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SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, November 30, 2011

Present for the Planning Commission meeting were Chair Angela Dean, Vice Chair, Michael Gallegos, Commissioners, Kathleen Hill, Clark Ruttinger, Marie Taylor, Matthew Wirthlin, Michael Fife and Mary Woodhead. Commissioners Emily Drown, Bernardo Flores-Sahagun and Charlie Luke were excused.

A field trip was held prior to the meeting. Planning Commissioners present were: Michael Fife, Clark Ruttinger, and Matthew Wirthlin. Staff members in attendance were: Ray Milliner, Elizabeth Reining and Michael Maloy .

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: Wilf Sommerkorn, Planning Director; Ray Milliner, Principal Planner; Elizabeth Reining, Principal Planner; Ana Valdemoros, Principal Planner; Michael Maloy, Principal Planner; Paul Nielson, Land Use Attorney and Angela Hasenberg, Senior Secretary.

Field Trip Notes:

Planning Commissioners visiting the following locations:

PLNSUB2008-00902 and PLNSUB2009-00445 Capitol Park Subdivision Amendment and Planned Development Amendment located at Capitol Park Avenue, Parade Drive, Redbrick Court, Charity Cove, and Caring Cove. Staff explained the history of the Capitol Park Subdivision and detailed that the street in question was too steep for City standards and other streets would need island medians removed. He explained that if the Home Owners Association brings it up to City standards where possible, the City will work with them. Commissioners asked what the cost would be and what the benefit would be, and how they could they make a decision without that information. Mr. Milliner stated that would be a City Council decision, and that the Planning Commission only looks at planning issues.

PLNPCM2011-005130 and Plnsub2011-00514: Komasa Development Conditional Use and Planned Development located at 714 S Arapeen Drive. Staff explained the project, Planning Commissioners asked about the height and number of stories of the other buildings. Staff answered the questions.

Westminster Master Plan Briefing: Staff explained the details of the Westminster Master Plan.

Work Session:

Staff representative Michael Maloy introduced Annalisa Holcome, Whitney Ward, Derek Payne, and Curtis Ryan from Westminster College who gave the following powerpoint presentation.

Points made were:

- Westminster College is looking for a sustainable way to grow
- Westminster Master Plan is different in the following ways:
 - Provides overall guidance to influence future spaces, ensuring they meet and promote long term growth and academic goals.
 - Works both within the existing core campus and in the extended and remote campus areas
 - Addresses both strengths and weaknesses associated with the urban campus
 - Reflects the changing landscape of higher education
- The Master Plan reflects the evolution of Westminster College and promotes:
 - New methods of educational delivery and student learning
 - Flexibility
 - Sustainability
 - Growth as an urban campus
 - Align with the Strategic Plan and Learning Goals
 - Maintain Campus Intimacy
 - Align with Sugar House Community goals
 - Promote Flexibility and Sustainability
- Key Components of Growth as an Urban Campus
 - Maintain and promote core uses on the core campus
 - Promote appropriate growth in transitional areas
 - Encourage growth and rehabilitation in the Sugar House Business District
- Core Campus Goals
 - Provide more flexible learning spaces
 - Provide a “best first impression”
 - Promote student interaction through a student interaction hub
 - Enhance efficiency by co-location student service operations
 - Enhance and promote usable outdoor space
 - Create gateways to the core campus
- Extended Campus
 - Growing in partnership with Sugar House

- Promote Appropriate Development
- Enhancing Connections to the Core Campus
- Creating Nodes of Activity
- Examples of Growth:
 - Student Housing
 - Academic and Collaboration Space
 - Exhibit, Ballroom and Event Space
- Campus Programs and Operations
 - Housing
 - Food Service
 - Sustainability
 - Accessibility
 - Athletics
 - Information and Technology
- Campus Growth Considerations
 - Campus Image
 - Building Character
 - Districts
 - Landscape
 - Signage and Wayfinding
 - Site Furnishings
- Master Plan Implementation
 - Westminster on the Draw
 - Student Housing
 - Academic Space
 - Retail Space
 - Wilmington Project
 - Housing
 - Some Academic Space
 - Retail
 - Community Gathering Space
 - Garfield School
 - Design Charrette January 6, 2012
 - Visual Arts
 - Performance Arts (dance)
 - Transitional Areas
 - Areas between core campus and business district
 - Allow transitional zoning adjacent to campus
 - Enhance Access
 - Improve Circulation
 - Areas between campus core and business district
 - Primary corridors and 1200 East and 1300 East
 - Streetscape improvements
 - Emigration Creek Bridge

- Hawk light at 2100 South
 - Reduce Parking Needs
 - Increased Housing Opportunities
 - Incentivise Alternative Transportaion
 - Assess Shared Parking
- Community Engagement
 - Ongoing Conversations
 - Sugar House Summit
 - New Student Orientation
 - Merchants Association
 - Neighborhood Business District
 - Small Business Intern Grant

6:02:06

Approval of the Minutes from October 26 and November 9, 2011

Motion:

Commissioner Wirthlin moved to approve the minutes from October 26, 2011.

Commissioner Fife seconded the motion.

Vote: Commissioner Gallegos abstained, the motion passed.

Motion:

Commissioner Gallegos moved to approve the minutes as amended from November 9, 2011.

Commissioner Woodhead seconded the motion.

Vote: The Motion passed unanimously.

6:03:52

Report of the Chair and Vice Chair:

Chairperson Dean stated that she had nothing to report.

Report of the Director:

Planning Director Wilf Sommerkorn welcomed Marie Taylor, Bernardo Flores Sahagun and Clark Ruttinger as the newest members of the Salt Lake City Planning Commission.

Planning Director Sommerkorn also noted that Charlie Luke had been elected to the City Council and would no longer serve on the Planning Commission. Planning Director Sommerkorn also stated that a retreat would be scheduled in the near future for the Planning Commission.

6:06:17

PLNSUB2008-00902 and PLNSUB2009-00445 Capitol Park Subdivision Amendment and Planned Development Amendment – The Capitol Park Home Owners Association is requesting a street dedication and a Planned Development amendment that would transfer ownership and maintenance responsibility from the homeowner's association to the City for the following privately owned streets: Capitol Park Avenue, Penny Parade Drive, Redbrick Court, Charity Cove, and Caring Cove. The subject property is located in the FR/3-12,000 (Foothill Residential) zone and is located in Council District 3, represented by Stan Penfold. (Staff contact: Ray Milliner at (801) 535-7645 or ray.milliner@slcgov.com).

Chairperson Dean recognized Ray Milliner as staff representative.

Mr. Milliner stated that the Capitol Park Subdivision street dedication had two petitions. The first was to amend the actual subdivision to allow for the dedication of Capitol Park and other streets in that area. The Planning Commission had reviewed the petition on September 28, 2011 wherein Staff gave the recommendation for denial. Mr. Milliner added that based on recommendations from the Planning Commission and further review, there were new findings for approval in the current staff report.

The new findings were based on the increase of condominiums in the area, increased public use of private streets, and the mixture of private and public utilities. Improvements to the streets would enhance the City's ability to provide emergency services. Mr. Milliner stated that there was also potential for the City to receive funding from the State to enable the City to maintain the streets properly with a smaller financial detriment.

Mr. Milliner stated the staff report was rewritten to reflect the recommendations from the prior meeting.

Mr. Milliner stated that it was staff's recommendation that both the Planned Development Amendment as well as the Subdivision Amendment be forwarded on to the City Council for final approval.

6:08:36

Questions from the Commissioners:

Chairperson Dean stated that her recollection was that the directive was for staff to come back with specifics of the improvements that would need to be required to meet the City's department standards, not a directive to submit a recommendation of approval.

Mr. Milliner stated that he felt that the Planning Commission as a whole preferred a finding of approval

Commissioner Wirthlin clarified that since this had been heard before, it was unnecessary to open the meeting for a public hearing.

Commissioner Hill wanted clarity on whether the approval would be a burden on the City.

Mr. Milliner stated that staff had reviewed the item, and if the applicant were to make the necessary improvements, which were listed in attachment C of the staff report, then staff would be comfortable that there would not be a burden on the City.

Mr. Milliner further noted that the original recommendation of denial was based on the review of the policy document that was adopted by the City Council recently. At the prior meeting Mr. Milliner was given direction that stated that the document in question did not apply to this situation because the applicant had been grandfathered due to the submission of their application prior to the adoption of the policy document. Mr. Milliner stated that he did not add the criteria of the policy document at this time.

Commissioner Hill asked if Mr. Milliner felt that City staff was satisfied with what they would like to see happen.

Mr. Milliner answered that the discussions that he had with Engineering and Fire indicated that they would be satisfied.

Commissioner Gallegos added that he felt that the process was opened ended and wondered when City services would begin.

Mr. Milliner answered that City services would begin when the plat was recorded.

6:13:45

Comments from the applicant:

Justin Baer, representing the Capitol Park Home Owners Association spoke. He stated that he appreciated Mr. Milliner's work on the project. Mr. Baer addressed the time table issue and stated that the HOA had always been willing to work within the City and make the improvements that where necessary.

6:15:29

Motion:

Commissioner Wirthlin made a motion in regard to PLNSUB2008-00902 based on the findings contained in the staff report and discussion and testimony heard this evening, I move that we forward a positive recommendation to the City Council for the Planned Development Amendment and approve the Subdivision Plat amendment (PLNSUB2009-0045) subject to conditions 1-8 of the staff report.

Commissioner Hill seconded the motion

Vote: Commissioners Wirthlin, Fife, Hill, Woodhead, Gallegos and Ruttinger all voted "aye" Commissioner Taylor voted "nay". The motion passed.

6:17:22

630 Kommas Development Conditional Use and Planned Development – A request by Woodbury Corporation for a conditional use and planned development approval at 714 S. Arapeen Drive. The subject property is located in the Research Park (RP) zoning district and in Council District 6, represented by JT Martin. (Staff Contact: Elizabeth Reining at (801)535-6313 or elizabeth.reining@slcgov.com)

- a. PLNPCM2011-00513 Conditional Use for Additional Height for a proposed office and laboratory building.
- b. PLNSUB2011-00514 Planned Development for a proposed development that will not have direct right-of-way access and an off-site sign.

Chairperson Dean recognized Elizabeth Reining as staff representative.

Ms. Reining stated that Woodbury Corporation would like to build a new office building at the southeast corner of Foothill and Wakara Way.

Ms. Reining gave a PowerPoint presentation.

She added that Woodbury was requesting both a conditional use and a planned development because the building would be over 45 feet which was the maximum height allowed in the zoning district of Research Park and was requesting the planned development because it did not have direct street access to Foothill Boulevard and must access Kommas and Wakara through parking lots. There was

also a request for an off premise sign at 650 Komas which was also a Woodbury property.

Ms. Reining stated that the proposed building height would be 56 feet along Foothill Boulevard and would be 48 feet facing the interior parking lot because of the slope of the lot.

Ms. Reining stated that the building not only met Research Park standards, but also fit in with the neighboring buildings and therefore recommended approval for both the conditional use and the planned development.

6:20:09

Comments from the Applicants:

Luke Woodbury and Lynn Woodbury represented Woodbury Corporation.

Mr. Luke Woodbury thanked Ms. Reining for her work, and added that the building height was due to the desire to shield the rooftop mechanical equipment as a courtesy to the neighbors.

6:22:07

Questions from the Commissioners:

Commissioner Hill asked for clarification of what would be shielded on the rooftop.

Mr. Luke Woodbury answered that rooftop mechanical equipment would be shielded and that the neighboring buildings were on a hill.

6:24:03

Public Hearing:

Tom Roach, 600 Komas Drive, was concerned about access through the north parking lot.

Commissioner Wirthlin answered that the access was a legal matter and not one that could be answered by the Planning Commission.

Mr. Lynn Woodbury added that there was a cross access agreement that would allow each of the properties to cross over the others. He stated that a copy of the agreement had been submitted and was part of the staff report.

6:27:31

Close of Public Hearing.

6:28:12

Motion:

Commissioner Fife made a motion regarding PLNPCM2011-00513 and PLNSUB2011-00514 based on the findings listed on the staff report and the testimony heard tonight, I move that the Planning Commission approve these petitions for conditional use and for planned development with the following two conditions: final signage to be approved by staff, and applicant meets staff comments.

Commissioner Woodhead seconded the motion.

Vote: Commissioners Taylor, Gallegos, Woodhead, Hill, Fife, Ruttinger and Wirthlin all voted "aye". The motion passed unanimously.

6:29:52

PLNPCM2010-00466 Mobile Food Business Text Amendment – A request by Salt Lake City Mayor Ralph Becker to create regulations for the operation of mobile food businesses on private property, and within the public right-of-way. The petition will amend specific provisions in Chapters 21A.36 and 21A.62 of the Zoning Ordinance and Title 5, Business Licensing regulations, of the City Code. Other related provisions of Title 21A and Title 5 of the City Code may be amended as part of this petition. (Staff Contact: Ray Milliner at (801)535-7645 or ray.milliner@slcgov.com).

Chairperson Dean recognized Ray Milliner as staff representative.

Mr. Milliner stated that the petition requested amendments to the mobile food business regulations and the zoning ordinance. Mr. Milliner introduced Jessica Thesing from the Economic Development Division.

Mr. Milliner stated that the application had been brought to the Planning Commission in January, 2011. The Planning Commission proposed some rudimentary changes to the ordinance that would have allowed mobile food businesses to operate for more than two hours and to operate in a location where people off premise could come and buy food.

This proposal includes three Categories of changes from the original proposal heard by the Planning Commission:

- Operation in the Public Right of Way
 - Submittal requirements for all businesses located on public or private property

- Limit operations in Downtown, Manufacturing and Gateway zones
 - Definitions
 - Business license requirements
 - Standards for operation in the public right of way
 - Design and operation standards, including limitations of interaction between mobile and brick and mortar restaurants
 - Special event requirements
- **Operation on Private Property**

The goal of the private property provisions has been to create a process in which mobile food businesses can operate successfully, while limiting the impacts of the business on adjacent property owners, business owners and citizens. Highlights of the proposed ordinance include:

 - Definitions
 - Allowance of operation in the SNB, CN, CB, CS, CC, CSHBD, CG, TC-75, TSA, M-1, M-2, D-1, D-2, D-3, D-4, G-MU, RP, BP, UI, MH, MU, RMU, RMU-35, and RMU-45.
 - Requirement that the use be temporary with food trucks allowed to park in one location for up to 12-hours in a 24 hour period.
 - Must be parked at least 100 feet from a brick and mortar restaurant unless they have received written permission from the owner of the business.
 - Location and placement standards designed to limit impacts on adjacent properties.
 - Design standards for individual trucks including parking, sales and operation requirements.
 - Allowance of mobile food courts as a conditional use
 - Creation of qualifying provisions for mobile food courts.
 - **Mobile Food Courts**

The goal behind the mobile food courts is to create an opportunity for mobile food businesses to congregate, and take advantage of having multiple businesses located in the same location. Because the businesses are mobile, it may provide property owners with an opportunity to create a temporary use for a site prior to initiation of a permanent use. Highlights include:

 - Allowance of mobile food courts only in Downtown, Manufacturing and Gateway zones.
 - Allowance as a conditional use.

- Qualifying provisions for the conditional use.
- A maximum of 10 spots per location.
- A minimum of 2 spots per location.
- Operation and management of the court is the responsibility of the property owner or designee.
- Parking required at 2 spaces per business (4 truck spaces = 8 required stalls).

6:35:30

Questions from the Commissioners:

Commissioner Gallegos asked if there would be limitation for a mobile food truck to be allowed on private property. If a resident wanted a mobile food truck at their residence, would that be allowed.

Mr. Milliner stated that it would most likely be looked upon as a catered event. The intent would be that the food would not be for individual sale.

Commissioner Woodhead asked how this would affect ice cream trucks.

Mr. Milliner responded that ice cream trucks are regulated under the business license ordinance and have their own separate category.

Commissioner Woodhead asked about the “food pods”.

Mr. Milliner stated that feedback on the ordinance regarding that section might be too restrictive.

The Commissioners and staff discussed food pod locations in other cities and their pros and cons.

6:44:19

Comments from the applicant:

Jessica Thesing stated that food carts work under a different regulation than that of a food truck.

She noted that the Mobile Food Truck Ordinance was operating with several different capacities, Public Right of Way, and Private Property.

She discussed the different types of models that existed in the current market place i.e. trailers, truck and carts. This particular ordinance addressed the trucks and trailers.

Ms. Thesing explained the idea of a “food court” that there would need to be no less than two trucks to be designated as such.

Chairperson Dean asked about restrictions of idling.

Mr. Milliner stated that one of the requirements would be that the mobile food truck would follow the City's rules regarding idling which would encourage the food truck owners to use an alternate source of power.

Planning Commissioners and staff discussed the potential locations and the future benefits to property owners.

Commissioner Fife was concerned about competition between brick and mortar restaurants and mobile food trucks.

6:59:28

Motion:

Commissioner Gallegos made the motion in regard to Mobile Food Business Amendment PLNPCM2010-00466 based on staff review, recommendations through the Planning Commission, that the Planning Commission forward a positive recommendation to the City Council.

Commissioner Ruttinger seconded the motion.

Vote: Commissioners Taylor, Wirthlin, Gallegos and Ruttinger all voted "aye", Commissioners Fife, Hill and Woodhead all voted "nay". The motion passed.

Commissioner Woodhead noted that she supported the ordinance, but felt the section referring to food pods was too restrictive.

7:01:08

PLNPCM2010-00055 Grade Changes Text Amendment – A request by Salt Lake City Mayor Ralph Becker to clarify the definition of height of principal and accessory structures as well as making clarifications for grade changes in general. This petition proposes amendments to Chapters 21A.24, 21A.34, 21A.36, 21A.40 and 21A.62 of the Zoning Ordinance. Other related provisions of Title 21A of the City Code may be amended as part of this petition. (Staff Contact: Ray Milliner at (801)535-7645 or ray.milliner@slcgov.com).

Chairperson Dean recognized Mr. Ray Milliner as staff representative.

Mr. Milliner stated that the proposal was modifications to the zoning ordinance as it relates to grade changes. He stated that it would mainly involve changes to definitions to height, height in residential zones, established grade, natural grade and finished grade. Definitions of wall height and dormers had also been added.

Mr. Milliner explained that the requirement for a routine and uncontested application for a grade change would increase the height requirement from two feet to four feet. Staff had determined that the increase to four feet would eliminate unnecessary leg work that would proffer little benefit.

Mr. Milliner added that additional changes were to bring various sections into compliance.

7:08:07

Questions from the Commissioners:

Chairperson Dean asked for clarification regarding established height in Foothill Zones versus other Residential Zones. She indicated that in the

Foothill Zones, the measure would be to the mid-point, in other zones the measure would be to the top. Chairperson Dean asked for simplification and a more uniform measurement.

Mr. Milliner responded that the difference for the midpoint would be in regard to the Yalecrest Overlay.

Chairperson Dean asked for clarification regarding definitions within the staff report.

Commissioner Hill suggested that the term estimated grade could be added.

Mr. Milliner responded that it could be added.

Land Use Attorney Paul Nielson asked where the pictures that supported the definition would be.

Planning Commissioners and staff discussed height requirements in regard to Accessory Dwelling Units.

7:22:56

Public Hearing:

Chairperson Dean opened the public hearing, seeing no one chose to speak, she closed the public hearing.

7:23:16

Motion:

Commissioner Hill made a motion in regard to PLNPCM2010-00055 based in the analysis and findings in the staff report and testimony heard tonight, We would like to forward a positive recommendation to the City Council for the proposed grade change modifications in sections as outlined in the staff report with corrections as discussed in the Planning Commission meeting.

Commissioner Woodhead seconded the motion.

Vote: Commissioners Ruttinger, Galleogs, Woodhead, Fife, Hill, Taylor and Wirthlin all voted "aye". The motion passed unanimously.

7:29:57

PLNPCM2010-00614 Sustainability Development Code for Recycling and Waste Management – A request by Salt Lake City Mayor Ralph Becker to amend the Zoning Ordinance to adopt regulations promoting recycling and construction waste management in an effort to facilitate and regulate those activities throughout the City. Related provisions in Chapter 21A may also be amended as part of this petition. (Staff Contact: Ana Valdemoros at (801)535-7236 or ana.valdemoros@slcgov.com).

Chairperson Dean recognized Ana Valdemoros as staff representative.

Ms. Valdemoros stated that this was a revision of a prior ordinance.

Ms. Valdemoros stated that after discussion with developers, architects, and people in the construction industry, it was decided that the requirements in the ordinance should be scaled down.

Ms. Valdemoros stated that this was in response to the sustainability initiative by Mayor Becker and also in response to the future commissions report of 1998 that spoke of a vision the City should have about recycling and reusing materials in order to extend the life of the landfill and to attract more recycling industries and also encourage construction and demolition practices to promote recycling.

The requirements are:

- To require recycling space for any new building that was not residential or multifamily and expansions of over 1000 sq ft.
- Voluntary conversion of up to six parking spaces for recycling based on approval of the zoning administrator.
- Construction waste management plan and report which would apply to all demolition of principle structures, new construction of multifamily or new construction of residential single family residence subdivision of 20 or more units. All new or mixed use or other non residential buildings of 5000 sq feet or larger.

7:34:43

Questions from the Commissioners:

Commissioner Gallegos asked if recent submissions would be required to have recycling.

Ms. Valdemoros responded that no, anything heard before this would not have that requirement, but if it fulfilled the criteria it would need to.

Chairperson Dean asked for clarity on whether it would apply to all buildings within the City.

Ms. Valdemoros stated that it would.

Commissioner Hill asked if there would be a way to add recycling to on site requirements prior to construction.

Ms. Valdemoros stated that the recycling trigger would be at the moment of the application.

7:40:39

Public Hearing:

Chairperson Dean opened the public hearing, seeing no one chose to speak, she closed the public hearing.

7:40:50

Motion:

Commissioner Woodhead made a motion in regard to PLNPCM2010-00614 Sustainability Development Code for Recycling and Waste Management I move that the Planning Commission forward a favorable recommendation to the City Council to adopt the Recycling and Construction Waste Management Plan and this is based on the staff report and the presentation heard this evening with the modifications.

Commissioner Hill seconded the motion.

Vote: Commissioners Wirthlin, Taylor, Fife, Hill, Woodhead, Gallegos and Ruttinger all voted "aye". The motion passed unanimously.

7:41:55

PLNPCM2011-00554 Planning Commission Composition Text Amendment –

A request by Salt Lake City Mayor Ralph Becker to amend the number of members on the Commission, the number required to constitute a quorum, and Commission jurisdiction and authority relating to Title 21A.06.30. Other related provisions of Title 21A as well as Title 2.20 of the City Code may be amended as part of this petition. (Staff Contact: Ana Valdemoros at (801)535-7236 or ana.valdemoros@slcgov.com).

Chairperson Dean recognized Ms. Ana Valdemoros as staff representative.

Ms. Valdemoros stated that this was part of the Salt Lake City code maintenance and City code amendment on what constitutes a quorum of the Planning

Commission, the number of voting members, the jurisdiction and the authority of the Planning Commission.

Changes to the Code would be:

- Range of 9-11 Planning Commissioners
- A quorum would consist of a majority of voting members
- Eliminate the authority given to the Planning Commission to initiate amendments to the text of the Zoning Ordinance or the Zoning Maps.
- Review of Planned Developments would be added to the text.
- Removal of chapter 2.20 from the City code.

7:45:10

Commissioner Woodhead asked about clarification regarding the elimination of authority given to the Planning Commission to initiate amendments to the text of the Zoning Ordinance or the Zoning maps. Would this take away the ability of the Planning Commission to ever initiate action?

Planning Director Sommerkorn answered that it would take away the direct ability to do so. It would in turn allow the Planning Commission to request the Mayor to initiate, by asking the City Council to initiate, or by individual property owners initiating.

Planning Director Sommerkorn elaborated saying that the change had to do with budgetary issues, when the City Council or the Mayor initiates a petition, they generally have the resources to complete the work, and the Planning Commission does not have budgetary control. He further explained that when an individual files an application they usually pay a fee.

Chairperson Dean asked if that section could be kept but modified to say that the Planning Commission would have the authority to request that the Mayor initiate an amendment.

Commissioner Wirthlin stated that he felt that the objective of the Planning Commission was to look for needs within the City and not wait for the Administration or the City Council that would have a much broader jurisdiction and scope of duties. He suggested expanding the section to give the Mayor and the City Council the ability to initiate petitions, but did not support the removal of the authority.

Commissioners Wirthlin and Woodhead agreed that this authority was the one way the Planning Commission had to enact change, and the area where they could be proactive and not reactive.

Commissioner Gallegos felt that there needed to be more discussion regarding this issue.

Commissioners and Staff discussed the steps to initiate a petition.

Commissioner Wirthlin suggested tabling the item and giving staff additional direction.

Planning Commissioners gave staff direction to keep section 21A.06.030B3 which dealt with the Planning Commission's ability to initiate a petition, they also suggested that the entirety of section 21A.06.36 of the Zoning Ordinance be attached to compare to Title 2.20.

8:04:08

Public Hearing:

Chairperson Dean opened the public hearing, seeing no one chose to speak, she closed the public hearing.

Discussion:

Commissioner Wirthlin suggested tabling the item to the next meeting.

8:05:01

Motion:

Commissioner Wirthlin made the motion to table PLNPCM2011-00554 Planning Commission Composition Text Amendment until the December 14, 2011 Planning Commission Meeting.

Commissioner Woodhead seconded the motion.

Vote: Commissioners Wirthlin, Fife, Taylor, Hill, Woodhead, Gallegos, and Ruttinger all voted "aye". Motion passed unanimously.

8:05:09

PLNPCM2011-00473 Character Conservation Districts – A request by Mayor Ralph Becker to analyze the appropriateness of creating provisions for character conservation districts in Title 21A of the City Code. The proposed ordinance would include a framework and process for creating character conservation districts. It would not actually create a district. If adopted, neighborhoods would be able to go through a process for creating a district. The ability to create character conservation districts would apply citywide. (Staff contact: Maryann Pickering at (801)535-7660 or maryann.pickering@slcgov.com).

Chairperson Dean recognized Ms. Maryann Pickering as staff representative.

Ms. Pickering stated that this was a continuation from a previously tabled item.

Ms. Pickering addressed the following issues:

At both the Planning Commission and Historic Landmark Commission meetings, there has been concern expressed about the provision requiring 50% buy-in by the property owners who would be affected by the character conservation districts. There has been agreement that some neighborhood support is needed before the process of the developing the districts is undertaken, but at the same time, it is difficult to have property owners agree to being within a district without seeing any information or documents regarding the district. Staff has reworked this section and moved the requirement within the process timeline.

The buy-in section has been moved in the process to be a step after the Planning Director has determined that the area is eligible to be considered as a character conservation district (new Section 21A.XX.050(7)). In addition, the buy-in requirement has been changed to an opt-out option. The process is outlined in the ordinance in summary, after an area has been determined to be eligible, the Planning Division will mail notice to all affected property owners. Each property owner will have the option to opt-out of the proposed district and if more than 50% of the property owners choose to opt-out, the character conservation district will not move forward. In addition, staff has provided a provision that the results of the neighborhood notification for opting out of the district is presented to the City Council member whose district encompasses the proposed character conservation districts. The notification is for the Council member's information only.

2. Comments have been made that a definition of a feasibility study is needed. Staff has always included a definition of the feasibility study on the last page of the draft ordinance, but that definition has been enhanced and the process in the body of the draft ordinance has been modified.

The definition of feasibility study has been added to and includes a sentence that this report is a summary report or white paper type of document without a specific format. The study just needs to address the items in the draft ordinance. Within the text of the draft ordinance, it has been clarified that the feasibility study is a written description of the character defining features of an area. Character defining features that may be applicable to commercial districts have been added and also that photographs should be included as reference points.

3. The determination of eligibility section (Section 21A.XX.050) has been slightly modified to clarify the requirements for becoming a potential district for both residential and commercial areas. Staff has included a description of what would need to be included to create a commercial character conservation district for all four corners at two intersecting streets.

4. Modification of the district boundaries during the district plan and design guidelines formulation is clarified in the ordinance. Because we do not want property owners in the middle of an area to be removed from the proposed area, the language has been modified to only allow a block face to be removed or added with the consent of all the property owners. Please see Section 21A.XX.060 (2) for the modified language.

5. Comments have been made during the process about what items would be included in the district plan and design guidelines. Staff feels that because each area that could potentially be designated is unique, there is not a one size fits all solution as to what needs to be included. To address this concern, staff has included Section 21A.XX.060 (4) as items that need to be in each plan as a minimum. Understanding that some of the items may still not apply to an area, we have allowed the district plan and design guidelines to explain why each of these is not necessary.

In addition to the items that need to be included at a minimum, Section 21A.XX.060 (5) includes a list of items that can also be included, but notes that this list is not all inclusive. Any proposed character conservation district can add other items to be included in the district plan and design guidelines as they see as being appropriate to be conserved.

6. Section 21A.XX.090 has been removed from the draft ordinance. This was the section that required each proposed district to include standards for demolition. We have moved the demolition provision into Section 21A.XX.060 (5) and made it as an optional item to be included within each district plan and design guidelines.
PLNPCM2011-00473 – Character Conservation Districts Page 3

7. Other small changes that have been made throughout the draft ordinance. In the first section of the draft ordinance specific purpose statements are included for both residential and commercial character conservation districts. A definition of consensus has been added that would be included in Chapter 21A.62.

8:13:30

Questions from the Commissioners:

Commissioner Woodhead expressed her concern about demolition.

Planning Director Sommerkorn clarified that if a neighborhood group wanted to do a conservation district, and want to include a restriction or a prohibition on a demolition, they would be able to add it.

Commissioner Woodhead added that she was concerned about a neighborhood group being able to dictate what would be appropriate on a particular home.

Commissioner Fife stated he was uncomfortable with the idea of an "opt-out" but like the wording changed to "opt-in". In an "opt-out", it would be the people who are not interested in a conservation that have to do the work.

Commissioner Taylor agreed that an "opt-in" option would be more appropriate.

8:17:36

Public Hearing:

Chairperson Dean opened the public hearing, seeing no one chose to speak, she closed the public hearing.

8:18:50

Discussion:

Commissioner Wirthlin stated that he felt like this was an over reach and he was not in favor of it.

Planning Director Sommerkorn explained that this was prompted primarily by the issue of local Historic District designation in Yalecrest . The result of that was creating new tools for neighborhood renovation and protection of character-defining features. The only tool the City currently has is designation of local historic districts.

The idea would be to create a different range of tools. There are neighborhoods that are interested in preserving their character, but not necessarily the history. There were several cities that have used a character conservation district model, and that was the genesis of this proposal.

8:24:53

Motion:

Commissioner Woodhead made a motion in regard to PLNPCM2011-004763 Character Conservation Districts, I move that we forward a positive recommendation to the City Council on the Character Conversation District Ordinance with the following changes: 1. The reference to the buy-in be changed to a 51% buy-in; and 2. That the opt-out provisions be amended to refer to opt-in. and 3. That the design standards changed to delete under section 4, subsection C, principle elevation features and under 5 subsection G, architectural style and details, subsection H building materials, subsection J window, dormer size and location, subsection K, landscaping, subsection I fences and walls, and subsection G solar panel systems and related components be deleted. Additionally subsection 2-A leaving the boundaries up to the community.

Commissioner Gallegos seconded the motion.

Commissioners discussed the purpose of the character district in relation to the motion.

Vote: Commissioners Woodhead and Gallegos all voted "aye". Commissioners Fife, Taylor, Ruttinger, Wirthlin and Hill voted "no". Motion failed.

8:37:35

8:37:35

Motion: Commissioner Fife made a motion to forward a positive recommendation to City Council for the Character Conservation District Ordinance PLNPCM2011-00473 with a change to section 1 21-A.xx.050 section 7, changing the wording to an Opt In process of 51% of the property owners who collectively own more that 51% of the land excluding streets, and 21A.60 strike the requirement for the full block face.

No second given, Motion failed.

Commissioner Hill made a motion to forward a positive recommendation to City Council for the Character Conservation District Ordinance PLNPCM2011-00473 with a change to section 1 21-A.xx.050 section 7, changing the wording to an Opt In process of 51% of the property owners who collectively own more that 51% of the land excluding streets, and 21A.60 strike the requirement for the full block face and 21.Axx060 subsection 5, in addition a draft district plan and design standards may include but are not limited to the following elements on existing structures and strike landscaping.

No second given, Motion failed.

Commissioners discussed the details of the prior motions.

Motion: Commissioner Woodhead made the motion

Commissioner Woodhead made a motion to forward a positive recommendation to City Council for the Character Conservation District Ordinance PLNPCM2011-00473 with a change to section 1 21-A.xx.050 section 7, changing the wording to an Opt In process of 51% of the property owners who collectively own more that 51% of the land excluding streets, and 21A.60 strike the requirement for the full block face and under 5 subsection G, architectural style and details, subsection H building materials, subsection J window, dormer size and location, subsection K, landscaping, subsection L fences and walls, and subsection Q solar panel systems and related components be deleted.

Commissioner Fife seconded the motion.

Commissioners discussed details of the combined motions.

Vote: Commissioners Gallegos, Woodhead, Fife and Hill all voted "aye", Commissioners Taylor, Wirthlin and Ruttinger all voted "nay". The motion passed.

8:56:03

Meeting adjourned.

