

DATE: November 29, 2006
TO: Salt Lake City Planning Commission
FROM: Lex Traughber - Principal Planner
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Email: lex.traughber@slcgov.com
RE: STAFF REPORT FOR THE NOVEMBER 29, 2006 MEETING

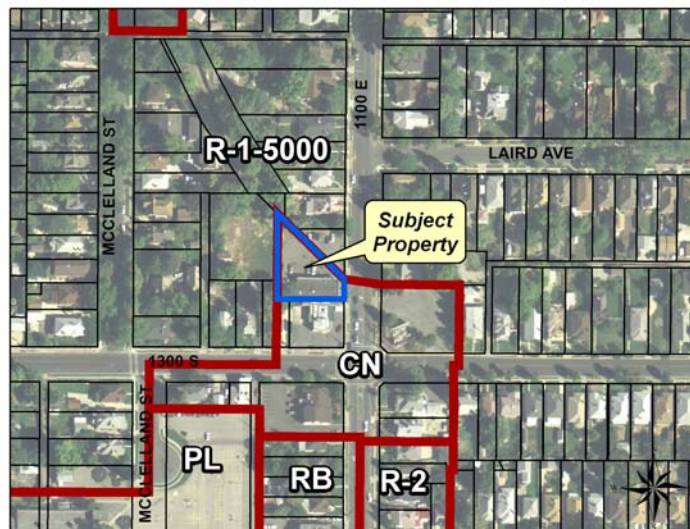
CASE NUMBER: 410-06-36

REQUESTED ACTION: **Proposal for a mixed-use development consisting of a commercial retail space and six residential units. The subject parcel is zoned CN (Neighborhood Commercial District). The proposed use is permitted in this Zone, however the applicant is requesting modifications to the required landscape buffer and building height which both require consideration and a final decision by the Planning Commission through the Planned Development process.**

APPLICANT: Mike Polich

STATUS OF APPLICANT: Developer

PROJECT LOCATION: 1234 South 1100 East



PROJECT/PROPERTY SIZE: The property is approximately .28 acres.

COUNCIL DISTRICT: District 5, Councilmember Jill Remington Love

SURROUNDING ZONING:

North –	R-1/5,000 (Single Family Residential)
South –	CN (Neighborhood Commercial)
East –	CN (Neighborhood Commercial) & R-1/5,000 (Single Family Residential)
West –	R-1/5,000 (Single Family Residential)

SURROUNDING LAND USE:

North –	Residential
South –	Commercial
East –	Commercial & Residential
West –	Residential

FUTURE LAND USE:

North –	Low Density Residential
South –	Low Density Residential/ Mixed Use
East –	Low Density Residential & Low Density Residential/ Mixed Use
West –	Low Density Residential

PROPOSED USE(S): Mixed-use consisting of retail/commercial and residential.

APPLICABLE LAND USE REGULATIONS: The proposed planned development is subject to the Salt Lake City Code Sections 21.54.080 - Conditional Use and 21.54.150 - Planned Development.

MASTER PLAN SPECIFICATIONS: The property is located in the area subject to the Central Community Master Plan. In addition, the Salt Lake City Housing Plan and the Salt Lake City Open Space Plan are applicable.

SUBJECT PROPERTY HISTORY: The former East Side Market occupies the subject property.

ACCESS: The subject property has access from 1100 East.

PROJECT DESCRIPTION:

This is a proposal for a mixed-use development consisting of a commercial retail space of approximately 1,257 square feet and six residential units, three town homes and three loft style apartments. The proposed mixed-use development is a land use that is allowed in the CN (Neighborhood Commercial District) Zone. Please refer to Exhibit 3 for a site plan and building elevations.

The applicant proposes an open space area for the adjacent parcel to the north that is zoned R-1/5,000 (Single Family Residential). Open space is a land use that is allowed in this residential Zone. While the applicant is showing this open space on the proposed site plan, the conversion of this parcel to landscaped open space is not technically a matter for Planning Commission consideration. The subject parcel is owned by Salt Lake City and the applicant will be entering into a lease agreement for use and maintenance of the property. The physical development of the mixed-use structure on the CN zoned property does not depend on the development of the R-1/5,000 zoned property as open space. The open space proposal is simply an amenity that is associated with the proposed mixed-use development.

The Planning Commission is considering this proposal because the Zoning Ordinance provides a provision for an applicant to seek a relaxation of development standards through the Planned Development process. The Planning Commission has the latitude to relax development standards if the request results in a better project design or if there is a public benefit. In this particular instance, the applicant is asking the Planning Commission to evaluate the possibility for two development standard to be relaxed. The applicant is requesting a modification to the landscape buffer that is required when a commercially zoned property abuts a residentially zoned property, as well as a modification to the maximum building height allowed in the CN Zone.

The applicant's first request is for the elimination of the required landscape buffer on the northern property line of the project site that abuts the adjacent property zoned R-1/5,000 (see Exhibit 3 - Site Plan). Section 21A.48.080(C)(3) addresses "Landscape Buffers" and states, "*Lots in the CN, CB, CC or CSHBD districts which abut a lot in a residential district shall provide a seven foot (7') landscape buffer.*" The applicant proposes to build right up to this property line on the portion of the project site that is zoned CN. The applicant's rationale for this request is that the property that is zoned R-1/5,000 will be developed as landscaped open space with Public Utilities consent (see comments from Public Utilities dated November 1, 2006 – Exhibit 1), and therefore will provide a buffer for the residential uses to the north of the project site. The required seven foot landscape buffer in this instance would be redundant.

Secondly, the applicant is requesting a modification to the maximum building height allowed in the CN Zone, which is twenty-five feet (25') or two and a half stories whichever is less. The applicant is requesting a maximum building height of twenty-nine feet (29') over that portion of the proposed building that will be used for commercial/retail purposes. The increased building height will accommodate a ten foot ceiling in the commercial/retail space and three, two level residential units with eight foot ceilings. It is important to note that the additional building height will not increase the density of the development, yet is only to accommodate a design feature (loft and rooftop patio garden) that the applicant believes will be more marketable. To offset potential impact of the increased height, the applicant is showing that the upper level will be stepped back from the front building façade approximately ten feet (see Exhibit 3-Building Elevations). This proposed design element will help to reduce the perception of building height and mass as viewed from 1100 East.

One final project feature that merits discussion is the development of the open space area. Not only will this open space provide a buffer between the commercial and adjacent residential uses to the north, it will also provide a "destination" and "connection" for the Canal/McClelland Corridor. This open space feature is addressed by several policies outlined in the Salt Lake City Open Space Plan. This area, as mentioned previously, is not required of the developer as part of the mixed-used development proposal.

DEPARTMENT/DIVISION AND COMMUNITY COUNCIL COMMENTS:

The applicant met with the Design Review Team on three separate occasions. The latest meeting took place on October 19, 2006. The applicant presented the current iteration of the site plan and building elevations at this meeting, answering questions and soliciting comments from the various members of the DRT. The comments received from pertinent City Departments/Divisions are attached to this staff report for review (Exhibit 2). The following is a summary of the comments/concerns received:

A. Engineering

Engineering noted that the applicant must conduct a pre-inventory of the existing sidewalk, curb, and gutter. Public Way Permits will need to be obtained prior to the elimination or installation of any new driveway approaches.

B. Public Utilities

Has no objections to the request, provided that all design and construction conform to State, County, City and Public Utility standards and ordinances.

The Jordan and Salt Lake City Canal property (zoned R-1/5,000), as owned by Salt Lake City Public Utilities, is being proposed as landscape area for this project. Public Utilities is not opposed to this with the following stipulations. No permanent structures are allowed within this property. A portion of the property has been proposed to be exchange with the developer for a portion of private property that appears to currently encompass the Olympic Placard and trail. This process can be accomplished under the approved public process. The property is

not a public park and the proposed uses will need to be maintained under a lease agreement with the developer. Public Utilities will not have any maintenance or replacement responsibility for the proposed uses, now or in the future. This use will also need to be approved under the consent item for the property use.

Planning Staff note: The “exchange” of property as noted in these comments, as well as a lease agreement for the use of the property are matters to be addressed in the future and have no bearing on the proposed mixed-use development.

C. Building Permits and Zoning

In order to ensure compliance with Title 21A, the following zoning revisions will be required unless modifications to the regulations are granted through the conditional use / planned development process.

1. This proposal abuts an R-1/5,000 zone and requires a seven feet landscape buffer along the northeast property line.
2. This proposal is substandard due to parking. Parking calculations are required to show compliance with the minimum parking standards. Exceptions for on-street parking or shared parking may be approved as per 21A.44.

Planning Staff note: This issue has been addressed. The applicant proposes shared parking. The parking calculations are discussed in detail later in this staff report.

3. This proposal exceeds the maximum height requirement in the CN zone of 25 feet or two and a half stories, whichever is less.

Additional issues to be resolved during development review stage may include, but are not limited to:

1. A cross-easement agreement for vehicular and pedestrian access.
2. Façade controls—1st floor glass, architectural detailing, equipment screening, etc., as required in the CN Zone.
3. If parking lot lighting is proposed, lighting poles may not exceed 16 feet and the globe must be shielded to minimize light encroachment onto neighboring properties. A light proof fence is also required adjacent to residential properties.
4. Final plat approval if condominiums are being proposed.

D. Transportation

The Transportation Division noted that 1100 East is a collector class roadway from 900 South to 1700 South with two lanes of travel and on street parking. Due to intersection configuration for turn lanes some parking is restricted. In this

location the current parking restrictions can be modified along with the existing driveway location to allow three or four on street parking stalls fronting this site.

E. Fire

The Fire Department has no objections to the project in regard to the Conditional Use request. Fire department access issues, fire sprinklers, location of fire hydrants and other code related issues need to be addressed prior to building permit submittal.

F. Police

The Police Department noted that the proposal presents no remarkable concerns that could affect police calls for service.

G. Property Management

Property Management was contacted on two separate occasions, however they provided no comment in regard to the project.

PUBLIC COMMENTS:

The project site is technically located in the East Liberty Park Community Council District, however they are also located within six hundred feet of the East Central Community Council District. Planning Staff held an Open House on October 30, 2006, to allow the developer the opportunity to present the project to interested members of the public, as well as to answer questions about the proposal. All property owners within four hundred and fifty feet of the subject property, as well as the chairperson of the East Central Community Council (the East Liberty Park Community Council has no mailing address) were sent notification of the Open House via U.S. Mail. In addition, all Community Council chairpersons, and all those on the Planning Division's listserv were sent notification of this Open House by email. Approximately fifteen people attended the meeting, the "Sign-in Sheet" is attached for review (Exhibit 2 – Public Comments). In general, those in attendance were seeking information regarding the proposal and were supportive of the project. Planning Staff received several phone calls and emails regarding the proposal prior to the Open House. A log of these contacts are attached to this report for review as well.

On November 15, 2006, the applicant met with the East Central Community Council. The applicant indicated that those in attendance were generally supportive of the project.

ANALYSIS AND FINDINGS:

Chapter 21.54.080 - Standards for Conditional Uses

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

Discussion: Planning Staff notes that mixed use developments are a permitted use in the CN Zone. The conditional use criteria are addressed in this instance because the applicant has requested planned development consideration. A planned development is a type of conditional use. The applicant has requested a planned development such that the Planning Commission can consider the relaxation of specific development standards as previously discussed.

Finding: The Planning Commission has the decision making authority regarding Planned Development proposals. The Planning Commission evaluates these proposals using discretion in the application of specific project design criteria, keeping in mind the objectives established for planned developments.

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: The following City Council policy regarding “Mixed Uses” is outlined in the Salt Lake City Housing Plan (p.19) and is particularly relevant to the proposed development:

The City Council supports mixed use and mixed income concepts and projects that achieve vibrant, safe, integrated, walkable neighborhoods through a diverse mix of uses and incomes in areas with established services that:

- Include neighborhood interaction in the design process;*
- Incorporate affordable housing whenever possible;*
- Incorporate an assortment of residential, commercial, and professional office uses; and*
- Include a variety of housing types, mixed-income levels, live/work developments, etc.*

This policy is followed by an implementation strategy that reads, “Provide options that encourage creative development of mixed use commercial support services, transit oriented developments, and live/work developments such as owner occupied first floor shops/offices with second floor apartments and/or condominiums.”

The Central Community Master Plan (2005) identifies the subject property as “Low Density Residential/Mixed Use (5-10 dwelling units per acre). The Plan states that, “*The purpose of the Low-Density Residential Mixed Use is to create viable neighborhoods with lower density and low traffic-generating commercial land uses by providing the ability to mix small neighborhood retail and service land uses with residential dwellings. The intent is to maintain populations at compatible low-density levels and help support neighborhood business uses. Low-density mixed use allows a mix of low-density residential dwellings and small commercial land uses in structures that maintain a residential character. It*

also allows the integration of residential and small business uses at ground floor levels throughout designated areas in the Central Community.”

The Central Community Master Plan (2005) also contains policies that support the proposed development. In terms of residential land use, the Plan provides policies for new residential construction and reads, *“Use the planned development process to encourage design flexibility for residential housing while maintaining compatibility with the neighborhood. Encourage high performance, energy-efficient residential development.”* P. 36 & 37

The following policies relating to mixed use development also appear on page 37 of the Plan:

“Encourage mixed use development that provides residents with a commercial and institutional component while maintaining the residential character of the neighborhood. Support small mixed use development on the corners of major streets that does not have significant adverse impacts on residential neighborhoods.”

The Salt Lake City Open Space Plan (1992) provides direction for new open space and trail development in the community. The Plan addresses specific corridors for open space and trail development and this inventory includes the Canal/McClelland Corridor. The parcel adjacent to the project site that is zoned R-1/5,000 is part of this Corridor, and the Jordan Canal runs below this parcel.

Policies noted in the Salt Lake City Open Space Plan support the use of the R-1/5,000 parcel for open space and potential corridor connections. These policies include:

- *Connect the neighborhoods and mitigate barriers by developing a pedestrian/bicycle urban trail system which transcends these barriers.*
- *Develop more neighborhood and regional linear parks as part of an urban park network which provides connection linkages to the mountain and lake basin land forms.*

Further, the Central Community Master Plan (2005) specifically supports the goals of the Salt Lake City Open Space Plan (1992) by encouraging the development of the open space and trail corridors as identified in the Open Space Plan.

Findings: The development as proposed is generally in harmony with the intent of the Salt Lake City Code. Further, as discussed, the proposed development is compatible with and implements specific goals and objectives of the Salt Lake City Housing Plan, the Central Community Master Plan, and the Salt Lake City Open Space Plan.

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: The development is to be located on 1100 East which is a City collector street. Historic use of the subject property has been commercial in nature and could be redeveloped in a pure commercial manner if the property owner chooses to do so. The proposed mixed-use complex may have less of an impact on this street than a purely commercial enterprise at this location in terms of generated traffic.

The Transportation Division did not identify any issues that would indicate that the streets are not suitable or adequate to carry anticipated traffic as a result of the proposed development.

Findings: The streets are adequate to carry the demand created by the proposal. Public way standards will need to be addressed at the time of site plan review.

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

Discussion: The Transportation Division did not identify any issues that would jeopardize the proposal in terms of the design of the internal circulation system.

The minimum off-street parking requirement for a mixed-use development of this nature has been calculated using the “Shared Parking” concept. Through the use of shared parking, the total number of off-street parking spaces that is required is eleven. The proposed site plan shows eleven off-street spaces. In addition, as noted by the City Transportation Division in the comments above, there is the possibility for on-street parking at this location.

Findings: The internal circulation system is adequate for vehicles, and the minimum required off-street parking spaces has been provided. Pedestrian circulation to the proposed new building is adequate.

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: Salt Lake City Public Utilities indicated that they have no objections to the proposal provided that all design and construction conform to State, County, City, and Public Utility standards and ordinances. No specific issues were raised by Public Utilities that would indicate difficulties or impossibilities for the developer as far as providing utility services to this development.

Finding: The site is located in an existing developed area. The utility services for the proposed development shall conform to the City’s construction standards and policies.

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

Discussion: The adjacent land uses are commercial and residential. The proposed redevelopment of the site is compatible and consistent with the surrounding commercial properties and development. Any lighting must conform to City standards to prevent light trespass.

Findings: Light and noise are unlikely to create a negative impact to the adjacent properties as the surrounding land uses are commercial and residential. Visually, the new development will be an attractive addition to the area.

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

Discussion: The applicant has indicated that the exterior of the building will consist of brick and a stucco or similar siding. The upper level of the building is shown to be “stepped”, which will help to soften the height and mass of the building. The building elevations show that three of the units will have a rooftop garden feature which will also enhance the appearance. Many of the surrounding buildings are constructed of brick, making the proposed building consistent with the development in the adjacent neighborhood.

As noted previously, the request for additional building height is to accommodate a residential unit design that is more marketable. The additional four feet (4’) requested will not allow any increase in residential density. The applicant could do three residential units even if the additional height is not granted. Should the Planning Commission decide that the additional height is warranted, the specific height approved should be noted in the motion and approval.

Finding: Architecture and building materials as indicated on the submitted elevations appear to be compatible with the adjacent neighborhood.

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

Discussion: Chapter 21A.48 of the Zoning Ordinance addresses landscaping requirements. The applicant has submitted a rudimentary landscape plan, which lacks sufficient detail to make the determination as to whether the landscaping is appropriate for the development or not. The applicant is requesting relief from the landscape buffer requirement between a commercially zoned property and a

residentially zoned property, due to the fact that they propose to landscape and maintain the adjacent R-1/5,000 zoned property to the north as open space.

Findings: At the time of application for a building permit, the applicant shall be required to meet the landscape standards as noted in Chapter 21A.48 of the Zoning Ordinance, with the exception of the required seven foot landscape buffer should the Planning Commission deem this request appropriate. Staff recommends that final approval of the landscape plans be delegated to the Planning Director.

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

Discussion: There is presently no adopted regulation in place to preserve the existing East Side Market building located on this property. This building is not in a local historic district nor is it a landmark site. From an environmental perspective, the proposed structure will not be built on that portion of the property that is located above the Jordan Canal.

Finding: There are no historical or architectural resources on the site that are protected by preservation regulations. The proposed structure is designed and will be built to ensure environmental protection of the underground canal.

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

Discussion: The proposed development will be compatible with existing residential development as the majority of the new mixed use development is residential. The commercial component of the proposed development will be adjacent to existing commercial (Liberty Heights Fresh Market) and will be approximately fifty feet from the existing residential use on the property located to the north.

Finding: The adjacent land uses are both commercial and residential, therefore the operating and delivery hours will be compatible with adjacent land uses.

K. 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.

Discussion: The proposed use is compatible with the surrounding neighborhood. In terms of height, the adjacent Liberty Heights Fresh Market building is approximately eighteen feet (18'). Residential structures with a pitched roof can be built to twenty-eight feet (28') in the adjacent R-1/5,000 Zone. Planning Staff notes that the house to the north and adjacent to the proposed open space approaches this height limit. In terms of land use, the immediate surrounding area

is comprised of commercial and residential uses just as those proposed by the applicant.

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: Planning Staff is unaware of other codes and ordinances not previously addressed.

Finding: The proposed development will be required to comply with all applicable codes and ordinances prior to the issuance of a building permit.

21A.54.150 Planned Development Review Standards

The proposal meets the applicable objectives of the Planned Development Purpose Statement which include:

- 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.**
- 8. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.**

Discussion: The applicant has applied for a planned development to request relief from the required landscape buffer and to request additional building height. Both of these requests are supported by criteria noted above. Specifically, the applicant is requesting four additional feet in building height to create a more desirable environment than would be possible through strict application of City land use regulations. This additional four feet will allow a loft and rooftop garden feature on the three residential units as previously

discussed. The applicant is also proposing to “step back” the top level of the building which is an aesthetic amenity that will help to mitigate the impacts of building height and mass. While not part of the Planning Commission’s purview, the open space on the adjacent R-1/5,000 property to the north of the project site will create a pedestrian connection for the McClelland Corridor, as well as enhance the area with vegetation to create a pleasing environment.

Finding: The project meets the purpose and objectives of a planned development by creating a more desirable environment than would be possible through strict application of City land use regulations. The project promotes a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities. The project includes elements that will enhance desirable site characteristics, specifically vegetation, and the use of design, landscape, and architectural features to create a pleasing environment.

Other Planned Development Standards

- 1. Minimum area: A planned development proposed for any parcel or tract of land under single ownership or control shall have a minimum net lot area for each zoning district.**

Finding: There is no minimum lot area for a planned development in the CN Zone.

- 2. Density Limitations: Residential planned developments shall not exceed the density limitation of the zoning district where the planned development is proposed.**

Finding: There is no specific residential density limitation in the CN zone.

- 3. Consideration of a Reduced Width Public Street Dedication: A residential planned development application may include a request to dedicate the street to Salt Lake City for perpetual use by the public.**

Finding: This proposal does not include a request for a reduced width public street dedication. The subject planned development will take access off of 1100 East; a dedicated City street.

- 4. Perimeter Setback: The perimeter side and rear yard building setback shall be the greater of the required setbacks of the lot or adjoining lot unless modified by the planning commission.**

Findings: The side and rear yard setbacks as outlined for the CN zone are met for this development as demonstrated on the site plan.

5. **Topographic Change: The planning commission may increase or decrease the side or rear yard setback where there is a topographic change between lots.**

Finding: The applicant is proposing to meet the side and rear yard setbacks as required by the Zoning Ordinance for the CN zone.

RECOMMENDATION:

Planning Staff recommends that the Planning Commission approve the planned development based on the comments, analysis, and findings of fact as noted in this staff report subject to the following conditions:

1. The applicant shall satisfy and adhere to all the requirements as noted by the various City Departments/Divisions in this staff report.
2. Prior to the issuance of a building permit, final approval of the landscape plan shall be delegated to the Planning Director.
3. Consistent with the submitted building elevations attached to this report, the maximum height allowed for the portion of the building located above the proposed retail/commercial space shall be twenty-nine feet (29').
4. There shall be no landscape buffer on the perimeter boundary of the project site that abuts the adjacent R-1/5,000 zoned property to the north.

Attachments

- Exhibit 1 – Department/Division Comments
- Exhibit 2 – Public Comments
- Exhibit 3 – Site Plan & Building Elevations