

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, June 11, 2008**

Present for the Planning Commission meeting were Chair Matthew Wirthlin, Vice Chair Mary Woodhead and Commissioners: Babs De Lay, Frank Algarin, Robert Forbis, Susie McHugh, Kathy Scott, and Prescott Muir. Commissioners Peggy McDonough and Tim Chambless were excused from the meeting.

Present from the Planning Division were; Joel Paterson, Acting Planning Director; Doug Dansie, Casey Stewart; Janice Lew, Paul Nielson, City Land Use Attorney; and Tami Hansen, Planning Commission Secretary.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Wirthlin called the meeting to order at 5:48 p.m. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were: Chair Matthew Wirthlin, Vice Chair Mary Woodhead and Commissioners Kathy Scott, and Frank Algarin. Salt Lake City Staff present were: Joel Paterson, Casey Stewart, and Janice Lew.

APPROVAL OF MINUTES from Wednesday, May 28, 2008.

(This item was heard at 5:51 p.m.)

Commissioner McHugh made a motion to approve the minutes as written. Commissioner De Lay seconded the motion. All in favor voted, "Aye", the motion passed unanimously. Commissioner Algarin abstained.

REPORT OF THE CHAIR AND VICE CHAIR

(This item was heard at 5:52 p.m.)

Chair Wirthlin noted that neither he nor Vice Chair Woodhead had anything to report.

REPORT OF THE DIRECTOR

(This item was heard at 5:52 p.m.)

Mr. Joel Paterson noted that Frank Gray had been hired as the new Community and Economic Development Director; however, he was not able to attend this meeting due to hosting an Open House at the City Library as part of the City Council's review of the Conditional Use and Riparian Overlay petitions. Mr. Paterson noted that as of June 12, Mr. Gray would be available for informal discussions in regards to these two petitions and any additional topics.

Mr. Paterson noted that there would be a second Planning Commission meeting which would be held on July 23.

ISSUES ONLY HEARING

(This item was heard at 5:53 p.m.)

Downtown in Motion Plan—the plan is a culmination of an effort between Salt Lake City Transportation and Planning Divisions, the Redevelopment Agency of Salt Lake City, Downtown Alliance, Salt Lake Chamber, Utah Transit Authority, and the Utah Department of Transportation, to arrive at a comprehensive approach to Downtown Salt Lake transportation issues. This is an Issues Only public hearing. The Planning Commission will not make a decision on this item at this meeting. The Planning Commission will consider making a recommendation on this item during a public hearing on June 25, 2008.

Chair Wirthlin recognized Doug Dansie as staff representative.

Mr. Dansie noted that there had been a concerted effort to integrate City transportation with land use policies. He noted that in the future the City would like Downtown to grow southwest, currently many of the proposed light rail extensions and bus routes tend to be biased toward the southwest section of town due to a definite course of preferred land use.

Tim Harpst, City Transportation Director; introduced Kevin Young, City Transportation Planning and Design Engineer; Mick Crandall, Deputy Chief of Planning and Programming for Utah Transit Authority (UTA); and Ron Holmes for the consulting firm of HNTB and the project manager for the development of this plan on the consulting team.

Mr. Harpst noted that discussions about this plan started approximately four years ago. He noted that there were indications of more housing in the Downtown area, which would evolve the City into a 24/7 community and it was important to focus on the Downtown area for transportation services. He noted that the City had brought in a team consisting of experienced members from all over the country, some of whom had also worked internationally, to come up with the Downtown in Motion plan. He noted that their conclusions also included a lot of public and business property owners input and each had given unanimous endorsements of this plan.

Mr. Harpst stated that the transportation team talked to experts in Portland, Oregon; Denver, Colorado; and Vancouver, Canada and discussed each City's planning processes, which proved to be extremely beneficial. He presented a PowerPoint presentation and noted that pedestrians, mobility, and parking would be high priorities of the plan.

Highlights of the PowerPoint presentation included:

Five Goals of the Downtown in Motion Plan:

1. Serving Downtown:

- The transportation system will support a high quality of life for residents and visitors.
- Promote sustainable, quality growth, and encourage and optimize transit-oriented development.
- Support regional commerce Downtown including: office, retail, and leisure land uses.

2. Pedestrian Friendly:

- Transportation within Downtown will not require an automobile, people who live Downtown will be able to do so without the need to own a car.
- New pedestrian routes will make walking distances shorter, safer, and more appealing.
- Regional transit systems will serve regional land uses with walkable access.

3. Easy to Use:

- The transportation system will be accessible, predictable, seamless, and connected.
- All travel modes will create synergy in the Downtown area, and will serve people's needs 24/7.
- Will strive to ensure the perceived and actual safety of the traveler, and will be communicated through easy to understand information.

4. Enhanced Transit Accessibility and Mobility:

- The transit system will provide optimum accessibility and capacity.
- Activity nodes or districts Downtown will be connected with public transit, including the potential of a dedicated circulator system.
- Efficient transfers among various transit modes, including the potential of a transit center Downtown.

5. Balanced Modes:

- Quality mobility options will be available to all, bicycling and all other non-motorized modes will be viable and safe.
- There will be a hierarchy of streets to efficiently move vehicular traffic into and through Downtown, minimizing adverse impact on other modes or land uses.
- Automobile drivers will be able to park once and get around Downtown using other modes of transportation.
- The availability, visibility and accessibility of parking will be managed to achieve efficiency and other Downtown goals. On street parking will be managed to encourage short-term use to support retail and other short stay activities.

Pedestrian and Bicycle Plan:

- Enhanced walkability of Downtown sidewalks along all City streets.
- A network of walkways throughout Downtown will include an integrated system of mid-block walkways and a completed network of mid-block street crosswalks.
- Infrastructure for bicyclists that will accommodate all skill levels of cycling:
 - Continuation of designated bike lanes on streets.
 - New markings and signage indicating bicycle/automobile shared use of the right-handed lane on streets without designated bike lanes.
 - Separate bike paths between the sidewalk and streets in some areas of Downtown.
 - Legalize responsible bicycle riding on sidewalks in Downtown under specific conditions.
- Augmentation of the Downtown way finding system
- New urban design features, monuments, and gateways throughout Downtown.
- Additional bicycle racks and lockers on street and inside buildings.

Travel by TRAX:

- Completion of two loops of TRAX to provide a backbone of rail transit circulation in Downtown:
 - Construction of TRAX along 400 South from Main Street to 600 West and the Intermodal Hub completing an inner loop of rail circulation in Downtown.
 - Construction of TRAX along 700 South from 200 West to 400 West, and then continuing north on 400 West connecting to the existing system near Gateway, completing an outer loop that serves Downtown and the emerging southwest quadrant of Downtown.
- Further study of streetcar access to Downtown from surrounding neighborhoods not served directly by TRAX.

Commissioner Muir inquired about carbon reduction and green house emission reduction targets and wondered if this plan could include a highlight of carbon emission reduction milestones that would be helped by the expansion of light rail.

Mr. Harpst noted that air quality aspects could certainly be projected and included into the plan.

Commissioner Forbis noted that in the plan it did not state anything in regards to a further study of street car access to Downtown from surrounding neighborhoods not served directly by TRAX. He inquired about promotions about this type of access from the suburbs into Downtown.

Mr. Crandall noted that UTA was committed to building thirty (30) miles of new light rail by the year 2015 and extending commuter rail to Provo, Utah.

Mr. Harpst noted that what UTA was embarking on in Utah was unheard of anywhere in the United States and there were a lot of unique methods being implemented to make sure that this was done in a quick manner.

Travel by Auto:

- More frequent updating of traffic signal timing plans Downtown to support traffic progression.
- A network of streets that are classified and designed according to a hierarchy of traffic needs, which would allow operational improvements for improved flow into and out of Downtown, as well as within the core of Downtown.
- Coupled with parking programs and way finding, more efficient access to Downtown parking spaces.
- An expanded network of mid-block streets.
- New urban design elements incorporated into Downtown streets.

Vice Chair Woodhead noted that she would like to see additional, easier connections from the west side of the City into Downtown.

Mr. Young noted that this was currently being reevaluated.

Travel by Bus:

- Revised bus routes Downtown.
- A new Bus Passenger Facility to be located at 200 South and State Street.
- More attractive and comfortable bus stops Downtown, including better information about bus service.
- Branded Bus Corridors for circulation within Downtown.

Mr. Crandall noted that as this moved forward there seemed to be a concentration of bus activity at the intersection of 200 South and State Street, and it was recommended that this intersection be used as a bus hub, with additional facilities built there as a type of mini-intermodal hub. He noted that they would also like additional amenities provided for bus riders including: bus maps, newspapers, and better circumstances when waiting to ride.

Parking Perks and Plans:

- Immediate formation of the Parking Management Group to coordinate operating policies of public parking Downtown.
 - Short-term parking, geared toward visitors and retail/cultural patrons of Downtown.
 - Long-term parking, which is primarily commuter parking, serves the needs of Downtown employees who may drive to work and park each day.
- Way finding enhancements for off-street parking spaces.
- New zoning policies that foster the development of convenient off-street parking for visitors.
- New parking meters with more payment options.
- An enhanced parking validation system for Downtown.

Mr. Holmes noted that during the peak time of the day in the core of Downtown it was hard for visitors to find parking because a lot of it was privately owned, even though only about forty (40) percent of this space was being used; the goal was to make the parking situation more pleasant, with adequate short-term dense parking areas. He noted that the Parking Management Group was being organized to review and correct these issues, as well as relooking at the validation system.

Commissioner De Lay inquired about special parking signage needed Downtown and if that would be part of the Parking Management Group's purview. She noted that there needed to be more public education on what the City is doing to enhance and enliven Downtown.

Mr. Holmes noted that in the future it would be beneficial to create, maybe as part of the ordinance, a condition that as a City standard, privately owned parking should have distinct uniform signage or universally recognized symbol on a sign which would aid in some of the current parking confusion. He noted that in order to make that work it was important to require other information, for example the rate and hours of operation visibly posted in such a way that it was easily recognized.

Travel by Circulator/Shuttle:

- Continuation and expansion of the Free Fare Zone to include the Library TRAX station, the Intermodal Hub, and the hotels on 600 South.
- Improved transit circulation Downtown with a combination of more frequent TRAX service, Branded Bus Corridors, and a Downtown shuttle service.
- Further study of additional streetcar access to Downtown from surrounding neighborhoods not served directly by TRAX.
- Until completion of the TRAX Airport Extension, shuttle bus service at 15 minute headways linking the airport, the Intermodal Hub, and the hotels along 500 South and 600 South streets.

Commissioner De Lay inquired about easing the ordinances to allow more types of businesses that would like to build patios out onto the sidewalk.

Mr. Harpst noted that the City had the latitude to do this and if an applicant wanted to specifically do this they could approach the City to request this type of use; with this plan it would become easier to make these types of decisions because what was planned for at any particular location in the Downtown area could be reviewed easily and worked with. He noted that as long as there was enough width left along the sidewalk to protect the right-of-way for pedestrians and bicyclist, the rest of the area could be freed up for that type of purpose.

Chair Wirthlin announced a small break at 7:04 p.m.

Chair Wirthlin reconvened the meeting at 7:13 p.m.

Chair Wirthlin opened up the public hearing portion of this hearing, there was nobody present to speak to this issue, he then closed the public hearing.

Chair Wirthlin thanked the City Transportation Department and Utah Transit Authority for their presentation.

Commissioner De Lay inquired about the City initiated petitions information the Commissioners were given at the beginning of the meeting, and if there was a petition to figure out a way to speed up the planning application process if an applicant planned on building using LEED Certification standards.

Mr. Paterson noted that Orion Goff in the Building Services Department was working on ordinance amendments dealing with LEED Certified building and that information would be available in the near future.

PUBLIC HEARING

Petition 400-07-04 St. Varian Street. Street Closure and Declaration of Surplus Property—a request by Ivan Radman for a street closure and declaration of surplus property located at approximately 1025 South between 4400 West and the Bangerter Highway. The right-of way is not paved and dead ends at the highway. The property is zoned M-1 Light Manufacturing. The property is located in City Council District Two represented by Council Member Van Turner.
(*This item was heard at 7:15 p.m.*)

Chair Wirthlin recognized Janice Lew as staff representative.

Mr. Nielson recused himself from this portion of the meeting.

Ms. Lew noted that the applicant would like to incorporate the St. Varian Street property into his property located at approximately 925 South 4400 West to combine the property into one industrial lot for future development. She noted that this property would have access from 4400 West so that the unimproved street would not be necessary in the future development of his property.

Ms. Lew stated that the abutting property owner to the east, Mr. Thomas Horn was contacted by planning staff and informed of the request to close the street and was also informed of his option to purchase the portion of the street that abutted his property. She noted that Mr. Horn's property had frontage on both Central Avenue, the street to the north, as well as frontage on the St. Varian Street right-of-way. She noted that Mr. Horn attended the open house, held in June 2007 and indicated his opposition to this proposal in a letter, which was included in the packet. She noted that staff had not heard from Mr. Horn recently.

Ms. Lew noted that the proposal indicated that the Brighton Canal would be relocated to front the northern boundary of the property. She noted that the Meridian Plat 1 was included in the packet and there was an existing street as part of this subdivision, Plat 2 would be located to the north and would have access from the existing public street as well, and St. Varian street could be left as a right-of-way, unimproved, or it could be required that the abutting properties improve this street at their own cost, they would also be required to have an additional front setback along that property boundary, which would create lots with respect to the Meridian property with double frontages.

Commissioner Forbis inquired about one of Staff's findings, *the unimproved street is not currently used as a public right-of-way and is not required for pedestrian or vehicular traffic*, and inquired how that determination was made.

Ms. Lew noted that the street master plan did not show this street as the type that would be improved for any of those types of connections.

Commissioner De Lay inquired if all abutting property owners were given proper notice.

Ms. Lew noted yes.

Vice Chair Woodhead inquired if Mr. Horn decided to develop his property in the future, could he put in a street to connect to Bangerter Highway so he could have additional access into his property.

Mr. Paterson noted that Bangerter Highway was a state highway and had limited access, therefore that type of connection would have to be reviewed and approved by UDOT, and realistically it would be unlikely to gain that access; however, Mr. Horn would have access from Central Avenue.

Commissioner McHugh noted that the north part of Mr. Horn's property abutted Central Avenue, so that should not be a problem.

Mr. Paterson noted that typically on a street/alley closure the City retained easements for any utilities that existed or would be potentially needed in the future.

Commissioner Forbis inquired about the purpose of the relocation of the canal.

Ms. Lew noted that the applicant could better explain the purpose of that.

Commissioner De Lay inquired if it was abandoned irrigation.

Mr. Paterson noted that the Brighton Canal is used for drainage and was still in use; to develop the property the applicant could not build over the canal, therefore it would need to be relocated along the eastern and northern boundaries.

Commissioner Forbis inquired where the canal flowed to.

Mr. Paterson noted that the water in the canal flowed into the Great Salt Lake.

Chair Wirthlin invited the applicant to the table.

Mr. Ivan Radman noted that he agreed with the findings of the staff report. He noted that relocating the canal seemed like a very sensible thing and that Mr. Horn would still have adequate access into his property after the changes were made.

Chair Wirthlin opened up the public hearing portion of the petition.

Hank Rothwell (2600 Walker Lane), representing Meridian Commerce Center and the abutting property to the south, stated that the Meridian Plat 1 was complete and Plat 2, a preliminary plat, had been submitted to staff and would show the realignment of the Brighton Canal, owned by The Church of Jesus Christ of Latter Day Saints, was an active irrigation canal, and there was a written agreement for that proposed location. He noted that the proposal did not anticipate any access to St. Varian Street.

Chair Wirthlin noted there was no one else to speak to the petition; he then closed the public hearing.

Commissioner Scott made a motion regarding Petition 400-07-04, St. Varian Street closure and declaration of surplus property, stating that these findings indicate that the right-of-way fails to provide a benefit and the Planning Commission forwards a favorable recommendation to the City Council based upon the analysis of the staff report and subject to the following conditions:

- 1. Pursuant to Chapter 2.58 of the Salt Lake City Code, the petitioners should be required to make payment to the City of the fair market value of the subject property.**
- 2. The closure is subject to all existing rights-of-way and easements of all public utilities now located on and under or over the subject property.**
- 3. Subdivision approval to combine lots 4, 25, 26, and 27 of the Senior's Five Acre Plat into one lot shall be obtained in conformance with Salt Lake City and State of Utah laws, ordinances, and policies.**

Commissioner Algarin seconded the motion. All in favor voted, "Aye", the motion carried unanimously.

Petition 430-08-01 McDonald's Conditional Design Review for restaurant rebuild—a request by McDonald's Corporation for Conditional Design Review for the rebuilding of the McDonald's restaurant located at 1533 South State Street. The subject property is located in the Commercial Corridor (CC) district and the South State Street Corridor Overlay (SSSC) district. Conditional Design Review is required because:

- the proposed building location exceeds the maximum front setback of 25 feet from front property line in the South State Street Corridor Overlay
- the project proposes parking areas located in the front and corner side yards, which is normally not allowed
- the north facade of the proposed building does not consist of at least 40% glass

The property is located in City Council District Five, represented by Jill Remington Love.
(This item was heard at 7:38 p.m.)

Chair Wirthlin recognized Casey Stewart as staff representative.

Mr. Stewart noted that currently on this site there was an existing McDonald's building, which was built in the 1960s and McDonald's Corporation felt that it was time for a site makeover. He noted that the reason this petition was before the Commission was because some of the new proposals did not meet the requirements of the current zoning ordinance. He noted there were four areas that fell short of these requirements; the proposed building location, vehicle parking areas, associated landscaping required with a parking lot, and the proposed amount of first floor glass, which did not add up to the forty (40) percent required by the ordinance.

Mr. Stewart noted that this particular application had been to two Planning Commission subcommittee meetings, and throughout the staff report he had not completely agreed with the outcome of those meetings. He noted that the applicant determined that it would be more cost efficient to demolish the existing building and rebuild; however, the applicant was proposing to reuse essentially the same footprint, expanding it only slightly. There were currently fifty-one (51) parking stalls at the site, it did have a drive-through service, and would be setback approximately twenty-seven (27) feet from State Street. He noted that the South State Street Corridor Overlay District (SSSC) stated that there is a maximum setback of no more than twenty-five (25) feet for at least thirty-five (35) percent of the building façade, and the applicant did not meet this requirement.

Mr. Stewart noted that there were proposed parking stalls, which would encroach into the front setback along State Street, and the extreme northwest and southwest corners. He noted that the current proposed parking stalls would total thirty-four (34), which is a rather large reduction from the existing fifty-one (51) stalls that currently existed; the number of required parking stalls was twenty-four (24). The applicant was also proposing an outdoor dining area with approximately three (3) tables, which would require three (3) additional parking stalls for a total of twenty-seven (27).

Mr. Stewart noted that in regards to the first floor glass requirement, the current building had quite a bit of glass, that would be reduced significantly with the new building, approximately seven (7) percent on the Kensington Avenue façade for the drive-through windows and approximately eighteen (18) percent glass on the State Street façade; the requirement for both of those facades is forty (40) percent on each side.

He noted that it would be required to provide a landscape buffer between the parking lot and the abutting property line, which was satisfied on some of the property along State Street; however, along Kensington Avenue and the east boundary line which abuts the Salt Lake Community College the applicant had requested a width of only five feet. He noted that the college recommended removing the chain link fence and part of a stone wall to allow more of a free flow between the campuses students and the restaurant, which the applicant had agreed to do.

Mr. Stewart noted that staff found that the Conditional Building and Site Design Review application by McDonald's Corporation did not satisfy all of the standards for approval due to the building not being oriented primarily to the street, the main entrance faces the south parking lot, and it should be opened to primary pedestrian and mass transit flow from State Street. He noted that on the north side of the building where the drive-through windows would be located, he agreed with the applicant that forty (40) percent glass should not be required on that façade; however, on the State Street façade, there was a possibility for some increased glass and to improve the possibility of pedestrian interest and interaction.

He noted that certain portions of the project could be approved tonight including: reducing the landscape buffer from seven (7) to five (5) feet along Kensington Avenue, reducing the parking setback from fifteen (15) feet to five (5) feet, allowing for the proposed glass amount on the drive-through, and not requiring the three (3) additional stalls for the outdoor dining.

Commissioner Scott inquired if there was any talk in the subcommittee of requiring the building to be rotated 90 degrees, and if there was any discussion on eliminating the drive aisle on the west side of the building.

Mr. Stewart noted there had not been any discussion of that; he noted that both meetings did focus on possible mitigations of the drive aisle and reviewing the reasoning by the applicant that the raised median down State Street prevented southbound traffic from turning into the site, and this traffic would instead have to turn onto Kensington Avenue and then into the site and the west drive aisle created the best flow of traffic.

Commissioner De Lay noted that this particular location was really unique because in a way it seemed to be part of the Salt Lake Community College campus, she noted that the ordinance did state that it should be pedestrian and mass transit oriented, but it seemed that the main entrance facing the college campus made sense, so pedestrians were not crossing through the idling drive-through traffic.

Mr. Stewart noted that sixty (60) percent of the customers at this location were using the drive-through and about forty (40) percent were walk-in customers.

Commissioner Forbis inquired if these issues of concern were discussed with the applicant prior to the subcommittee meetings.

Mr. Stewart stated the building rotation was not discussed with the applicant prior to writing the report, the glass and landscaping were discussed before and during the subcommittees and an agreement could not be reached.

Commissioner Algarin noted that the reason the applicant wanted to rebuild the building was because it would be more cost effective, and would there not be a pretty significant cost to rotate the building.

Mr. Stewart noted that they would use the same footprint, which would save some cost.

Commissioner Scott noted that the current building had a basement and the new one would not, so they were doing some pretty drastic changes anyway.

Chair Wirthlin invited the applicants to the table.

Farley Eskelson, Dominion Engineering; introduced Steve Jenkins, McDonald's Corporation. He noted that originally the intent was to remodel only forty-nine (49) percent of the building allowed by the ordinance. He noted that the building had been at that location for approximately 45 years and the applicant had looked at seventeen different models of this to try to make the most of the situation. He noted that there was an existing basement that would now be kept.

Mr. Eskelson noted that the drive aisle on the west side of the building was necessary for access from State Street onto Kensington Avenue. He noted that if the building were to be rotated all of the exiting drive-through traffic would need to access Kensington Avenue, which was a safety issue and the drive-through would run the length of the back of the building so all of the college students would have to cross through that traffic to get to the entrance. He noted that the existing footprint was extremely functional as it was, and the landscape would be increase almost 2, 000 square feet.

Commissioner McHugh noted that she read in the staff report that McDonald's did not like to have basements in their restraunts for employee safety reasons.

Mr. Jenkins noted that the owner/operator at this location requested that the basement be maintained for additional storage purposes.

Commissioner Scott noted that the applicant had mentioned a risk if patrons exited onto Kensington Avenue, but it did have a stoplight so it seemed more safe to exit there then onto State Street.

Mr. Eskelson noted that if all of the drive-through traffic dumped onto Kensington Avenue it would create unnecessary cross traffic concerns.

Commissioner Scott inquired about the reasoning for not rotating the building.

Mr. Eskelson noted that the new design structure for McDonald's had been trademarked and even if the front façade was rotated to face west, it still would not meet the forty (40) percent glass requirement, it would stay at only eighteen (18)

percent. He noted that after looking at seventeen versions of the new building placement, the original footprint still seemed to work the best.

Commissioner Scott inquired if the building had to be built in this new style.

Mr. Jenkins noted yes, this was how newly built McDonald's looked and the front of the building was trademarked so that even without signage a patron would know by looking at the appearance of the building it was a McDonald's. He noted that the awnings and proportion to glass had been included in this design.

Commissioner Scott inquired what the McDonald's Corporation did when they ran into ordinance incompatibilities throughout other cities in the United States.

Mr. Jenkins noted that McDonald's would not build in those cities, and with respect McDonald's was not a new application in the City or at this site and they wanted to stay here for longer, but could not continue with the existing building as it was because it was a blight on the brand.

Commissioner De Lay inquired if the new McDonald's trademarked look was built according to LEED standards.

Mr. Jenkins noted that they were looking at LEED elements including: building materials and landscaping elements.

Commissioner De Lay noted that the trash enclosure abutting the college campus was placed right where McDonald's was encouraging foot traffic from the college to walk, and inquired why the applicant could not put the trash on the northeast corner of the lot.

Mr. Eskelson noted that was the best location to be able to get a trash truck in and out.

Commissioner De Lay noted that there had to be a more inviting placement of the trash dumpsters; she noted that a truck could also access the area from State Street.

Vice Chair Woodhead noted that the applicant had gone through seventeen different plans and inquired how many of those were on the same footprint.

Mr. Jenkins noted that most of them were analyzed at using the same footprint.

Vice Chair Woodhead inquired how many plans the applicant looked at which did not use the existing footprint.

Mr. Eskelson noted that three of them were looked at that would use a new footprint and the problem was the configuration of the lot itself, one of those plans was restricted by zoning, and building placement on the south end of the lot did not allow for enough room to queue in the double drive-through.

Vice Chair Woodhead noted that this was a huge lot and it seemed that they had a great opportunity to do something really good; however, a situation had been created where there were inevitable problems, and where the McDonald's Corporation was requiring that the City bend its rules.

Mr. Eskelson noted that patrons of McDonald's traveled around the building counter clockwise and if the building were moved 90 degrees and moved further down on the lot, it would remove the ingress and egress from the south driveway.

Chair Wirthlin opened up the public hearing portion of the petition, there was nobody present to comment, he then closed the public hearing.

Commissioner De Lay noted that she did not know the protocol for a petition that had gone through subcommittee, and the Commission received a recommendation based on staff opinion, it seemed that the applicant did not have the opportunity to respond to or come up with an alternative to the subcommittee's suggestions in enough time, she noted that there was also no alternative language or options for the Commission to make an alternative motion from staff's request.

Mr. Paterson noted that although Mr. Stewart authored the staff report it was a professional opinion that was also reviewed by the Planning Division management.

Commissioner Scott noted that when an applicant went through subcommittee there had to be some give and take and there were clear expectations in the ordinance regarding what the City was looking for, and the McDonald's Corporation understood from day one that their plan was in violation of that ordinance. She noted that she saw a certain amount of inflexibility by the McDonald's Corporation and the main issues were still there, especially the lack of glass and the problems with the drive isle.

Commissioner Forbis noted that all of the main issues were addressed in the first subcommittee, additional options were discussed in the second subcommittee and the participating Commissioners again tried to figure out a way to meet the forty (40) percent glass requirement. He noted that the subcommittee discussed putting the outdoor dining at the front of the building to close off the parking lot to create a more walkable, friendly environment, but with the amount of traffic in the area that would have caused only more problems. He noted that the applicant rethought it through and decided to move the outdoor dining to the south. He noted that the ingress and egress onto Kensington Avenue seemed to be the best option considering the size, configuration, and location of this lot.

Vice Chair Woodhead noted that she had a philosophical problem with the applicant, which was made real by the issue of the trademarked building, where an applicant could come to the City and say that they had a trademarked design accept it or they would not build here. She noted that the City had taken time to put into the ordinance standards they would like to see followed. She noted that there were negotiations when it came to building configurations and traffic issues that understandably needed to be looked at, but it seemed what the McDonald's Corporation was saying, was there were no negotiations on the design of the building.

Commissioner Forbis noted that there was also the argument that this had been an existing business at this location since 1964 and maybe there should be some accommodations due to that fact.

Vice Chair Woodhead noted that the McDonald's Corporation had stated that there were no negotiations on the trademark design, and if the Commissions allowed this, other applicants could come to the City and announce they had trademarked buildings and not respect City ordinances.

Commissioner Algarin noted that the Commission was at liberty to make those decisions on a case by case basis and this was a business that had been in the City for 45 years and was not in the core Downtown area, so it should be taken into consideration.

Vice Chair Woodhead noted that it could be taken into consideration, but she did not feel it was appropriate to look past the ordinances incompatibilities and roll over for a large corporation just because they had been in the City for a long time.

Commissioner Algarin noted that he felt the Commission should not make the issue an act of submission for a large corporation.

Vice Chair Woodhead noted that Mr. Jenkins stated that if cities would not bend to the trademarked McDonald's building they would simply not build there—and she had a problem with that.

Commissioner Algarin noted that the applicant had the right to build or not build, and the Commission had the right to make a decision based on the facts.

Vice Chair Woodhead noted that the City adopted ordinances for a reason and that should always be the minimum standard the Commission started with.

Commissioner De Lay noted that for land use planning, she agreed with Commissioner Forbis that the McDonald's Corporation had been an existing use for forty plus years and the use was not changing, the ingress and egress was actually being improved. She stated that she felt that the Commission was doing their job with the existing limitations without making the applicant change everything.

Vice Chair Woodhead noted that there had been some negotiation on the configuration of where the building sat; however, the current building now was actually closer to City standards than what it will be when it is rebuilt.

Commissioner De Lay noted that there were a lot of aspects the Commissioners agreed on, but could there be a compromise with the applicant to say this was okay as long as they agreed to put in more glass.

Vice Chair Woodhead noted that would be an agreeable negotiation.

Mr. Jenkins noted that what had been trademarked was the proportion of the arcade to the window and the depth and orientation of that arcade with the rooftop elements; this and the awnings were non-negotiable. He noted that with other municipalities McDonald's Corporation had worked with the texture of the arcade element, the color scheme, etc. He noted that McDonald's was willing to work with the City to obtain the look of the building they wanted, but still maintain the branded look of McDonald's.

Commissioner De Lay inquired if the applicant would be willing to make the façades of the building look more like the abutting college.

Mr. Jenkins noted they could look into that.

Commissioner Muir noted that he did not know if the Commission had any guidance in the master plan regarding this, he noted that he appreciated the fact that this was a long standing business, but the ordinance basically stated if there were noncomplying conditions the applicant could remodel up to forty-nine (49) percent of the existing building, which seemed straightforward. He noted that the applicant was presenting something so outside of the City ordinance that he felt that he could not support it.

Mr. Jenkins noted that the point of this application was to update the building, but the building was so old that it did not meet the seismic requirements in the current City ordinance anyway.

Chair Wirthlin called for a motion.

Commissioner Forbis made a motion to table Petition 430-08-01, McDonald's Design Review for Rebuild.

Vice Chair Woodhead seconded the motion.

All in favor voted, "Aye", the motion carried unanimously.

Mr. Paterson stated that it would be helpful for staff to have direction from the Commission on how to direct the applicant before they come back before the Commission.

Commissioner De Lay noted the forty (40) percent glass seemed to be the Commissioners biggest issue, the placement of trash receptacles, and the walkability for the students coming over from the college. She also noted she was concerned the landscaping did not use a lot of native plants.

Commissioner Muir noted that the biggest issue for him was does the Commission make an exception for the McDonald's Corporation, but not for a small local business. He noted that the City Council had the wisdom to enact the South State Street Overlay (SSSC) with an idea in mind of what they wanted to see, so there was an obligation to enact that as closely as possible.

Mr. Paterson noted that the ordinance did allow, through the Conditional Building and Site Design Review, for the Commission to consider some alterations to the design standards in the CC zone and in the SSSC overlay, based on certain standards in Chapter 59, which was used to analyze this project.

Vice Chair Woodhead inquired if the applicant wanted concrete direction from the Commission, or if they wanted to relook at the project, make some changes, and bring it back to the Commission.

Mr. Jenkins stated he would like to have time to reanalyze ways to increase the percentage of glass by altering the building frontage.

Chair Wirthlin inquired of the Commission if they felt this should go back to a subcommittee or if the applicant could rework the design and bring it back for a final discussion and a motion.

Commissioner De Lay noted that the applicant should go back to staff for additional input and if another subcommittee was necessary then they should be granted that.

Mr. Nielson noted that the Commission did have the opportunity to deviate from the standards if the basic design criteria of the zoning district had been met.

Chair Wirthlin inquired if staff had felt enough direction had been given.

Mr. Stewart noted that the glass requirement applied to both Kensington Avenue and State Street, and inquired if the Commission wanted to only focus on the State Street frontage.

Commissioner Scott noted she was still not convinced that the building could not be rotated 90 degrees.

Mr. Jenkins noted that the seventeen different options could be brought in for the Commission to review.

Commissioner McHugh inquired why glass could not be increased on the Kensington Avenue side of the building.

Mr. Jenkins noted that would create a lot of windows into the kitchen and patrons would only be looking at fryers, which was why there was no proposed glass in that area.

Chair Wirthlin noted there were no additional comments.

The meeting adjourned at 8:40 p.m.

Tami Hansen; Planning Commission Secretary