

DATE: July 12, 2006

TO: Salt Lake City Planning Commission

FROM: Sarah Carroll, Principal Planner at 535-6260 or sarah.carroll@slcgov.com

RE: **STAFF REPORT FOR THE JULY 12, 2006 PLANNING COMMISSION MEETING – REVISIONS TO PETITIONS 410-06-09 (Planned Development), 480-06-04 (Preliminary Condominium) and 490-06-19 (Preliminary Subdivision)**

CASE NUMBERS: Revisions to Petitions: 410-06-09, 480-06-04, and 490-06-19

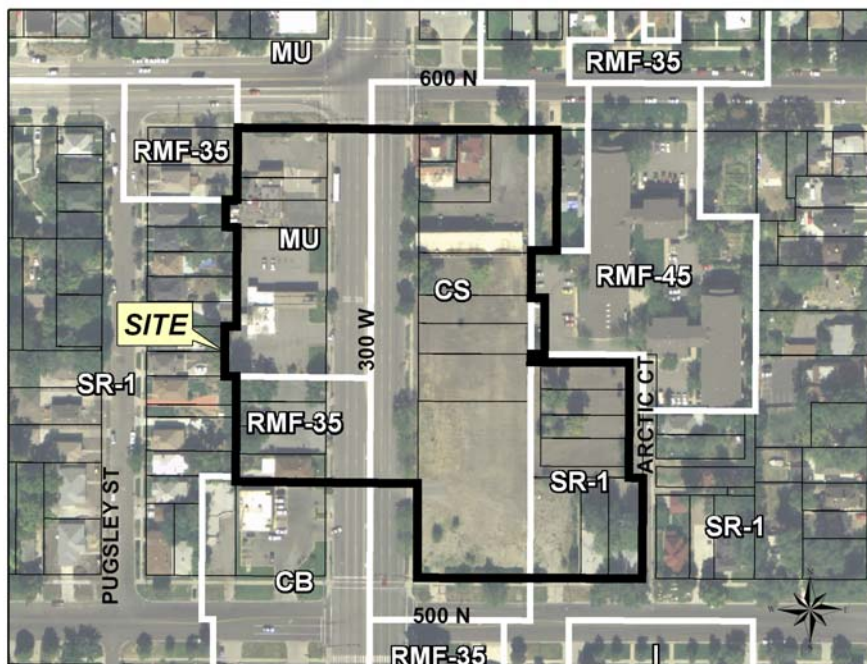
PROPERTY OWNER: Salt Lake City Redevelopment Agency

APPLICANT: Howa Capital

STATUS OF APPLICANT: Developer

PROJECT LOCATION: The East and West Sides of 300 West Street between 500 and 600 North (Approximate)

PROJECT/PROPERTY SIZE: Approximately 5.98 acres



COUNCIL DISTRICT:

District 3, Councilmember Eric Jergensen

REQUESTED ACTIONS:

On April 26, 2006 the Planning Commission approved the following petitions in relation to the subject property: 400-05-40 (rezoning), 410-06-09 (Conditional Use, Planned Development), 480-06-04 (Preliminary Condominium), 490-06-19 (Preliminary Subdivision). The previously approved site plan has been attached for reference purposes (see Exhibit G). Since that time planning staff received a letter from the developer, dated June 2, 2006 which outlines the results of the soils report (see Exhibit A). Due to the high water content and poor soils on this site the previously proposed underground parking is cost prohibitive and has caused a redesign of the previously approved project plans. The developer is returning to the Planning Commission so that the revisions to the Conditional Use/Planned Development, Preliminary Condominium and Preliminary Subdivision may be considered.

PROPOSED USE(S):

Mixed Use - Retail/Office/Residential

APPLICABLE LAND USE REGULATIONS:

Planned Development:

Section 21A.54.150, Zoning Ordinance

Subdivision:

Title 20, Subdivision Ordinance

Condominium:

Title 57, Chapter 8, Utah Code

Land Use:

Capitol Hill Master Plan / Zoning Map

Zoning:

Chapter 21A.24.170, Zoning Ordinance

SURROUNDING ZONING DISTRICTS:

- North** - Mixed Use "MU", Moderate Density Multi-Family "RMF-35", and Special Development Pattern Residential "SR-1"
- South** - Special Development Pattern Residential "SR-1", Moderate Density Multi-Family "RMF-35" and, Community Shopping "CS"
- East** - Special Development Pattern Residential "SR-1" and Moderate/High Density Multi-family Residential "RMF-45"
- West** - Special Development Pattern Residential "SR-1" and Moderate Density Multi-Family "RMF-35"

SURROUNDING LAND USES:

- North** - Service garage, convenience store, single family homes
- South** - Convenience store, service garage, single family homes, church
- East** - Apartment complex, single family homes
- West** - Single family homes

MASTER PLAN SPECIFICATIONS:

The Capitol Hill Master Plan was adopted on November 9, 1999. The Capitol Hill Community Future Land Use Map designates the west side of the subject property for “High Density Mixed Use” and designates the east side of the subject property for “General Commercial” use. The Master Plan will need to be amended so that both the east and west sides of the subject property will reflect “High Density Mixed Use.”

HISTORY OF SUBJECT PROPERTY:

On April 26, 2006 the Planning Commission approved a Rezone, Conditional Use/Planned Development, Preliminary Condominium and Preliminary Subdivision for the subject property. On May 30, 2006 representatives of the developer contacted City Planning staff to discuss proposed changes to the approved Planned Development Site Plan, Preliminary Condominium and Preliminary Subdivision plans. The site plan that was approved on April 26, 2006 included two levels of underground parking under the north and south mixed use buildings, but due to the results of the soils report the developer must change these plans. Changes to the site plan are being driven by site and construction constraints identified in the soils and geotechnical report as noted in the attached letter from the developer (Exhibit A). The high ground water levels result in poor soil quality for foundation loading and will be cost prohibitive for site and structure de-watering, as well as require a change in the foundation design.

After receiving the soils report, the developer evaluated the cost of the underground parking that was presented to the Planning Commission on April 26, 2006. De-watering and foundation design changes to address the poor soil quality will result in parking stall construction costs which could exceed \$45,000 per stall in the underground parking structures. Due to these significant costs, the developer has now presented a letter and revised site plan, dated June 2, 2006, which details the design constraints and the resultant proposed changes to the Planned Development Site Plan which includes a redesign of the proposed parking structures to one and a half levels above grade and reductions in total square footage of buildings on the east side of the site and reorientation of the north mixed use building away from 600 North Street, toward 300 West Street. The changes also include the addition of a pedestrian walkway through the town homes (see revised site plan, Exhibit B).

ACCESS:

Access to the property is provided from 500 North Street, Arctic Court (Private Street), 600 North and 300 West Streets.

PROJECT DESCRIPTION:

The development proposal that was approved by the Planning Commission on April 26, 2006, included: 11 town homes, 77 residential condominiums, 15,000 sq. ft. for a grocery store, 39,075 square feet of additional retail space and 14,820 sq. ft. of office space, in three phases. The newly submitted plans include: 9 town homes, 85 residential condominiums, 11,000 sq. ft. for a grocery store or retail/office space, 39,315 sq. ft. of

retail space and 14,820 sq. ft. of office space, in four phases. Changes to the site plan and elevations are outlined below (see attached plans, Exhibit B):

- Building A (at the north end of the site) has been re-oriented so that the long side faces 300 West.
- Parking for the residential units in Building A and D will be accommodated in two-level parking structures. These structures are located behind the buildings. Both buildings will have a residential roof top plaza.
- The surface parking for the commercial uses is re-oriented from 300 West to an area behind the commercial structures. It would be accessed from 300 West, and also from 500 North and 600 North. The access from 500 North and 600 North has been moved farther east.
- The access on 500 North to the commercial parking is 39.5 feet farther east.
- The access off 600 North to the commercial parking is 75 feet farther east.
- The commercial site noted for the grocery store may be either one story in height if a grocer will commit to the site or it will be developed as a two-story retail/office building. Changes to the site plan have forced this building to be reduced from 15,000 sq. ft. to 11,000 sq. ft.
- The number of townhouse units has been reduced from eleven to nine.

Phase 1 will include Lots 4 and 5 (see Exhibit C for lot references) and will be developed with 9 town homes and a mixed use retail/residential building that includes 10,985 square feet of retail space and 49 condominium units above the retail space.

Phase 2 will include Lot 2 and the development of a mixed use retail/residential building that includes 6,240 square feet of retail space on the main floor and 32 condominium units above the retail space.

Phase 3 will include Lot 3 and will be developed either with a one story store that is 11,000 square feet in size or if a grocer will not commit to the site the developer would like the option of constructing a two story retail and office building.

Phase 4 will include Lot 1 and will be developed with three buildings for retail and office uses, consisting of a total of 22,425 square feet.

COMMENTS, ANALYSIS AND FINDINGS:

Comments from applicable City Departments are outlined below in reference to the revised plans. See Exhibit F for detailed comments.

Community Council Comments:

The Capitol Hill Community Council Chair was notified of the revisions on June 13, 2006 and will either provide comments in writing or will attend the scheduled hearing.

Transportation: The Division of Transportation has provided general approval of the project. Final approval is subject to a review of fully dimensioned and detailed plans that outline specific details for: bicycle parking, Americans with Disabilities Act (ADA) requirements, stacking and circulation, ramp grades and transitions, turning radii, clear

sight zones, ADA heights, etc. Setbacks and buffers from intersections, cross walks, fire hydrants, driveways, streetlights and power poles, etc. will also require detailed drawings and review.

Public Utilities: The Salt Lake City Public Utilities Department stated that a plan that does not require ground water pumping is preferred. Previous comments apply other than those relating to underground elements of the project that are being eliminated. The developer needs to continue working with Public Utilities on the design, review and permit issues.

Engineering Division: The previous comments from the Salt Lake City Engineering Division still apply.

Fire Department: The Fire Department does not have any concerns with the proposed development. New construction must comply with the Fire Departments requirements.

Public Services: Since the improvement calls for the placement of street trees along 300 West, the petitioner must be required to review tree selection and provide planting plans to the City Forester.

Police: The Police Department stated that from a crime prevention standpoint, above grade parking allows for better visibility than underground parking. By following guidelines for crime prevention from the design phase and construction through completion of the project, there would be less of an impact on police services required in this area.

Building Services: Comments noted in the staff report dated April 26, 2006 still apply. All zoning ordinance requirements must be met or waived by the Planning Commission.

ANALYSIS AND FINDINGS

To assist the Planning Commission in its decision making process, Staff has analyzed and made findings with respect to the following pertinent master plans, ordinances and issues relating to the conditional use, planned development, condominium and subdivision processes.

Conditional Use Review

21.54.080 Standards for Conditional Uses.

A. The proposed development is one of the conditional uses specifically listed in this Title.

Discussion: According to Section 21A.54.150 of the Zoning Ordinance, a Planned Development requires Conditional Use approval by the Planning Commission.

Finding: The proposed development requires conditional use approval by the Planning Commission.

B. The proposed development is in harmony with the general purposes and intent of this Title and is compatible with and implements the planning goals and objectives of the City, including applicable City master plans.

Discussion: There are several sources to consider in reviewing the purposes, goals objectives, and policies for this area:

- The Capitol Hill Zoning map (1995)
- The Capitol Hill Community Master Plan (1999)
- The Salt Lake City Community Housing Plan (2000)
- The Final Report of the Salt Lake City Futures Commission, Creating Tomorrow Together, (1998)
- The City Vision and Strategic Plan for Salt Lake City, (1993)

Capitol Hill Zoning Map: As noted above, the existing zoning consists of several different zones including: Community Shopping "CS", Mixed Use "MU", Special Development Pattern Residential "SR-1", Moderate/High Density Multi-Family Residential "RMF-45" and Moderate Density Multi-family Residential "RMF-35". The rezoning petition involves amending the zoning map to unify the zoning for the project area. The requested Residential/Mixed Use "R-MU" (separate petition) zoning would allow the entire project to be developed under one zoning classification and will allow for a variety of uses including office, commercial and residential.

Capitol Hill Community Master Plan: A section of this Master Plan focuses specifically on Commercial development and implementation of a neighborhood shopping node in the West Capitol Hill Neighborhood, on 300 West, and states the following:

Commercial:

The lack of neighborhood oriented retail services is a major concern voiced by citizens of the community during the public input process of the development of this master plan.

As identified in the West Capitol Hill Neighborhood Plan (1996), the best location for commercial retail venture to service the residents of the community is 300 West. With commercial and mixed use zoning districts in place, a neighborhood scale commercial nucleus should be developed along the 300 West corridor. Steps should be taken to entice new retail services to this area as well as providing incentives for exiting business to upgrade their properties. In addition, the mixed use zoning districts will provide opportunities for additional commercial or commercial/residential land uses to develop. A primary goal is to encourage community oriented businesses that will provide a high level of visual quality and proper maintenance.

Neighborhood Shopping Node:

The West Capitol Hill Neighborhood Plan encourages neighborhood shops to locate on the east side of 300 West Street between 500-600 North Streets to provide a nucleus of neighborhood oriented commercial uses for the Capitol Hill Community. The neighborhood shopping node should be developed with sensitivity to the historic architecture of the neighborhood. Retail uses built to front the property line are typical. Height of one or two stories is compatible. Uses which are appropriate in the shopping node include a small grocery or drug store, neighborhood oriented retail, restaurants, and services and/or mixed use development with commercial uses on the ground floor and residential uses above or below the ground floor.

The shopping node should be designed in a way to minimize impacts to the existing historic neighborhood to the east including orienting the commercial development to 300 West, limiting delivery and principal accesses to 300 West, prohibiting access, for the commercial uses, from Arctic Court, strongly encouraging the reuse of existing historic structures, and providing adequate buffering between the commercial and residential land uses. The feasibility of creating a mixed use development with residential on the top floor should also be analyzed. The shopping center will hopefully become a catalyst to encourage more neighborhood retail oriented commercial reinvestment.

Policies:

- If an appropriate commercial or mixed use development is proposed for the commercial node at 500 North and 300 West, which requires additional property, the western properties along Arctic Court may be rezoned to commercial shopping.
- Development of the commercial node mixed use area should include the following design features to ensure compatibility with the residential development to the east:
 - Orientation of the commercial development to 300 West
 - Deliveries and principal access to the commercial development from 300 West
 - Prohibiting access for commercial uses from Arctic Court
 - Strongly encouraging the reuse of existing historic structures within the new commercial development
 - Providing adequate buffering of residential properties to the east
 - Prohibiting access to the commercial use within 150 feet of Arctic Court
- Ensure new commercial development along 300 West is sensitive to pedestrian oriented access and is sensitive to the historic character of the neighborhood.
- Encourage community oriented businesses that will provide a high level of visual quality and property maintenance.

Action Items:

- Encourage nonconforming retail commercial uses to relocate to the neighborhood shopping node where appropriate.
- Provide a commercial retail nucleus and/or mixed use area for the Capitol Hill Community on the east side of 300 West between 500 and 600 North.
- Take proactive steps to entice new retail services into appropriate segments of this area.

Salt Lake City Community Housing Plan: The goal of this Plan is to enhance, maintain and sustain a livable community that includes a vibrant downtown integrated with surrounding neighborhoods that offer a wide range of housing choices, mixed uses, and transit oriented design. This Plan focuses on concepts for creating a wide variety of housing types across the City and encouraging mixed use and mixed income housing.

In regards to mixed use development, this plan states that the City Council supports mixed use projects that achieve vibrant, safe, integrated, walkable neighborhoods through a diverse mix of uses.

Final Report of the Salt Lake City Futures Commission: In its Executive summary this report states that “Salt Lake City Neighborhoods are diverse, exciting, safe, well maintained, and supportive of families and young people. Vibrant neighborhoods are fundamental to the health and vitality of the city and citizens, business owners, and local government each have a role to play in creating and sustaining ideal neighborhoods.”

City Vision and Strategic Plan: Three objectives of this plan are outlined below:

- The City will include a wide variety of affordable housing opportunities in attractive, friendly neighborhoods that provide a safe environment for families.
- The City will sustain world class businesses that capitalize on its geographic and labor market competitive advantages and offer a wide variety of career path choices for its residents.
- The City will recognize and protect neighborhood identity through neighborhood involvement in plans and public and private investment.

Finding: The Capital Hill Master Plan specifically addresses the development of a neighborhood shopping node on 300 West, between 500 North and 600 North. In reviewing the goals of the Master Plan and the project that is being proposed for this location, it is evident that the proposed project is consistent with the goals of the Master Plan. The proposed mixed use development will result in an encompassing recognition of the Master Plan goals. Staff finds that the requested conditional use/planned development, (and rezoning) is appropriate for this location and would enhance the goals of the Plans.

- C. Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets.**

Discussion: A Traffic Impact Study was prepared for the proposed development and was reviewed by the Salt Lake City Transportation Division. The Transportation Division recommends approval of the proposed development subject to the applicant providing additional information such as approval by the Utah Department of Transportation for proposed improvements on 300 West Street, parking calculations for bike and ADA parking, setbacks for on-street parking from cross-walks, street lights and power poles, etc., as detailed in the Transportation Division's departmental comment sheet. Additional plan submittals for public way improvements for walkways, landscaping, street lighting, etc., will also be required.

Finding: Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the services level on the adjacent streets. However, additional information must be provided to and approved by the Salt Lake City Transportation Division. Utah Department of Transportation approval will also be required.

- D. The internal circulation system of the proposed development is properly designed.**

Discussion: Access to the retail and mixed use space will be provided from 500 North 600 North and from 300 West Street. Access to the townhouses will be provided from Arctic Court, a private street which currently serves as access for two or three single family dwellings and the Capitol Villa Apartments. The parking lot configuration and detail will be reviewed by the Building Services and Licensing Division as part of the Building Permit process. However, it appears that the parking lots and driveways are a standard configuration with no unusual driveways or parking stalls. The Salt Lake City Transportation Division does not have any concerns with the proposed circulation system.

Finding: The internal circulation system of the proposed development is properly designed; the parking stall layout and driveways must be approved by the Salt Lake City Building Services and Licensing Division.

- E. Existing or proposed utility services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources.**

Discussion: The Public Utilities Department is currently reviewing the proposed development and is working with the project Engineer to address their issues. Water mains will need to be upsized in order to accommodate the proposed development. To determine sewer capacity, the developer will need to identify

sewer demand. Water and sewer utility issues in Arctic Court will need to be resolved.

Storm water detention will be required for the site, storm water plan and calculations must be submitted, including best management practices for storm water quality. A storm water prevention plan will also need to be submitted.

As there are issues that need to be worked through, any planned development approval should be contingent upon addressing the Public Utilities Department issues.

Finding: Public Utilities Department approval will be required as a condition of Planned Development approval.

F. Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts.

Discussion: One of the concerns raised by the Community Council is the height of the proposed buildings. The tallest building on the west side of 300 West Street is the 2-story office/retail building on the north side of the property. Although it will be visible from the homes on Pugsley Street, the building will be set back approximately 35 feet which will help reduce the visual impacts of the building. In addition, trees are proposed to be installed along the entire west property line of Lot 1 which will reduce the visual impacts of the building for these residents. A screening fence and landscaping will be required along the west side of proposed Lot 1.

The most visible buildings will be the proposed mixed use buildings on the east side of 300 West Street. Building A and Building D will be approximately 60'0" tall (see Exhibit B for elevations).

If rezoned to R-MU, the maximum height allowed would be 75 feet as a permitted use or up to 125 feet as a conditional use. The proposed buildings are approximately 15 feet lower than what the zoning district would allow. 300 West Street is an arterial street that has other tall buildings on it such as West High School which is oriented toward 300 West Street. It is appropriate to orient the taller buildings close to this street and away from the lower density residential areas.

There are a variety of uses that surround this property. The largest adjacent buildings are the Capitol Villa Apartments to the east which are 3 stories high. There are single-story commercial businesses to the north and south and there are single-family dwellings west of the property and to the southeast of this site. There is also a church to the south of this site.

With the previous proposal there was concern that the single family dwelling located at 253 West 600 North would be “blocked-in” by the three-story Capitol Villa Apartments to the east of the house and the proposed five story building to the west of this house. Revisions to the project have alleviated these concerns as there will be a landscape buffer, with trees and other vegetation along the project property line, ground level parking, and a two story parking area that will separate the existing single family home from the proposed five-story mixed use building.

The proposed townhouses were originally proposed to be 3-story structures but have been reduced to 2-story buildings which will be more compatible with the other existing buildings to the east. The townhouses will provide a transition from the single-story structures to the east to the taller proposed buildings on 300 West Street. Neighborhood compatibility for all proposed structures on the east side of 300 West Street will also be addressed by the Historic Landmarks Commission.

Building B will be at the center of the block and will be a 1 or 2-story structure which will help to add interest and variety to the streetscape along the 300 West Street corridor. Street trees will be installed along both sides of 300 West Street which will also help buffer the buildings.

As a condition of approval, all outdoor lighting should be directed down and away from adjoining properties.

Finding: The site layout and design are appropriate as the buildings are located close to 300 West Street and landscaping provided which will help to mitigate visual impacts of the proposed development. All outdoor lighting should be directed downward and designed to not adversely affect any adjoining property and additional landscaping should be installed in the 15' wide area abutting the "SR-1" zoning east of proposed Building A. A screening fence and landscaping will also be required along all property lines that abut SR-1 zoning.

G. Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood.

Discussion: The property on the east side of 300 West Street is in the Capitol Hill Historic District meaning that new buildings must be reviewed and approved by the Salt Lake City Historic Landmarks Commission. Given this, approval of the architecture and building materials should be deferred to the Historic Landmarks Commission and conditional use approval conditioned upon approval by that body.

The proposed retail/office buildings west of 300 West Street will be constructed of similar materials and architectural style as proposed for the buildings on the east side of 300 West Street. The buildings will be a combination of brick, stucco and glass as shown on the elevation drawings. As these buildings will be constructed of similar materials to those proposed on the east side of 300 West

Street, the proposed building materials and architecture are appropriate for this site.

Finding: Architectural and building material approval of the buildings on the east side of 300 West Street should be deferred to the Salt Lake City Historic Landmarks Commission. The architecture of the proposed buildings on Lot 1, on the west side of 300 West Street, are appropriate for the site.

H. Landscaping is appropriate for the scale of the development.

Discussion: All yard areas not covered by buildings, parking areas, driveways or plazas will be landscaped. The proposed park strip landscaping includes approximately 48% impervious surfaces and approximately 52% softscape. The zoning ordinance requires that at least 33% of the park strip be planted with vegetation. Preliminary review of the park strip landscaping appears to meet the requirements of the zoning ordinance (see Exhibit E). The placement and selection of trees and other plants in the park strips must be reviewed and approved by the City Forester.

Finding: The proposed landscaping is appropriate for the scale of development provided park strip landscaping be installed as required by the Zoning Ordinance.

I. The proposed development preserves historical architectural and environmental features of the property.

Discussion: The property on the east side of 300 West Street is in the Capitol Hill Historic District. There are two buildings on the southeast corner of the lot that have been approved by the Historic Landmark Commission for demolition.

Finding: The developer has obtained the approvals required for demolition of two buildings located at 515 North Arctic Court and 242 West 500 North. Approval for demolition was granted by the Historic Landmark Commission on May 17, 2006.

J. Operating and delivery hours are compatible with adjacent land uses.

Discussion: The applicant has indicated that delivery hours will be during standard operating hours. The proposed grocery store will be open from 8:00 a.m. to 8:00 p.m., and the restaurants and coffee shop will be open until midnight. These are acceptable hours of operation.

Finding: Deliveries will occur only during standard hours of operation.

K. The proposed conditional use or, in the case of a planned development, the permitted and conditional uses contained therein, are compatible with the neighborhood surrounding the proposed development and will not have a

material net cumulative adverse impact on the neighborhood or the City as a whole.

Discussion: The impacts created by this development are mitigated through the site design, layout and building architecture. The Planning Staff does not foresee that the proposed development will have a material net cumulative adverse impact on the neighborhood or the City as a whole. The proposed development will have a positive impact on revitalizing the area along 300 West Street.

Finding: The proposed conditional use is compatible with the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood or the City as a whole.

L. The proposed development complies with all other applicable codes and ordinances.

Discussion: According to the Salt Lake City Surface-Fault Rupture And Liquefaction Potential Special Study Areas Map, the property is located in a surface fault rupture special study area. A Geotechnical Report has been provided addressing soils and geotechnical issues. The proposed development's compliance with all other applicable codes and ordinances is discussed in the Planned Development Section below. Approval of the request should be subject to meeting all applicable City requirements.

Some of the parking for [Building B on lot 3](#) will be located on the adjoining lot (lot 2) which is considered off-site parking. According to Table 21A.24.190 [Table Of Permitted And Conditional Uses For Residential Districts](#), off-site parking in the Residential Mixed Use "RM-U" Zoning District requires Conditional Use approval by the Planning Commission. Off-site parking standards, Section 21A.44.020L.1. [Off-Site Parking Facilities](#) of the Zoning Ordinance states that the maximum distance between the proposed use and the closest point of the off-site parking facility shall not exceed 500'. The proposed off site parking meets this standard, as it is adjoining. The documentation required by Section 21A.44.020L.2. of the Zoning Ordinance concerning providing for the long term use of the off-site parking must be provided.

Office space is proposed on the 2nd floor of the north building on Lot 1 of the proposed development. Staff does not foresee any concerns with allowing office space at this location.

Finding: The proposed development must meet all applicable City, County, State and Federal codes and ordinances prior to issuance of a building permit. The use approval and 2nd floor office space on lot 1 and off-site parking is appropriate.

Planned Development Review

According to Section 21A.54.150A Purpose Statement of the Zoning Ordinance, a planned development is a distinct category of conditional use. As such, it is intended 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.

Section 21A.54.150C Authority To Modify Regulations of the Zoning Ordinance, states that no such change, alteration, modification or waiver of the standards shall be approved unless the proposed planned development will achieve the purposes for which a planned development may be approved.

In the Residential/Mixed Use "R-MU" zoning district, planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the Planning Commission (Section 21A.24.170C. Planned Development Review of the Zoning Ordinance). The proposed development requires Planned Development because the applicant is requesting that several zoning requirements be modified through the Planned Development process.

In order to approve the proposed planned development, some of the zoning requirements as contained in Section 21A.24.170 - R-MU Residential/Mixed Use of the Zoning Ordinance will need to be modified by the Planning Commission. The zoning standards requiring modification are reflected below: (As the measurements below are approximate, please refer to proposed site development plans for specific dimensions):

Note: The items below that changed from the previous review are in bold.

Proposed Lot 1 - Buildings H, J and K (Phase 4)

Retail and Office Space (Non Residential Use)

	<u>Required</u>	<u>Provided</u>	<u>Requirement Met</u>
Lot Area	No minimum	1.62 acres	Yes
Lot Width	No minimum	521.82 / 131.68 ft.	Yes
Front Yard	None required	6' 4"	Yes
Corner Side Yard	None required	0'	Yes
Interior Side Yard	None required	34'	Yes
Rear Yard	30' or 25% of lot depth	26.43'	Yes
Landscape Setback for Interior Side Yard Parking	30'	6'	No - Waiver Required
Building Height	3 Stories or 45'	1 and 2 Stories	Yes
20% Open Space	20%	22%	Yes
Landscape Buffer	10'	4'	No - Waiver Required
1st floor glass	40%	40% to 44%	Yes
Perimeter	7'	0	No - Waiver Required

Landscaping

Proposed Lot 2 - Building A and some parking for Building B (Phase 2)

Apartments and Retail Space (Multi-family Dwellings and Nonresidential Use)

	<u>Required</u>	<u>Provided</u>	<u>Requirement Met</u>
Lot Area	No minimum	1.04 acres	Yes
Lot Width	50'	234.76 / 201.92 ft.	Yes
Front Yard	None required	0'	Yes
Corner Side Yard	None required	0'	Yes
Interior Side Yard	None required	47'	Yes
Rear Yard	30' or 25% of lot depth	50'	Yes
Landscape	30'	14'	No – Waiver Required
Setback for Interior			
Side Yard Parking			
Building Height			
Residential	75'	60' (4 stories res)	Yes
Non Residential	Three floors	First floor retail	Yes
20% Open Space	20%	24%	Yes
Yard Buffer	10'	6' at dumpster	No - Waiver Required
1st floor glass	40%	66% (300 West) 40% (600 North)	Yes Yes
Perimeter	7'	0'	No - Waiver Required
Landscaping			
Parking Structure	45'	0'	No – Waiver Required
Setback			

Proposed Lot 3 – Building B, (Phase 3)

Grocery and Retail OR Retail and Office Space (Non Residential Use)

	<u>Required</u>	<u>Provided</u>	<u>Requirement Met</u>
Lot Area	No minimum	0.77 acres	Yes
Lot Width	No minimum	180.47 ft.	Yes
Front Yard	None required	0'	Yes
Interior Side Yard	None required	30' / 20'	Yes
Corner Side Yard	NA	NA	NA
Rear Yard	30' or 25% of lot depth	85'	Yes
Landscape	NA	NA	NA
Setback for Interior			
Side Yard Parking			
Building Height	3 Stories or 45'	1 to 2 stories (30')	Yes
20% Open Space	20%	33%	Yes
Yard Buffer	NA	NA	NA
1st floor glass	40%	62%	Yes
Perimeter	7'	0	No – Waiver Required
Landscaping			

Proposed Lot 4 - Building D (Phase 1)

Apartments and Retail Space (Multi-family Dwellings and Nonresidential Use)

	<u>Required</u>	<u>Provided</u>	<u>Requirement Met</u>
Lot Area	No minimum	1.08 acres	Yes
Lot Width	50'	245.01 / 192.54 ft.	Yes
Front Yard	None required	0'	Yes
Interior Side Yard	None required	18'	Yes
Corner Side Yard	None required	0'	Yes
Rear Yard	30' or 25% of lot depth	18'	No – Waiver Required
Landscape	NA	NA	NA
Setback for Interior SideYard Parking			
Building Height			
Residential	75'	60'	Yes
Non Residential	Three floors	First floor retail	Yes
20% Open Space	20%	18%	No - Waiver Required
Yard Buffer	NA	NA	NA
1st floor glass	40%	73% (300 West) 30% (500 North)	Yes No – Waiver Required
Perimeter Landscaping	NA	NA	NA
Parking Structure Setback	45'	0'	No – Waiver Required

Proposed Lot 5 – Townhouses (9 Units) (Phase 1)

Townhouses (Multi-family Dwellings)

	<u>Required</u>	<u>Provided</u>	<u>Requirement Met</u>
Lot Area	No minimum	1.04 acres	Yes
Lot Width	50'	137.38 ft.	Yes
Front Yard	15' maximum	5'	Yes
Interior Side Yard	None required	20' / 20'	Yes
Corner Side Yard	NA	NA	NA
Rear Yard	30' or 25% of lot depth	25'	No - Waiver Required
Landscape	NA	NA	NA
Setback for Interior SideYard Parking			
Building Height			
Residential	75'	22'	Yes
20% Open Space	20%	42%	Yes
Yard Buffer	10'	0'	No - Waiver Required
1st floor glass	40%	23% (500 North) 7% (Arctic Court)	No – Waiver Required No – Waiver Required
Perimeter Landscaping	NA	NA	NA

Parkway Strip Landscaping: The zoning ordinance requires that 33% of the park strip area be planted with vegetation. The developer has provided a park strip landscaping plan along with renderings of the proposal (see Exhibit E). The park strip has been designed so that approximately 48% of the surface is impervious in order to provide walkways from the proposed on-street parking to the retail establishments. The remaining 58% will be softscape and will allow for 33% of the total park strip area to be planted with vegetation.

The applicants are proposing to use a combination of on-site and street parking to provide sufficient parking for the proposed development. In the R-MU Zoning District, on-street parking can be counted toward meeting the required number of parking stalls, however, since 300 West Street is a State Road, the proposed parking on the street must be approved by Utah Department of Transportation (UDOT) which is a lengthy process and it is not known whether or how many on-site spaces will be allowed. The parking calculations for the proposed development are as follows:

Commercial Development

Total Required Parking Stalls - East Side of 300 West Street	= 85 Stalls
Actual Parking Stalls Provided	= 73 Stalls
Deficit	12 Stalls

Total Required Parking Stalls - West Side of 300 West Street	= 87 Stalls
Actual Parking Stalls Provided	= 75 stalls
Deficit	12 Stalls

Residential Development

Building A

Total Required Parking Stalls	= 52 Stalls
Actual Parking Stalls Provided	= 52 Stalls
Deficit	0 Stalls

Building D

Total Required Parking Stalls	= 80 Stalls
Actual Parking Stalls Provided	= 89 Stalls
Surplus	9 Stalls

Town Home Dwellings

Total Required Parking Stalls	= 18 Stalls
Actual Parking Stalls Provided	= 18 Stalls
Deficit	0 Stalls

Total On-Site Deficit Parking Spaces	24 Stalls
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Proposed On-Street Parking Spaces on 300 West	25 Spaces
Proposed On-Street Parking Spaces on 500 and 600 North Streets	32 Spaces
Total Proposed On-Street Parking Spaces	57 Spaces

TOTAL PARKING REQUIRED 322 Spaces
TOTAL PARKING PROVIDED (PENDING UDOT APPROVAL) 364 Spaces

The applicant has indicated that the plans are preliminary and that additional off-street parking may be found as the plans are refined. It is unknown how many on-street parking spaces can be provided. Staff recommends that the Planning Director be given the approval authority for the final number of parking spaces required. The site plans show 17 spaces on the east side of 300 West Street and 12 spaces on the west side of 300 West Street which is a State road. These proposed parking spaces, require UDOT approval.

Note: The total amount of open space on the entire development is **27.8%**; exceeding the 20% requirement.

Discussion: The standards for a Planned Development are listed in Section. 21A.54.150A of the Zoning Ordinance and are listed below. **The bolded objectives apply to this proposal.**

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.**

Items 1, 2, 3, 6, and 8 apply to the proposed planned development. A more desirable environment is achieved as the proposed buildings utilize space that would otherwise be vacant or not maintained. Better use of land is achieved because the new buildings will not require any additional publicly maintained streets or infrastructure. The proposed development makes efficient use of utility services and land resources. The request for Planned Development approval is supported by standards 1, 2, 3, 6, and 8 above.

Finding: The proposed facility will achieve the purposes for which a planned development may be approved.

Section **21A.54.150C Authority To Modify Regulations** of the Zoning Ordinance also states that the Planning Commission must find that the proposed development will not

violate the general purposes, goals and objectives of this Title and of any plans adopted by the Planning Commission or the City Council.

Discussion: According to the submitted site plan, in order for the Planning Commission to approve this development, several waivers from the Salt Lake City Zoning Ordinance will be required as follows:

Waivers Requested Through Planned Development

Proposed Lot 1 - Buildings H, J and K

1. Reduction in the required landscaped setback for the interior side yard setback from 30 feet to approximately 6 feet on the east side of the lots between the buildings.
2. Reduction of the required 10' landscaped buffer from 10 feet to approximately 4 feet along a portion of the west property line.
3. Reduction of the required perimeter landscaping from 7 feet to approximately zero feet along the south property line.

Proposed Lot 2 - Building A and some parking for Building B

1. Reduction in the required landscaped setback for the interior side yard setback from 30 feet to approximately 14 feet on the south side of the lot., between buildings A and B.
2. Modifying the rear yard buffer from 10 feet to the varying dimensions shown on the proposed site plan, including a reduction to approximately six feet at the dumpster location, along the east property line.
3. Reducing the perimeter landscaping requirement around the parking lot to the varying dimensions shown on the proposed site plan.
4. Reducing the required setback for a parking structure in a corner side yard from 45 feet to zero feet along the north property line.

Proposed Lot 3 - Grocery Store and Retail Space OR Retail and Office Space

1. Reducing the perimeter landscaping requirement around the parking lot to the varying dimensions shown on the proposed site plan.
2. Granting approval for either a one story grocery/retail store OR a two story retail/office space.

Proposed Lot 4 - Building D

1. Reducing the required rear yard setback from 30 feet to approximately 18 feet.
2. Reducing the 20% open space requirement to approximately 18%.
3. Reduction in the first floor glass requirement along 500 North from 40% to approximately 30%.
4. Reducing the required setback for a parking structure in a corner side yard from 45 feet to zero feet along the south property line.

Proposed Lot 5 - Townhouses (9 Units)

1. Reducing the required rear yard setback from 30 feet to approximately 25 feet.

2. Reducing the required 10' yard buffer on the east property line to 0'.
3. Reducing the required 40% 1st floor glass requirement to 23% along 500 North and to 7% along Arctic Court.

Finding: Given that the proposed site plans are preliminary and because of the complexity of this request, the modifications listed above reflect the significant Zoning Ordinance modifications or waivers needed to approve this request. Through the final site review process, other modifications to the Zoning Ordinance may be needed. However, it is staff's recommendation that the proposed development be approved as reflected on the submitted site plan drawings. As the Planning Commission has the authority to modify zoning standards through the Planned Development process, the proposed development will not violate the general purposes, goals and objectives of the Zoning Ordinance.

Preliminary Condominium Review for Phase 1 Condominiums and Town homes (Salt Lake City Code, Title 21A.56 Condominium Approval Procedure)

The applicant is requesting preliminary condominium approval for Phase 1 of the development which includes Building D (10,985 square feet of retail space and 49 condominium units) and Building F (9 townhouses). Condominiums can be approved administratively; however, these proposed revisions to the condominiums and townhouses are being forwarded to the Planning Commission simultaneously with the Planned Development revisions to expedite the review process.

Pursuant to Staff's review of the requested condominiums, Staff makes the following findings:

1. All applicable City Departments have consented to the proposed preliminary condominiums as long as final plans comply with applicable City codes.
2. The condominiums will be in the best interest of the City and will conform to the general character of the surrounding neighborhood.
3. All necessary provisions for the construction of any required public improvements and utility easements will be required pursuant to the building permit process and final plat approval.
4. The proposed condominium plat and declaration are substantially compliant with the Utah Condominium Act of 1975. Full compliance with the Act is required for approval of the final plat.

A final condominium plat will be required to be recorded for each condominium phase and approved by the applicable City departments.

Preliminary Subdivision Review (Salt Lake City Code, Title 20, Subdivision Ordinance)

The property consists of 25 parcels of land that will be consolidated into **five** lots through the subdivision review process. One lot consisting of 1.62 acres will be created on the west side of 300 West Street. **Four** lots ranging in size from **0.77** acres to **1.08** acres will be created on the east side of 300 West Street as shown on the accompanying preliminary subdivision plat drawing.

As stated in this report, several zoning and lot frontage modifications are required through the Planned Development Process. Preliminary subdivision approval will also be required. Cross-access easements will need to be provided and a final subdivision plat will need to be recorded. These items can be reviewed and approved administratively.

Section **20.20.070 Administrative Approval** of the Salt Lake City Subdivision Ordinance requires that the Planning Commission make the following findings in approving a preliminary subdivision:

A. The minor subdivision will be in the best interest of the City;

Findings: This issue is addressed in the Conditional Use and Planned Development Sections above and was determined to be in the best interest of the City.

B. All lots comply with all applicable zoning standards;

Discussion: The Planning Commission can modify zoning standards through the Planned Development process.

Findings: All lots will comply with all applicable zoning standards as modified by the Planning Commission through the Planned Development process.

C. All necessary and required dedications are made;

Findings: No additional right-of-way dedications are necessary. Utility easements will be dedicated on the subdivision plat.

D. Provisions for the construction of any required public improvements are included;

Findings: The construction of any required public improvements are administered by the Salt Lake City Engineering Division and Public Utilities Department through the standard development review processes.

E. The subdivision otherwise complies with all applicable laws and regulations.

Findings: The subdivision will be required to comply with all applicable laws and regulations through the City's permitting and approval processes.

RECOMMENDATION:

Based on the above comments, analysis and findings, Staff recommends the following:

A. Conditional Use/ Planned Development approval subject to:

1. Granting the following waivers to the Zoning Ordinance with the direction to Staff to modify other provisions of the zoning ordinance if necessary to implement the development plans as approved by the Planning Commission:

Proposed Lot 1 - Buildings H, J and K

1. Reduction in the required landscaped setback for the interior side yard setback from 30 feet to approximately 6 feet on the east side of the lots between the buildings.
2. Reduction of the required 10' landscaped buffer from 10 feet to approximately 4 feet along a portion of the west property line.
3. Reduction of the required perimeter landscaping from 7 feet to approximately zero feet along the south property line.

Proposed Lot 2 - Building A and some parking for Building B

1. Reduction in the required landscaped setback for the interior side yard setback from 30 feet to approximately 14 feet on the south side of the lot., between buildings A and B.
2. Modifying the rear yard buffer from 10 feet to the varying dimensions shown on the proposed site plan, including a reduction to approximately six feet at the dumpster location, along the east property line.
3. Reducing the perimeter landscaping requirement around the parking lot to the varying dimensions shown on the proposed site plan.
4. Reducing the required setback for a parking structure in a corner side yard from 45 feet to zero feet along the north property line.

Proposed Lot 3 - Grocery Store and Retail Space OR Retail and Office Space

1. Reducing the perimeter landscaping requirement around the parking lot to the varying dimensions shown on the proposed site plan.
2. Granting approval for either a one story grocery/retail store OR a two story retail/office space.

Proposed Lot 4 - Building D

1. Reducing the required rear yard setback from 30 feet to approximately 18 feet.
2. Reducing the 20% open space requirement to approximately 18%.

3. Reduction in the first floor glass requirement along 500 North from 40% to approximately 30%.
4. Reducing the required setback for a parking structure in a corner side yard from 45 feet to zero feet along the south property line.

Proposed Lot 5 - Townhouses (9 Units)

1. Reducing the required rear yard setback from 30 feet to approximately 25 feet.
 2. Reducing the required 10' yard buffer on the east property line to 0'.
 3. Reducing the required 40% 1st floor glass requirement to 23% along 500 North and to 7% along Arctic Court.
2. Conditional use approval of the proposed off-site parking.
 3. Deferral of the architectural review of buildings on the east side of 300 West Street to the Salt Lake City Historic Landmarks Commission.
 4. All outdoor lighting should be directed downward and designed to not adversely affect any adjoining property.
 5. The proposed development must meet all applicable City, County, State and Federal requirements.
 6. Any encroachments into the public way will need to be approved by the Salt Lake City Property Management Division.
 7. Providing landscaping screening and/or a fence along the west side of proposed lot 1 to buffer the SR-1 zoned property to the west, as approved by the Planning Director.
 8. Approval of the tree selection and planting plans in the public way by the City Urban Forester.
 9. Planning Director approval of the final landscaping plans and number of parking spaces.
 10. Approval of the proposed rezoning and master plan amendment (Petition 400-05-40) by the City Council.

B. Preliminary Condominium approval of Building D on lot 2 and the townhouses on lot 5 subject to:

1. Recordation of the necessary condominium plats and supporting documentation.
2. Meeting all applicable City departmental and State Code requirements specific to condominium approval.

Sarah Carroll
Principal Planner

Exhibits:

- A. Letter from Howa Capital, dated June 2, 2006
- B. Revised Site Plans and Elevations
- C. Preliminary Subdivision Plan
- D. Preliminary Condominium Plans
- E. Park Strip Landscape Plan and Renderings
- F. Department Comments on Revisions
- G. Previously Approved Site Plan