



Memorandum for the Planning Commission

Planning Division
Community & Economic Development Department

To: Planning Commission Members
From: Michaela Oktay, Principal Planner
Date: October 3, 2011
Re: Reconsideration of PLNSUB2011-00382
Planned Development Amendment - Hampton Inn

Background

A petition for a planned development amendment to alter and relocate a legal non-conforming sign and to allow a monument sign along Foothill Drive was requested by Darlene Batatian, Mountain Land Development Services, representing Dee's Incorporated.

On September 14, 2011, the application was presented and approved by the Planning Commission. However, the application was approved with a modification to the original request. The motion passed with amended conditions listed as follows:

Motion: Commissioner De Lay made a motion in regard to PLNSUB2011-00382, based on the findings listed on the staff report, testimony heard this evening, I move that the Planning Commission approve the application as proposed subject to the following conditions:

1. *Compliance with all City department requirements outlined in the staff report for this project. See Attachment C of the staff report for department comments.*
2. *No monument sign be allowed on 2300 East.*
3. *Allowed modifications from standards:*
 - A. *Move and only alter electronically by upgrading with LED lights and repainting the legal non-conforming, non-complying sign within approximately 25 feet, or as indicated by the site plan submitted.*
 - B. *Allow monument sign in addition to pole sign on Foothill Drive.*

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

Reconsideration

On September 28, 2011 the petitioner, Darlene Batatian, Mountain Land Development Services representing Dee's Incorporated, requested that the Planning Commission reconsider the petition on the grounds that there are conflicts with the Planning Commission regulation of sign content. The Salt Lake City Attorney's Office also raised concern that the motion adopted by the Planning Commission regulates the content of the Scenic Motel sign and that this regulation may violate constitutional protections of free speech.

The Planning Commission voted on September 28, 2011, to reconsider the adopted motion on October 12, 2011.

For your convenience, the original Staff recommendation is listed below:

(Original Staff Recommendation)

Consistent with Staff Recommendation: Based on the findings listed in the staff report, testimony and evidence presented, I move that the Planning Commission approve the application as proposed subject to the following conditions:

1. Compliance with all City department requirements outlined in the staff report for this project. See *Attachment C* of the staff report for department comments.
2. No monument sign be allowed on 2300 East.
3. Allowed modifications from standards:
 - A. *Move and alter legal non-conforming non-complying sign.*
 - B. *Allow monument sign in addition to pole sign on Foothill Drive.*