

SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, January 26, 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, Matthew Wirthlin and Mary Woodhead. Commissioner Kathleen Hill and was excused.

The scheduled field trip was cancelled.

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; Joel Patterson, Planning Manager; Doug Dansie, Senior Planner; Carl Leith, Senior Planner; Michael Maloy, Principal Planner; and Paul Nielson, Land Use Attorney; and Angela Hasenberg, Senior Secretary.

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Work Session

PLNPCM2011-00015: Yalecrest Local Historic District Designation – A request by the Historic Landmark Commission, pursuant to a request from the Yalecrest Yes Heritage Preservation Committee, to amend the Salt Lake City Zoning Map, in accordance with the standards of chapter 21A.34.020 and chapter 21A.50.050 of the City Ordinance, and establish an H Historic Preservation Overlay District for the Yalecrest neighborhood which is located generally between 800 South/Sunnyside Avenue and 1300 South, from 1300 East to 1900 East. The area is located in City Council District 5 represented by Jill Remington Love and District 6 represented by JT Martin. (Staff contact: Carl Leith at (801) 535-7758 or carl.leith@slcgov.com.)

Chairperson recognized Joel Paterson, Carl Leith, and Michael Maloy as staff representatives.

Mr. Paterson gave a background on the Yalecrest Land Fill Overlay Zoning District.

- Planning Commission recommended approval in 2005.
- Zoning Standards allow people to get building permits by right or special exception process, and nothing had required Planning Commission approval
- 1999, the city worked with the Yalecrest neighborhood to establish neighborhood zoning.
- In response to new construction that did not comply with the size and scale of other homes in the area, the City worked with a subcommittee of the Yalecrest Community Council
- Over 5 years, the YCI standards were created and adopted in 2005.
- December 2005, in response to demolitions and incompatible development in the Avenues, Capitol Hill, and other areas, the City Council adopted a City wide compatible infill zoning standards that were a series of zoning text amendments that were placed within the different residential zoning districts for single family/two family zoning districts.
- Example of the difference in Standards between the YCI and the City-wide compatible infill standards:

- 2005
 - Maximum building height in R-1 and R-2 zoning districts were 30' measured to the midpoint of the roof.
- Adoption of YCI Standards
 - Maximum building height in R-1 and R-2 zoning districts were 27.5' measured to the midpoint of the roof.
- Compatible Infill Standards
 - Maximum building height standards dropped to 27' to the ridge of the roof.
 - Compatible Infill District Zoning Standards had other modifications that were allowed to the maximum building height, if one could show that the average height of the other homes along the same side of your block face was higher than the base zoning district, you could by right, obtain a permit up to that average height.
 - If one could show that what was being proposed met the development patterns along the block face that had the same or greater height of what was proposed it could be approved through a special exception process.
 - Other standards like exterior wall height and front yard standards were discussed.

Chairperson Fife asked if the Compatible Infill Overlay Ordinance superseded and the Yalecrest Compatible Infill.

Mr. Paterson answered that when there was a Base Zoning District and an Overlay Zoning District, like the YCI, if there was a conflict between the two, the Overlay trumps the base zoning district standard.

Mr. Paterson stated that there was a growing sentiment that the Yalecrest Compatible Infill should be eliminated; make it its own Base Zoning District in order to eliminate confusion.

Mr. Paterson noted that demolition in the Yalecrest area began to increase, and far outnumbered the demolition that was being seen in other areas of the City. There was no regulation on demolition, the only demolition review was within historic areas, and the Historic Landmark Commission had the ability to deny demolition. There were checks and balances in place to protect the reasonable use of a property. Because of the number of demolitions, the City will create additional tools for better regulation.

Previously, the Planning Commission reviewed the draft Preservation Plan that was created for Citywide Preservation Policy. It was still pending for Council approval; the document recommended that the City develop new tools to help with Preservation Programs, developing conservation districts. The document also recommended that the City look for other areas that were worthy of local historic designation.

In the past year, the Historic Landmark Commission had gone through the process of identifying the various neighborhoods in the City and prioritized which ones should be considered for local historic designation. Westmoreland Place area, Yalecrest, and the extension of the University Historic District were the three the Historic Landmark Commission chose.

Westmoreland Place neighborhood, consisting of approximately 52 homes, has gone through the process and the City Council has designated it as a local historic district.

The Historic Landmark Commission created a petition to consider local historic district designation of the Yalecrest neighborhood, located from 800 South to 1300 South, and between 1300 East and 1900 East. The Historic Landmark Commission made a recommendation to create a local historic district for the entire area. Mr. Paterson stated that there had been competing petitions recommending modifications to the Yalecrest Overlay Infill, either for the entire neighborhood, or one petition for the Yalecrest Heights subdivision.

Mr. Paterson stated that the Historic Landmark Commission had made a recommendation for designation of local historic districts and zoning map amendments would also come to the Planning Commission for recommendation.

Mr. Paterson stated that these petitions compete with each other, and take different approaches; therefore, it was important to brief the Planning Commission on what was coming forward.

Commissioner Woodhead asked if staff felt both petitions would be presented together.

Planning Director Sommerkorn responded saying that if you look at the petitions, they were quite complex and there is a variety. There was potential for substantial public commentary on each petition, would the Planning Commission like to have all information at once, or to spread them over a few meetings.

Commissioner Woodhead stated she would like to have them together.

Commissioner De Lay agreed.

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Chairperson Fife recognized Carl Leith as staff representative.

Mr. Leith stated that memorandum was an attempt to brief the Planning Commission on the background regarding the proposal for the Yalecrest Historic District.

Mr. Leith said that the application would appear within the upcoming months, and had been before the Historic Landmark Commission, for a zoning map amendment to establish a historic preservation overlay district for the Yalecrest National Register Historic District.

Commissioner De Lay asked if the map presented was the final map.

Mr. Paterson stated that the map was accurate.

Mr. Leith stated that the application came from the Yalecrest Yes Heritage Preservation Committee and was received on September 1, 2010.

The recent consideration of Historic Designation in the Yalecrest actually dated to 2009, and the discussions have been ongoing.

Mr. Leith added that a public forum was held on September 28, 2010 and was attended by over one hundred people, and received extensive public commentary. This item had also been part of the public hearing process for the Historic Landmark Commission in October and November of 2010. This discussion had also been part of Open City Hall online forum.

Mr. Leith said that at the meeting on October 20, 2010, the Historic Landmark Commission determined the documentation was sufficient to support an application for designation and continue the public hearing to November 3, 2010 and sought additional information relative to boundaries.

The Historic Landmark Commission determined that the boundaries were well documented, and included a high proportion of contributing buildings across the district, and the district and the boundaries met the national and hence the local ordinance criteria for historic district.

City policy is that maintaining distinctive neighborhoods and maintaining their character is universally recognized in City plans and policy documents, the Yalecrest area in particular, is mentioned by name in several documents, including Master Plan of the East Bench.

Mr. Leith discussed architectural significance, stated the a reconnaissance level survey was completed in 2007.

Mr. Leith stated that the application would be coming before the Planning Commission for review within the following few weeks.

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Questions from the Commissioners

Commissioner Woodhead asked when the issue of Yalecrest had come before them in the past, the notion of a lot of the houses in Yalecrest are historic, but some of them are not had been presented. She was curious what the Historic Landmark Commission's opinion was.

Mr. Leith answered that the detailed list of all buildings, photographs and the nomination report was included in the staff report of October, but stated that the percentage of contributing buildings was something like 91%, which is extremely high. He stated that the Historic Landmark Commission agreed with the information in the Survey.

Commissioner Fife asked about the contention that historic designation can devalue property. He asked if there were studies that prove or are contrary to that idea.

Mr. Leith answered that there were a number of national studies that conclude without fail, that either historic designation has no appreciable effect on property values, but in a majority of cases, it tends to accentuate property values when compared to other areas nearby. He offered the National Trust website as a reference.

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PLNPCM2010-00665: Yalecrest Compatible Infill Overlay (YCI) and Historic Preservation Overlay (H) Amendment – A request by Jodi Howick in behalf of the Yalecrest Preservationists for Property Rights for amendment of the Salt Lake City Code to establish a voluntary development review process and modify certain provisions of the YCI District, and amend the procedure to establish an H District. The amendment will affect sections 21A.34.120 and 21A.34.020 of the zoning ordinance. Related provisions of Title 21A-Zoning may also be

amended as part of this petition. (Staff contact: Michael Maloy at (801) 535-7118 or michael.maloy@slcgov.com).

Chairperson Fife recognized Mike Maloy as staff representative.

Mr. Maloy stated that there was another petition relative to the Yalecrest neighborhood, and it had three main parts that had been summarized in the memorandum

1. Amendment to the Yalecrest Infill Overlay (YCI) overlay, relative to design standards
2. Creation of a voluntary review committee.
3. Amendment to the process of designating a local historic district.
 - Relies on a 70% approval from property owners of the proposed district. This would be applicable citywide.
 - At least 50% of the homes within the proposed district would need to be original structures.

Mr. Maloy stated that staff had discussed with Yalecrest Preservationists for Property Rights, that the petition could be split into two parts.

An example would be the parts relative to the Landmarks designation process could be taken separately to the Historic Landmark Commission.

Mr. Maloy asked for the Commission's opinion of separating the petition.

Mr. Maloy addressed a third petition that had been submitted within the week that would be an amendment to the Yalecrest Overlay that would impact approximately 42 homes within the neighborhood of Yalecrest Heights.

Mr. Maloy stated that the third proposal included more extensive in the amendments to the YCI and included changes to the maximum lot coverage, from 35% to 40% to minimize the development footprint on a lot.

Mr. Sommerkorn addressed the options of approving the different petitions.

Commissioner Woodhead asked Land Use Attorney Paul Nielson if it would be possible to extend the process suggestions in the Petition for Yalecrest Heights to the entire section.

Mr. Nielson stated that it would be difficult to amend a petition that was presented to another person. He stated that the Planning Commission could propose an amendment that could piggyback on the original petition. He added that the Planning Commission amend another person's petition, the answer is no.

Mr. Sommerkorn stated that the Planning Commission has the ability to approve, to approve with modifications, or to recommend denial. With regard to expanding the scope, it would seem that the Planning Commission would want to initiate a new petition.

Mr. Paterson added that early in 2010, the Planning Commission voted on some staff initiated changes to the Zoning Ordinance that clarifies that the Historic Landmark Commission could initiate petitions that relate to historic preservation review standards or to create a new district, he noted that it had not been acted on by the City Council yet. Mr. Paterson stated that any Zoning Ordinance text amendment proposed for 21A.34.020 dealing with the historic preservation process

would go through the Historic Landmark Commission for a public hearing first and a recommendation, then the Planning Commission would make a recommendation, and then the City Council would be the final decision maker.

Mr. Paterson stated that the petitions proposing Zoning Ordinance text amendments to standards that did not relate to the Historic Landmark Commission would only be considered by the Planning Commission and the City Council.

Mr. Sommerkorn stated that the proponents of the petition have said that their preference was not to have the petition for the designation of the historic districts go through and that if the Planning Commission chose not to go forward with the petition, they would be satisfied, they would hope for a negative recommendation on the third petition.

Mr. Nielson pointed out a conflict in section 3.

Mr. Maloy stated that the applicant would be open to any changes.

Commissioner Dean referenced page 8 and damaged buildings, giving people a year to replace damaged elements of a building, she stated that it seemed that the time frame seemed unfeasible.

Commissioner McHugh was concerned about the issue of 70% of home owners agreeing within 30 days seems unrealistic.

Mr. Paterson stated that provision was noted in Yalecrest Preservation for Property Rights petition in the section amending the Historic Landmark Commission provisions for designating new local historic districts. If an applicant cannot prove within a specified that time frame that they have 70% consent of property owners, the application would become null and void and the applicant could not apply again for designation for a period of three years.

Commissioner McHugh stated that is seemed unfeasible.

Mr. Paterson said that the input from the attorney's office indicated that those provisions would be unconstitutional.

Mr. Sommerkorn stated that each of the petitions presented was entitled to a public hearing; the question would be would it be better to hold all hearing on the same evening, or would the Commission prefer that they would be broken up into several meetings.

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PUBLIC HEARING

Chairperson Fife opened the formal meeting of the Salt Lake Planning Commission.

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Approval of Minutes

Motion: Commissioner De Lay moved to approve the minutes.

Second: Michael Gallegos seconded the motion.

Vote: Commissioners Drown, Dean, De Lay, Gallegos, Luke, McHugh and Woodhead all voted “aye”, Commissioner Wirthlin abstained. The motion passed.

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Report of the Chair

Chairperson Fife stated he had nothing to report.

Report of the Vice Chair

Vice Chairperson Dean had nothing to report.

Report of the Director

Mr. Sommerkorn stated that the City Council approved by resolution the fact that a development agreement had been initiated with regard to the Marmalade Project, and both sides of 300 West have been rezoned. The City Council had also approved the vacation of a portion of 5700 West and 200 South in the industrial area. The City Council was briefed by the Planning Division on the Purpose Statements, and the City Council approved the process for getting additional public input with regard to the Northwest Quadrant Plan.

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PLNPCM2010-00760: Deseret First Credit Union Conditional Use – A request by Gary Gower for conditional use approval for an expansion of the office building located at 147 North 200 West in the R-MU (Residential Mixed Use) and RMF-35 (Moderate Density Multi-Family Residential) zoning districts and in Council District 3, represented by Stan Penfold.

Chairperson Fife recognized Joel Paterson as staff representative.

Mr. Paterson stated the application was a conditional use application for 147 North 200 West, it was proposed to be converted from a bank to an office building. Mr. Paterson stated that it was in an R-MU zone, and office buildings are conditional uses in that zone.

The proposal was that the drive thru would be removed, and additional parking would be added, and underground parking would be replaced with additional office space. An addition would also be added to the rear of the building, adding a foot print of 467 sq ft and would be three stories high, adding a total of 1300 sq ft of floor area.

The proposed use requires 34 parking stalls, the existing plan has 46 stalls, with the reconfiguration would include a total of 47 stalls, thereby fulfilling the requirement. The addition to the rear has not been finalized, but staff recommends that it meets all of the requirements for a conditional use approval. Staff is recommending approval subject to combining all the lots into one legal description, in compliance with all departmental requirements.

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Questions from the Commissioners

None.

Mr. Paterson stated that this item was presented to the Capital Hill Community Council and they voted unanimously to support the application.

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Comments from the applicant

The applicant noted that a site plan that included covered parking had been submitted.

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Open Public Hearing

No one chose to speak.

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Close of Public Hearing

[7:00:41 PM](#)

Motion:

Commissioner De Lay made the motion in regard to PLNPCM2010-00760: Deseret First Credit Union Conditional Use based on the findings of the staff report and the public hearing, I move that the Planning Commission approve the petition with the following conditions: Number 1 and 2 from the front page of the staff report.

Second: Matthew Wirthlin seconded the motion

Vote: Commissioners Drown, Dean, De Lay, Gallegos, Luke, McHugh, Wirthlin and Woodhead all voted "aye". The motion passed unanimously.

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Petition 400-06-51: Zoning Text Amendment, Transit Shelter Advertising - A request for a zoning text amendment to address advertising on Bus Shelters. The text amendment would affect all zoning districts.

PLNPCM2010-00032: Zoning Text Amendment, Billboards - A request by Salt Lake City Mayor Becker for a zoning text amendment to address outdoor billboards. The proposed

amendment would update current regulations for outdoor billboards to make them consistent with state law. The text amendment would affect all zoning districts.

PLNPCM2010-00717: Zoning Text Amendment, Electronic Billboards - A request by Salt Lake City Mayor Becker for a zoning text amendment to address electronic billboards. Currently, the City Zoning Ordinance does not address electronic billboards. The text amendment would affect all zoning districts.

Chairperson Fife recognized Doug Dansie as staff representative

Commissioner Luke stated that he had been retained by Reagan Signs to lobby for them. He stated that he had worked with them in the past, and need to recues himself.

Mr. Dansie stated that it was an issues only hearing and that no vote was expected at the end of the discussion.

He asked for direction on a configuration of a subcommittee.

Commissioner Gallegos stated that his son in law worked for a sign company, and he believed that it did not inhibit his judgment.

It was determined that due to the nature of the job; he did not need to recues himself.

Commissioner De Lay noted that she was asked for documentation for comments she had made in a prior meeting.

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Public Hearing

Randy Horiuchi, 1785 Michigan Avenue, He spoke in **OPPOSITION** to the petitions. He stated he had three perspectives, he stated that outdoor advertising provides candidates with an opportunity to get messages in an affordable way. He noted that he does Small Business Association financing, and that billboards add to his clients' success. He added that he supports flexibility in their use rather than an across the board ban.

Jared Johnson, the Director of Real Estate for YESCO Outdoor Media, 1605 Gramercy Road, he stated that billboards are his primary area of concern. He spoke in **OPPOSITION** to the petitions. He stated that specific to the petitions he is opposed to the ban on digital billboards.

Mr. Johnson stated that the ordinance was confusing, and difficult to work with, and said that it was unfair and that he was not in favor of removing any billboards.

Ryan Young, Young Electric Sign Company, a fourth generation family member. He stated he is a Regional Sales Manager for YESCO electronics. He stated that there are 1500 digital signs in the nation. He spoke in **OPPOSITION** to the petitions. His concerns are the hold time, brightness, and the five for one trade.

He stated that digital billboards allow his company to grow without increasing the number of signs.

Jeff Young, 1605 Gramercy, Young Electric Signs. He stated that they employ approx 300 employees in Salt Lake City. He noted that the permit fees that they had paid of the past years were in excess of 300,000.00 and they feel they are a vested partner with the City of Salt Lake.

He spoke in **OPPOSITION** to the petitions.

He stated that the electric bill for his home was less in a month than an electric sign for the time frame.

He also noted the Community Service they provide by donating space on their billboards.

Dewy Reagan, Reagan Signs, spoke in **OPPOSITION** to the petitions. He stated that it was thirteen years ago that the City passed the current ordinance; he stated that Reagan Outdoor Advertising owns the property under their signs.

He stated that he felt that it would be a good compromise for the City to allow locations for more signs in industrial parts of the City in order to replace their existing signs.

Commissioner Gallegos asked who would be the beneficiary of sales of advertising on transit shelters.

Mr. Dansie stated that it would be the Utah Transit Authority.

Commissioner McHugh asked for clarification of where the billboards would be moved.

Mr. Reagan stated that presently there was a cap on the number of signs.

Mr. Reagan added that Reagan signs had erected several electronic signs, but felt that the 3-1 exchange was a bad idea because they would lose their distribution.

Commissioner Woodhead stated that she could not pre-visualize what the impact of electronic signs would be.

Greg Simonsen, an attorney for Reagan Signs, spoke in **OPPOSITION** to the petitions. Mr. Simonsen emphasized the concept of distribution, and asked for a willingness to consider the reach and distribution of the billboards.

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Close of Public Hearing

A Subcommittee was formed including Commissioners Babs De Lay, Emily Drown, Matthew Wirthlin and Angela Dean.

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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 26, 2011.

Angela Hasenberg