

**SALT LAKE CITY PLANNING COMMISSION MEETING**  
**In Room 326 of the City & County Building**  
**451 South State Street, Salt Lake City, Utah**  
**Wednesday, January 12, 2011**

Present for the Planning Commission meeting were Chair Michael Fife, Vice Chair, Angela Dean, Commissioners Emily Drown, Babs De Lay, Michael Gallegos, Charlie Luke, Susie McHugh, and Mary Woodhead. Commissioners Kathleen Hill and Mathew Wirthlin were excused.

A field trip was held prior to the meeting Planning Commissioners present were: Michael Fife, Staff members in attendance were Nick Norris, Elizabeth Reining, Maryann Pickering, Ray Milliner and Lex Traugher.

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at 5:45 p.m. Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time. Planning staff members present at the meeting were: Wilf Sommerkorn, Planning Director; Nick Norris, Planning Manager; Doug Dansie, Senior Planner; Nick Britton, Principal Planner; John Anderson, Principal Planner; and Paul Nielson, Land Use Attorney; and Angela Hasenberg, Senior Secretary.

**Field Trip Notes:**

**PLNPCM2010-00712: YWCA Building & Site Design Review** –Staff gave an overview of the property located on 322 East 300 South, Commissioner Fife asked about the 40% glass requirement and setbacks.

**PLNPCM2010-00610: Mark Miller Conditional use for auto sales**- Staff gave an overview of the property located at 730 South West Temple.

**PLNPCM2010-00481 Atlas Architects Conditional Use** –Staff gave an overview of the property located 327 East 300 South. Commissioner Fife asked questions regarding landscape buffers and adjacent uses.

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**Work Session**

**Mobile Business Ordinance Amendments**

Staff Representative Ray Milliner discussed the Mobile Business Ordinance Amendments. Mr. Milliner asked for direction regarding an application for amendments to the mobile business ordinance.

Mr. Milliner described what a mobile business would consist of, using the example of the “Chow Truck” where a mobile business would find a location of a parking lot or vacant lot and park and sell food.

Currently, under the Zoning Ordinance, these types of mobile businesses were prohibited from staying in any particular location for more than a few hours, and could only sell to people that work on the premise where they would park, and it limits the number of employees to two at any one time in residential districts.

Mr. Milliner stated that the ordinance was created for large trucks that would drive on to construction sites, but not written for a more residential use. It was for that reason a petition was initiated to amend the code so that the smaller more residential food vendors would be able to operate.

The amendments being proposed are to:

- Create a definition of a mobile business
- Amend the current language on page 4 of the staff report to allow the vendor to stay more than 4 hours in one location
- Allow vendors to sell to anyone who would like to purchase their food.

Concerns:

- A perpetuation of competing vendors
- Unknown uses that could use this type of business licenses.

Questions:

- What language should be modified to change the amendment
- Should additional regulations be placed
- Should the definition be changed
- Should there be spacing requirements

Commissioner McHugh stated that veterinary and grooming services were allowed, but on the code changes, she understood that it would not be allowed.

Commissioner De Lay commented that she travels out of town quite often, and offered that mobile food carts should be separated from other mobile businesses. She stated that a very popular thing in the country was a mobile spayed and neutered service, but with mobile food carts, the requirements should be different. She added that in Portland OR there are 50 cuisines in over 50 locations in food carts and trucks. Many appear to be permanently placed on vacant lots; there can be “pods” of twenty to thirty food carts. Portland was having issues with some becoming so permanent they were placing decking and awnings on the carts.

Michael Akerlow, Deputy Director of Housing and Neighborhood Development he was the Small Business Economic Development Manager when the petition was initiated. A mobile business approached them regarding some concerns that they had over operating their business in Salt Lake City.

Mr. Akerlow stated that the City already has a vending cart ordinance, that is separate and the locations are managed by the Property Management Division.

Commissioner De Lay clarified that the businesses she was referring to in Oregon were mobile trucks that could be moved, and could be used for special events.

Mr. Akerlow added that this issue was brought before the Business Advisory Board, he noted that the owner of the Red Iguana and Gastronomy were both on the board. After discussion, the consensus was that they were in favor of this type of business.

Commissioner Fife asked if they vendors would park on a City street or a vacant lot.

Mr. Akerlow stated that the vendor would have to park on private property with permission from the owner. The ordinance currently states that they can only park at a particular location for two hours.

Mr. Gallegos asked about power sources for the vendors, he referenced the no idle policy, and asked whether the power source would be a generator.

Mr. Akerlow stated that currently the vendors do use the energy from their running vehicles. He added that this ordinance would allow current mobile business owners to be grandfathered into the ordinance, but would require new business to have some type of auxiliary means to generate power.

Commissioner De Lay noted that in the Portland Oregon code, the lot owners add power poles and thus eliminated the need for generators.

Commissioner Luke added that he would like to see the hours available for one location to be increased.

The Commissioners discussed the pros and cons of availability in residential zones.

Mr. Milliner stated that it was a concern about a use entering a zone where commercial uses are expressly prohibited. Under the current ordinance, a truck could park in a driveway and sell food.

Commissioner Luke asked about restrictions.

Mr. Norris added that use in a residential area for a street fair would be covered under the Temporary Use section of the Ordinance, where certain things would be allowed, regardless of zones.

Commissioner Fife summarized that staff should pursue amendments to the Zoning Ordinance with clarity on professional services, and looking into "pod" ideas.

Mr. Milliner finalized that staff should look at separating food services from other services, alternative site power source, i.e. power poles, increase the hours, addressing how it would be handled on City managed property and look into Portland's model.

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### **Zoning Text Amendments for transit shelter advertising, outdoor off premise signs and electronic bill boards**

Staff Representative, Doug Dansie discussed the Zoning Text Amendments for transit shelter advertising, outdoor off premise signs and electronic bill boards.

Commissioner Fife noted that there was a presentation from YESCO signs the previous week.

Mr. Dansie stated that there was an Open House, a briefing, a presentation, and a meeting with the Business Advisory Board in December.

Mr. Dansie stated this was an “issues only” briefing because staff felt that it would be helpful to give as much information as possible before making a recommendation to the Commission.

He added that the proposed ordinance will be presented as an “issues only” hearing on January 26, 2011 and the decision making will follow.

Mr. Dansie stated that there were three separate ordinances.

- Transit Shelter Advertising, no time limit.
- General Bill Board Ordinance update, no time limit
- Conversion of Bill Boards to Electronic must be decided by mid April.

Mr. Dansie stated that signage has existed long before zoning, zoning was legalized by the Supreme Court in 1926, and Salt Lake City got its first ordinance in 1927. Regulation of signage did not occur until after World War 2 and there was signage in Salt Lake City that pre-dates it.

The current issue was established because UTA and a bill board company approached the City about bus shelters. Most bus shelters in Salt Lake City are owned by bill board companies.

**Transit Shelter/Advertising in the public right of way:**

- Transportation Division discussed bicycle sharing and advertising at kiosks
- Becca Roofl from Transportation spoke, she stated that the way that the advertising appears on the bike is quite sizeable, and was a great platform for advertising.
- The City can choose the level of advertising.
- News racks
- Portable Toilets

Mr. Dansie gave a PowerPoint Presentation illustrating different types of kiosk advertising. He explained the advertising process.

**Bill Boards:**

- Ordinance, current regulations include a cap and reduce clause, no additional bill boards are allowed, but billboard owners can take one down and move it.
- State Laws have changed, Bill Boards are personal property, and therefore taxed like a boat or a car.
- State Law has changed and has allowed Bill Boards to move.

Commissioner De Lay added that in another city, revenues of 60,000 dollars had been collected in North Carolina.

**Electronic Bill Boards**

- Silence in Ordinance for bill boards, therefore, no prohibition or regulation in the ordinance, it is dealt with in “on premise signing”
- Electronic Bill Boards have been approved because there was no prohibition.
- Electronic are the wave of the future.

Two draft ordinances are the extremes, one says “no electronic signs” and the other says yes, with an attempt to replicate the “cap and reduce” program, that states that one can only convert to electronic if more than one regular bill board is removed.

Commissioner Woodhead asked if Mr. Dansie felt that the industry would be amiable to that trade off.

Mr. Dansie stated that the feedback was that because most of the bill boards in Salt Lake City are controlled by one company, the other bill board companies would have to trade most of their existing bill boards to convert to electronic signs.

Commissioner Woodhead stated that the risk of letting every bill board be converted would make it harder for the City to buy out bill boards.

Commissioner De Lay stated that in the meeting with YESCO, the company said that they would not support the proposed changes; Commissioner De Lay suggested they come up with an alternative. She added that the environment was never brought up, she asked that when YESCO came back for a hearing, they should be prepared to present an “environmental impact report” Commissioner De Lay added that one electronic bill board had the carbon footprint equal to forty-nine traditional bill boards, or the equivalent of thirteen homes.

Commissioner De Lay said that in North Carolina, they had a plan of action that calls for a reduction in green house gas emissions. Commissioner De Lay suggested that this needed to be looked into.

She added that it could potentially cost a fortune in staff hours to police the electronic signs. She added that eleven states have prohibited electronic signs.

Other areas of concern were:

- Minimum display duration period.
- Requirements on the amount of time an image is displayed.
- What information is being presented.
- The size.
- The brightness.
- The luminosity.
- What would happen in the event of a failure.
- Spacing between digital bill boards.
- Placement in relationship to traffic control devices.
- Policy regulation of digital bill boards.

Commissioner De Lay stated that the bill board should at least be carbon neutral.

Commissioner Luke asked if State Code could override City Code.

Mr. Dansie answered that he did not believe that was the case.

Commissioner Fife added that he felt the benefit would be combining electronic signs with reducing bill board signs.

Mr. Dansie stated that he would like to give the industry representatives ample opportunity to present their information supporting their point of view.

The Commission had a Discussion of creating a subcommittee and decided a subcommittee was warranted. A subcommittee was formed to discuss the bill board issue which would include Commissioners De Lay, Drown and Luke.

Commissioner McHugh had questions regarding enforcement.

Ms. Roolf made a final comment regarding bike sharing program, intended to go live in the summer, she stated that timing would be very important. She added that there was interest in having more bus shelters.

### **Training from Planning Director Wilf Sommerkorn**

Mr. Sommerkorn gave a PowerPoint presentation on “Making Motions and Findings of Fact”.

He gave the Commissioners direction on how to make proper motions and findings of fact.

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### **Approval of the Minutes**

**Commissioner De Lay made a motion to approve the minutes as corrected.**

**Commissioner Luke seconded the motion.**

**Vote: Commissioners Drown, De Lay, Gallegos, Luke, Mc Hugh, and Woodhead all voted “aye”. Commissioner Dean abstained from the vote. The motion passed.**

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### **Report of the Chair and Vice Chair**

Chairperson Fife stated he had nothing to report.

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### **Report of the Director**

Mr. Sommerkorn stated there was nothing to report.

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### **Public Hearing**

**PLNPCM2010-00712: YWCA Building & Site Design Review** - A request by AJC Architects on behalf of YWCA at 322 East 300 South for building & site design approval with modifications to the zoning requirements. The subject property is in the Residential Mixed Use (R-MU) zoning district and in Council District 4, represented by Luke Garrott.

Commissioner De Lay stated that she had contributed to the YWCA and actively participates with them. She asked if she needed to recues herself.

Commissioner Gallegos also stated a potential conflict in that his agency provides funding to the YWCA

It was agreed that they did not need to recues themselves.

Chairperson Fife recognized Nick Britton as staff representative.

Mr. Britton stated that the subject property is at the address of 322 East and 300 South and is currently zoned R-MU.

He gave a PowerPoint presentation illustrating the property boundaries and the building to be constructed.

Mr. Britton stated that the Conditional Building and Site Design Review process allows modifications to the zoning requirements.

Mr. Britton stated that there were several items that the applicant had requested waivers for, they are:

- The maximum setback for non-residential use is fifteen feet; the request is for thirty feet.
- The minimum first floor glass requirement was 40%, the request was for 38.9% on 300 East and 36.4% along 300 South.
- The requirement for doors on each street facing façade; the requirement was one operable door per façade unless they met the 40% glass requirement; request is for one door on 300 South.

Mr. Britton stated the reason for the request was based primarily on the nature of the services the YWCA provides and the fact that they need more security than an average retail business or office.

Mr. Britton discussed the difference between public vs. private. He discussed the need for security and the reasons the designation between public and private needed to be established.

Mr. Britton described the details of the new building.

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Questions from the Commissioners

Commissioner Fife stated that the reason for the waiver was for safety and security. He asked why they could not meet the minimum standard if the difference was 1%.

Commissioner De Lay asked about the special circumstances of the original architect for the Morgan Building, and asked if the YWCA was planning to tear it down.

The Applicants, Anne Burkholder Chief of Executive Officer of the YWCA and Jill Jones, the architect, responded that the part that would be demolished was the 1954 addition to the historic Julia Morgan Building, and the Julia Morgan building would be restored, it was built in 1924 and the next phase will involve placing the building on the National Historic Register.

Jill Jones discussed the 1% difference; she stated that they had tried to balance the security requirements the building needed to provide for the community, with meeting the 40%. She said that was as close as they could comfortably come without sacrificing security.

Commissioner Fife asked if they felt they had come as close as they could.

The applicant, Jill Jones, agreed.

Commissioner McHugh asked about trees. She said that she noticed another requirement was more trees on 3<sup>rd</sup> East. She asked why wouldn't there be additional trees on 3<sup>rd</sup> South.

Mr. Britton stated that there were actually trees on 3<sup>rd</sup> South, and that the requirement was met.

Mr. Gallegos asked about fencing.

Anne Burkholder stated that fencing was not in the current plan, but could be added at a later date.

Commissioner De Lay asked if geo thermal resources would be used.

Jill Jones stated that this building would not be due to a well system that is not performing.

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### **Public Hearing**

Chairperson Fife opened the public hearing, no one chose to speak.

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### **Close of Public Hearing**

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### **Motion**

**Commissioner De Lay made a motion in regard to PLNPCM2010-00712: YWCA Building & Site Design Review based on the findings within the staff report and testimony heard Commissioner De Lay moved that the Planning Commission approve the proposed building and site design at 322 East and 300 South as proposed by AJC Architects on behalf of the YWCA of Salt Lake City. The proposal requires waivers for the maximum front yard setback minimum required glazing and the orientation and location of building entrances, recommendation of items of 1, 2 and 3 of the staff report to be included in the motion.**



**Commissioner Gallegos seconded the motion**

**Planning Director Wilf Sommerkorn added regarding glazing waiver, there is a standard for criteria in the Ordinance that requires that if the Planning Commission can waive the glazing if they find that the intent of the overall design is met.**

**Commissioner De Lay agreed that it had been**

**Vote: Commissioners De Lay, Luke, Gallegos,McHugh, Drown, Woodhead, and Dean all voted “Aye”, the motion passed unanimously.**

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**PLNPCM2010-00610: Mark Miller Conditional use for auto sales-** A request by Mark Miller Toyota to expand its current facility located at approximately 730 South West Temple. The property is zoned D-2 Downtown Support District in City Council District 4, represented by Luke Garrott

Chairperson Fife recognized John Anderson as staff representative.

Mr. Anderson stated that this was a request for a conditional use for the Mark Miller Toyota facility located at approximately 730 South West Temple, they would like to expand an existing conditional use onto surrounding property, which was a D-2 downtown support district.

Mr. Anderson noted that the applicant had received a conditional use permit to expand in 2008, along 800 South, since then, they have acquired more property along 200 West.

Mr. Anderson gave a PowerPoint presentation of the proposal.

He stated that the applicant would add landscaping, and the removal of access points.

Mr. Anderson noted that there is one single family residential property in the area and a landscaping strip will be added.

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**Questions from the Commissioners**

**None**

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## **Public Hearing**

Susan Anderson, 241 Montrose Street she spoke in **OPPOSITION** to the application. Her address was directly perpendicular to the property; she was concerned about curb cuts and access points. She requested that all curb cuts be removed. Ms. Anderson added that if the lot was not part of the Mark Miller Project, then she would argue that vehicular storage was a non conforming use in D-2, she said the allowance was for commercial pay lots, vehicular sales and offsite parking and that vehicular storage was none of those items. She said that if the property was not a contiguous piece of property, then it would not be a conditional use.

Mr. Anderson responded that the request was for a conditional use for auto sales, part of auto sales would be parked cars.

Mr. Anderson stated that both the Transportation and Engineering department had reviewed the application, and the recommendation did not include removal of curb cuts.

Mr. Norris clarified that the Zoning Ordinance in non-residential districts does not limit the number of curb cuts, but what it does say is that the minimum distance between curb cuts shall be twelve feet. A property could have multiple curb cuts in a D-2 zone.

Mr. Norris stated that the use can straddle multiple parcels of land; the storage of vehicles associated with a car dealership is part of the conditional use. It would be an accessory part of a dealership, a necessary component. Therefore there is no conflict.

## **Close of Public Hearing**

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## **Comments from the applicant**

Brian Lawrence, Service Director for Mark Miller and James Connell FFRT Architects, spoke. Mr. Lawrence stated that all driveways were functional and could be used if needed.

Commissioner McHugh clarified that they were eliminating one curb cut, and adding landscaping.

Commissioner Luke asked the distance between the two remaining curb cuts.

Mr. Connell responded the distance was approximately 108 feet.

Commissioner De Lay stated that there would be an impact on the neighborhood. She also noted that they had a LEED Gold certification on the entire project, including landscaping.

Commissioner McHugh noted that currently, the location did not have traffic  
Mr. Lawrence agreed.

Commissioner Luke stated that if Code says there could be a curb cut ever twelve feet, and there request is for one hundred, plus it would be acceptable.

Commissioner Gallegos noted that curb cuts eliminate street parking.

Mr. Norris added that the property is along the Trax line.

Commissioner Dean asked about traffic flow, would losing another curb cut be an issue.

Mr. Lawrence stated that future use could dictate the need for additional curb cuts.

Commissioner Gallegos asked if buildings would be removed.

Mr. Lawrence said that no buildings would be removed, and the purpose of the application was to improve the lots and make them more aesthetically pleasing.

Commissioner McHugh stated that it seemed that the landscaping would be an improvement

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### **Comments from the Commissioners**

Commissioner Woodhead stated that she didn't believe that the Planning Commission had authority to require them to close the curb cuts.

Mr. Norris stated that because it was a conditional use, and one of the standards was traffic impact, if the issue exists, the Planning Commission could require them to reduce the curb cuts.

Commissioner Woodhead and Fife discussed traffic in the area and determined there was no issue.

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## **Motion**

**Commissioner Luke made a motion in regard to PLNPCM2010-00610: Mark Miller Conditional use for auto sales that the Planning Commission approve the conditional use for auto sales on the parcels located in and around 730 West Temple with the following conditions: ensure the existing single family dwelling is properly buffered from the expansion of the use with a seven foot landscape buffer, and requiring a full cut off fixture and lamp to prevent light trespass onto the single family dwelling.**

Commissioner Woodhead seconded the motion.

**Vote: Commissioners De Lay, Luke, Gallegos, McHugh, Drown, Woodhead, and Dean all voted “Aye”, the motion passed unanimously.**

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**PLNPCM2010-00481 Atlas Architects Conditional Use** -A request by Chris Ogura for conditional use approval for an office to be located at approximately 327 East 300 South. The subject property is located in the R- MU (Residential Mixed Use) Zoning District in Council District 4, represented by Luke Garrott. (Staff contact: Ana Valdemoros at 801-535-7236 or [ana.valdemoros@slcgov.com](mailto:ana.valdemoros@slcgov.com)).

Commissioner Fife recognized John Anderson as staff representative.

r. Anderson stated that it was a request for conditional to change the use from a dry cleaning business to an office use located at approximately 327 East 300 S.

Mr. Anderson stated that office uses are conditional uses in an RMU zone if they were not medical or dental. The business would use the existing structure.

Mr. Anderson gave a PowerPoint presentation that illustrated the land boundary.

Mr. Anderson stated that Ms. Valdemoros had recommended approval with conditions listed on the staff report.

Commissioner Fife asked if the building was on a different lot.

Mr. Anderson said both buildings were on the same parcel.

Commissioner Fife asked if the conditional use would be for the entire lot.

Mr. Anderson stated that it would be for the lot.

Mr. Norris said that the conditional use runs with the lot.

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### **Comments from the Applicant**

Christopher Ogura, Managing Partner of O Properties, LLC, stated that he had purchased the property from their grandmother, he requested a waiver of the cross easement agreement because of the ease of use since 1953, and believes that it qualifies as a prescriptive easement.

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Public Hearing

No one chose to speak

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Close of public hearing

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### **Motion**

**Commissioner Dean made the motion that conditional use application PLNPCM2010-00481 Atlas Architects Conditional Use for the property located at 327 East 300 South be granted approval from the Planning Commission based on the findings of fact in the staff report and the testimony of the application with conditions 1 and 3 of the staff recommendations.**

**Commissioner Luke seconded the motion.**

**Vote: Commissioners De Lay, Luke, Gallegos, McHugh, Drown, Woodhead, and Dean all voted “Aye”, the motion passed unanimously.**

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Meeting adjourned

**This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on January 12, 2011.**

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Angela Hasenberg