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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, October 26, 2011**

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

A field trip was held prior to the meeting. Planning Commissioners present were: Angela Dean, and Michael Fife, Staff members in attendance were Joel Paterson, Doug Dansie, Maryann Pickering, and Casey Stewart.

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; Joel Paterson, Planning Manager, Doug Dansie, Senior Planner; Maryann Pickering, Principal Planner; Michaela Oktay, Principal Planner; Casey Stewart, Senior Planner; Paul Nielson, Land Use Attorney; and Angela Hasenberg, Senior Secretary.

Field Trip Notes:

Planning Commissioners visiting the following locations:

PLNSUB20011-00418 Smith's#94 Fuel Center. Staff explained the modifications needed. Planning Commissioners asked questions about the new layout

PLNPCM2011-00485 Volunteers of America Conditional Use. Staff explained that it would be used for homeless men, that there was excess parking now, and there would be added landscaping in the back. It would hold 12 residents. Planning Commissioners asked why there needed to be approval if was a legal nonconforming structure.

PLNPCM2010-00032: Zoning Text Amendment, Billboards, PLNPCM2010-00717: Zoning Text Amendment, Electronic Billboards

Issues were: proposed changes to static and changeable copy signs. The Commission looked at the Ken Garff sign at 8th South and West Temple.. The image is up for two seconds and there is a lot of movement. AT&T sign at, 500 South and Main. One must slow down or alter driving in order to read the sign.

Energy Solutions Arena: Operation of this electronic sign has been modified to keep the static message up longer to be more compliant with existing regulations.

Work Session:

PLNPCM2011-00473 Character Conservation Districts – A request by Mayor Ralph Becker to analyze the appropriateness of creating a provision for character conservation districts. 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 conservation districts would apply citywide. (Staff contact: Maryann Pickering at (801) 535-7660 or maryann.pickering@slcgov.com).

Chairperson Dean recognized Maryann Pickering as staff representative

Ms. Pickering stated that this was a briefing on a proposed text amendment, regarding character conservation districts. Ms. Pickering stated that there were several tools to aid the City in Historic restoration, not all tools were for preservation, but there were many things that still needed to be conserved. The purpose for the Historic Districts was to preserve the Historic fabric, which includes design and materials of structures. Another tool would be the use of Character Conservation Districts, which would be defined as: type of architecture, streetscape, nothing of historic nature, but the character of the neighborhood should be preserved. These tools would help neighborhoods identify the qualities and characteristics that they would like preserved in their neighborhoods.

Character Conservation Districts would be overlay zones where the base zoning would remain intact. The process for approval would be similar to a zoning map amendment. Examples of things that could be preserved would be building orientation, architectural style, materials, landscape, walls, etc.

The City envisions that if this were to go forward, it would be used in residential districts, but could also be used in commercial districts if it were deemed appropriate.

Ms. Pickering stated that this was presented in the past to the Historic Landmark Commission. Ms. Pickering discussed the proposed approval process.

Concerns from the Historic Landmark Commission were:

- Initiation of the Character Conservation District - the concern was over the percentage of "buy-in", or how many people would need to be involved to initiate a new district.
- Review of the feasibility study - the neighborhood would prepare the feasibility study and submit it to the City. The Planning Director would determine if it met the criteria to move forward.
- City Council Members should be able to initiate a character conservation district, but would have to work with the Planning Division to find a funding source to ensure a budget for the project was available. Additionally, the Character Overlay District would need a majority vote of the City Council.
- Standards would be codified with pictures and precise requirements so that an applicant would know exactly what to expect.
- Any changes to the boundaries of a character conservation overlay district would go through the same steps as the zoning amendment process.

Chairperson Dean stated that it sounded like each character conservation overlay district could potentially create a unique custom set of standards for each district, and wondered if it would create a logistical nightmare to have 12 different character conservation overlay districts within the City. She asked if there should be a common thread or a standard template to work with.

Ms. Pickering stated that there would be standards that would reflect what was important within the community.

Commissioner De Lay asked what prompted this and why it was on the fast track.

Planning Director Wilf Sommerkorn responded that this was in response to City Council discussions regarding Historic Preservation and to the concerns raised in the last session of the State Legislature. Character Conservation Districts would be another for neighborhoods that might not be eligible for consideration as a local historic district.

Commissioner Woodhead stated that she wanted to understand the feasibility standards. If the Commission recommended a small change, would the standards have to go back to square one – back to the Community? Would the Planning Commission's role be an up or down vote?

Ms. Pickering explained that the Planning Commission would be able to recommend changes without requiring the process to start over.

Commissioner Woodhead stated that she was somewhat conflicted over this, she felt that some architectural elements should be set in stone. However, once the building is constructed, things like landscaping should be more liquid and not regulated by a character conservation district.

Chairperson Dean felt that it seemed like the City was retroactively installing Covenant, Conditions and Restrictions (CC & Rs) like a homeowner's association would in a new subdivision.

Chairperson Dean asked why the onus was on the citizen rather than the City to initiate a Character Conservation Overlay Districts.

Ms. Pickering stated that the residents like the character of where they live and want to preserve it. She stated that in the models that they studied, most had come from the residents, but Planning Staff was open to suggestions.

Planning Director Sommerkorn added that this was somewhat in response to what had happened with the Yalecrest Historic District request, and the City is trying to avoid some of the issues that caused concern.

Commissioner Hill asked if character conservation overlay districts would be an option for neighborhoods that felt the Historic designation was too rigid?

Commissioner Fife stated that the time to get residents' input and approval would be after the standards had been developed.

Land Use Attorney Paul Nielson added that the Utah Constitution allows residents to determine land use policy through the initiative referendum process; however, transferring legislative approval from the City Council to residents would be an unconstitutional delegation of legislative powers to a non legislative body, sometimes referred to as the "reserved powers doctrine".

Commissioner Wirthlin clarified that perhaps Land Use Attorney Nielson was talking about the "power to initiate" rather than the power to approve.

Land Use Attorney Nielson agreed that property owners should have the ability to initiate a petition to change zoning standards but there is concern with the residents determining what the required colors would be, for an example. the residents can get the ball rolling by submitting the feasibility study, but the City Council would be the final decision maker on the petition request. The ordinance could include a buy-in provision for the initiation of a petition but such a buy-in provision could not be allowed later in the process where it might be perceived as a delegation of the approval authority.

Commissioners Fife and Wirthlin both agreed that it would need to be a higher standard to initiate and have the community buy into it.

Chairperson Dean asked if design examples would accompany the standard, so the citizens would know what was being asked of them. Chairperson Dean asked if the

sustainability ordinances would be factored into this, and what would the timing and process be.

Ms. Pickering responded that sustainability had not been looked at.

Commissioner Woodhead added that she felt it could come into play, for instance, if none of the houses had solar, but they wanted it, it could be included in a character conservation district.

Commissioners Dean and Woodhead discussed some options to incorporate sustainability into the character defining districts.

Approval of the Minutes, September 14, 2011 and September 28 postponed to the end of the meeting due to a reconsideration of an item previously heard.

Report of Chair and Vice Chair: nothing to report.

Report of the Director: Planning Director Wilf Sommerkorn stated that there had been a briefing with the Council in regard to the proposal to replace the Board of Adjustment and the Land Use Appeals Board with a hearing officer. The City Council has asked for specific direction on the Ordinance and had asked Planning Staff to go forward with it.

The City Council also approved two sets of Zoning Text Amendments.

Unfinished Business:

PLNSUB2011-00382 Planned Development Amendment- a request by Darlene Batatian, representing Dee's Inc., to amend a previous planned development proposal located at approximately 1345 S. Foothill Drive, in the CB, Community Business District. The property is in Council District 6 represented by JT Martin. The applicant is requesting to move and alter a legal non-conforming existing sign and to allow two signs fronting Foothill Drive. (Staff contact: Michaela Oktay at 801-535-6003 or michaela.oktay@slcgov.com)

Commissioner Wirthlin stated that he had a conflict of interest in this matter, but would listen to the commentary to maintain a quorum but abstain from voting.

Chairperson Dean recognized Michaela Oktay as staff representative.

Ms. Oktay stated that after the first public hearing, which was held on September 14, 2011, the Attorney's Office raised some concerns that regarding regulation of sign content.

Ms Oktay stated that the request was twofold, first, the request to alter and move the legal non-conforming sign. Although the Scenic Motel sign is an older sign, it is not designated as a landmark nor is it protected by local historic designation. In other words, the sign could be taken down or demolished at any point.

The Second part was a request to allow an additional sign on Foothill Drive, the existing zoning is CB (Commercial Business) which allows only one pole sign or monument sign per street frontage. The applicant was requesting to keep the legal non-conforming sign and place a monument sign on the Foothill Drive frontage.

Ms. Oktay stated that the applicant was willing to forgo a sign on 2300 East for the sign on Foothill Drive.

Ms. Oktay mentioned that during construction, Hilton Hotels had been very adamant that the sign be removed completely. However, the applicant had spent much time negotiating with Hilton to keep the sign on site. Hilton finally decided to allow the developer to keep the sign, but only if the face of the sign was changed to reflect Hampton Inn.

5:58:31

Questions from the Commissioners:

Commissioner Woodhead asked about the provisions in the Zoning Ordinance that allowed the Planning Commission to modify standards and allow the non-conforming, non-complying sign sign to be moved.

Land Use Attorney Nielson stated that the concern was that the applicant could only alter the coloring of the sign, which would require keeping the content as it was.

Planning Manager Paterson added that another reason this was part of a planned development amendment was that the applicant would like to reposition the sign. The sign was already non-compliant because of its location. Generally, if such a sign is taken down, the sign would lose any of the non-complying rights it had; therefore, it needed approval through the planned development process.

Ms. Oktay added that now that construction had begun and the sign would have to be moved to avoid a conflict with the location of a canopy.

Chairperson Dean asked if the sign were not allowed to be altered by the Planning Commission would the applicant build a monument and eliminate the Scenic Motel sign completely?

Ms. Oktay agreed.

6:00:45

Comments from the Applicant:

Darlene Batatian, the applicant spoke. She stated that she appreciated the reconsideration of the decision and noted that if there was a way to adhere to the decision made in the previous Planning Commission Meeting, they would have. The fact was that requiring that the sign lettering remain as it is, but allowing it to be relocated, put the property owners in an awkward position; they would have a sign advertising a business that was no longer there – the Scenic Motel. Under those conditions, they would have no choice but to take the sign down and remove it from the site.

She noted that throughout the application process, they kept their fingers on the pulse of the community, and felt that they were staying true to what the community wanted.

She stated that she hoped the Planning Commission would consider accommodating the request.

6:04:41

Comments from the Planning Commissioners:

Commissioner De Lay stated that she had a passionate belief that that little bit of history should not disappear. She could not support the request under any kind of argument. She stated that if the sign were to change, it would destroy the historic significance of it. However, the Planning Commission could not require the applicant to change it. She noted that the two choices would then be to allow them one sign, which would be changed, or have two signs, and they would both be changed.

Commissioner Woodhead added that initially she felt that they were preserving the sign as it was, but in reality, they were saving the structure of the sign, which were two different things. She then asked what the advantage of the two signs would be.

Commissioner Hill added that the types of markers that they are trying to preserve are there because the community has strong ties to them, the changes would alter the significance it has to a community. If the sign would be changed, allow them to have the sign they want and get rid of the existing sign.

Commissioner Woodhead stated that in return for allowing two signs on Foothill Drive would be that no monument sign would be constructed on 2300 East.

Planning Director Sommerkorn stated that the applicant, by right, was allowed a sign on each street. He added that the request was to move the sign from 2300 East to Foothill, and that request required approval.

Ms. Oktay noted that there was community concern regarding the sign on 2300 East, in the way of signage, lighting and thir impacts.

Planning Commissioners discussed the location of where the sign would be on 2300 East.

6:12:52

Motion:

Commissioner Woodhead made the motion in regard to PLNSUB2011-00382 Planned Development Amendment based on the findings in the staff report, testimony and evidence presented, both in the original hearing and tonight, I move that the Planning Commission approve the application as proposed, subject to condition 1 in the staff report, with the understanding that the consequence is that the applicant would be allowed one sign on Foothill Blvd. and one sign on 2300 East.

Commissioner De Lay seconded the motion.

Vote: Commissioners Fife, Hill, De Lay and Woodhead all voted "aye" Commissioner Wirthlin abstained. The motion passed unanimously.

6:15:35

Approval of the Minutes from September 14 and September 28, 2011

Motion:

Commissioner Woodhead moved to approve the minutes from September 14, 2011, subject to the rehearing of item PLNSUB2011-00382 Planned Development Amendment.

Commissioner Fife seconded the motion.

Vote: The motion passed unanimously

Motion:

Commissioner Fife moved to approve the minutes from September 28, 2011.

Commissioner Wirthlin seconded the motion.

Vote: The Motion passed unanimously.

6:15:35

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. (Staff Contact: Doug Dansie at 801-6182 or doug.dansie@slcgov.com)

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. (Staff Contact: Doug Dansie at 801-6182 or doug.dansie@slcgov.com)

Chairperson Dean recognized Doug Dansie as staff representative.

Mr. Dansie stated that this was a rehearing of an item that had been tabled at the prior meeting. At that meeting, Commissioner Hill requested that Frank Gray discuss the context of Urban Design. Mr. Gray provided a PowerPoint presentation for Mr. Dansie to present that illustrated the context of Urban Design.

Mr. Dansie explained that there were many cities in the nation that banned billboards all together, and cities within Utah that had done the same thing, he referred to Park City and Kaysville. He also made note that there were others that had once allowed billboards who had later adopted ordinances prohibiting them. (ie Draper).

Mr. Dansie stated that the big issues had to do with electronic signs and on-premise signs.

Mr. Dansie gave an overview of the different types of electronic signs.

He noted that in Houston, Texas they require an electronic sign to stay static for 5 minutes.

Mr. Dansie stated that the three big issues were:

- Dwell time for electronic signs
- Proposed regulation regarding hours of operation
- Enforcement and documentation of brightness of signs

The Planning Commission suggested dealing with dwell time based on the size of the sign. Staff responded with a proposal that all electronic signs, whether they are on- or off-premise, bigger than 250 square feet or located on a freeway be limited to the eight second dwell time standard.

Mr. Dansie stated that 8 seconds was the industry dwell time standard, and that almost all billboards are larger than 250 square feet. The purpose for being located on freeways was because there are some on-premise signs on the freeways that

are electronic boards and the standard should be consistent. The second class of signs between 100-250 square feet would have a five second dwell time, and electronic signs smaller than 100 square feet may have a three second dwell time.

Mr. Dansie stated that that was different from the existing code which currently stated the copy had to be fully visible within three seconds

Mr. Dansie discussed display period and noted that the current draft stated that electronic signs needed to be turned off between midnight and 6:00 a.m. in certain zones. The zones listed had residential impacts, but staff changed it and stated that if the sign were within 600 feet of a residential zoning district and only the business itself was closed, the sign would need to be turned off between the hours of midnight and 6:00 a.m.

Enforcement costs. Mr. Dansie stated that the prior draft put the onus on the sign owner to prove a sign met brightness standards. After discussion, it was determined that the cost should be borne by the sign owner and not passed down to the City.

Roof top electronic signs would be prohibited as they seem to be an inappropriate placement on the skyline.

Electronic signs would be prohibited in Historic districts unless waived by the Historic Landmarks Commission.

Mr. Dansie also added that electronic signs at the airport could be 100% electronic.

Mr. Dansie stated that billboards are prohibited on the gateway streets, and the Mountain View corridor. The draft does allow the freeway billboards to be converted to electronic.

Commissioner Hill asked why the new ratio was 2:1 instead of 3:1.

Mr. Dansie replied that the feedback from the Planning Commission was 2:1.

Planning Commissioners discussed the proposals presented by Mr. Dansie.

6:42:00

Motion:

Commissioner Fife made the motion regarding PLNPCM2010-00032: Zoning Text Amendment, Billboards and PLNPCM2010-00717: Zoning Text Amendment, Electronic Billboards I move that the Planning Commission forward a positive recommendation to the City Council to adopt the September 28 discussion draft referenced in the October 21, 2011 Memo to the Planning Commission members from Doug Dansie and include as changes to that draft the recommendations discussed in that memo.

Commissioner Woodhead seconded the motion.

Vote: Commissioners De Lay, Hill, Woodhead, Fife and Wirthlin all voted “aye”, the motion passed unanimously.

6:44:02

PLNPCM2010-00470: Fine Tuning Historic Preservation Overlay District- A request by Salt Lake City Mayor Becker to improve the clarity of the language relating to the Historic Preservation Overlay. It will also address several minor fine tuning text amendments in various sections of Title 21 that reference the historic overlay. 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.)

Chairperson Dean recognized Michaela Oktay as staff representative.

Ms. Oktay stated that the Planning Division had been working to improve the Historic Preservation Program, and part of the endeavor requires fine tuning to the Historic Preservation Overlay language in the ordinance.

Proposed Changes:

- Improve language clarity
- Revise the number and representation requirements for the Historic Landmark Commission
- Increase the term limits for members on the Historic Landmark Commission
- Specify length of validity of Certificate of Appropriateness
- Streamline approval processes allowing the Historic Landmark Commission authority to grant modifications to bulk and lot regulations if it is found that the underlying zoning district requirements would not be compatible with the historic district

Ms Oktay stated that when one applies for a certificate of appropriateness, it would be because they were making an external change on their property. Currently, there are some projects that are landmark sites, or contributing structures or additional building height, there are certain items that need to go to the Historic Landmark Commission and have a public hearing. There are less significant projects that could be done administratively, without a public hearing.

When asked, the Historic Landmark Commission was concerned that they would only hear denials.

Commissioner Hill stated that she was in favor of a more streamlined system that would save citizens time and money.

Commissioner Woodhead asked how many times there were disagreements between staffs perceptions and the Historic Landmark's perceptions.

Planning Manager Paterson stated that he did not know the percentage, but that it did happen.

Ms. Oktay stated that staff is requesting a favorable transmittal to the City Council.

6:52:46

Public Hearing:

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

6:53:10

Commissioner Fife asked about the striking of the Utah Heritage Foundation and Utah State Historical Society from membership.

Ms. Oktay stated that the Utah Heritage Foundation had notified the City and had indicated that they would want to be listed, however the ordinance specifies the qualifications of the members, the new ordinance would be listed as "ideal candidates." The reason being that SHPO and other organization that the City currently had listed as required representative, but they really do not want that responsibility.

Planning Manager Paterson added that part of the concern of the language in the ordinance that deals those members that represent certain organizations, like the Utah Heritage Foundation and the Utah Division of State History, and are also removing the language that requires a member from each of the historic districts that they represent. It is intended to eliminate bias.

Commissioner Fife asked what number would represent a majority in a quorum. Is it the number appointed, or should it be a fixed number.

Planning Director Sommerkorn responded that a fixed number is difficult when the Commission has a range of numbers in the membership.

Commissioner Woodhead stated that she was conflicted about the ability of staff to have the authority to make the final decisions on some items.

Planning Manager Paterson said that the previous draft stated that staff would be able to approve certain major alterations to contributing structures or landmark sites as long as the alterations had no negative impact or did not cover character defining features.

Chairperson Dean stated that she was in favor a more streamlined efficient process and that many things could be handled administratively.

6:57:55

Motion:

Commissioner De Lay made a motion in regard to PLNPCM2010-00470: Fine Tuning Historic Preservation Overlay District, based on the findings of the staff report and the testimony heard tonight, I move that the Planning Commission transmit a favorable recommendation to the City Council to adopt the proposed Fine Tuning Amendments in the staff report to the text of zoning ordinance as it relates to City Historic Preservation Ordinance. With the following amendments to add back subsection 3 that states that Staff could approve a substantial alteration of or addition to a landmark site or contributing site/structure where it would not a negative impact on its contributing status and other changes to the ordinance to make it internally consistent of that change.

Commissioner Woodhead seconded the motion.

Vote: Commissioners Woodhead and De Lay voted "aye", Commissioners Wirthlin, Hill, and Fife all voted no. The motion failed.

Motion:

Commissioner Wirthlin made a motion regarding PLNPCM2010-00470 Fine Tuning Historic Preservation Overlay districts I move that based on the findings of the staff report and the discussion this evening, I move that we transmit a favorable recommendation to City Council to adopt the proposed fine tuning amendment to the text zoning ordinances as it relates to the City's Historic Preservation Ordinance.

Commissioner Fife seconded the motion.

Vote: Commissioners De Lay, Fife, Hill and Wirthlin all voted "aye". Commissioner Woodhead voted "no". The motion passed.

7:12:32

Commissioner Wirthlin asked for a motion to reconsider the previous motion.

Commissioner Fife seconded it.

Vote: Commissioners De Lay, Hill, Fife, Woodhead and Wirthlin all voted "aye" the motion passed unanimously.

Commissioner Woodhead made a motion in regard to PLNPCM2010-00470: Fine Tuning Historic Preservation Overlay District, based on the findings of the staff report and the testimony heard tonight, I move that the Planning Commission transmit a favorable recommendation to the City Council to adopt the proposed Fine Tuning Amendments in the staff report to the text of zoning ordinance as it relates to City Historic Preservation Ordinance. With the following amendments to add back the language found on page 5 subsection 3 of the staff report that states that among the items that could be administratively analyzed and approved if the project clearly met the standards of the ordinance are substantial alteration of or addition to a landmark site or a contributing site/structure where it will not have a negative impact on its contributing status and all other language in the ordinance to make it internally consistent with that change

Commissioner Wirthlin seconded the motion.

Vote: Commissioners De Lay, Hill, Fife, Woodhead and Wirthlin all voted "aye" the motion passed unanimously.

7:15:17

PLNSUB20011-00418 Smith's #94 Fuel Center – A request by Jeff Randall of Great Basin Engineering South for construction of a new Smith's fuel center located at approximately 479 South 600 East. The subject property is located in a CS (Community Shopping District) zoning district and is located in Council District 4, represented by Luke Garrott. (Staff contact: Maryann Pickering at (801) 535-7660 or maryann.pickering@slcgov.com).

Chairperson Dean recognized Maryann Pickering as staff representative.

Ms. Pickering stated that this was a request from Jeff Randall of Great Basin Engineering and was a request for a Planned Development for new construction at 479 South 600 East in order to construct a new Smith's fuel center. The Planning Commission has final decision making authority for Planned Developments.

The Proposal was for a new fuel center on a vacant lot. The proposed use is permitted in the CS zoning district, and the items for consideration are the circulation on site and the modification to some development standards as per a request from the applicant.

The request to be modified are the front and corner side yard setbacks, the landscaped yard. Due to discussion from the Historic Landmark Commission, the redesign that came from the subcommittee the projection of the awning is no longer necessary

Ms. Pickering stated that there would be four product dispensers with a total of eight fueling stations under the canopy. There will be a kiosk on the corner, approximately 176 square feet in size that would accommodate one employee and one restroom for that employee. The attendant would be available in the kiosk from 6am until 10 pm to accommodate cash customers. Customers that would use credit or debit cards will be able to access the pumps 24 hours a day. The kiosk building will be finished with a brick veneer and it proposed to be a weathered looking brick veneer, in order to fit in with the historic district.

A majority of the landscaping proposed will be located in the public right of way. The site is somewhat unique as there is a large right of way on both the streets that abut the project. There is approximately 25 feet of right of way from the back of the curb to the property line. In addition, there is a park strip that is approximately eight feet wide between the detached side walk and the property line. The applicant is proposing to landscape this area with trees and shrubs.

Delivery of the fuel products will occur during non-peak traffic hours. There will be one parking stall provided onsite.

This application is being reviewed as a Planned Development because it is new construction in the CS zoning district. The use is permitted in the underlying zoning district.

The Planning Commission may change, alter, modify or waive any provisions of this title or of the city's subdivision regulations as they apply to the proposed planned development.

Ms. Pickering stated that there was one open house held on September 12, 2011 and there was one comment received and it can be found in the staff report.

The Historic Landmark Commission heard this petition on October 6, 2011 they heard the item because it is new construction within the Central City Historic District and therefore needs a certificate of appropriateness.

At the October 6 meeting of the Historic Landmark Commission, an architectural subcommittee was formed to work with the applicant on a revised design for the fuel center. The subcommittee met on October 17 with the applicant and staff to discuss a revised design. Some of the suggestions made by the subcommittee included:

- breaking up the canopy into different sections,
- stepping the canopy up from the southwest corner of the site,
- streamlining the fascia of the canopy to make it more streamlined, and
- use the recycled brick material on the building, but making the building look more modern.

7:23:00

Comments from the applicant:

Brett Wallin, Jeff Randall with Great Basin Engineering, Steven Sorenson, Vice President of Smiths Food and Drugs,

Mr. Wallin stated that they had been working diligently on this project, working with the Community Council, the Historic Landmark Commission and Staff.

He stated that the project was started three years prior and was put on hold, but now Smith's is interested in making it happen.

Mr. Sorenson stated that fuel is becoming an increasingly more important part of their business. It provides a good benefit to their customer. They provide the fuel stations as a convenience to their customers to create a one stop shop.

Mr. Sorenson stated that they had made significant changes after meeting with the architectural subcommittee; they made significant changes to the design and hoped it met with approval.

Mr. Wallin stated that from the Historic Landmark Commission Meeting, and the architectural review committee, they had made significant changes to their plans.

Mr. Randall added that many changes were made to the site plan such as:

- to make it more pedestrian friendly they have added a pedestrian plaza, as well as to accommodate bicyclists.
- Canopy had been modified to have its place in time in architecture.
- Added pedestrian connectivity to the kiosk.
- Bicycle repair station and rack.
- Circulation of the site, adding a two way circulation.

Mr. Wallin added that some other items that Smiths has committed to the canopies will be engineered to accommodate future solar panels, an electric charging station for electronic automobiles.

7:30:26

Questions from the Commissioners:

Commissioner Hill asked if Smiths owned the land.

Mr. Wallins answered that they did not, that it was owned by David Harries, but it is under contract for them to purchase.

Commissioner Hill quoted from the planned development guidelines and added that as a neighbor to the Smith store in question, she noticed that there was a lot of parking lot and wondered why the fuel station could not be on the same parking lot.

Commissioner De Lay responded that she as a consumer would not want to park there because the traffic is too congested in that parking lot.

Mr. Sorenson answered that they had investigated all the options of placing a fuel station on the property, but none were feasible.

Commissioner Dean asked why there was a four foot wall on the corner of the pedestrian plaza.

Mr. Wallin responded that it was an architectural design element.

Commissioner Dean added that she thought the low wall could pose a safety threat to the employee in the kiosk.

Planning Manager Paterson stated that the Historic Landmark Commission specifically addressed the wall as well, their comments were that they felt the wall helped anchor the corner.

Commissioner De Lay suggested lowering it to two feet to have it double as a bench.

Commissioner Woodhead asked if the fuel station would increase traffic on 6th East between 4th and 5th South.

Mr. Wallin stated that they had not been required to provide a specific study on that.

Mr. Randall stated that the Transportation Department had asked for that, he could not remember the specifics of the study, but it showed a very minor increase in the level of service in the area, and transportation had approved it.

7:41:15

Public hearing:

The following citizens spoke *in opposition* to the application:

Ray Kingston, 1070 E 400 S Salt Lake City, Ut, Marian Florence 817 S 800 E SLC Ut 84102, Cindy Cromer 816 E 100 S SLC Ut, 84102

Issues of concern were:

- New station is six blocks from another Smith's fueling station.
- Site would be better served with uses different than fueling vehicles.
- Too Many gas stations in the area.
- City zoning error created this situation.
- Fuel stations add to pollution.

David Harries, 418 E 200 S spoke *in favor* of the application.

- Good contributing partnership with the city
- Sensitive to the needs of the community, ie landscape design and maintenance
- Fueling station is a permitted use.

7:52:44

Response from the applicant:

Mr. Sorenson stated that during the construction process of the property at 800 South and 900 East they had much communication with the community council, and even after the approval, in their opinion have been a very good corporate neighbor.

7:54:14

Comments from the commissioners:

Commissioner De lay stated that this is a permitted use under the zoning, so she did not have a problem with the item. She stated that she had issue with the wall, her concerns were that it could be tagged, it was not landscaped correctly. She suggested to lower the wall if possible.

7:55:10

Motion:

Commissioner De Lay made the motion in regard to PLNSUB2011-00418 Smith's #94 Fuel Center based on the findings of listed in the staff report and testimony heard here tonight, I move that the Planning Commission approve the proposed planned development with the following conditions: prior to submitting to any building permit review the applicant shall obtain a certificate of appropriatness from the Historic Landmark Commission; new construction within a historic district, and to take safety into concern about the building landscaping walls around the common plaza,

Commissioner Wirthlin seconded the motion.

Vote:

Commissioners Fife, De Lay, and Wirthlin all voted “aye”, Commissioners Woodhead and Hill voted “no”. Motion passed.

7:56:17

PLNPCM2011-00485 Volunteers of America Conditional Use - a request by Volunteers of America for conditional use approval of a proposed residential group home in support of homeless young men. The property is located at approximately 556 South 500 East, in Council District 4 represented by Luke Garrott. (Staff contact: Casey Stewart at 801-535-6260 or casey.stewart@slcgov.com)

Commissioner Dean recognized Casey Stewart as staff representative.

Mr. Stewart stated that his is a request for conditional use approval for a proposed residential large group home at the subject location. The existing building is currently used as a boarding house and would be converted to a supportive living home for up to 14 homeless young men. The Planning Commission has final decision-making authority for a conditional use request.

Mr. Stewart added that the site was currently the site of a boarding house that could potentially hold 14 occupants.

The applicant would like to purchase the property and convert the existing residential use of a boarding house into a large group home for men ages 18 - 24 years old that are homeless or at the risk of being homeless. The intent would be to provide the residents with life skills in order to gain employment or to find a place to live on their own. The maximum stay would be approximately two years.

Mr. Stewart gave a PowerPoint presentation.

Mr. Stewart stated that there would be limited change in the building's use as it was currently multifamily use as a boarding house, it would continue to be used for residential purposes there would be approximately 14 residents at the site, there would be staff on site 24 hours a day, 3 during the day, and 1 member at night. Most of the parking would be for the staff.

Aside from the email comments received, Mr. Stewart had received a few phone calls who object. George Shapiro 604 S 500 E, Salt Lake City, Ut. His comment was that if the conditional use was approved he would like as a condition to see an increase in police patrols along the stretch of 500 E.

Staff had considered the application and compared it to the standards for a conditional use

- It is supported by the Masterplan for the area. It is a residential use

- Design is compatible to the character of the area
- There is no detriment to persons or property in the area
- Any remodeling would be an improvement to the site.

Staff felt that it did meet the standards for conditional use, and as such as recommended approval subject to compliance with the City requirements.

8:03:06

Questions from the Commissioners:

Commissioner De Lay asked if the current use was a boarding house, and with the current condition, there was not supervision.

Mr. Stewart agreed.

Commissioners discussed the parking changes between the current use and the conditional use.

8:04:11

Comments from the applicant:

Kathy Bray, President and CEO of Volunteers of America Ut. And Zach Bale, Vice President of external relations. Ms. Bray said that they had received a HUD grant for the purchase and remodeling of a new transition home.

Improvements would include:

- Removal of soda machine from the front porch
- Improving the HVAC
- Improving ADA accessibility requirements
- Improvements to the kitchen and the dining room
- Bathroom remodel

Ms. Bray stated that they had already established a transitional home for young women; they feel that it has blended in well with the community.

Expectations of the residents would be that they would be accountable for their own behavior and working toward self sufficiency. Strict standard for structure and guidance and support will be provided.

8:08:38

Questions to the applicant:

Commissioner Fife asked if there were plans to help the younger population.

Ms. Bray responded that they do, but more in terms of emergency shelter.

8:09:48

Public Hearing:

The following people spoke *in opposition to* the application.

Adele Connell, 500 S 500 E SLC UT, spoke, her concerns were as follows:

She is a Trolley Place resident, they had a meeting and 27 out of the 42 owners were at the meeting and that were there were opposed to the permit.

She discussed her concerns over the number of parking spaces available, and how she did not believe there would be adequate parking for the residents.

Commissioner Woodhead noted the concern about the number of people and the number of parking stalls available, she asked how would that be different than the boarding house that was already in use.

Ms. Connell said that it just did not do service to the redevelopment of Salt Lake City.

Cindy Cromer 816 E 100 S SLC UT, spoke. Ms. Cromer's concern was mainly about smoking, but stated that the Women's Transitional shelter was a great neighbor.

Riley Pack, 520 S 500 E #112, SLC UT; Matt Warner 520 S 500 E #308 SLC UT; Gabrielle Pack 520 S 500 E #112 SLC UT; Andrew Peterson 520 E 500 S #325 SLC UT; Sklar Tolbert 520 S 500 E #314 SLC UT; Danielle Colvin, 500 E 520 S #118 SLC UT; Kevin Cochran, 520 S 500 E # 119; Robert Tanner, 520 S 500 E, SLC UT; Ali Tanner 520 S 500 E , SLC UT; Caitlin Soffe, 520 S 500 E #311 SLC UT; Nick Matthew 520 S 500 E #102 SLC UT; Joel Merriweather, 520S 500 E SLC UT; Elliot Faulkner 520 S 500 E, SLC UT.

- Devaluation of property
- Detrimental to the surrounding community
- Compromises safety in the neighborhood
- Increase in illegal activity (i.e. drugs, theft)
- Parking

Luke Garrot resident 600 E 500 S, spoke *in favor* of the petition. He made two points

- The use would not be a burden due to the nature of the neighborhood

- Diversity is a sign of City Health.

Andrew Peterson asked if there was a screening process involved.

8:31:17

Response from the applicant:

Zach Bale stated that he oversees many of the homeless programs and stated that they agreed with many of the individuals who stated that we do need a healthier community and part of the project is for that. They are concerned with panhandling and crime. The demographic is unique, and the residents are ready for change and transition. He added that staffing is there for support, not safety and what individuals need as they transition into adulthood.

Mr. Bale stated that security is a major concern, and they would be happy to share their selection process. An important element to the VOA is the way they transition into a neighborhood. Individuals in the program are required to be seeking employment and education. In response to the parking issue, the individuals involved have no money, and therefore, no cars.

Mr. Bale also answered that there is mandatory drug testing, and they would be discharged if they tested positive.

Visitation is monitored and residents are not allowed overnight visitors and curfews will be established.

Because the VOA is receiving HUD money, there are federal guidelines that eliminate sex offenders and violent crimes. All applicants would be screened.

Commissioners and applicant discussed the differences between section 8 and the applicants for this program.

Commissioner Woodhead asked what could be done about the smoking issues, and if there were tools to eliminate it.

Land Use Attorney stated that the Planning Commission could not outlaw smoking as part of a condition, but a property owner could impose conditions on the residents, but that would be up to them.

Planning Director Sommerkorn added that could only apply to their private property, and if they wanted to walk on the sidewalk or on the public right of way, then the City's standard rules would apply.

Mr. Bale wanted to clarify that it would be a transitional home, so the stay would be much longer than that of a shelter.

Land Use Attorney Paul Nielson reminded the Commission of the Standards for a Conditional Use permit as noted in the staff report.

8:43:07

Motion:

Commissioner Woodhead made a motion in regard to PLNCPM2011-00485 Volunteers of America Conditional Use based on the findings listed in the staff report, the discussion heard tonight and the public hearing, I move that the Planning Commission approve this application as proposed subject to condition 1 as set forth in the staff report and additional condition 2 that the applicant take steps to mitigate the impact of smoking outside on the neighbors and neighboring properties to the extent possible.

Commissioner Hill seconded the motion.

Discussion: Commissioner Wirthlin reiterated that there were no value to detrimental effects.

Commissioner Fife stated that he believed that this would be an improvement over a hostel.

Commissioner Hill stated that society should seek diversity and find a way to do that.

Vote: Commissioners Wirthlin, Hill, Fife, Woodhead, and De Lay all voted "aye". The motion passed.

8:46:30

PLNPCM2011-00547 Folsom Avenue Partial Street Closure - a request by Salt Lake City Public Utilities for partial street closure of right-of way property located at approximately 40 south between 1050 West and 1250 West. The subject property is located in an M-1 (Light Manufacturing) zoning district, in Council District 2, represented by Van Turner. The Planning Commission is being asked to provide a recommendation to the Mayor regarding the street closure for the purpose of trading portions of land with Questar Gas to facilitate a City drainage project. (Staff contact: Casey Stewart at 801-535-6260 or casey.stewart@slc.gov.com)

Chairperson Dean recognized Casey Stewart as staff representative.

Mr. Stewart stated that this item was in relation to a City proposed project for a drainage facility. He stated that the area is actually a surplus declaration application, rather than actually closing the street.

Mr. Stewart stated that the property was currently owned by Salt Lake City, but is not a platted street.

Mr. Stewart presented a PowerPoint presentation that outlined the property.

Staff recommends that it be declared surplus property.

Commissioner Wirthlin clarified that this would be a recommendation to the Mayor because the Planning Commission cannot declare surplus property.

8:50:54

Comments from the applicant:

Tom Ward, Deputy Director of Public Utilities, the area being traded includes a slurry wall this environmental remediation site that actually went into what was previously Union Pacific Railroad property into Salt Lake City property that was in the Grant Tower exchange, it now puts that remediation site within Questar's property, which releases the City from that encumbrance.

8:52:26

Public Hearing:

Seeing no one chose to speak Chairperson Dean closed the public hearing.

8:52:46

Motion:

Commissioner Fife made a motion regarding PLNPCM2011-00547 Folsom Avenue Partial Street Closure I recommend that the Planning Commission forward a favorable recommendation to the Mayor to approve the application PLNPCM2011-00547 to declare the subject portion of the old Folsom Railroad Property owned by Salt Lake City Corporation between

1000 West and 1100 West as surplus property in preparation for land exchange as part of City storm drainage project the Planning Commission's decision is subject to condition 1, that appropriate easements be established to continue to maintain service to any existing water or sewer or storm drain mains that will remain.

Commissioner Woodhead seconded the motion.

Vote: Commissioners Wirthlin, Hill, Woodhead, De Lay and Fife all voted "aye" The motion passed unanimously.

Meeting Adjourned

8:54:08

