

SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, June 22, 2011

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

The Field Trip was cancelled.

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at 5:30 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: Joel Paterson, Planning Manager; Maryann Pickering, Principal Planner; Doug Dansie, Senior Planner; Michaela Oktay, Principal Planner; Mike Maloy, Principal Planner; Paul Nielson, Land Use Attorney; and Angela Hasenberg, Senior Secretary.

5:35:20

Work Session

A discussion regarding the Special Exception process and transferring the review authority from the Board of Adjustment to the Planning Commission and other text amendments related to special exceptions. Discussion Only. (Staff contact: Maryann Pickering at 801-535-7660 or maryann.pickering@slcgov.com)

Ms. Pickering gave a presentation that was recorded as part of the Channel 17 broadcast of the Planning Commission meeting.

The following points were made by Ms. Pickering:

Primary Purpose: To transfer the Approval authority of all special exceptions from the Board of Adjustments to the Planning Commission.

Minor Modifications:

- Change the approval process for special exceptions

- Notify property owners of the request for special exceptions and they will have a time to comment.
- Removing the Routine and Uncontested Matters Chapter entirely.
- Give the Historic Landmark Commission approval authority for Special Exceptions.
- Basic cleanup of chapter 52, fixing incorrect references to the Utah State code.
- Creating consistency.

Questions from the Commissioners:

Commissioner De Lay asked about signs and what types of signs the document was referring to.

Ms. Pickering responded that there might at times, be signs in Historic Districts that need special exceptions.

Commissioner De Lay referred to page 25 and asked about unit legalization wording.

Ms. Pickering stated that the wording was the current wording and had not been updated.

Commissioner McHugh asked for clarity of word usage on the memo.

Ms. Pickering stated that she would make the appropriate changes.

5:40:19

Senior Planner Doug Dansie led a discussion on Billboards and signs.

Mr. Dansie stated that there had been a briefing regarding this issue on May 25, 2011. He asked the Commissioners the following questions:

- 1) Should billboards be allowed to move with state law being the default, or should the City still have some receiving zone beyond state law? If the City has a receiving zone, where should it generally be located (industrial areas, neighborhood areas, etc.)? (At the May 25 meeting the Planning Commission indicated that they were interested in not letting State law be the default)
 - a) Allow movement to any non-residential zone?
 - b) Receiving zone in CG General Commercial or M Manufacturing zones?
 - c) Move to CG or M zones with conditions?
 - d) Other?

Mr. Dansie stated that whatever decision that would be made would not be a replacement for State Law. The City Ordinance would determine location and would allow relocation without having to negotiate the individual board.

2) Should electronic conversions be allowed? If so where?

- a) Allowed?
- b) Allowed only in non-residential zones?
- c) Allowed only in CG and M zones?
- d) Allowed with conditions (i.e. removal of non-conforming or other boards)?
- e) Other?

Commissioners' response: Commissioners McHugh and Woodhead both felt that d would be their preference to allow boards in certain zones and under certain conditions.

Commissioner Luke stated that he preferred b, allowed in non-residential zones.

Commissioner Wirthlin stated that he would like to see honest input from the industries if incentives would have made a difference.

3. Should conversion be based upon one to one square footage ratio or based upon a higher ratio; or a combination of the two, depending on what boards are being converted?

- a) One to one?
- b) Two to one?
- c) Higher than two to one?
- d) One to one if the board is being removed from residential (or neighborhood commercial) zones and higher if being removed from other zones?
- e) Other?

Commissioners' response:

Commissioner De Lay stated that she did not feel that there had been enough information regarding a square foot ratio trade off to make a decision.

Mr. Dansie asked for clarity on what level of trade the Commissioners would be comfortable with.

Commissioners Wirthlin and Woodhead suggested that a 2:1 ratio would be a good start.

Commissioner Drown asked if when something is converted, theoretically from the standard billboard to an electronic billboard, the billboard would be taxed at a higher rate.

Mr. Dansie responded that if the value of the structure went up, it would be.

Commissioner Drown asked if the tax was based on the fact that an electronic billboard can change multiple times, which would increase its profitability.

Mr. Dansie replied that it was based on the value of the structure.

Planning Manager Joel Paterson added that the structure for an electronic board would be more expensive than a regular board and clarified that billboards are taxed as personal property and not real property.

Mr. Dansie made it clear that the industry does pay income and sales tax.

4.) Should boards that are non-conforming for specific reasons (spacing, residential location, etc.) be allowed to convert?

- a) Allow all to convert?
- b) Do not allow non-conforming boards to convert?
- c) Other?

Commissioners' response:

Mr. Dansie clarified that this was for electronic conversion.

Commissioner Woodhead stated that the answer should be "b", no. She stated that was the point of non conforming. That would be contravention of what the City thought the policy was, about where they should be and allowing them to convert made them more likely to stay where they were.

Commissioner Wirthlin agreed.

5.) Should Gateway provisions be preserved as is or should they be modified to more effectively encourage the removal of certain boards (such as those on 500 and 600 South)? Should movement and/or conversion be targeted or at least be "like for like"?

- a) Eliminate gateways?
- b) Allow conversion on freeways if non-conforming or on-ramp boards are removed?
- c) Other?

Commissioners' response:

Commissioner Wirthlin asked if the Planning Commission still was in favor of Gateways.

Commissioner Woodhead asked if it would be possible to trade Gateways to the West side of the freeway.

Mr. Dansie responded that staff's intention was to trade Gateways for Gateways, to trade "like" for "like".

Commissioner Wirthlin stated that this had been long standing City policy, and he did not see the City walking away from the Gateway idea.

Commissioner De Lay and Wirthlin suggested that “b” allowing conversions on freeways if non-conforming or on boards removed from freeway ramps was the best suggestion.

Commissioner Wirthlin asked Mr. Dansie asked if there were other high priority billboards to remove that could be added to the suggestions of 500 and 600 South.

Mr. Dansie responded that 600 North 900 South off ramp, residential boards, or CN boards could be added. He asked the Planning Commission if they would want to see a non-conforming board on a crowded commercial street.

Commissioner De Lay stated that if there were fewer boards on residential streets then absolutely.

Commissioner Luke said he felt the chances of compromise were greater if the industry had more options.

Mr. Dansie responded that out of the six residential billboards in the City, four were located on land owned by the billboard company, and one was for sale. Therefore, if the billboard company owns the sign and the land there would be less incentive for them to move.

Commissioner Luke offered that if there were other incentives, through conversion or otherwise, then the industry would potentially still change their mind.

Mr. Dansie clarified that conversions, particularly on the freeway in exchange for removal of specific things elsewhere would be a good balance in order to remove the signs that they truly want removed, as opposed to just removing anything.

Commissioner De Lay stated that she believed that the conversion to electronic boards would definitely be incentive enough for the billboard companies to move the residential signs.

Mr. Dansie asked if the idea of moving billboards and allowing them to convert to electronic based upon a ratio and a priority system based on what signs are the most desirable to move first, would be acceptable.

Commissioner De Lay asked if there was a list.

6.) Should urban design and/or removal of impediment to development be used as an incentive to the conversion process (require to be part of building architecture, etc.)?

- a) Do nothing?
- b) Allow conversion in Downtown or on Special Gateways if the new electronic board is part of the architecture?
- c) Allow conversion to electronic only if boards (residential, non-conforming, etc.) are removed first?
- d) Other?

Commissioners' response:

Mr. Dansie explained that his intention was that if a billboard was part of the architecture, they would allow an existing sign to convert to electronic.

Commissioner Wirthlin stated that he felt that had possibilities and asked for a draft to look at.

7.) Direction regarding electronic signage in general (interactive, timing, size, location, etc.)

- a) Should there be limits on size depending on zoning district?
- b) Should the percentage of the sign that is electronic be limited?
- c) Should there be limits on motion – animation?
- d) Limits on lettering size for readability – are there legal issues?
- e) Other?

Mr. Dansie stated that whatever decision that would be made would not be a replacement for State Law. The City Ordinance would determine location and would allow relocation without having to negotiate the individual board.

Commissioner response:

Commissioner De Lay stated that in regard to "a" there should be limits on size, regarding "b" seemed to be that they should be entirely electronic or not electronic. Mr. Dansie stated that in fact, there were signs that had a large percentage that were fixed images, adding that this applied to on and off premise signage. He clarified that in CN zones, there could possibly be percentage restrictions on fixed versus electronic portions of signs.

Commissioner De Lay asked if in regard to "c" was there not a prior ban on motion/animation.

Mr. Dansie replied that that the issue was mostly in regard to on premise signs and that the ban needed to be explicitly stated.

Commissioner Drown asked if there was a limit to how many electronic billboards could be within 500 feet.

Mr. Dansie stated that there can only be one billboard every 500 feet, however, there is no limit to how many on premise signs that could be between them. He stated the issue would be the possibility of too many electronic signs with too much animation.

Commissioner McHugh asked if animation could include live feed.

Mr. Dansie stated that it was very limited to a television station.

Mr. Dansie asked if the Planning Commission would be interested in limiting the size of lettering and readability.

The Commissioners asked if there were any complaints regarding lettering size being distracting.

Mr. Dansie responded that there had been and stated an example of a hospital sign in Sandy that said "look closer" forcing driving to look at small text.

Commissioner Wirthlin stated that he appreciated the hard work that Mr. Dansie had put into this issue.

Commissioner De Lay said that she hoped that there were methods being created to ensure enforcement on the new rules, and suggested that the City made sure that the billboard companies were paying accurate taxes.

6:30:31

Mr. Dansie led a discussion regarding Chapter 21A.59 Conditional Building and Site Design Review process.

Mr. Dansie gave a presentation that was recorded as part of the Channel 17 broadcast of the Planning Commission meeting.

The following points were made by Mr. Dansie:

- 1995 Salt Lake City rewrote the zoning code. Form based zoning was used where the zoning code defined what a building would look like and focused less on the use.
- 2005 a Walkable Communities Ordinance that included more design issues.
- Present intent, to remove anything that was not a "use" and create a new section and new process for site design.

6:32:42

Public Hearing

6:32:45

Approval of Minutes from June 8:

Motion: Commissioner Woodhead moved to approve the minutes of June 8, 2011.

Second: Commissioner McHugh seconded the motion.

Vote: Commissioners Emily Drown, Babs De Lay, Charlie Luke, Susie McHugh and Mary Woodhead all voted "aye". The motion passed unanimously.

Report of the Vice Chair:

Acting Chairperson Wirthlin had nothing to report.

Report of the Director:

PLNPCM2010-00188 – Time Extension for A1 Auto Parts Conditional Use –

A request by Mike Vanikiotis for a one-year time extension for a conditional use to operate an outdoor auto salvage and recycling facility at approximately 5 South 5100 West. The project was originally approved by the Planning Commission on June 23, 2010. The subject property is located in the M-1 (Light Manufacturing) zoning district in City Council District 2, represented by Van Turner. (Staff contact: Katia Pace at 801-535-6354 or katia.pace@slcgov.com)

Planning Manager, Joel Paterson, stated that there was a request for a time extension for a period of one year. As part of the project the applicant was required to relocate the drain, because of the weather it has been too damp to complete the work and need an extension.

Motion: Commissioner De Lay made the motion to approve the one year extension.

Second: Commissioner Woodhead seconded the motion.

Vote: Commissioners Emily Drown, Babs De Lay, Charlie Luke, Susie McHugh and Mary Woodhead all voted "aye". The motion passed unanimously.

[6:33:51](#)

Public Hearing

Acting Chairperson Wirthlin made a change to the order of the agenda.

Petition 410-07-57 Rio Grande Office Conditional Use Planned

Development – A request by the Boyer company for clarification to the approval of an office building, located at approximately 50 North Rio Grande. The building was approved with a dome height of 90 feet, however the mechanical equipment is now proposed to be enclosed, resulting in more square footage of the roof being at 90 feet. This change is being presented to the Planning Commission for their concurrence with the proposed change. The subject property is located in a GMU (Gateway Mixed-Use) zoning district and is located in Council District 4,

represented by Luke Garrott. (Staff contact: Doug Dansie at (801) 535-6182 or doug.dansie@slcgov.com).

Acting Chairperson Wirthlin recognized Doug Dansie as staff representative.

Mr. Dansie stated that this was a request to clarify a planned development that was proposed at 50 North Rio Grande.

Mr. Dansie gave a PowerPoint presentation that illustrated the change to the original design. The change included the addition square footage to the 90 foot dome.

Commissioner Wirthlin asked who was responsible for the need to change the original plan.

Mr. Dansie explained that the original plan was conceptual and that the applicant had more mechanical equipment than expected and wanted to screen it and cover it.

Commissioner Woodhead made the statement that she was disappointed that Rio Grande Street would be blocked by this project.

Comment from the Applicant:

Rob Cottle, Architect from Babcock Design Group clarified that the applicant wanted to be a LEED Silver design and therefore went with a more efficient mechanical system that required a cooling tower. He stated that the ordinance allowed them to have mechanical equipment on the roof and not be in violation. He added that it was their intent to have it blend in more with the architecture.

6:40:25

Open of Public Hearing

Acting Chairperson Wirthlin opened the public hearing, seeing no one chose to speak, he closed the public hearing.

6:40:31

Motion: Commissioner De Lay made the motion regarding Petition 410-07-57 Rio Grande Office Conditional Use Planned Development after testimony heard tonight, that the Planning Commission approve the item.

Second: Commissioner McHugh seconded the motion.

Vote: Commissioners Emily Drown, Babs De Lay, Charlie Luke, Susie McHugh and Mary Woodhead all voted "aye". The motion passed unanimously.

6:41:23

PLNPCM2010-00784 Code Maintenance Noticing Text Amendment - A request by Mayor Ralph Becker to amend sections 21A.10.020, 21A.14.060 of the zoning Ordinance to require all public hearings to be noticed in a similar manner using the most stringent of the existing noticing requirements. The proposal will remove signature requirements for routine and uncontested special exceptions and replace with an official notice of application. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Michaela Oktay at (801) 535-6003 or michaela.oktay@slcgov.com).

Acting Chairperson Wirthlin recognized Michaela Oktay as staff representative.

Ms. Oktay stated that this was a request by Mayor Ralph Becker to amend sections 21A.10.020, 21A.14.060 of the zoning Ordinance to require all public hearings to be noticed in a similar manner.

Ms. Oktay added that there were three major changes in the proposal.

1. Clean up the language and standardize the public hearing requirements
 - a. Eliminates the need to amend the chapter every time we need to list another process.
 - b. Allows for more clarity and consistency.
 - c. Shortens the chapter and makes it clearer.
 - d. Changes and outlines the specifics and ensures that noticing is carried out using the correct predictable manner for staff and citizens.
 - e. Increases the neighbor notification to 300 feet

2. Change the appeal period for the Board of Adjustment from 30 days to 10 days to make it more consistent to the other Boards.
 - a. Consistency with State Law. State Law requires 10 days.
 - b. Consistency with other Boards.
 - c. Provides the citizens consistent and predictable appeal periods.

3. To remove the signature gathering requirement for routine and uncontested matters and replaces it with a modified process that would be called the Notice of Application Process.
 - a. Technically is an administrative special exception authorized by the Board of Adjustment.
 - b. Staff is not able to verify authenticity of signatures
 - c. Creates animosity between neighbors.

Ms. Oktay said that the new process would be called Notice of Application Process for Special Exceptions and staff believes that this new process would increase transparency of our process and provide predictable, consistent processes that would include official notification. Neighbors would know and be able to inspect the exactly the project that is being reviewed by the City staff and neighbors will be able to learn about the appeal process.

6:45:53

Questions from the Commissioners:

Commissioner De Lay asked about the language referring to “including owners and tenants if held in condo ownership” she asked if the language could be changed to any tenants.

Ms. Oktay stated that it was the current City process to notice all tenants.

Commissioner Woodhead stated that she appreciated the removal of the sign gathering requirement.

6:47:08

Open of Public Hearing

Acting Chairperson Wirthlin opened the public hearing, seeing no one chose to speak, he closed the public hearing.

6:47:21

Motion:

Commissioner Woodhead made the motion as to PLNPCM2010-00784 Code Maintenance Noticing Text Amendment, moved that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance text amendment based on the information in the staff report, the discussion during the meeting and the presentation by staff.

Second: Commissioner Drown seconded the motion.

Vote: Commissioners Emily Drown, Babs De Lay, Charlie Luke, Susie McHugh and Mary Woodhead all voted “aye”. The motion passed unanimously.

6:48:04

PLNPCM2010-00612 Accessory Dwelling Unit – A request by Mayor Ralph Becker for a zoning text amendment to allow accessory dwelling units within the following single-family and multi-family residential districts: FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-1A, SR-3,

R-2, RMF-30, RMF-35, RMF-45, and RMF-75. This request is part of the Sustainability City Code Initiative and would affect areas City-wide. (Staff contact: Michael Maloy at 801-535-7118 or michael.maloy@slcgov.com).

Acting Chairperson Wirthlin recognized Michael Maloy as staff representative.

Mr. Maloy gave a brief overview

Public Hearing Issues and Comments

- Density
- Property values
- Neighborhood character
- Design quality
- Location restrictions
- Occupancy restrictions
- Parking (on-site and off-site)
- Fees and penalties

Mr. Maloy stated that he had a conversation with the chairman of the Avenues Community Council because they specifically said that this item was contrary to the Avenues Master Plan. Mr. Maloy stated that he reviewed the Master Plan looking specifically for language that dealt with Accessory Dwelling Units (ADU) and found none.

Mr. Maloy stated that an issue for the Mayor was that the City had removed the opportunity for an over-garage ADU that would be serviced by an alley. He stated the reason for that was that ADU structure height requirements were for buildings up to 17 feet, and an average over-garage unit would be 19 feet. However, Mr. Maloy stated that the Mayor was aware of the public input and therefore the language had not changed.

Mr. Maloy stated that he researched what other communities were doing to assess best practices and found that there were not many design guidelines and was not a common practice to add them to ordinances.

Mr. Maloy stated that a suggestion had been made by citizen Cindy Cromer that the ADU ordinance could be linked to transportation. The decision was made to have the ordinance be linked to mixed rail, and be within a half mile of station location. The result was that west side did not benefit from this proposal.

Commissioner Woodhead made the point that transit locations changes, and thusly would put the decisions in the hands of Utah Transit Authority instead of the City.

Commissioner Luke added that with fixed rail transit it would be different, that there would not be too much movement.

7:02:14

Questions from the Commissioners:

Commissioner McHugh stated that Mr. Maloy accommodated those who were worried about parking by saying that a one bedroom unit would have to have one onsite parking spot, however in another place in the ordinance it stated that the Department of Transportation could waive it if it became difficult.

Mr. Maloy responded that the opportunity to modify the parking requirement was actually in prior drafts and was introduced by Clarion and Assoc. He added that the stand would be that an applicant would have to meet the onsite parking requirement, but if on-street parking was available they would have to go to the Transportation Division to demonstrate the availability and have them modify the onsite parking requirement for the ADU

Commissioners discussed the pros and cons of on street parking.

7:10:04

Public Hearing:

Esther Hunter, Co-Chair of East Central/Side Community Council spoke in *favor* of the ordinance. She stated that after extensive research about what really concerns them in their area in terms of density, they determined that their concerns were with illegal duplexes, triplexes and out of state landlords.

Some options that they requested the City look at were:

- Implementation of Good Landlord program and taking them down to one unit.
- Consideration of doing away with the special exception process that legalizes the units.

Ms. Hunter stated that their Community Council felt that the Ordinance should be across all zones and not limited to the transit zones.

She stated that in the East Central Community they have nine neighborhoods and three business districts. Of those nine, four of them are CDBG eligible. She stated that without extending the area, five of their neighborhoods would not be able to take advantage of the Ordinance for the student or aged population.

The East Central Communities do believe that the ADU's should be owner occupied.

Ms. Hunter stated that she felt that Mr. Maloy did an excellent job with community outreach and really appreciated the work he put into this Ordinance.

7:20:20

Motion:

Commissioner De Lay made the motion in regard to PLNPCM2010-00612 Accessory Dwelling Unit based on the findings listed in the staff report, testimony and information presented I move that the Planning Commission forward a favorable recommendation to the City Council. to allow accessory dwelling units within the following single-family and multi-family residential districts as listed on page one of the staff report.

Second: Seconded by Commissioner Woodhead.

Commissioner Luke made a substitute motion.

Commissioner Luke made the motion that based on public testimony, information received in the following findings, I move that the Planning Commission transmit a negative recommendation to the City Council relating to petition PLNPCM2010-00612 to permit and regulate accessory dwelling units within the following single-family and multi-family residential districts as listed on page one of the staff report.

Seeing no second to the substitute motion, Acting Chairperson Wirthlin went back to the original motion.

Discussion on the motion:

Commissioner McHugh asked if the motion would include the 25 units, and will it include a year end review.

Mr. Maloy stated that previous drafts of this ordinance did included that after two years, the City Council shall review the impact of the ordinance. Mr. Maloy stated that he was advised that the City Council could amend the text language at any time, and the review would then be useless.

Land Use Attorney Nielson suggested that a "sunset" could be placed on the ordinance with the intent that the City Council could revisit the ordinance; however he felt that it would add complications to the ordinance.

Commissioner Woodhead stated that there was negative feedback from the public, and it was her sense that after listening to the information through the presentations and through the reading materials, that the ADU ordinance could go forward without damaging the single family nature of the Avenues, Yalecrest and others. She felt like the ordinance provides a mechanism for those neighborhood to maintain their integrity and reflect the way families function now. She felt the ordinance would be a positive thing.

Commissioner Luke stated that he read the ordinance differently.

Land Use Attorney Nielson asked if the 25 units per year would be after the adoption of the ordinance or if it would be within the calendar year.

Mr. Maloy responded that it was within the calendar year.

Vote: Commissioners Emily Drown, Babs De Lay, Susie McHugh and Mary Woodhead all voted "aye". Charlie Luke voted "nay". The motion passed.

7:23:35

Meeting adjourned

This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on June 22, 2011.

Angela Hasenberg