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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, January 11, 2012**

Present for the Planning Commission meeting were Chair Angela Dean, Vice Chair, Michael Gallegos, Commissioners, Bernardo Flores-Sahagun, Kathleen Hill, Clark Ruttinger, Marie Taylor, Matthew Wirthlin, Michael Fife, and Mary Woodhead. Commissioner Emily Drown 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; Joel Paterson, Planning Manager; Ana Valdemoros, Principal Planner; Ray Milliner, Principal Planner; Paul Nielson, Land Use Attorney and Angela Hasenberg, Senior Secretary.

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Approval of the Minutes from December 14, 2011.

Commissioner Taylor noted a change in name spelling from Holly Adams to Holli Adams.

Motion:

Commissioner Gallegos moved to approve the minutes from December 14, 2011.

Commissioner Woodhead seconded the motion.

Vote: The motion passed unanimously.

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Report of the Chair and Vice Chair:

Chairperson Dean stated that she had nothing to report. She did have a question regarding the scheduled date of the retreat.

Mr. Sommerkorn answered that the dates in consideration were January 25, 2012 or February 8, 2012. He said that there were scheduling conflicts on both dates for at least one Planning Commissioner, but due to the light agenda on January 25, that would be the best date available.

Vice Chair Gallegos add that he attended the work session of the City Council meeting, and spoke to Chris Nelson from the University of Utah who had given a presentation on Accessory Dwelling Units to the City Council.

Public Hearing:

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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 Mr. Ray Milliner as staff representative.

Mr. Milliner stated that this was an item being re-heard due to a noticing error.

Mr. Milliner added that this item had been reviewed at the November 30, 2011 meeting. The vote was passed to forward a favorable recommendation to the City Council.

Mr. Milliner noted that a public hearing would need to be opened to ensure that anyone from the public who wanted to comment could do so.

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Public Hearing:

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

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

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

[5:43:13 PM](#)

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 explained the staff report.

Mr. Milliner stated that this was an item being re-heard due to a noticing error.

Mr. Milliner added that this item had been reviewed at the November 30, 2011 meeting. The vote was passed to forward a favorable recommendation to the City Council.

Mr. Milliner noted that a public hearing would need to be opened to ensure that anyone from the public who would choose to speak, had the opportunity to do so.

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Public Hearing

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

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Commissioner Woodhead made a motion in regard to PLNPCM2010-00055 based on the analysis of the November 30,2011 staff report and the discussion of the meeting, that the Planning Commission forward a positive recommendation to the City Council.

Commissioner Wirthlin seconded the motion.

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

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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 Ms. Ana Valdemoros as staff representative.

Ms. Valdemoros explained the staff report.

Ms. Valdemoros stated that this was an item being re-heard due to a noticing error.

The vote was passed to forward a favorable recommendation to the City Council.

Public Hearing

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

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Commissioner Wirthlin made the motion regarding petition PLNPCM2011-00055 based on the analysis of the November 30, 2011 staff report that the Planning Commission forward a positive recommendation to the City Council with the modification discussed at the November 30 and December 14, 2011 Planning Commission meetings.

Commissioner Gallegos seconded the motion.

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

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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 an item being re-heard due to a noticing error.

Ms. Valdemoros stated that this was an item that had been heard on November 30, 2011, the item was tabled and heard again on December 14, 2011.

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Public Hearing

Chairperson Dean opened the Public Hearing. Seeing no one chose to speak, she closed the public hearing.

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Questions from the Commissioners:

Commissioner Gallegos stated that this item was tabled, and noted that it was carried over to the December 14, 2011 meeting.

Commissioner Wirthlin added that the change was to make the modification that the Planning Commission retain the ability to initiate petitions as a Planning Commission.

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Motion:

Commissioner Wirthlin made the motion in regard to PLNPCM2011-00554 based on the analysis of the November 30, 2011 staff report and the follow up memo of December 14, 2011, that the Planning Commission forward a favorable recommendation to the City Council with the modification of the proposal which retains the authority of the Planning Commission as a whole to initiate petitions.

Commissioner Hill seconded the motion.

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

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Historic District Designation Process and Criteria -A request to analyze the appropriateness of amending the zoning ordinance relating to the process and criteria required to designate a local historic district or a Landmark Site to the Salt Lake City Register of Cultural Resources. (Staff contact: Joel Paterson at 801-535-6141 or Joel.paterson@slcgov.com).

Chairperson Dean recognized staff member Joel Paterson as staff representative.

Mr. Paterson stated that staff had briefed the Planning Commission on the proposed amendments to the Historic Preservation Overlay Standards for designation of Local Historic Districts and Landmark Sites on December 14, 2011, and briefed the Planning Commission. In the interim the language was put into ordinance form and was included in the packets.

On January 5, 2012 the Historic Landmark Commission held a public hearing and made a recommendation with some modifications to the ordinance to the City Council.

Mr. Paterson highlighted the following points:

- Recommendation that the Commission forward a positive recommendation to the City Council,
- Addition of intent language for the designation process to help clarify and provide guidance on the purpose of developing historic districts and to create new historic districts.
- Further definition of the types of designation that could be made. The ordinance refers to landmark sites and local historic districts clarifying that the City could also designate thematic districts which would not be geographically based but could be a collection of properties that are located in different areas but are tied together by history, architecture, or design.
- Clarification on who can initiate a petition.
 - The Mayor
 - The Majority of the City Council Members
 - An individual property owner if that application was submitted with signatures of 40% of the property owners that were located within the proposed district.
- After a petition is created and submitted, the next step would be the Planning Director would do an initial review of the application
 - Make a preliminary assessment of the petition's viability
 - Engage a process with the Mayor and the City Council to establish the priority and a budget.
 - Public outreach program
- Determination of the property owner support of the historic district
- Historic Landmark Commission recommended
 - That the calculation be altered.
 - Provide an "abstain" option in the vote of property owner support
 - The calculation should be based on the number of responses received rather than the number of properties within the district.
 - The vote should be similar to a political vote
 - A detailed report should be forwarded to the City Council
 - The vote should be a simple majority
 - The vote should occur after the Planning Commission has made its recommendation to the City Council but before the City Council begins its deliberation.
- Amendments to the local designation standards

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Questions from the Commissioners

Chairperson Dean asked about the recent feedback from the Historic Landmark Commission and was not clear what was involved.

Mr. Paterson responded that that there was a staff draft of the ordinance that outlined that information.

Commissioner Hill expressed her concern over the percentage of buy in being different from the public vs the Historic Landmark Commission.

Mr. Paterson stated that at the end of the discussion, the Planning Commission can specify what they would like to see in the ordinance.

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Public Hearing:

Comments from the public:

Jon Dewey 1724 E Princeton, Kelly Marinan 1766 Harvard Ave, Kim J. Childs 1655 E 900 S, Lynn K. Pershing 1715 Laird, Jan Hemming 1152 S 1900 E, Virginia Hylton 1209 S 1700 E spoke in favor of the ordinance.

Points made were

- Mayor, majority of City Council or resident property owners can initiate the process of a Local Historic District,
- A threshold of a 40 percent "yes" vote by all property owners is completely unrealistic. The new ordinance should provide for a certified ballot to go to every property owner, who then has 30 days to respond.
- The level of support should be taken *from those who respond*, not total property owners. You should not consider a NO response as a NO vote. It should simply not be counted in the final tally and it should be a SIMPLE MAJORITY of the homeowners that respond, 50% + 1 vote.
- A 2/3 majority of City Council required to vote for an LHD if support is less than a simple majority is a bad idea. There are no other zoning issues where this is required and it should again just be a simple majority with the City Council. To require a 2/3 majority of the City Council Members would set a very bad precedent for zoning ordinance changes in the future.

Ben Winchester 1450 Princeton, spoke in opposition to the changes suggested by the Historic Landmark Commission.

- Percentage of support needs to be higher than 40% to ensure the efficient use of City and tax payer resources.
- A simple majority is not enough to ensure broad base support of property owners and the bar should be higher.

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Close of Public Hearing

Discussion:

Commissioner Woodhead stated that she liked what the City staff had presented in terms of balancing the different interests. Ms. Woodhead added that after the public hearing she would think again about whether this would be too difficult. She did, however, like that there were multiple tracks for doing it in the way that the Mayor could initiate a petition, etc. She did note that she was concerned about the voting issue.

Commissioner Ruttinger stated that he felt a larger percentage of property owners needed to be established at some point. A consensus in the neighborhood should be met.

Commissioner Hill stated that there should be a larger community buy-in and that 10% is too small a number.

Commissioner Wirthlin agreed saying that number should be increased to at least 50% to indicate that it was an important issue to the neighborhood. He added that the vote was not like an election, that it was not analogous to a political election where you have typical 10% voter turnout. He stated that this would affect people's property rights.

Commissioner Ruttinger stated that he felt there were two other avenues to submit a petition, and the current argument was the geographic historic district. He asked whether there was the possibility to go for a thematic district and just get those who were interested and who's property met the theme to be in the district

Commissioner Fife said that he felt that 10-15% would indicate that there was significant support in the community to begin the process. Commissioner Fife stated that the vote only indicates support and doesn't bind anyone to do anything.

Commissioners discussed the issues surrounding the buy in percentage.

Commissioner Ruttinger asked for clarification regarding the section where the ordinance stated that the City Council shall be required to achieve 51%, and asked if it was not in the legislation.

Planning Manager Joel Paterson responded that that the language in the ordinance stated that during the public support process, i.e., balloting process, if a 51% favorable vote for the designation of a local historic district was obtained, then the City Council would be able to adopt that district by a simple majority. If there were less than 51% that voted in support of designation, the City Council would be required if they chose to still designate a district, to have a vote of 2/3 of Council

members to adopt it. The public support vote would not bind the City Council's decision making; it would only modify the number of Council members that would have to vote to approve a new district. .

Commissioner Hill stated that if a person wanted the benefits of have a home that was designated as historic that the burden should be on them.

Commissioner Gallegos stated that he felt that the Staff had done enough research on this to know what would be the best benefit; he added that a 35% number would be acceptable to him, and that he agreed with the other threshold numbers.

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Motion:

Commissioner Woodhead made the motion as to Local Historic District Landmark Site designation text amendment PLNPCM2011-00723 based on the findings on the staff report the various written materials submitted to the Planning Commission the Open City Hall comments, the public hearing tonight and the staff report, that the Planning Commission transmit a favorable recommendation to the City Council relating to this request with the following changes: that the initial buy in be set at 33%, that the process remain as it is set forth in the proposed ordinance except that the point set forth in the process that the City have the vote of the property owners that a report of that vote be forwarded to the City Council and that the report reflect how many people voted, what percentage of the property owners voted and how many people voted yes or no, and the City Council vote up or down on the issue according to their normal procedures, with a simple majority.

Commissioner Fife seconded the motion.

Planning Manager Paterson asked for clarification on the process proposed by the ordinance, there was minor changes between the staff proposal and the recommendation from the Historic Landmark Commission, in terms of where in the process the public vote would take place.

Commissioner Woodhead responded that the staff report said that it would take place after the public involvement process and before the public hearing and the vote could take place after the public hearing.

Commissioner Ruttinger seconded the amendment.

Vote: Commissioners Fife, Woodhead, Flores, Ruttinger, Hill and Wirthlin voted yes.

Commissioners Gallegos and Taylor voted no.

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Meeting adjourned,