

# MEMORANDUM

451 South State Street, Room 406  
Salt Lake City, Utah 84111  
(801) 535-7757



Planning and Zoning Division  
Department of Community Development

**TO: Historic Landmark Commission**

**FROM: Robin Zeigler**

**DATE: 10 March 2008**

**SUBJECT: 470-06-056 Issues Only Hearing for 700 East 300 South**

## **Description of Project:**

This is an issues only hearing for a planned development located approximately at 700 East and 300 South. The Historic Landmark Commission will make no final decisions on this project at this time. Plans for altering the exterior of the existing six-unit building, details of design and materials for the new buildings, and a Certificate of Appropriateness application have not been submitted at this time. Applicant has provided preliminary elevations and a site plan in order to obtain feedback from the Historic Landmark Commission and the public before submitting an application.

This development is a Planned Development since there are multiple principal buildings on a single lot with street frontage, and so, is not otherwise authorized by the zoning ordinance. The Planning Commission must first approve the Planned Development before the Historic Landmark Commission can make a final decision on the design. A joint meeting will be setup with the Historic Landmark Commission's architectural committee and the Planning Commission's subcommittee. The purpose of a Planned Development is to "encourage the efficient use of land and resources, promoting greater efficiency in public and utility services and encouraging innovation in the planning and building of all types of development. Through the flexibility of the planned development technique, the city seeks to achieve the following specific objectives:

1. Creation of a more desirable environment than would be possible through strict application of other city land use regulations;
2. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities;
3. Combination and coordination of architectural styles, building forms and building relationships;
4. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;
5. Preservation of buildings which are architecturally or historically significant or contribute to the character of the city;
6. Use of design, landscape or architectural features to create a pleasing environment;
7. Inclusion of special development amenities; and
8. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation."

## **Background:**

The applicant proposes to construct thirteen three-story town homes and to rehabilitate an existing six-unit dwelling at approximately 700 East and 300 South. The property is zoned RMF-45, abutting properties are also RMF-45 and properties north of Markea Avenue are Commercial.

On April 6, 2006 the Historic Landmark Commission (HLC) denied a request for demolition of three structures at approximately 256, 262, and 268 South 700 East and 695 and 673 East 300 South. The structures are contributing properties of the Central City Historic district.

The applicant submitted an application for Economic Hardship and on March 13, 2006 the Economic Review Panel made a unanimous decision that to deny demolition of the three structures would be an economic hardship. The Panel made the following findings:

1. The applicant did know of the historic designation;
2. The appraisal was a reliable appraisal;
3. Even with rehabilitation of the properties, the Panel did not believe that the rents could be increased enough to make it economically feasible due to the size of the units and the location of the units on that section of 700 East;
4. The Panel identified that there was a high debt service on the properties. Even though they did not believe that could be factored into the decision, they noted that the applicant made a bad financial decision;
5. Because of that debt service, the Panel did not believe that the properties could be rehabilitated and then sold. They did not believe that the applicant could recoup his purchase price. They did not think that the properties could be rehabilitated and rented and bring a profit because of their location and the size of units;
6. Given that both the Master Plan and Zoning call for the property to be multi-family residential, commercial or mixed use development cannot be considered in this evaluation. Even as a planned development, the parking requirement will limit the number of new units that can be constructed on the site and the cost vs. the marketable rental rates for the existing units still are not economically reasonable.
7. For the planned development scenario to work, the six-plex and the duplex at 262-264 South 700 East would need to be demolished because of the expense of rehab and the potential of return. That would leave the purple duplex isolated between the McDonalds and the new multi-family development. The Panel did not think this scenario would be viable or reasonable.

On April 4<sup>th</sup>, 2007 the Historic Landmark Commission reviewed the Panels finding and recommendation and unanimously voted to overturn the decision of the Panel for Economic Hardship because the Panel did not take into consideration section 21A.34.020.2.a. of the zoning ordinance which states that “the applicant’s knowledge of the Landmark designation, the applicant was knowledgeable and 21A.34.020.k.2.d: there was a reasonable return based on the resale value of the property from a 2006 appraisal of \$870,000, the purchase price was \$830,900, and that those numbers in themselves would yield a 5% return if sold today.”

The applicant appealed the HLC decision to the Land Use Appeals Board on August 13, 2007 who remanded it back to the HLC based on the following findings:

1. That the Historic Landmark Commission failed to provide an adequate explanation for its actions;

2. That the explanation given by the Historic Landmark Commission was contrary to the evidence before it;
3. That the Historic Landmark Commission motion which was approved identified the basis for denial as comparison of purchase price with appraisal price to the exclusion of other, perhaps more significant, factors in determining whether the applicant could obtain a reasonable rate of return. Therefore, the Historic Landmark Commission's basis for denial of the Economic Review Panel's recommendation was incorrect as a matter of fact and law; and
4. That the Historic Landmark Commission shall consider all factors related to a reasonable rate of return for which there is evidence in the record, and that the applicant may supplement the record as the applicant may deem appropriate, as cited in the minutes, at a rehearing of the original petition.

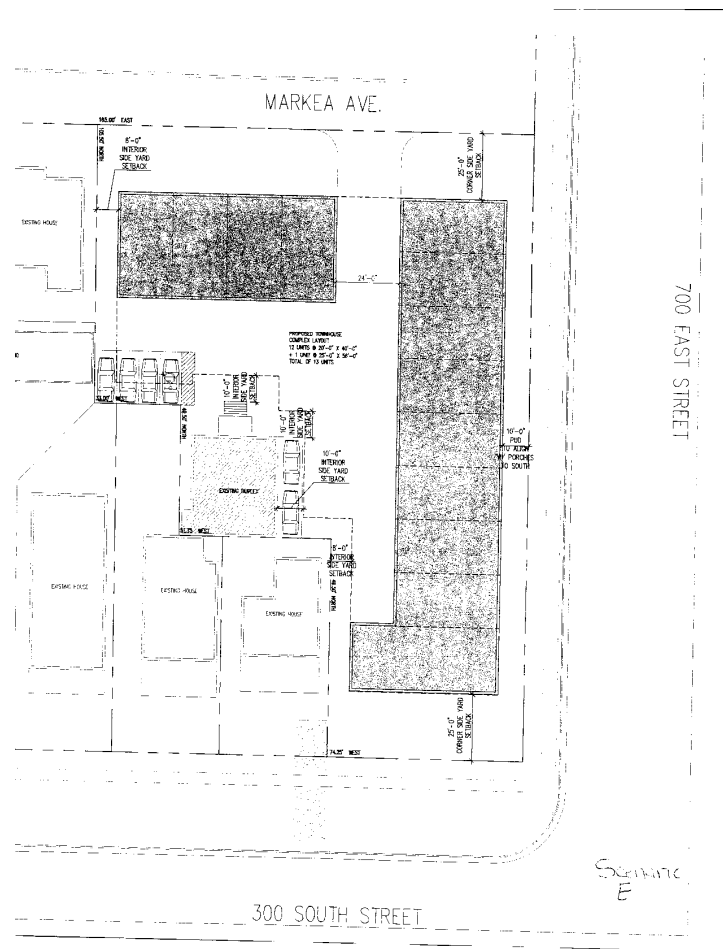
On September 5, 2007 the Historic Landmark Commission found that the Economic Review Panel made an erroneous finding of material fact because the panel failed to adequately address standard 21A.34.020.K.d relating to the feasibility of alternative scenarios that could make a reasonable economic return, specifically that the Panel failed to look at the option of keeping one or two of the structures. The finding of the Historic Landmark Commission was based on the following:

1. The applicant failed to provide an adequate analysis of alternative scenarios which may produce a reasonable economic return on the property while preserving one or more of the contributing structures (Standard 21A.34.020.K.d) and
2. If the applicant had adequately analyzed alternative scenarios, he may have determined that an economic return on the property could occur with the preservation of one or more of the contributing structures which may have led to the availability of tax credits to offset some of the cost of rehabilitation of the contributing structures, making the project more economically viable.

The Commission's vote on the motion was three in favor, one opposed and one abstention. The motion failed to carry the three-fourths (3/4) vote needed to pass, which resulted in the Commission upholding the Economic Review Panel's Decision.

On September 19, 2007 Commissioner Paula Carl, who voted on the prevailing side of the motion at the September 5, 2007 meeting, moved to reconsider the motion. The motion was seconded and passed unanimously by the Commission. Commissioner Carl stated that she moved to reconsider the case because she believed the majority of the quorum present at the meeting on September 5, 2007 expressed a desire to reverse the decision of the Economic Review Panel and she believed in fairness, that the case should be reconsidered so that the opinion of the full Commission could be stated.

The HLC reviewed the Economic Hardship application and the Panel's finding one last time on December 5, 2007. The HLC voted to accept "Scenario E" in the staff report with one exception: The Commission requires the applicant to acquire reuse plan approval, but does not require the applicant to obtain a building permit prior to demolition. "Scenario E" included the demolition of the purple house and the white duplex, renovating the six-plex as condominium units, and building thirteen (13) new townhouses. The site plan submitted as Scenario E follows.



Development Review Team (DRT) meetings were held on January 16, 2007, December 12, 2007 and March 17, 2008. Comments included the following:

- A Planned Development application is required for more than one principal building with frontage.
- Condo approval needed for existing building.
- Does not appear that park strip trees have been addressed along with encroachments into the setback area and grade changes in the setback area.
- Does not appear that park strip trees have been addressed along with encroachments into the setback area & grade changes in the set back areas. Need to address the live/work scenario. What does this scenario include? May need to address side entry issues.
- Replace water main in 700 South Street w/12" DIP. Markea is private, no connection without owners permission. If less than 1 acre, must detain storm water, BMP's, SWPPP. Show how submerged court is drained. Master meter water. Show sewer connections. Show how existing 6 plex is watered & sewerd. Need drainage plan.
- Plat required. Improvement drawings needed (site plan only) w/grading and drainage. Construction imp agreement bond and insurance required. Inventory of condition of existing street improvements to occur at the time of application request to determine if existing improvements are in need of replacement. Any improvements in sub-standard condition to be replaced as condition of approval. Certified address required on plat prior to bldg. permit. Markea Ave & public access way within site to be upgraded & built to public way standards. Driveway apron & approach on 700 East to be removed. Markea may be required to install curb & gutter on South side.

**C. Minimum Lot Area And Lot Width:** The minimum lot areas and lot widths required in this District for 3 to 14 units is 9000 square feet for 3 units, plus 1,000 square feet for each additional dwelling unit up to and including 14 units. For developments greater than 1 acre 1,000 square feet for each dwelling unit is required.

**D. Maximum Building Height:** The maximum building height permitted in this district is forty five feet (45').

**E. Minimum Yard Requirements:**

1. **Front Yard:** Twenty percent (20%) of lot depth, but need not exceed twenty five feet (25'). For buildings legally existing on April 12, 1995, the required front yard shall be no greater than the existing yard.

2. **Corner Side Yard:**

a. **Single-Family Attached Dwellings:** Ten feet (10').

b. **Multi-Family Dwellings:** Twenty feet (20').

3. **Interior Side Yard:**

a. **Single-Family Attached Dwelling:** No yard is required, however if one is provided it shall not be less than four feet (4').

b. **Multi-Family Dwellings:** The minimum yard shall be eight feet (8'); provided, that no principal building is erected within ten feet (10') of a building on an adjacent lot.

4. **Rear Yard:** The rear yard shall be twenty five percent (25%) of the lot depth, but need not exceed thirty feet (30').

5. **Accessory Buildings And Structures In Yards:** Accessory buildings and structures may be located in a required yard subject to table [21A.36.020B](#), "Obstructions In Required Yards", of this title.

**F. Required Landscape Yards:** The front yard, corner side and, for interior lots, one of the interior side yards shall be maintained as a landscape yard except that single-family attached dwellings, no interior side yard shall be required.

**G. Maximum Building Coverage:** The surface coverage of all principal and accessory buildings shall not exceed sixty percent (60%) of the lot area.

**Discussion:** Since this project is a Planned Development that will likely have alterations to the required setbacks, lot coverage, etc to be approved by the Planning Commission, staff did not review the projects

**Discussion of Ordinance section 21A.34.010 and preliminary plans:**

**Scale And Form:**

a. **Height And Width:** The proposed height and width shall be visually compatible with surrounding structures and streetscape;

b. **Proportion Of Principal Facades:** The relationship of the width to the height of the principal elevations shall be in scale with surrounding structures and streetscape;

c. **Roof Shape:** The roof shape of a structure shall be visually compatible with the surrounding structures and streetscape; and

d. **Scale Of A Structure:** The size and mass of the structures shall be visually compatible with the size and mass of surrounding structure and streetscape.

**Discussion:** The height of the new buildings meets the ordinance for the zoning district; however, the historic structures immediately surrounding the site consists of mainly two story single-family style residences with pitched roofs or three story apartment-style buildings with flat roofs. Since the proposed town houses are three-stories with a flat roof, the design of the structure would be more compatible if it was a contemporary interpretation of the historic apartment buildings rather than a row house style building. If the row house style is used, staff recommends that it be only two or two and a half stories with a pitched roof. The current design breaks the long building into divisions, which helps it relate to the historic district in terms of proportion of width to height and massing.

## 2. **Composition Of Principal Facades:**

a. **Proportion Of Openings:** The relationship of the width to the height of windows and doors of the structure shall be visually compatible with surrounding structures and streetscape;

b. **Rhythm Of Solids To Voids In Facades:** The relationship of solids to voids in the facade of the structure shall be visually compatible with surrounding structures and streetscape;

c. **Rhythm Of Entrance Porch And Other Projections:** The relationship of entrances and other projections to sidewalks shall be visually compatible with surrounding structures and streetscape; and

d. **Relationship Of Materials:** The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in surrounding structures and streetscape.

**Discussion:** The principle facades of the current design are mainly glass with off-center balconies. Staff recommends more symmetry to each bay and attention to the rhythm of solids to voids in nearby historic structures. The main entrance is currently not well defined, as required by ordinance. There should be a clear delineation of the foundation line and cornice. At this time, there is no information about materials.

## 3. **Relationship To Street:**

a. **Walls Of Continuity:** Facades and site structures, such as walls, fences and landscape masses, shall, when it is characteristic of the area, form continuity along a street to ensure visual compatibility with the structures, public ways and places to which such elements are visually related;

b. **Rhythm Of Spacing And Structures On Streets:** The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways and places to which it is visually related;

c. **Directional Expression Of Principal Elevation:** A structure shall be visually compatible with the structures, public ways and places to which it is visually related in its orientation toward the street; and

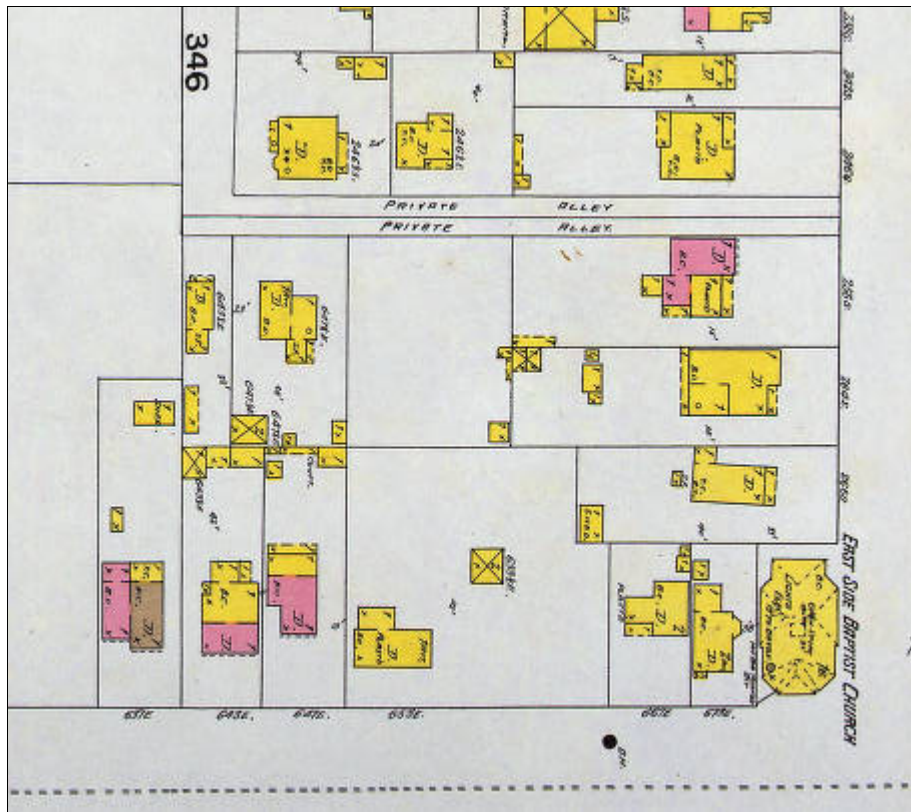
d. **Streetscape Pedestrian Improvements:** Streetscape and pedestrian improvements and any change in its appearance shall be compatible to the historic character of the landmark site or H historic preservation overlay district.

**Discussion:** The ordinance and design guidelines require preservation of the district's street plan. Originally Markea Avenue was a private alley that developed into a mid-block street sometime between

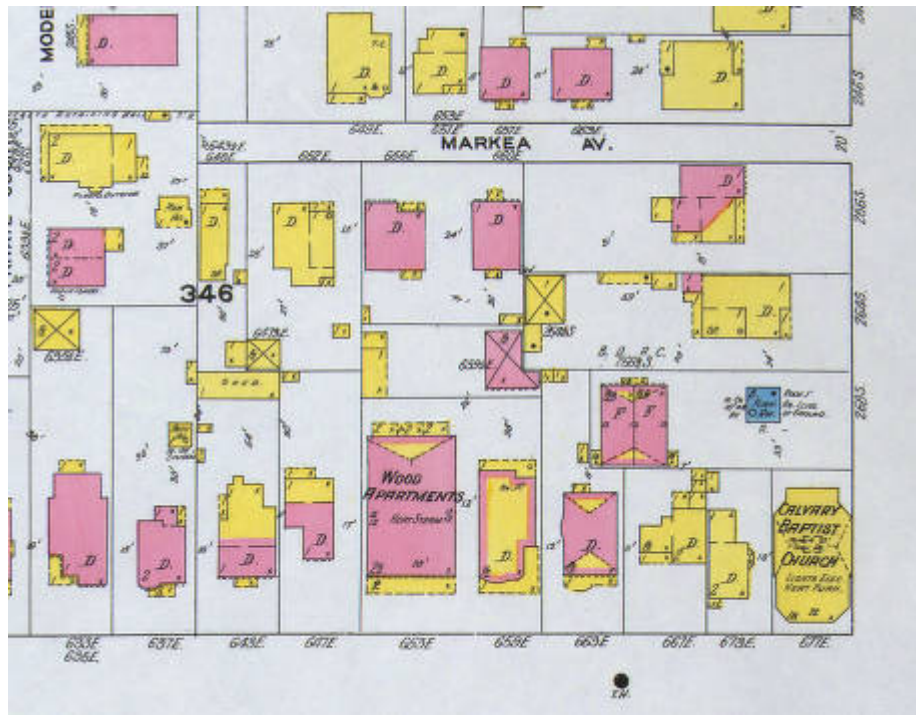
1898 and 1911. Please see Sanborn maps that follow. Even as an alleyway, there were already houses oriented towards this street. In keeping with the original development of the area and the initial plan submitted the applicant, staff recommends that there be no on-street parking on Markea Avenue. All parking should be interior.

Staff recommends extending the unit at the corner of 300 South and 700 East so that there is enough room for access to a two bay garage from the interior, thereby removing the garage that currently faces 300 South. Staff does not believe that this alteration would significantly change the original site plan already conceptually approved by the HLC.

The submerged court that fronts the new structures and the walkway that parallels 700 East is inappropriate for the district. Staff recommends that the size of the court be decreased, especially at the corners. The walkway for each unit should travel from the main entrance directly to the sidewalk, as seen elsewhere in the district.



1898 Sanborn



1911 Sanborn

4. **Subdivision Of Lots:** The planning director shall review subdivision plats proposed for property within an H historic preservation overlay district or of a landmark site and may require changes to ensure the proposed subdivision will be compatible with the historic character of the district and/or site(s).

**Staff Recommendation:**

Staff recommends organizing an Architectural Committee to provide design direction, specifically in terms of composition of principle façade and relationship to the street, to the applicant before a complete application has been submitted.

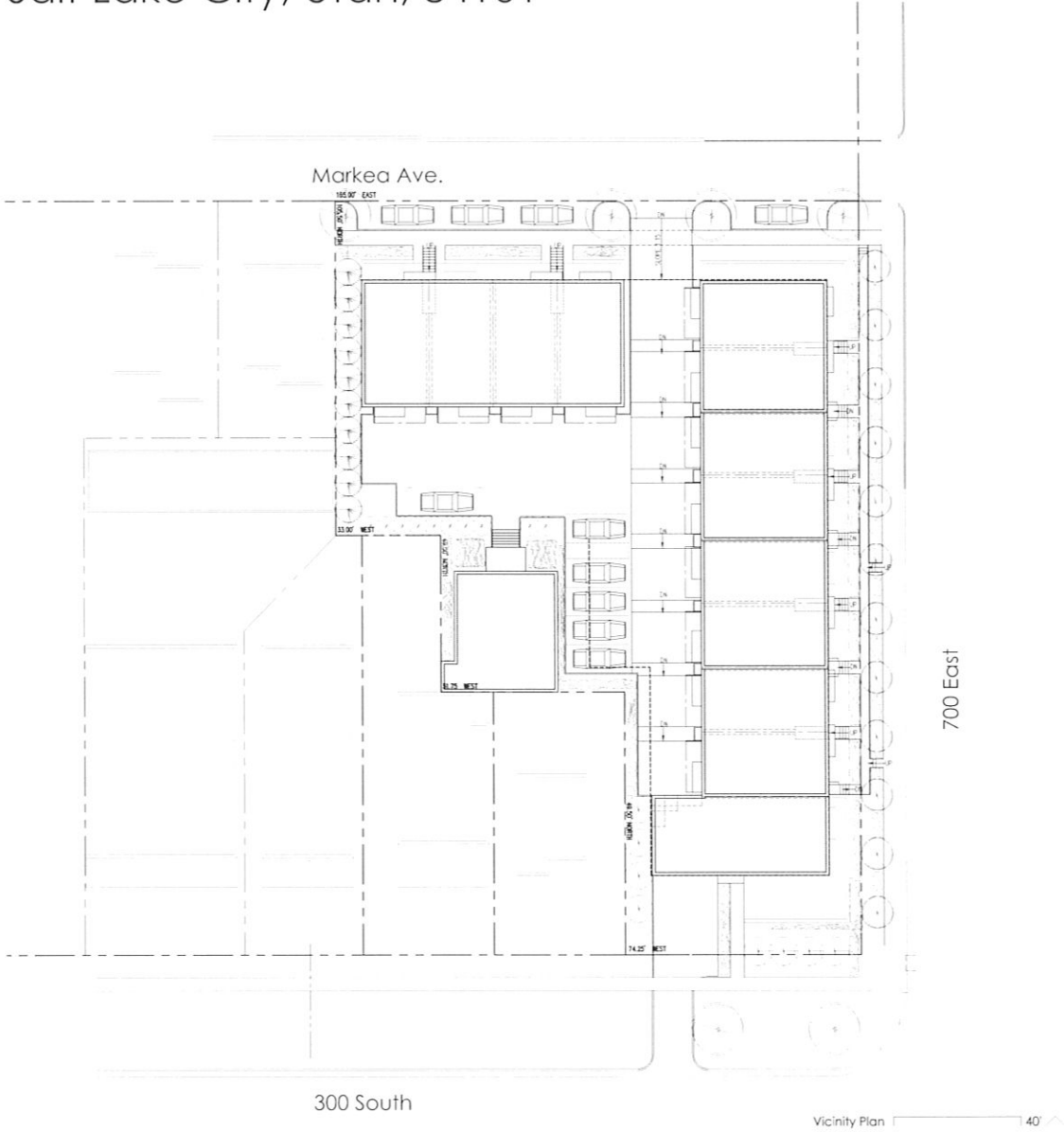


## **Attachment A: Preliminary Plans**

# 7th East Town Houses

700 East 300 South

Prescott Muir Architects  
 171 West Pierpont Avenue  
 Salt Lake City, Utah, 84101



**Zoning Analysis:**

**Zoning District:** RMF-45.  
 (Abutting properties are RMF -45)

**Development:** 13 Town homes 3 story live/ work + Existing 6-Plex Building (to remain)

**Lot Area:** 30,050 S.F. (27,000 S.F. Min.)  
**Building Coverage:** 11,200 S.F. -Units + 1,280 S.F. - 6plex = 12,480 S.F.-Total (16,200 S.F. Max.)  
**Building Height:** 31'-0" (45'-0" Max.)

**Set Backs:** Meets zoning requirements. : refer to site plan

**Landscape Buffers:**  
 - The abutting properties are within the RMF-45 district. Therefore the 10'-0" wide landscapes buffer is not applicable  
 -Landscape Yards: refer to site plan.

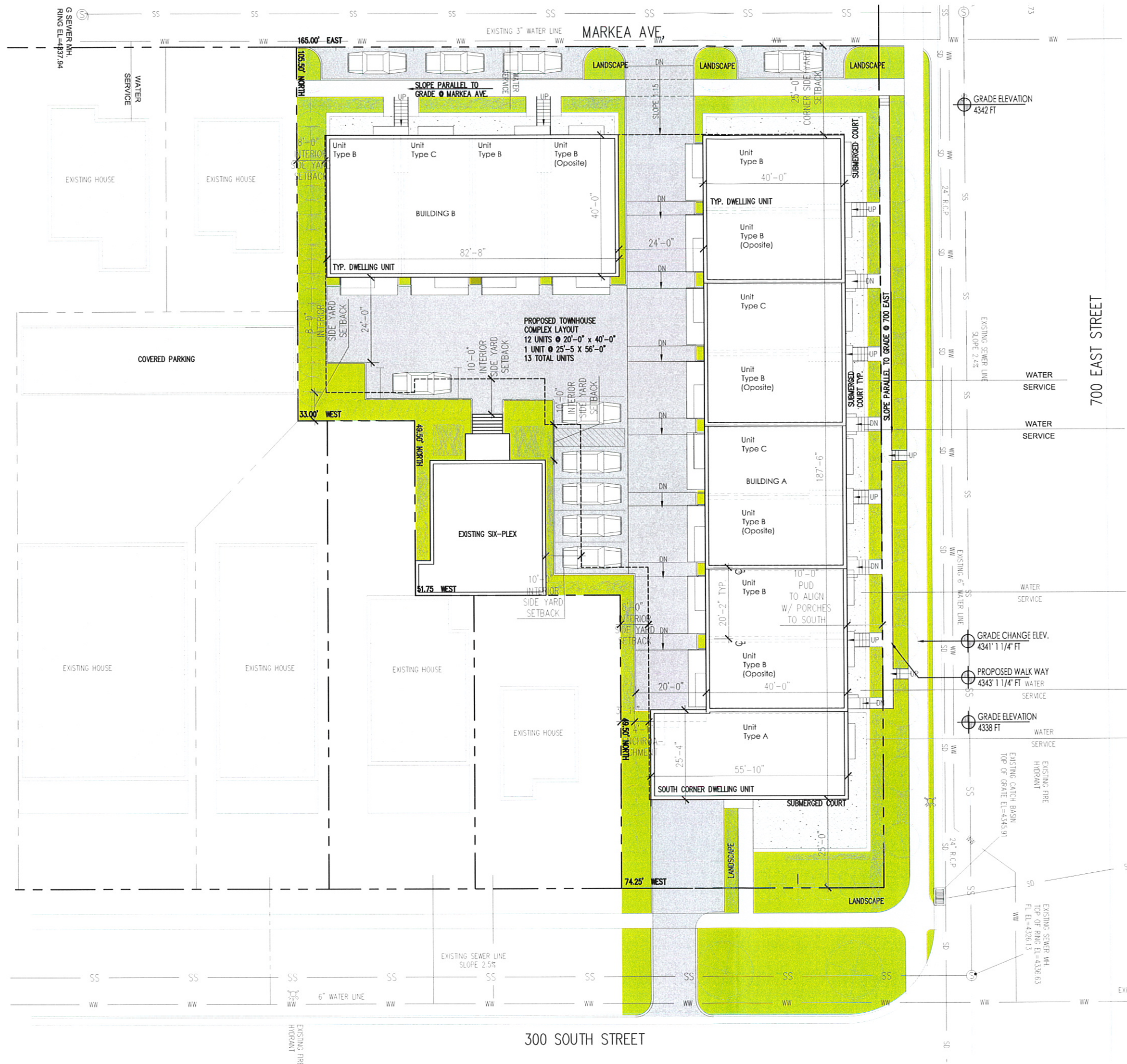
**Type of Construction:** VA

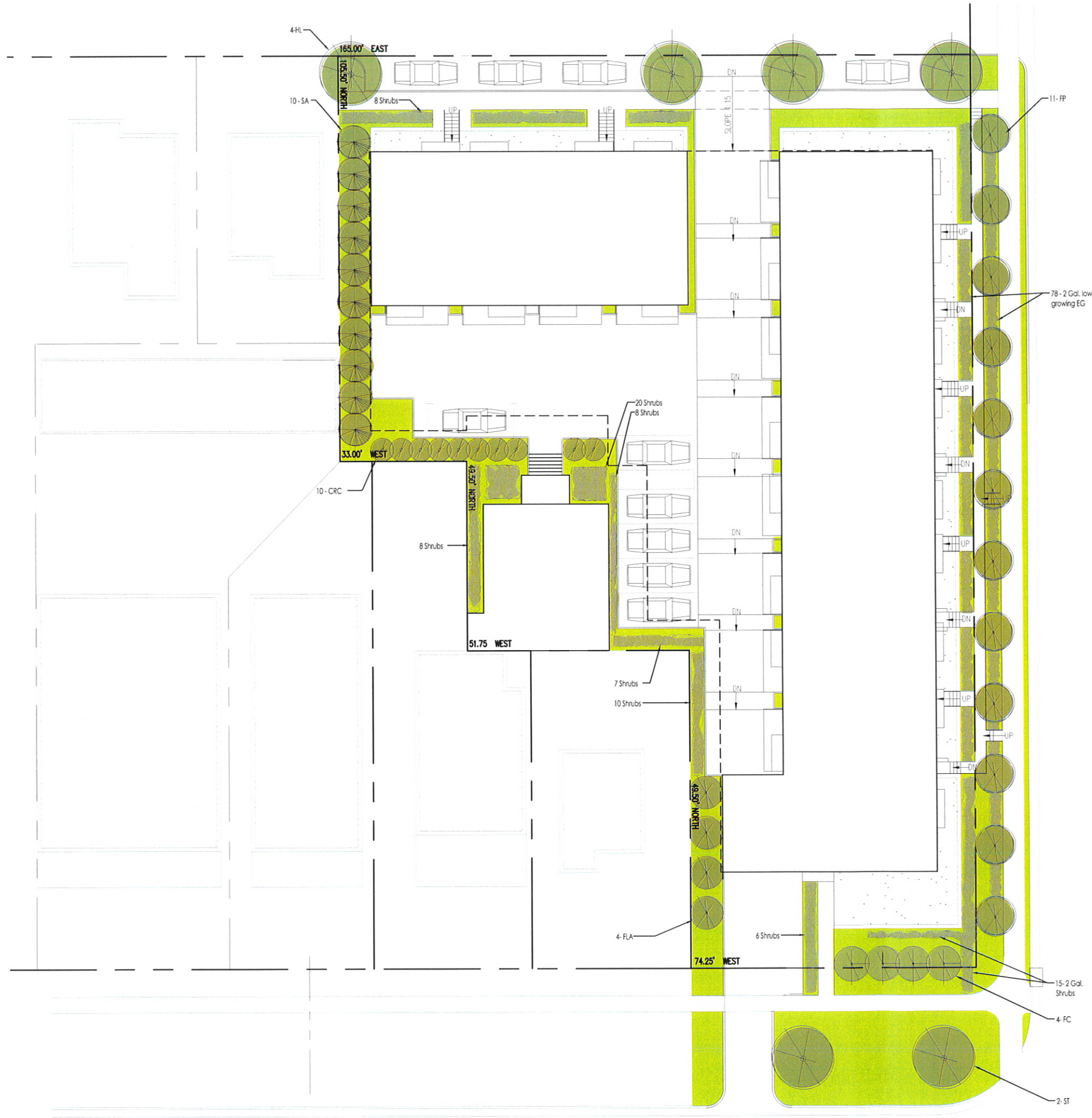
**Front Facade:** Architectural features are more than 10%.

**Parking:**  
 - Parking Provided : 36 stalls  
 10- Off street parking stalls  
 26- 2 car garages per dwelling unit

- Parking Required: 32 stalls  
 13 x 2 bedroom unit = 26  
 6 x 1 bedroom units=6

- Accessible Parking:  
 Provided 2 stalls  
 Required 1 stall per 25 = 2 stalls





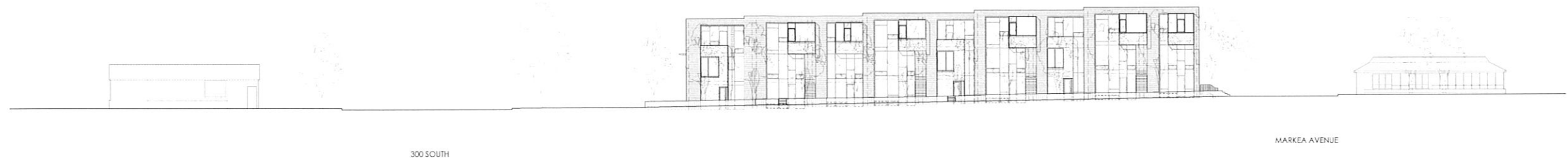
TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
FC	4	N/A	FLOWERING CHERRY	1 3/4" CAL	PER PLAN
FP	11	N/A	FLOWERING PEAR	1 3/4" CAL	PER PLAN
HL	4	N/A	HONEY LOCUST	2" CAL	PER PLAN
CRC	14	N/A	CANADIAN RED (HOK) CHERRY	1 3/4" CAL	PER PLAN
SA	10	N/A	EMERSON ASPEN	1 1/2" CAL	PER PLAN
FCA	4	N/A	FLOWERING GRAB APPLE	1 1/2" CAL	PER PLAN
ST	2	N/A	STREET TREES TO MATCH EXISTING ADJACENT	2" CAL	PER PLAN
TOTAL 49					
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
EG	182	N/A	LOW GROWING AND UPRIGHT FLOWERING AND EVERGREEN	2 GAL	PER PLAN
TOTAL 182					

NOTE: OTHER LANDSCAPING MATERIALS WILL INCLUDE DECORATIVE ROCKS, GRAVEL AND SAND. 4,543 SQUARE FEET OF 500 WILL BE INSTALLED. AN AUTOMATIC IRRIGATION SYSTEM WILL BE INSTALLED USING SPRAY HEADS TO COVER THE 500 AREAS AND A DRP SYSTEM FOR PLANTED AREAS. 3" TO 4" OF TOPSOIL WILL BE INSTALLED UNDER ALL AREAS OF 500.

*Nature's Look*  
Landscape and Design

Elvin Worthington  
Licensed Contractor  
801-674-8215

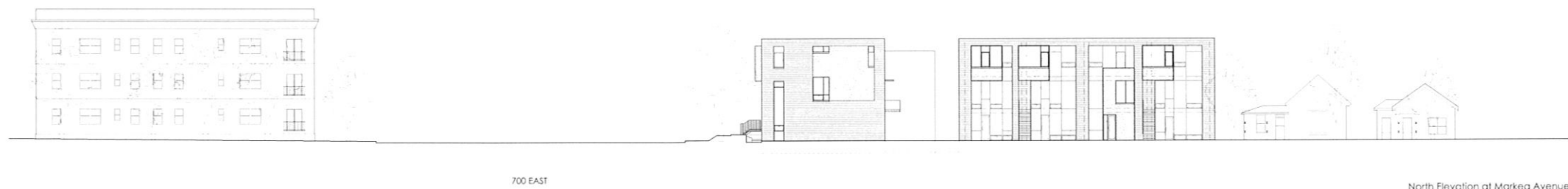
11370 S. Brook-Lane Ln.  
(800 West)  
So. Jordan, Utah 84095



East Elevation at 700 East

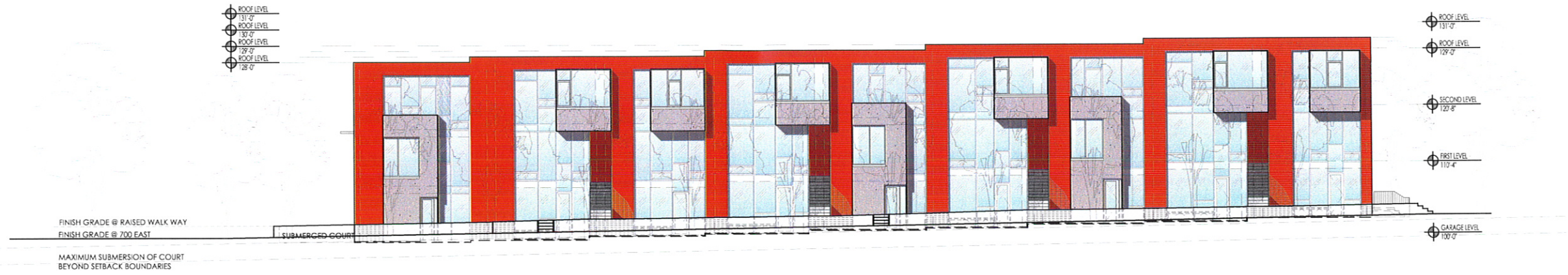


South Elevation at 300 South



North Elevation at Markea Avenue

Site Elevations 32'  
 7th East Townhouses  
 Everest Builders  
 Prescott Muir Architects

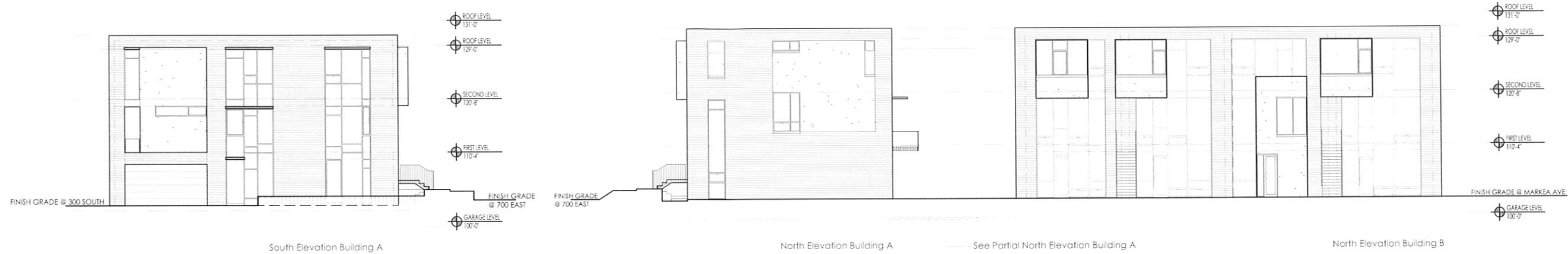


East Elevation Building A



West Elevation Building A

Legend	
	Brick
	Stucco
	Clear Anodized Aluminum
	Painted Steel Railing
	Clear Anodized Aluminum Storefront Window System
	Garage Door

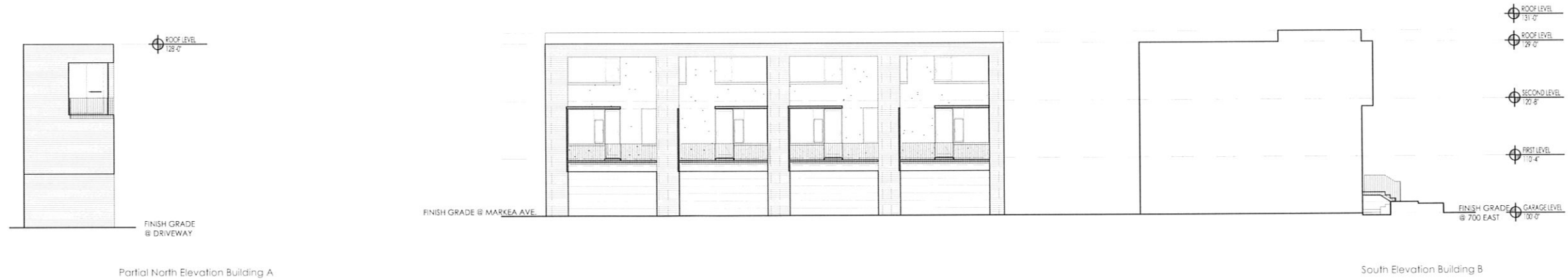


South Elevation Building A

North Elevation Building A

See Partial North Elevation Building A

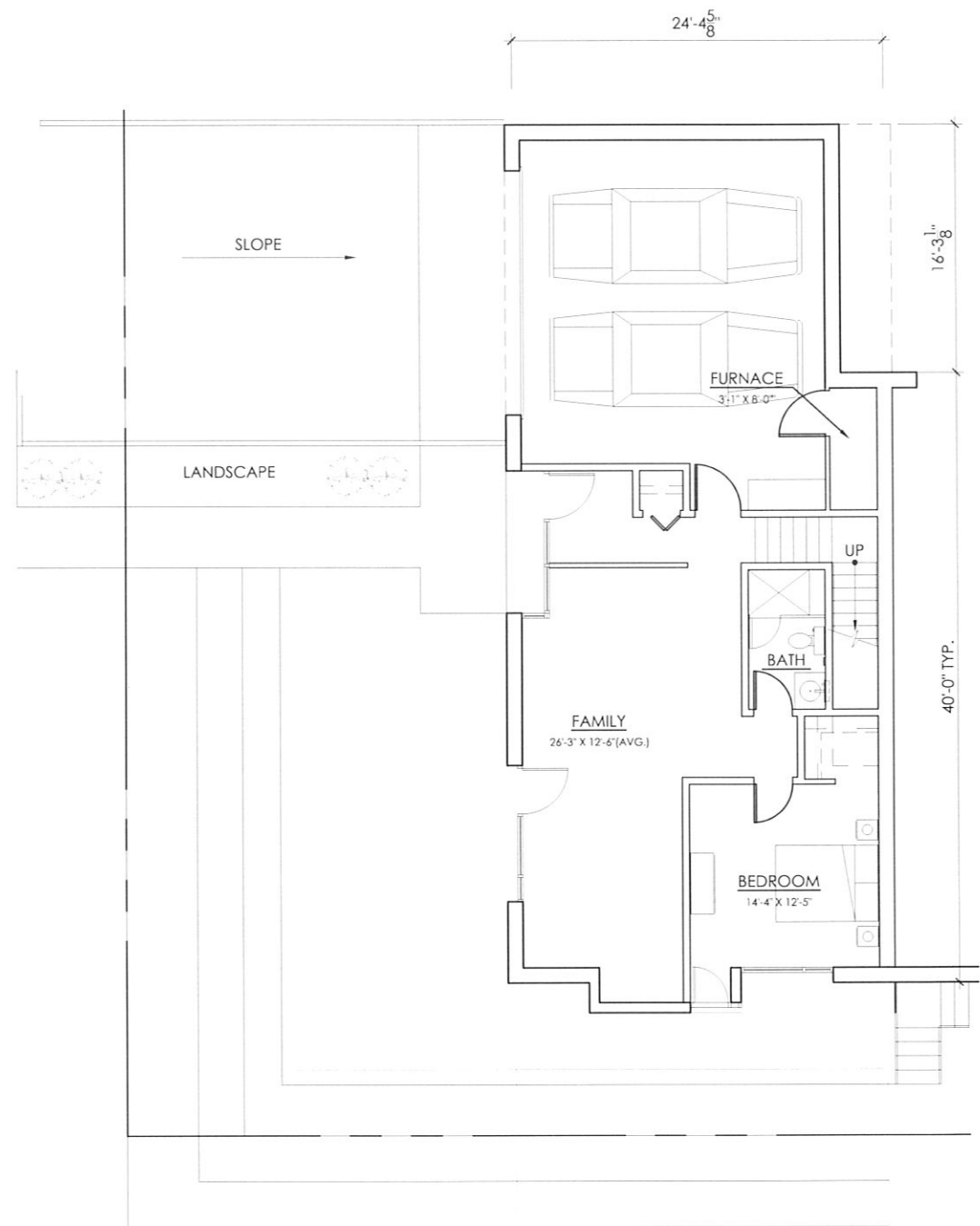
North Elevation Building B



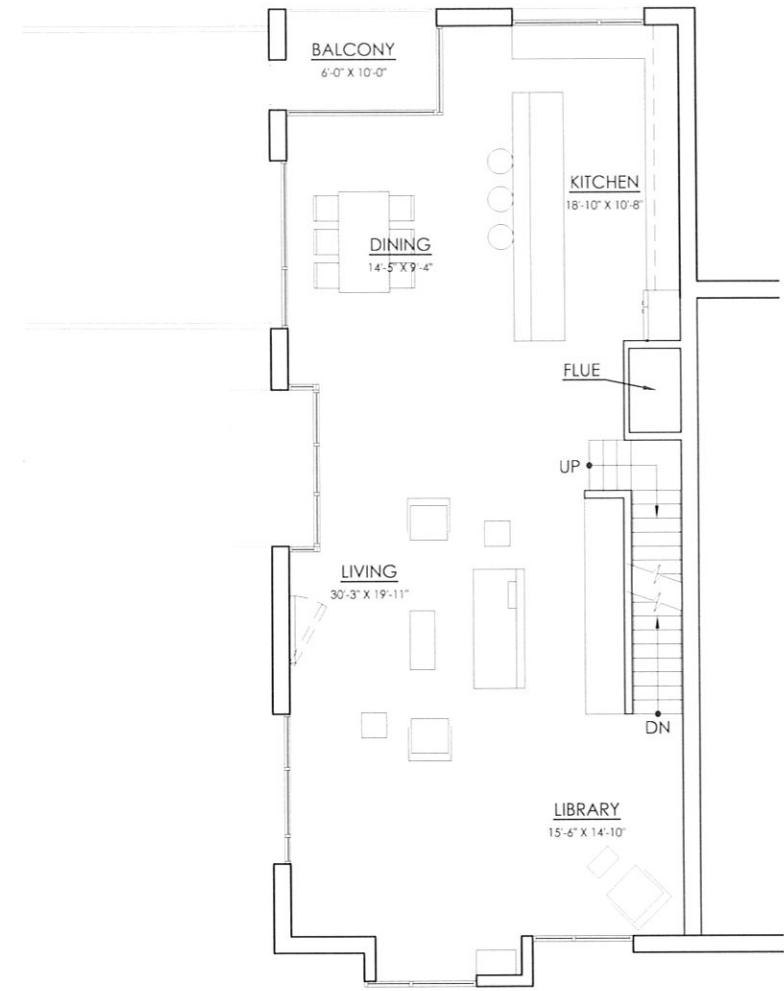
Partial North Elevation Building A

South Elevation Building B

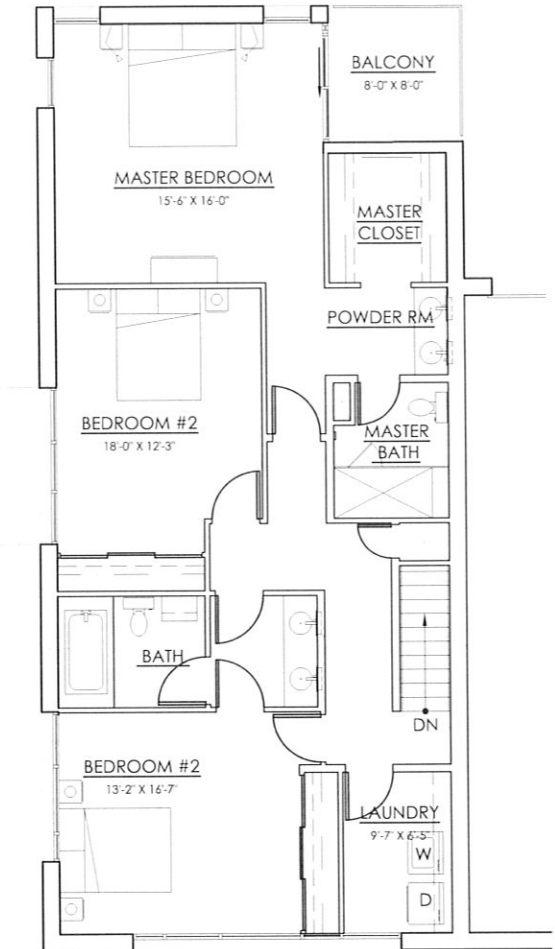
Legend	
	Brick
	Stucco
	Clear Anodized Aluminum
	Painted Steel Railing
	Clear Anodized Aluminum Storefront Window System
	Garage Door



GARAGE LEVEL

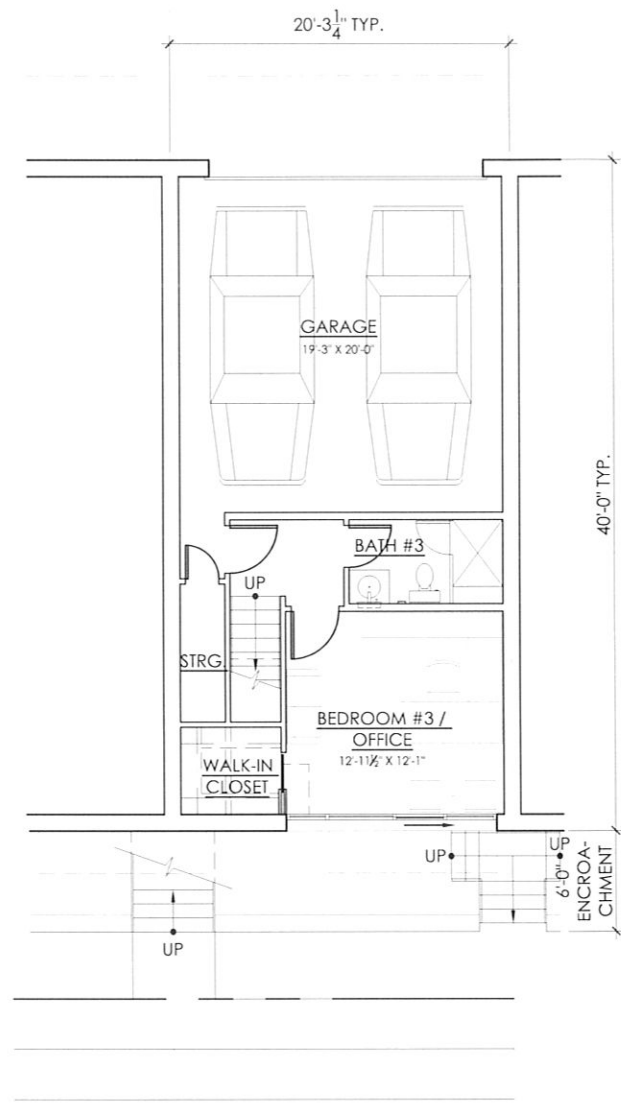


MAIN LEVEL

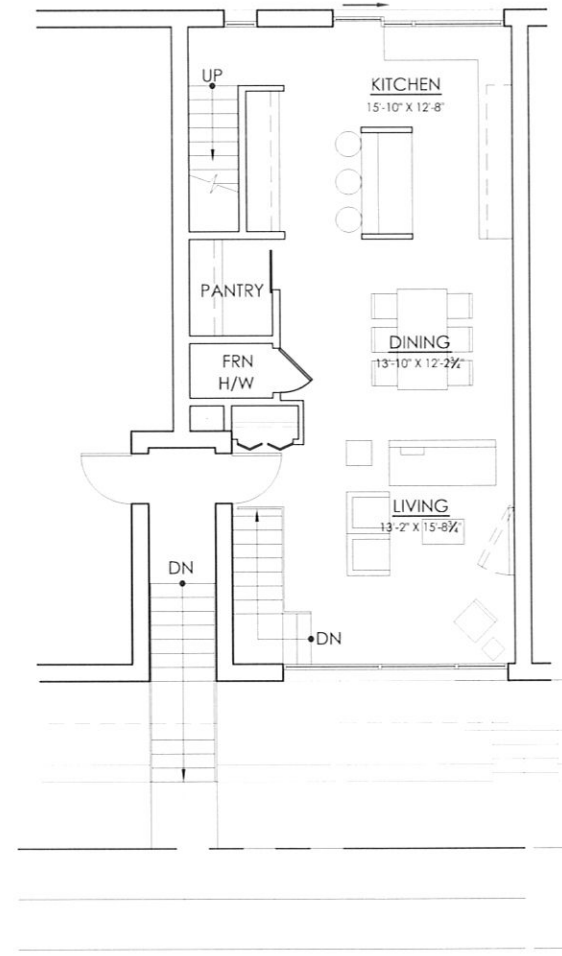


SECOND LEVEL

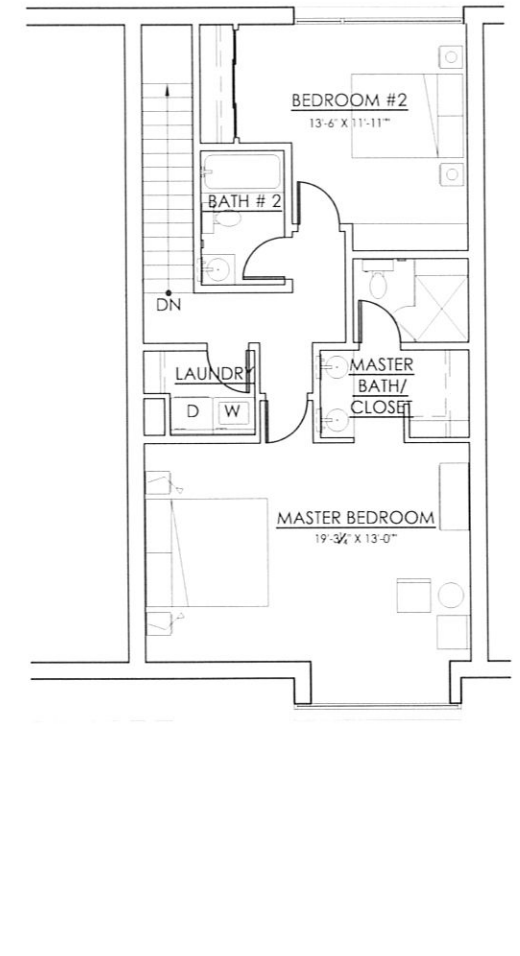




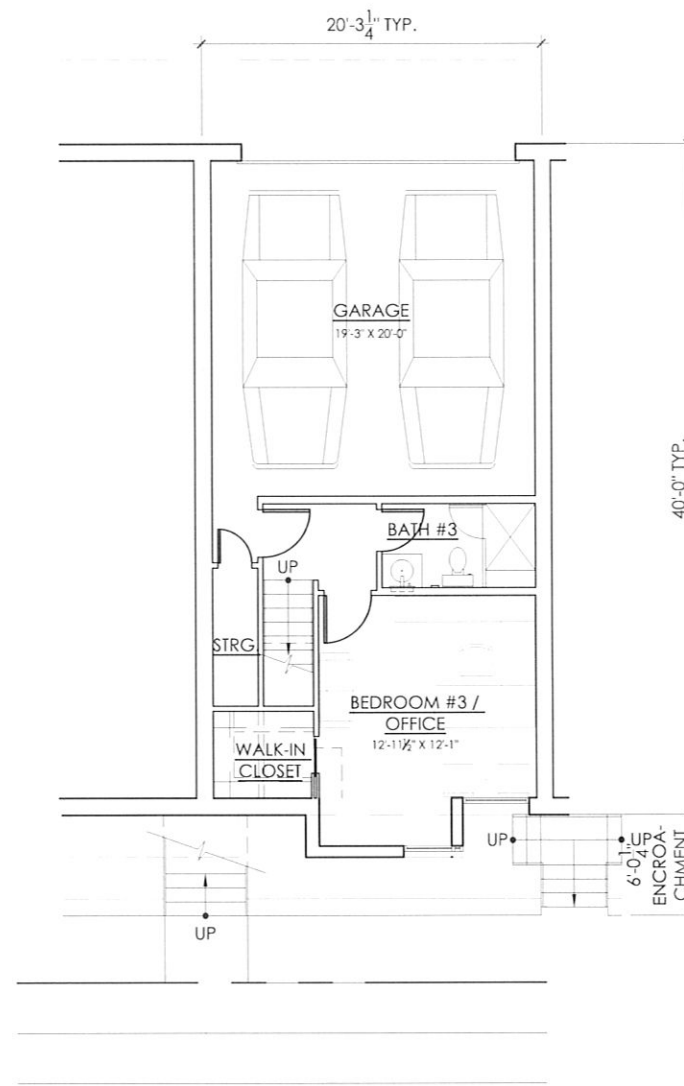
GARAGE LEVEL



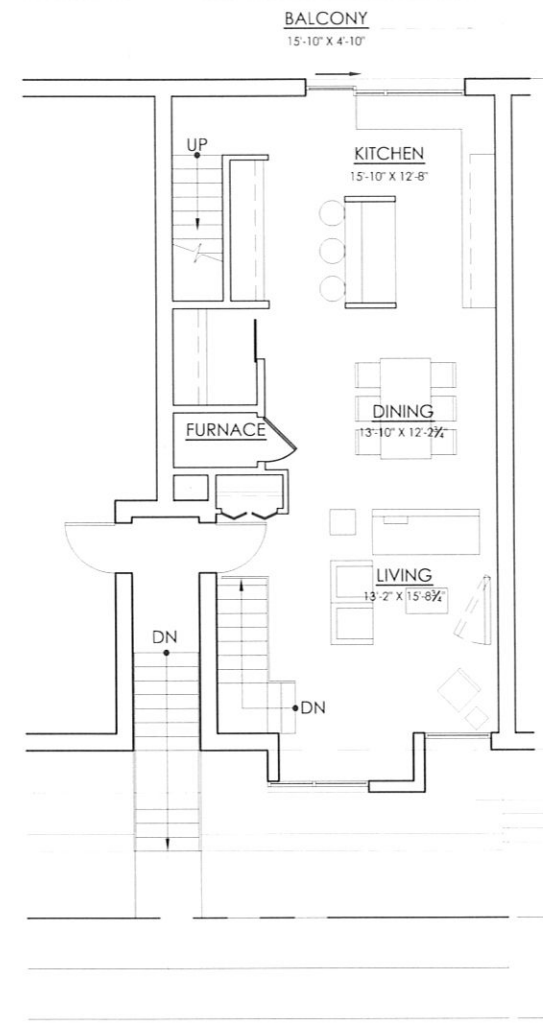
MAIN LEVEL



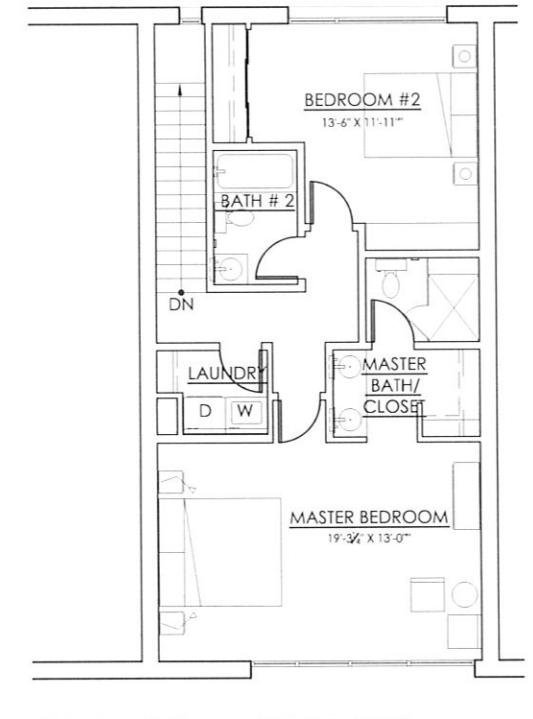
SECOND LEVEL



GARAGE LEVEL



MAIN LEVEL



SECOND LEVEL