff finds that the applicant has not demonstrated that the proposal meets the intent of the special exception standards for signs within historic districts.

### **21A.52.060: General Standards and Considerations for Special Exceptions**

The proposed alterations exceed the regulations concerning nonconforming signs as the additional signage increases the level of nonconformance. The Commission can allow modifications to the sign regulations if it finds that the project meets the provisions of Section 21A.52.060, Special Exceptions. The standards are as follows:

- A. **Compliance With Zoning Ordinance And District Purposes:** The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.

**Analysis:** As stated earlier, expanding the amount of nonconformance of the sign is contrary to the purpose of the TSA-UN-C zoning district which seeks to enhance the pedestrian experience.

**Findings:** The proposed changes are contrary to the purposes of the underlying zoning district.

- B. **No Substantial Impairment Of Property Value:** The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.

**Analysis:** There is no indication that the proposed changes would impair property values.

**Findings:** The proposed changes will not result in the impairment of property values.

- C. **No Undue Adverse Impact:** The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.

**Analysis:** While changes to the sign will not impact public health or welfare, they will change the character of the area by adding additional signage that is not normally permissible in the district.

**Findings:** The proposed changes will negatively affect the desired character of the district.

- D. **Compatible With Surrounding Development:** The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.

**Analysis:** The existing restaurant with drive through facilities is adjoining a strip mall development with other auto-oriented uses. Increases to the pole sign would be compatible with the adjacent existing uses but are in conflict with the zoning district regulations.

**Findings:** The proposed changes are compatible with existing uses but are contrary to the underlying zoning district regulations.

- E. **No Destruction Of Significant Features:** The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.

**Analysis:** Members of the community quickly recognize the iconic double cone that was affixed to the Snelgrove's Ice Cream establishments. While not specifically historic, obscuring this feature is worth noting. Additionally, the mounting of more signage by drilling a steel rod through the cone has damaged it and may hinder any future restoration, if desired.

**Findings:** No evidence has been provided that historic features of significant importance will be lost or damaged.

- F. **No Material Pollution Of Environment:** The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.

**Analysis:** This proposal will not result in pollution of the environment.

**Findings:** The request will not cause any pollution.

- G. **Compliance With Standards:** The proposed use and development complies with all additional standards imposed on it pursuant to this chapter.

**Analysis:** In order to approve a Special Exception for signage in a historic district, it must be shown that the proposal is compatible with the design period or theme of the historic structure or district and/or will cause less physical damage to the historically significant structure. The building and sign are not contributing structures, nor are the majority of surrounding buildings. In light of this, it cannot be shown that the proposed changes meet this requirement.

**Findings:** The proposed changes will result in an increase in the level of nonconformance. The provisions allowing for Special Exception review of historic signs were specifically intended to allow flexibility in ensuring signs are compatible with the character of the districts they reside in. As this portion of the district is not historic, staff finds that this request is not within the spirit of the purposes of the Special Exception signage process.

## **21A.34.020 H Historic Preservation Overlay District**

**Standards For Certificate Of Appropriateness Involving New Construction Or Alteration Of A Noncontributing Structure:** In considering an application for a certificate of appropriateness involving new construction, or alterations of noncontributing structures, the historic landmark commission, or planning director, when the application involves the alteration of a noncontributing structure, shall determine whether the project substantially complies with all of the following standards that pertain to the application, is visually compatible with surrounding structures and streetscape and is in the best interest of the city:

Of the 3 standards outlined in this section of the zoning ordinance, Standard 1 is the most relevant to this request and is reviewed below:

#### 1. Scale And Form:

- e) Height And Width: The proposed height and width shall be visually compatible with surrounding structures and streetscape;
- f) Proportion Of Principal Facades: The relationship of the width to the height of the principal elevations shall be in scale with surrounding structures and streetscape;
- g) Roof Shape: The roof shape of a structure shall be visually compatible with the surrounding structures and streetscape; and
- h) Scale Of A Structure: The size and mass of the structures shall be visually compatible with the size and mass of surrounding structure and streetscape.

### **Historic Design Guidelines**

#### ***Preservation Handbook for Historic Residential Properties & Districts in Salt Lake City***

##### **15.15 The visual impacts of signs should be minimized.**

- This is particularly important as seen from within the residential portions of the historic district.
- Smaller signs are preferred.
- Monument signs and low pole-mounted signs are appropriate.

#### ***Design Guidelines for Signs in Historic Districts***

##### **Guideline 8**

###### **Position a sign primarily to serve the pedestrian at the street level.**

- The majority of signs should be concentrated at the street level close to the entrance of the building.
- Signs at a higher level should be considered only where the premises may be limited in sign location at street level where otherwise, the sign would be obscured or it is the name of the building.

##### **Guideline 25**

###### **Historic signs, as distinctive feature of Salt Lake City, should be retained and, where appropriate, restored.**

- Keeping a historic sign is encouraged, even if the business or product promoted is no longer on site. Retaining the sign can exploit the recognition value of the old name and play upon the public's fondness for the old sign, especially when the sign is a community landmark.
- Signs should remain as they were originally designed.
- Historic signs which are faded with age and weathering contribute to the sense of age and time in the district.
- Additional signs that would detract from the appreciation of a historic sign may be inappropriate.

**Analysis:** The guidelines for the Central City Historic District seek to minimize the size and impact of signs and keep them at the pedestrian level when possible. While it could be argued that the existing sign is compatible with existing structures, it is contrary to the future growth of the area.



Snelgrove's Ice Cream was a local company that is fondly remembered by many members of the community. Their distinctive double cone signs are a recognizable feature on several buildings. While not specifically historic, residents recognize these cones as distinctive feature of a fondly remembered business.

**Findings:** Increasing the total amount of signage on the nonconforming pole is in conflict with the provisions of the zoning ordinance. It is also contrary to the provisions of the TSA-UN-C zoning district. While Salt Lake City recognizes the owner's right to maintain the existing pole sign, staff finds that increasing the level of nonconformance while obscuring the distinctive ice cream cone is in conflict with the historic guidelines.

### ***Commission Options***

If the proposal is denied, the applicant will be required to remove the additional signage from the ice cream cone and return it to its previous condition.

If the proposal is approved, the applicant can obtain a permit to legalize the sign changes that have already been completed.



iSignz & Awnings  
Matt Gilbert  
3651 South 700 West  
Salt Lake City, UT 84119  
March 25, 2013

Thomas Irvin  
Salt Lake City Corporation  
451 South State Street  
Salt Lake City, UT 84111

RE: Historic District - Special exception and modification request to Jimmy John's existing pylon sign located at 605 East 400 South Salt Lake City.

Dear Mr. Irvin:

iSignz & Awnings has been contracted by Jimmy John's to handle a zoning noncompliance warning about modifications made to their existing pylon sign.

Modifications:

Two (2) single face flat 54" round aluminum faces with Jimmy John's JJ logo were installed as an overlay on both sides of the existing black ice cream cone that sits on top of the pylon sign.

Nature of Request:

Petition the Historic Landmark Commission for approval of the modifications to the existing pylon sign according to Title 21A, Zoning-Signs 21A.46.070, General Standards, V.:

- **Historic District Signs:** The historic landmark commission may authorize, as a special exception, modification to an existing sign or the size or placement of a new sign in a historic district or on a landmark site if the applicant can demonstrate that the location, size and/or design of the proposed sign is compatible with the design period or theme of the historic structure or district and/or will cause less physical damage to the historically significant structure.

Demonstration

- **Location:** The additional signage is located centered on the existing ice cream on top of the pylon sign fronting both 400 South and 600 East.
- **Size:** The primary portion of the double face pylon sign consists of a 5' (H) x 10' (W) = 50 square feet sign cabinet. The addition of the 54" round logos were installed as an overlay and add only an additional 20 square feet of signage, but it's important to note that the overall size of the existing structure remains unchanged.

Thoams Irvin  
October 22, 2013  
Page 2

- **Materials/Mounting:** The round faces consist of an aluminum substrate with first surface high performance vinyl graphics reading Jimmy John's to match the existing signage. The faces were installed on both sides of the existing black ice cream cone with a 1" painted steel tube frame with stand-offs toggle bolted into the 1/4" (T) fiberglass ice cream cone.
- **Colors:** Black, white and red.
- **Lighting:** Existing external illumination.

Conclusion:

According to my research the ice cream sign at this location was possibly a part of the Utah based Snelgrove chain of ice cream parlors. My information is not confirmed, but the Jimmy John's ice cream sign matches the iconic and historic Snelgrove ice cream sign located in Sugar House. The Snelgrove sign, typical of art deco design, was constructed in the early 1960s. Symbolically, Snelgrove ice cream parlors were popular among Utah families not only for their ice cream but as popular places to eat.

Today, Jimmy John's represents this same historic culture by serving great food, fast and at a decent price.

Approving the sign with modifications helps to maintain and enhances the appearance of the structure and protects that history of the ice cream cone in this community. The location, size and/or design of the proposed sign seem to be compatible with the design period or theme of the historic structure or district.

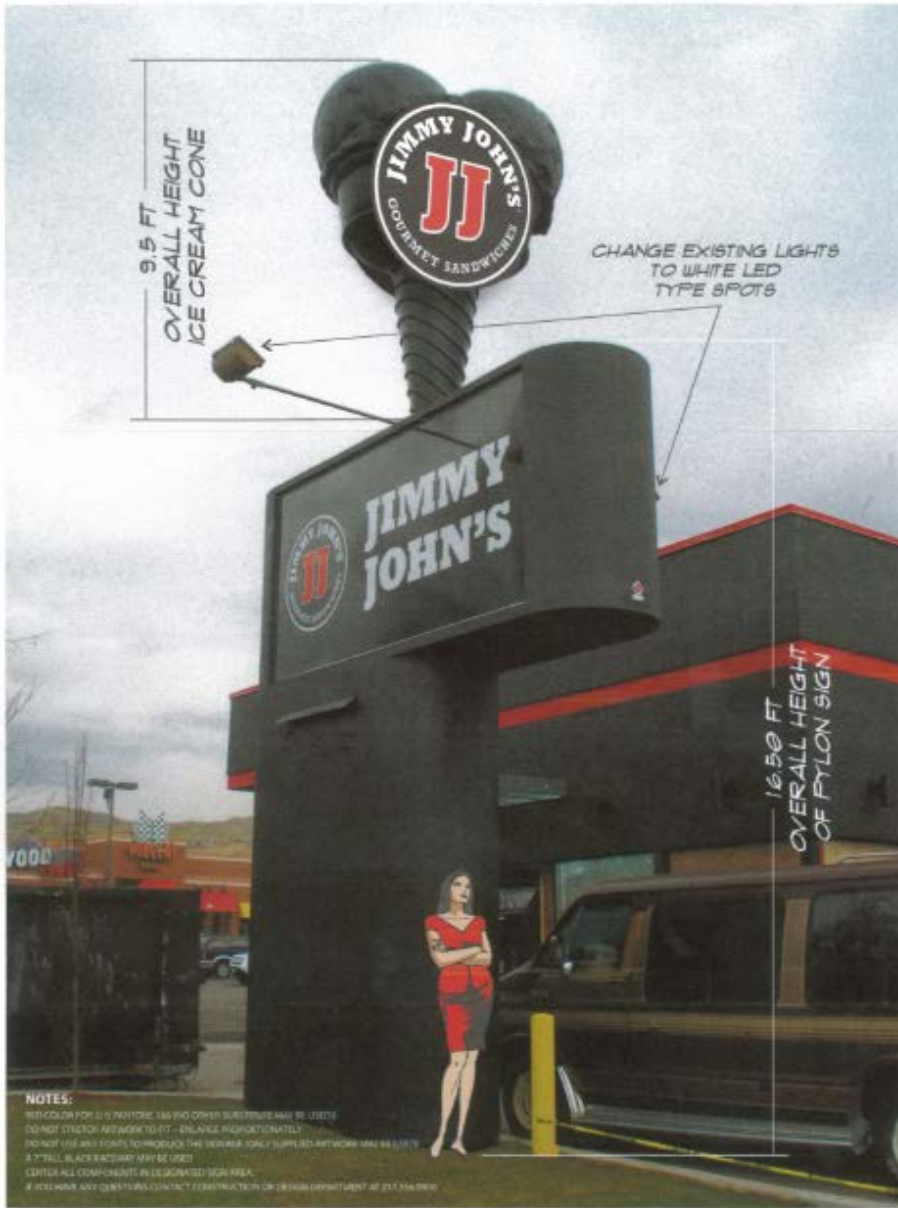
Sincerely,



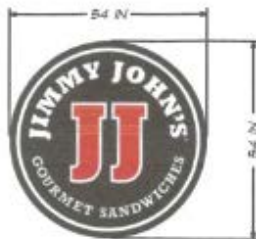
Matt Gilbert  
Owner



**JIMMY JOHN'S CABINET SIGN/BOX SIGN (PREFERRED LAYOUT 1)**



**NOTES:**  
 1. NO COLOR FOR 3D MATCHING. 1/8" DIA. OR 1/4" DIA. STRUCTURE MAY BE USED.  
 2. DO NOT EXCEED ANY WORK TO FIT - BRIDGE PROPORTIONATELY.  
 3. DO NOT USE ANY GLASS TO PROTECT THE SIGN. ONLY SUPPLIED ATTACHMENT MAY BE USED.  
 4. 1" TALL BLACK FACED MAY BE USED.  
 5. CENTER ALL COMPONENTS IN DESIGNATED SIGN AREA.  
 6. FOR MORE INFO PLEASE CONTACT CUSTOMER SERVICE OR ORIGINAL DEPARTMENT AT 801.333.1474



**SCOPE OF WORK:**  
 MANUFACTURE AND INSTALL TWO (2) 5'x7' FLAT ALUMINUM FACES WITH JIMMY JOHN'S ROUND CIRCLE LOGO, WITH STAND-OFF MOUNTING SYSTEM AND REPLACE TWO (2) SPOT LIGHTS WITH NEW LED SPOTS.

SERVICE PYLON SIGN INTERNAL ILLUMINATION AND ROTOR AS REQUIRED PER CUSTOMER APPROVAL

**LOCATION:**  
 605 EAST 400 SOUTH  
 SALT LAKE CITY, UT 84102

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3140 South 460 West  
 Salt Lake City, UT 84115  
 (801) 833-1474



Customer Approval

Signature / Date

***Attachment C***  
Photographs



**Current Photographs Showing modifications to the Ice Cream Cone**



**Appearance of Building and Sign Prior to Jimmy John's**



**Appearance of Building and Sign Prior to Additional Signage Being Placed on Cone**