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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, September 14, 2011**

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

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at 5:30 p.m. Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time. Planning staff members present at the meeting were: Wilf Sommerkorn, Planning Director; Nick Norris, Planning Manager, John Anderson, Principal Planner; Katia Pace, Principal Planner; Michaela Oktay, Principal Planner; Daniel Echeverria, Planning Intern; Paul Nielson, Land Use Attorney; and Angela Hasenberg, Senior Secretary.

5:32:55

Work Session

Chapter 21.44 Parking: the Planning Commission will receive a briefing regarding the City's parking regulations.

Mr. Sommerkorn gave a presentation

Chairperson Fife recognized Planning Director Wilf Sommerkorn as staff representative.

Planning Director Sommerkorn discussed the issues regarding parking for businesses around neighborhoods.

Planning Director Sommerkorn stated that the initial discussion for parking standards in the City, particularly relating to neighborhood businesses, was initiated in July of 2002. He said that the basic issue became the parking requirements in neighborhoods for restaurants, retail goods stores, and retail service businesses. There was discussion about shared parking and offsite parking and the changing of small neighborhood businesses.

The zoning requirements in 2002:

- Restaurants: standard 6 spaces per 1000 sq ft
- Retail Goods: standard 3 spaces per 1000 sq ft
- Retail Services: standard 2 spaces per 1000 sq ft

The Planning Commission recommended the following regulations in 2006

- Large Restaurants: 40+seats: standard 6 spaces per 1000 sq ft
- Small Restaurants: less than 40: standard 3 spaces per 1000 sq ft.
- Retail Goods and services: 3 spaces per 1000 sq ft.

In April, 2008, a memo was sent from the Community Economic Development department to David Everett. The memo proposed a uniform parking standard of 2 spaces per 1000 sq ft for all restaurants; all retail goods and all retail service businesses City wide.

In June, 2008 most small businesses supported the change, but neighborhood councils expressed concern.

July 1, 2008, The City Council had a briefing on the parking topic. After discussing walkability and flexibility for small neighborhood business, the idea of pedestrian amenities was brought forward, which meant if a small business provided benches, bike racks, and stroller parking, the small business could get credits to reduce the parking requirement even more. The Council approved, and instructed the staff to incorporate that into the proposed ordinance. The Council also discussed tools to help mitigate the impact to residents from the parking standard, but no details were given.

On July 22, 2008 the ordinance came forward with the inclusion of the pedestrian friendly amenities. The ordinance was adopted with the standard of 2 parking spaces per 1000 sq ft. The City Council included in their motion a statement of legislative intent which said that there would be a program developed to help mitigate neighborhood spillover impacts. There was no definition, and the program has never been developed.

The Planning Commission asked for options for directions they could take.

Questions from the Commissioners:

The Planning Commission discussed the issue of spillage from the parking lots of the Dodo Restaurant.

Commissioner Luke stated that he felt like this was an issue that was more about neighborhoods and restaurants within them.

Mr. Sommerkorn asked what the Planning Commission would like to see happen.

Commissioner De Lay said that constituents should be more active in the community and go to their City Councilperson to discuss their issues.

The Planning Commission discussed small neighborhood businesses and parking. They determined that they would like the Planning Commission and Parking Enforcement to work together. The Planning Commission discussed the possibilities of having Community Councils discuss the parking issues and give the Planning Commission their feedback and input.

Commissioner Wirthlin request additional training in order to know what the tools they can use to deal with items such as these.

5:50:31

Public Hearing

6:07:45

Approval of Minutes from August 10 and August 24, 2011:

Motion: Commissioner Drown moved to approve the minutes of August 10, 2011.

Second: Commissioner Wirthlin seconded the motion.

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

Motion: Commissioner Woodhead moved to approve the minutes of August 24, 2011

Second: Commissioner Wirthlin seconded the motion.

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

Report of the Chair and Vice Chair:

Chairperson Fife had nothing to report.

Report of the Director:

Planning Director Wilf Sommerkorn stated that the City Council voted on the Walmart rezone, he added that the City Council had been briefed on electric fences and would be voting on it at the next meeting.

**Planning Commissioner Dean entered the meeting.

Mr. Sommerkorn added that there had been some street closures approved by the City Council.

5:53:15

PLNPCM2010-00591 Noise Regulations Text Amendment, a request by Salt Lake City Mayor Ralph Becker to amend the Environmental Performance Standards in regards to noise to require review by the Salt Lake Valley Health Department when specific non-residential uses are proposed to locate near residential uses. The amendment will affect sections 21A.36.180, 21A.24.190, 21A.26.080, 21A.30.050, 21A.31.050 and 21A.32.140 of the zoning ordinance. Related provisions of Title 21A- Zoning may also be amended as part of this petition. (Staff Contact: Elizabeth Reining at 801-535-6313 or elizabeth.reining@slcgov.com)

Chairperson Fife recognized Elizabeth Reining as staff representative.

Ms. Reining stated that this item last came before the Planning Commission at the August 10, 2011 meeting. The proposed ordinance language had not changed since that time. However; since that time, staff had since spoken with a sound engineer.

Findings:

- Acoustical studies can range in price from \$800-10,000.00.
 - Basic study from the \$800-3000 range
 - Examines the existing structure and sound attenuation score is assigned.

Ms. Reining stated that based on this information, and further review of the case, staff recommends that the Planning Commission forward an unfavorable recommendation of the petition to the City Council.

Ms. Reining added that while the petition had good intentions, it may have unintended consequences and may not address the issue it was created for.

It may discourage 24 hour population centers and mixed use developments because of added requirements and cost for businesses located next to residences.

Commissioner Woodhead asked if it would be possible to table the motion, and have staff do added research.

Planning Manager Norris stated that the determination from staff was that this item would not address the problem it was created to solve. However, if the Planning Commission thought there was additional research that they would like more info on, that staff would be willing to research it.

[5:56:30](#)

Motion: Commissioner Luke made the motion in regard to PLNPCM2010-00591 Noise Regulations Text Amendment based on the staff report, the testimony heard tonight, and prior testimony, I move that the Planning Commission transmit a negative recommendation to the City Council.

Commissioner Gallegos seconded the motion.

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

[5:56:30](#)

PLNPCM2011-00312 Zoning Text Amendment to Change the Land Use

Authority- A request by Mayor Ralph Becker for a Zoning Text Amendment to Title 21A.02 that would eliminate the Board of Adjustment and the Land Use Appeals Board and would appoint a Hearing Officer to act as the city's land use appeal authority. Related provisions of Title 21A- Zoning, Title 2- Administration and Personnel, Title 20 Subdivisions, Title 14—Streets, Sidewalks and Public Places and Title 18—Buildings and Construction may also be amended as part of this petition. The changes would apply citywide if adopted by the City Council. (Staff contact: John Anderson at 801-535-7214 or john.anderson@slcgov.com)

Chairperson Fife recognized Mr. John Anderson as staff representative.

Mr. Anderson gave the history of the request.

- State law prior to 2005, any city that had land use ordinance had an appeal board, i.e. a Board of Adjustment.
- State law after 2005 stated that an appeal authority, but it did not define what an appeal board would need to be.
- Options:
 - Appointing the Planning Commission or the City Council as the appeal authority.
 - Maintain the Board of Adjustment.
 - Using an Hearing Officer
 - Combination of any thereof.

Currently, the City has two appeal authorities, the Board of Adjustment and the Land Use Appeal Board.

Justification:

- Lack of use.
 - Special Exceptions were 62% of the cases that the BOA would hear.
 - Difficulty in filling vacancies.
 - Administrative Officers could have professional expertise.

Staff proposes that the City use an Administrative Hearing Officer, who would be appointed by the Mayor with the consensus of the City Council. It would be required that the individual have a legal background, or worked as an Administrative Hearing Officer in the past.

Mr. Anderson stated that staff recommends that the Planning Commission forward a positive recommendation to the City Council to adopt the changes that would change the Land Use Appeal process for the City to an Administrative Hearing Officer.

Staff also recommended that the Attorney's Office should be given authority to make small technical changes to the proposed ordinance.

6:02:10

Questions from the Commissioners:

Commissioner Woodhead asked if the Administrative Hearing Officer would be a full time City employee.

Planning Director Sommerkorn responded that it would be on a contract basis, somewhat like a justice court judge.

Commissioner De Lay asked who would pay for the Administrative Hearing Officer, would it be the applicant.

Planning Director Sommerkorn answered that it would be the City, but the applicant would pay an application fee.

Commissioner Luke clarified that it would be only one person making the decision.

Commissioner Woodhead added that while she can see the elimination of the Board of Adjustment, the Land Use Appeal board had very specific items that were worthwhile. She noted that she felt that citizens liked to come before a board, and wondered if there was a way to make the Land Use Appeals Board stay in play, but have it function better.

Commissioner De Lay asked Mr. Nielson if the proposed authority given to the Legal Office would only apply to grammatical errors.

Land Use Attorney agreed.

Commissioner Wirthlin asked Commissioner Woodhead if she felt decisions made by the Land Use Appeals Board made better because the decisions were made by more than one person. He asked if there were many split decisions.

Commissioner Woodhead replied that there were some lively discussions and there had been, on occasion, some split decisions.

Commissioner De Lay said that she thought the community would like to have a "quasi judge" to hear their cases.

6:10:18

Public Hearing:

Chairperson Fife opened the Public Hearing, seeing no one chose to speak, he closed the public hearing.

Commissioner Woodhead asked for opinions regarding whether or not the other Planning Commissioners agreed with the idea of dismantling the Board of Adjustment and maintaining the Land Use Appeals Board.

Commissioner Dean responded that she felt that the perception of the public would be that if the Hearing Officer was an employee of the City, then he or she would have a bias toward the City, where as a Board of volunteers, that perception would not be there.

Commissioner Luke stated that he had a problem eliminating a board and replacing them with one individual person, it creates a precedence, regardless of the merits.

Planning Manager Nick Norris said that a reason to eliminate these boards were in the nature of what they are hearing. They are hearing appeals of decisions that were made by someone else, and those appeals are very limited in what could have been heard, they are to verify that due process was followed and that ordinances were applied correctly, not to see if the right decision had been made. He noted that the Board of Adjustment and the Land Use Appeals board have the right to overturn a decision. He said that it would fall upon the administration to ensure that the hearing is handled in a fair and neutral way.

6:13:27

Motion: Commissioner De Lay made a motion in regard to PLNPCM2011-00312, Zoning Text Amendment to change the Land Use Authority based on the information presented tonight, and the testimony heard and the staff report, she recommends that Planning Commission forward a positive recommendation to the City Council for a zoning text amendment that would allow for the appointment of a hearing officer as the Land Use Appeal Authority for the City, and that the Salt Lake City's Attorney's office have the authority to correct grammatical or punctuation errors in this ordinance as found.

Commissioner Gallegos seconded the motion.

Vote: Commissioners Wirthlin, Gallegos and De Lay all voted "aye", Commissioners Drown, Luke, Woodhead and Dean all voted "no". The motion failed.

Motion: Commissioner Woodhead made the motion as to PLNPCM2011-00312 Zoning Text Amendment to chapter 21A.06.040 she moved that the Planning Commission forward a positive recommendation to the City

Council for a Zoning Text Amendment as attached, but changing the proposed amendment to remove all references to removing the Land Use Appeals Board but retaining references to removing the Board of Adjustment and that the Attorney's office have the authority to correct grammatical or punctuation errors in this ordinance as found.

Commissioner Dean seconded the motion.

Vote: Commissioners Drown, Woodhead and Dean all voted "aye", Commissioners Luke, Wirthlin, Gallegos and De Lay all voted "no". The motion failed.

Chairperson Fife asked Planning Director Sommerkorn for direction.

Mr. Sommerkorn responded that they would send the petition to the City Council with no recommendation from the Planning Commission.

Commissioner Woodhead asked what would happen if it were sent with a negative recommendation with a paragraph explaining the way they were split.

Motion: Commissioner Luke made a motion regarding amendments to chapter 21A.06.040 to eliminate the Board of Adjustment and the Land Use Appeals Board and to appoint a hearing officer to act as an Appeal Authority, case number PLNPCM2011-0031, he moved that the Planning Commission send a negative recommendation to the City Council.

Commissioner Woodhead seconded the motion.

Vote: Commissioners Drown, Luke, and Woodhead all voted "aye". Commissioners Wirthlin, Gallegos, Dean and De Lay all voted "no". The motion failed.

Planning Manager Norris asked the Planning Commission for direction on other ways to address the concerns the Planning Commission had.

Commissioner Woodhead stated that she felt that the Planning Commissioner just disagreed.

My Place Zoning Amendment and Planned Development - a request by Marie Ginman for a Zoning Amendment and a Planned Development at approximately 545 and 555 West 500 North and 446 Tuttle Court in the SR-1A and SR-3 Special

Development Pattern Residential Zoning Districts. The property is located in City Council District 3, represented by Stan Penfold. (Staff contact: Katia Pace at 801 535-6354 or katia.pace@slcgov.com)

PLNPCM2011-00203 - a request for a Zoning Amendment at 545 and 555 West 500 North from SR-1A and SR-3 (Special Development Pattern Residential) to TSA (Transit Station Area) and on the rear of 555 West 500 North from SR-1A to SR-3.

PLNSUB2011-00204 - a request for a Planned Development. The applicant is requesting the Planning Commission waive the standards for public street and sidewalk.

Chairperson Fife recognized Katia Pace as staff representative.

Ms. Pace stated that this was a request for a zoning amendment and a Planned Development located at 545-555 West 500 North and 446 Tuttle Court, the Guadalupe Neighborhood. Ms. Pace stated that it was an isolated area that was created in the 1890s and early 1900. It consists of a single family home and three duplexes built in 1898 facing Tuttle Court and two multifamily buildings built in 1948 facing 500 North.

The applicant is asking for a subdivision of three existing parcels, creating three new lots.

Ms. Pace said that the request was also for a zoning amendment that would change the zoning from SR-3 and SR1-A to TSA on two apartments buildings.

Ms. Pace gave a PowerPoint presentation

Ms. Pace stated that staff recommended approval with three conditions:

1. A subdivision plat will be required subject to the Planned Development and Zoning Amendment being approved. As part of the subdivision, declarations will need to be established with an owners association and with long term maintenance mechanism for the lane and private utilities.
2. A deed restriction on the proposed TSA property will be required to guarantee that any future development will not exceed the building height of the existing buildings.
3. The applicant will be required to comply with all applicable recommendations made through the review process.

6:28:02

Questions from the Commissioners:

Commissioner Dean asked the distance between the project and the closest transit station.

Ms. Pace said that from the corner of the lot, 500 N, 500 W to the nearest transit station was exactly .58 which is a little over one half a mile. Ms. Pace added that it was consistent with the North Temple Master Plan.

Commissioner Woodhead asked if the Community Councils had any input.

Ms. Pace responded that both Community Councils involved were in support.

Commissioner Gallegos asked about visibility challenges, he was also concerned about trash pickup.

Commissioner Wirthlin asked about the restrictions regarding the height. He suggested that the actual height should be mentioned in the motion.

Commissioner Dean asked if there was an alternate to the deed restriction.

Ms. Pace said that staff had looked at five different zoning districts, RMF-35, RMF-45, RMU-35, RMU-45, and MU, and all the zoning districts have a requirement of a minimum lot area that are higher than the TSA, which would preclude the applicant.

Chairperson Fife asked about the parking.

Ms. Pace responded that at that point, they would park in front of their homes.

Comments from the applicant:

Margaret Paul, representing the applicant, and Marie Ginman, the applicant spoke. Ms. Paul stated that each of the existing units in the project would have one dedicated parking stall per unit. She said there was adequate lot area available to increase the right of way area by one foot to allow on street parking and still meet the setbacks of the zone.

She stated that the new homes in the development would have two off street parking stalls, some would have attached garages that would allow for tandem parking. One home would have a two car garage. Ms. Paul added that the streets will be fully paved.

Ms. Paul added that they had not applied for the subdivision because of the zoning question.

Questions from the Commissioners:

Commissioner Dean asked about the existing three structures, and asked about the parking.

Ms. Paul answered that each unit would have a dedicated stall.

Commissioner Dean asked about rear yard setback, noting that with the TSA there was no rear or side setbacks.

Ms. Paul asked if the Planned Development approval would solidify the site plan.

Commissioner Dean said that the only condition that would be added would be the height limitation of 35 feet.

Planning Manager Norris stated that in TSA zone in transition areas, as this project would be, there were rear yard and side yard setbacks, there were also additional setbacks if they are next to single family or two family residential zoning districts. He added that in the transition, the side yard setbacks when adjacent to a single family or two family zoning districts, which the SR-1A is, would be 15 feet. In the rear yard, in the transition, the rear yard setback is 25 feet.

Commissioner De Lay asked why they were not changing the zoning to TSA on the entire project.

Ms. Paul responded that the SR-3 was a better fit for the interior lot.

The Planning Commission and applicant discussed the issues of on street parking.

[6:49:39](#)

Public Hearing:

George Stuzenberger spoke in *favor* of the petition. He stated that he appreciated the effort the applicant was putting into the project to help improve their neighborhood.

[6:51:07](#)

Close of Public Hearing

[6:51:13](#)

Motion: Commissioner Drown made a motion in regard to Planned Development PLNSUB2011-00204, she moved that based upon the staff recommendation and those detailed on 1,2 and 3 on the staff report, that the Planning Commission approve the development including a deed restriction of 30 feet, subject to approval of the zoning map amendment.

Commissioner Woodhead seconded the motion.

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

Motion: Commissioner Drown made a motion in regard to Zoning Amendment PLNPCM2011-00203 she moved that based on the staff recommendation and the testimony heard this evening, That the Planning Commission forward a positive recommendation to rezone the property from SR-1A to TSA and Sr-3. Commissioner Wirthlin seconded the motion.

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

Columbus Court PUD Zoning Amendment and Minor Subdivision- A request by Ensign Foreground L.C. for a Zoning Amendment and a Minor Subdivision amendment at approximately 700 N. Columbus Court in the FR-2/21,780 (Foothill Residential) Zoning District. The properties are located in Council District 3, represented by Stan Penfold. (Staff contact: Michaela Oktay at (801) 535-6003 or michaela.oktay@slcgov.com).

- a) PLNPCM2011-00091- A request to rezone properties from FR-2/21,780 (Foothill Residential) to R-1-5,000 (Single Family Residential) in order perform a minor subdivision to divide six lots into 12 lots.
- b) PLNSUB2011-00090- A request for a minor subdivision to divide six existing lots into 12 lots, and to combine three adjacent lots into one lot.

Chairperson Fife recognized Michaela Oktay as staff representative.

Ms. Oktay stated that the applicant Chris Robinson was in attendance representing Columbus Court HOA and Ensign Foreground L.C. Ms. Oktay stated that the applicant had two requests, a minor subdivision and a zoning map amendment.

In 2007, Mr. Robinson owned approximately 45 acres of land in the foothills. In 2007, he dedicated 40 acres to the City for natural open space, he developed a 6 lot subdivision, Columbus Court PUD and came to the Planning Commission and received Planned Development approval for a six lot cluster development with a private street and vacated a right of way and transferred the land to abutting land owners.

Ms. Oktay said the Mr. Robinson would like to change the previously approved half acre lots and subdivide them and make them quarter acre size instead. To subdivide these lots the zoning would need to be changed from FR-2 to an R-1/5000 Zoning District. The applicant was proposing 6 more homes and would need the rezone to accomplish that.

Ms. Oktay noted the similarities and differences from the FR-2 and the R-1/5000. She stated that the land uses are generally the same, save that conditional use would be required for a seminary or an assisted living facility. Houses in the R-1/5000 are not generally as large as proposed, but because of the type of land, there is quite a lot of undevelopable area in each one of these proposed quarter acre lots.

Ms. Oktay stated that staff was recommending that the Planning Commission approve both petitions.

Questions from the Commissioners:

Commissioner Dean asked if a FR-3 zone was considered.

Mr. Robinson responded that he did not know what that meant, but he met with Joel Paterson and Doug Dansie and thought this was the best solution.

Commissioner Dean added that an FR-3 zone was closer to the lot size the applicant was proposing, but would add the extra layers of protection of foothill development in terms of landscape guidelines erosion controls, approval of landscape plans and maintenance of trees.

Ms. Oktay stated that the current zoning was low density instead of foothill protection.

Planning Manager Norris explained that the primary differences between an FR-2 and an FR-3 were lot size and minimum lot widths. The minimum lot width in an FR-2 is 100 feet, in FR-3 would be 80 feet for interior yards and 100 feet for corners. The properties in question were not corner yards. The foothill protection would not be in place in the proposal.

Commissioner Woodhead asked if there could be a condition that the protections of the foothill development that the developer would need to follow the landscape environmental protections of the foothill zone as a condition.

Planning Manager Norris stated that you cannot apply the standards from one zoning district to another zoning district.

Mr. Christopher Robinson, the applicant, described the history of the plots and explained the need for the change in zoning.

Commissioner Dean asked for clarification on the Future Land Use map, page 6 item 1. It had been stated that this item was consistent with the Future Land Use Map, but on the Map it is labeled as Foothill Preservation, Residential.

Ms. Oktay responded that the map in the staff report had not been updated, and it had been changed by the City Council in 2007, and was labeled as low density residential.

[7:12:22](#)

Public Hearing:

George Stazenburger, spoke in **opposition** stating that the last vote at community council was nearly unanimous against changing the zone. He said that the traffic issue was a huge problem. He noted his concern over the additional lots. He added that he was also concerned about the on street parking at the four-plexes further to the south, and that many people turn around on their street.

Commissioner Woodhead asked if there were issues other than the addition lots.

Commissioner De Lay reiterated that it seemed that the complaints were that no one was enforcing parking, signage was poor.

Commissioner Gallegos asked if the Capitol Community Council took a vote on this issue.

Mr. Stazenburger said that it was nearly unanimous in opposition.

Ms. Oktay clarified that staff was present at the first Community Council meeting with the applicant, and she felt that there was a favorable attitude in the room. There had been concerns regarding traffic, and the vote was taken later.

Mr. Robinson responded by saying that the year prior to his proposal, he went before the Community Council and discussed the options available. He felt that he had their support. He stated that he understood Mr. Stazenburger's issues, but the parking issue was not his problem.

He stated that he believed that the addition of these lots would not impact the traffic.

[7:28:34](#)

Close of Public Hearing:

Commissioner Dean stated that she understood the desire to increase the number of lots and decrease the size, but was hoping there could be some compromise that would offer protection of the foothill residential zone.

Commissioner Woodhead asked if it was possible to change the zone to FR-3.

Land Use Attorney, Paul Nielson responded that because it was not noticed to be changed to FR-3, the item would need to be tabled and voted on later.

Planning Manager Nick Norris said that this was a request by a property owner and the Commission should vote on it as proposed.

Commissioner De Lay said that this was the zone change the applicant wanted, and that they should vote on it as it is.

[7:30:08](#)

Motion: Commissioner De Lay made a motion in regard in PLNPCM2011-00091 Zoning Map Amendment, based on the testimony heard tonight, and the staff report, I move that the Planning Commission forward a positive recommendation to the City Council.

Commissioner Woodhead seconded the motion.

Vote: Commissioner Wirthlin, Gallegos, De Lay, Drown, Luke and Woodhead all voted "aye", Commissioner Dean voted "no". The motion passed.

Motion: Commissioner De Lay made a motion in regard to PLNSUB2011-00090, subdivision amendment, based on the testimony tonight, and the information in the staff report, I move that the Planning Commission grant approval for a preliminary plat for Columbus Court PUD, subdivision amendment, and plat J block 20, subject to the condition in the staff report and conditioned on the approval of the Zoning Map Amendment.

Commissioner Wirthlin seconded the motion.

Vote: Commissioners De Lay, Drown, Luke, Woodhead, and Gallegos all voted "aye", Commissioner Dean voted "no". The motion passed.

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)

Chairperson Fife recognized Ms. Michaela Oktay as staff representative.

Commissioner Wirthlin recused himself from the issue due to professional involvement.

Ms. Oktay stated that this was a request for an amendment to a planned development to allow both a pole sign and a monument sign on the frontage, Foothill Drive.

Ms. Oktay gave a brief history of the project, which received conditional use approval for a hotel in 2009 and also went through the Conditional Building and Site Design review and a Planned Development to reduce the front yard setback for the parking structure. The sign in question was part of the planned development.

There were two requests involved in the plan development amendment. First, the applicants would like to keep the Scenic Motel sign, but they have found that the sign conflicts with the canopy and the architectural style of the building.

The proposal was to move the legal non-complying sign to make way for the building construction. The applicant would like to move the sign and refurbish it to make it more energy efficient and meet the corporate needs for the Hampton Inn sign. The applicant was also requesting an additional monument sign.

Statement from the Applicant:

Darlene Batatian with Mountain Land Development Service, and working on behalf of Dee's Corporation, spoke. She stated that it was their intention to maintain the sign on the property. However, they would like to repurpose the sign so that it will

fit the new site development. The applicant would alter the lighting and the wiring so that it would not be a high energy consumptive neon sign, instead be retrofitted with LED lighting in order to be more energy efficient. They would also like to relocate the sign.

Ms. Batatian said that the sign ordinance did not allow them to move, alter or refurbish a non-conforming sign. However, the planned development process does allow for flexibility in the site development plan, they are coming to the Planning Commission to get input.

Commissioner Woodhead asked if the wording "Scenic Motel" could be retained. Commissioner Woodhead stated that she felt those in support of keeping the sign wanted it to be kept intact.

Mr. Wade Olsen, applicant, answered that the emails he received were in favor of changes to the sign. He said that they would not refurbish the sign exactly as it was.

Commissioner Dean asked what was in the original planned development in regard to the sign.

Ms. Batatian answered that the sign was not dealt with specifically, but the architectural elevations that were provided and reviewed at the time of the original planned development included the sign.

Planning Commissioners discussed whether the renderings presented at the prior meeting protected the sign.

Ms. Batatian stated that the sign was included on the architectural elevations, but not on the site plan.

Commissioner Woodhead suggested that the item be tabled, and staff give an update to the legal status of the sign.

7:56:42

Public Hearing

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

Discussion

Commissioner Dean said that it was her opinion that sign should be preserved as is, or should not be preserved at all.

Commissioner De Lay added that she did not mind them moving the sign or having a monument sign because it would benefit the businesses there.

Planning Director Sommerkorn stated the normal provision on a non-conforming sign was that it cannot be reconstructed, raised, moved, replaced, extended, altered or enlarged unless it was changed to conform to the requirements of the zone that it was in now. Alterations shall also mean changing the text or the message of the sign as a result in change of use of the property. Planning Director Sommerkorn said that planned development changes everything.

Planning Manager Norris said that after looking the staff report from that meeting in 2010, in the discussion under the planned development standard that would deal with any historic architecture or environmental feature of the property. The finding said that there were no historic features. He said that the sign according to the zoning ordinances was not considered an historic sign, and was not protected.

Commissioner Woodhead asked if the fact the sign was in the drawing had any bearing on its protection.

Planning Manager Norris said that the staff report does say they could change text on the sign, on the pictures instead of motel, it said plaza.

Commissioner Woodhead asked about the promise to not put a monument sign on 2300 East.

Planning Commissioners discussed the placement of a monument sign on 2300 east.

8:05:45

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. Per staff report, 2. Per the staff report, 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 and 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.

PLNPCM2011-00311 Former Fleet Block Surplus Property Request - A request by the Salt Lake City Property Management Division for a Declaration of Surplus Property for the vacated former Fleets and Sanitation Facility located at approximately 850 S 300 West. The subject property is located in a PL (Public Lands) zoning district in Council District 4, represented by Luke Garrott. (Staff Contact: Daniel Echeverria at 801-535-7152 or daniel.echeverria@slcgov.com)

Chairperson Fife recognized Daniel Echeverria as staff representative.

Mr. Echeverria stated that this was a surplus property request from the Property Management Division for what was known as the Fleet Block located at approximately 850 South and 300 West.

The City used this property for the fleet Streets and Sanitation Service, that department had since moved its facility. There are three buildings and a vacant parking lot.

Mr. Echeverria stated that the Redevelopment Agency will be evaluating and marketing the property for development. There were no exact plans.

8:10:02

Public Hearing

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

8:10:05

Motion: Commissioner Gallegos made the motion in regard to PLNPCM2010-00311 based on the findings within this staff report, recommendations the Planning Commission declare this property at 850 S 300 W as surplus and forward a recommendation to the Mayor to surplus the property.

Commissioner Dean seconded the motion.

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

8:11:04

Meeting adjourned.