

PLANNING COMMISSION STAFF REPORT

Petition No. 410-07-13 Conditional Use Amendment, Redman Residences, to Construct a Parking Structure for a Mixed Use Planned Development Located at 1240 East 2100 South.

Public Hearing Date: December 12, 2007



Planning and Zoning Division
Department of Community
Development

Applicant: Kevin Packer, Project Manager, Pacific Park Investments

Staff: Michael Maloy, 535-7118, michael.maloy@slcgov.com

Tax ID: 16-20-229-003

Current Zone: CSHBD-1 Sugar House Business District

Master Plan Designation: Business District Mixed Use – Town Center Scale (Sugar House Community Master Plan, adopted December 13, 2005)

Council District: 7, Søren Simonson

Acreage: 0.37 of an acre

Current Use: Vacant commercial building (formerly occupied by *Redman Movies & Stories*)

Applicable Land Use

Regulations:

- 21A.54 Conditional Uses
- 21A.26.060 CSHBD Sugar House Business District

Attachments:

- Proposed Development Amendment
- Preliminary Landscape Plan
- Community Council Meeting Minutes
- PRATT Coalition Letter
- Department Comments

REQUEST: Kevin Packer, Project Manager - Pacific Park Investment LC, has requested approval of a conditional use amendment to construct a two-level parking structure for a mixed use planned development project located at 1240 East 2100 South (see Attachment A – Proposed Development Amendment). The subject property contains 0.37 of an acre and is zoned CSHBD-1 Sugar House Business District.

PUBLIC NOTICE: Staff has complied with the following Public Notice requirements as contained within Section 21A.10.020 (Public Hearing Notice Requirements) of the Salt Lake City Code:

- Conditional Uses:** The Planning Commission shall hold at least one public hearing to review, consider and approve, approve with conditions or deny an application for a conditional use after the following public notification:
 - Mailing:** Notice by first class mail shall be provided a minimum of fourteen (14) calendar days in advance of the public hearing, to all owners of the land, as shown on the latest published property tax records of the county assessor, included in the application for a conditional use, as well as to all owners of land, as shown on the latest published property tax records of the county assessor, within three hundred feet (300') (exclusive of intervening streets), of the periphery of the land subject to the application for a conditional use. Notice shall be given to each individual property owner if an affected property is held in condominium ownership.
 - Posting:** The land subject to an application shall be posted by the city with a sign giving notice of the public hearing at least ten (10) calendar days in advance of the public hearing.

STAFF RECOMMENDATION: Planning staff recommends the Planning Commission grant approval of the proposed conditional use amendment based on the enclosed findings and subject to the following recommended conditions of approval:

- Approval is subject to compliance with all department comments (see Attachment E – Department Comments).
- Condition number one from the original Planning Commission Findings and Order Letter dated October 20, 2003 for petition # 410-643 is rendered null and void.
- Applicant shall reclaim displaced landscaping from previous development plan approval to the satisfaction of the Planning Division.
- Parking structure shall be sufficiently illuminated to ensure public safety, however lighting must be properly shielded to control light pollution.

OPTIONS: If the Planning Commission determines that the enclosed petition does not meet the requisite standards of approval, then the Commission may chose one of the following courses of action:

- Table the petition for future consideration pending further research, modification, and review; or
- Deny the petition based on additional findings gathered from the public hearing.

VICINITY MAP



COMMENTS

Public Comments: Prior to publication, staff had not received any comment from the general public that was either for or against the proposed conditional use amendment.

Community Council Comments: The Sugarhouse Community Council heard a presentation from the applicant regarding the development proposal on August 1, 2007. The primary concern discussed by the Community Council was the impact of the proposed parking structure on the design of a planned public trail connection from 2100 South along the east side of the subject property to the Hidden Hollow Nature Park, which is located approximately at 2160 South 1255 East. The planned secondary trail connection was a required feature of the previous site plan approved by the City. After discussing the matter, the Community Council voted 12-2 to recommend approval of the project (see Attachment C – Community Council Meeting Minutes). Following the meeting, the applicant continued to discuss the proposal with interested members from the Community Council as well as members of the Parley’s Rails Trails and Tunnels (PRATT) Coalition. Specifically, the applicant discussed alternative design solutions for the proposed trail connection (see Attachment D – PRATT Coalition Letter).

City Department Comments: On October 11, 2007 staff sent to all applicable City departments a request for comment on the attached conditional use amendment petition. All departmental responses have been included within the report as Attachment E – Department Comments. All responding departments have recommended preliminary approval subject to compliance with the attached comments.

STAFF ANALYSIS AND FINDINGS

Project History: Construction of the subject property was initiated in 1946 by the Redman Van & Storage Company. It was reported on December 15, 1946 in the Salt Lake Tribune that construction cost for the five story warehouse building was estimated at \$160,000.00 and would be completed “*about March 1, 1947.*” It was also reported that the structure was “*built of reinforced concrete with flat slab construction...and is nearly fireproof as possible. The building’s 80 foot frontage is of hard marble and also includes copious use of glass. Including the basement, the structure has more than 34,000 square feet of space.*”

Historically, the subject property has been used as a commercial warehouse building, however on September 24, 2003 the Salt Lake City Planning Commission voted to approve a conditional use petition (# 410-643) for a mixed use planned development located at 1240 East 2100 South with the following conditions of approval:

1. *The Developer must enter into a long-term lease agreement for the use of the off-site parking area to meet required parking. The lease term shall be as long as the approved use exists, and there must be a stipulation that states that, if the lease is to be terminated for any reason, that the Redman property owners be allowed eighteen (18) months to two (2) years time for the construction or installation of an on-site parking area of their own, to eliminate any lapse in time of required parking.*
2. *That the Planning Commission allows the Petitioner to reinstall the replicated “REDMAN” signs as a rooftop fixture, currently not allowed in the C-SHBD zoning district.*
3. *That an attractive and appropriate trailhead access sign be installed on 2100 South Street near the public alley to demarcate pedestrian access to Hidden Hollow Park. Final sign designation shall be denoted on the final site drawings and sign approval shall be granted to the Planning Director.*
4. *Allowance for the Petitioner to proceed with future Condominium approval through the Administrative Hearing process and final approval is delegated to the Planning Director or his/her designee.*
5. *The Applicant will assist the City in determining the existence of any easements conducive to extending the trailhead to Hidden Hollow Park, and will attempt to make improvements of this easement or assumed trail alignment area.*
6. *The Petitioner must make current, all past due payments to Salt Lake City, for the installation of special improvements along the frontage of the Redman property.*
7. *The Declaration of Covenants for the future Homeowners Association shall declare and accept perpetual maintenance of the all pedestrian walkway paths leading from 2100 South to Hidden Hollow Park.*
8. *The Petitioner shall investigate the usage of low wattage bulbs for parking area lighting needs as indicated in the staff report.*

9. *The Petitioner shall address and adhere to all departmental comments and Salt Lake City Corporation Ordinance standards.*
10. *Final plat and landscape plan approval authority be granted to the Planning Director.*

The following year, the Planning Commission voted on September 8, 2004 to grant a “one year extension of time” for the planned development conditional use approval. Subsequently, a building permit (# 199865) for construction of the planned development was issued by the Salt Lake City Building Services Division on January 24, 2005, which permit is currently recognized by the City as being “active” and under the control of the applicant, Pacific Park Investments.

During a regularly scheduled public meeting held on December 8, 2004, Doug Wheelwright, Deputy Planning Director, requested direction from the Planning Commission regarding the processing of potential minor development amendments (i.e. number of dwelling units, minor site plan modifications, etc.) being considered by the former applicant, Mr. Vic Ayers, Redman Investment Partnership. The Planning Commission unanimously voted that the “Redman condominium project remain within the purview of the Planning Staff and Planning Director.”

On September 14, 2005 the Planning Commission reviewed a proposed development amendment to provide three double car garages located behind the existing structure. According to staff notes, the Planning Commission authorized staff to approve the proposed amendment, however the discussion apparently occurred during the agenda item “Unfinished Business” and unfortunately little record exists of the discussion or the decision.

Pacific Park Investments acquired the subject property and development entitlements on December 18, 2006. On May 10, 2007, the applicant submitted to the Planning Division a petition to amend the conditional use permit (# 410-643) to construct a two-level parking structure on the site. However, it was determined by staff that the proposed parking structure constituted a major amendment to the approved development plans that would need Planning Commission approval.

The proposed parking structure is located behind the existing building and contains 40 parking stalls. The minimum number of parking stalls required by Chapter 21A.44 (entitled Off Street Parking and Loading) of the Salt Lake City Code for the mixed use condominium is 38. The height of the structure varies when measured against the property slope, but does not exceed 14'-6" at the highest point above grade (southwest corner of site). A vehicle ingress ramp for the upper parking structure is within an existing public alley that extends from 2100 South and adjacent to the east side of the building. Ingress and egress for the lower parking structure is from a ramp adjacent to the west property line. Egress from the upper parking structure to 2100 South is via a ramp adjacent to the west building façade.

For reference, staff has provided the following list of land uses surrounding the subject property:

- North: Commercial / Retail (Sherwin-Williams Paint store)
- South: Commercial / Service (surface level parking lot for Homestead Studio Suites Hotel)
- East: Commercial / Retail (Chevron gas station)
- West: Commercial / Service (surface level parking lot for Homestead Studio Suites Hotel)

Master Plan Discussion: The Sugarhouse Community Future Land Use Map, which was adopted by the City Council on December 13, 2005, categorizes the subject property as Business District Mixed Use – Town Center Scale. The Sugarhouse Community Master Plan defines Business District Mixed Use – Town Center Scale as:

The Town Center orients around the Sugar House Monument Plaza and creates a strong urban center to the district with businesses oriented directly to the street. Uses include retail, commercial, and office uses with a broad mix of small and large tenants. Office development offers a business-like atmosphere with a variety of office configurations, as well as convenient amenities and comfortable outdoor gathering spaces shaped by building placement. The Town Center scale focuses around a transit/pedestrian oriented commercial/retail with a strong street presence; wide sidewalks, street furnishings, lighting and landscaping or a delineated and developed open space system of the same character. The street level businesses are commercial and retail in nature, while the upper levels can be either residential or office depending on compatibility of the adjacent uses. Town Center Scale Mixed Use occurs primarily in the core area of the Business District surrounded by the Neighborhood Scale Mixed Use (Sugarhouse Community Master Plan, page 5).

Whereas the proposed parking structure is inherently a permitted accessory use that is necessary for the development and operation of the mixed use planned development previously permitted by the Commission (as per Findings and Order Letter for Case No. 410-643), staff has determined that the proposed land use is consistent with the Sugarhouse Community Master Plan.

Standards: As authorized by paragraph 21.54.150.I.2.b (Planning Commission Action) of the Salt Lake City Zoning Title, a conditional use amendment for a planned development may be approved by the Planning Commission if the following standards are met:

21.54.080 Standards for Conditional Uses:

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

Discussion: Chapter 21A.54 authorizes the Planning Commission to consider petitions for a planned development as a conditional use within the CSHBD-1 zoning district. Furthermore, 21.A.54.150.I.2.S prescribes procedures for considering modifications to previously approved development plans. The proposed use is defined by City Code as a “parking lot” which is inherently recognized as a permitted accessory use as regulated by Chapter 21A.44 Off Street Parking and Loading.

Finding: The proposed land use is recognized as an amendment to a conditional use that may be permitted by the Planning Commission within the zoning district.

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 Planning Commission has previously determined that the approved use (i.e. mixed use planned 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 as per Findings and Order Letter for Petition No. 410-643. Whereas the proposed parking structure is allowed as an accessory use to the prior land use approval, staff recommends support for the proposed development subject to compliance with all applicable zoning regulations and building codes. For reference, staff has provided the following table of yard and bulk regulations for the CSHD-1 District:

| Lot Area Regulations | Minimum Lot Width | Maximum Building Size | Maximum District Size | Maximum Building Height | Minimum Front Or Corner Side Yard | Minimum Interior Side Yard | Minimum Rear Yard | Required Landscape Yard | Landscape Buffer Yards |
|----------------------|-------------------|--|-----------------------|--|-----------------------------------|----------------------------|-------------------|-------------------------|---|
| No minimum | None | Less than 20,000 sf is a permitted use; greater than 20,000 sf is subject to the conditional building and site design review process | None | 30' to 105' or 30' to 60' depending on site location within the CSHBD zone | No minimum required | No minimum | None | None | None when abutting commercial See subsection 21A.26.060E5 of this chapter |

Finding: The proposed development amendment 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.

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 Division of Transportation has reviewed the amendment request and has recommended approval subject to compliance with conditions as outlined within Attachment E – Department Comments.

Finding: Access to the proposed development from 2100 South, which is classified as a City Arterial Street, is suitable and adequate to carry the anticipated traffic and will not materially affect or degrade the service level on adjacent streets.

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

Discussion: The proposed plan amendment has been reviewed by both the Transportation Division and Engineering Division for vehicular and pedestrian circulation, and has been recommended for approval subject to compliance with conditions as outlined within Attachment E – Department Comments.

Finding: The internal circulation system of the proposed development is properly designed subject to compliance with conditions as outlined within Attachment E – Department Comments.

- 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 subject property has historically been provided municipal utility services. Salt Lake City Public Utilities has no objection to the proposed conditional use amendment at this location; however some comments relative to design requirements for the proposed use have been included within this staff report and have been recommended as conditions of approval.

Finding: Existing or proposed utilities 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.

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

Discussion: The proposed amendment is consistent with surrounding commercial land uses and development density. Therefore staff does not anticipate any unusual or adverse impacts caused by light, noise, or visual obstructions.

Finding: The proposed amendment will provide sufficient buffering to protect adjacent land uses from light, noise and visual impacts that are appropriate for the commercial district and surrounding land use.

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

Discussion: The modified art deco architectural design and exterior building materials for the mixed use development was determined on September 24, 2003 by the Salt Lake City Planning Commission to be compatible with the adjacent neighborhood. The exterior building materials for the primary building are exterior finish insulation system (EIFS), exposed concrete, and metal trim. The building elevations for the proposed parking structure indicate that the primary exterior material will be exposed concrete with a smooth architectural finish, which is compatible with prior Planning Commission approval for the subject property.

Finding: The architecture and building materials as shown are consistent with the mixed use planned development and compatible with the adjacent neighborhood.

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

Discussion: The preliminary landscape plan indicates landscaping that is reasonably consistent with an urban development pattern; however the amount of landscaping appears to have been reduced by the proposed amendment. Staff recommends that the applicant continues to work with staff to ensure the overall amount and placement of landscaping meets the intent of the original conditional use approval (see Attachment B – Preliminary Landscape Plan).

Finding: Although proposed landscaping is appropriate for the scale of the development, the amended site plan appears to indicate a reduction in total landscaped area from previous plan approval. Staff recommends that displaced landscaping should be reallocated within the amended site plan into additional planters placed on the upper deck of the parking structure, patios, plazas, and window boxes.

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

Discussion: Although the subject property is a commonly recognized landmark within the Sugarhouse community, the property is not within a Salt Lake City historic district nor listed as a Salt Lake City landmark property.¹

Finding: The proposed development has no effect on historical architectural or environmental features of the property.

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

Discussion: The proposed amendment has no impact on the operating and delivery hours of the previously permitted mixed use development. However, it is reasonable to assume that the proposed parking structure will be continuously accessible to residents within the mixed use development. With regard to commercial use of the parking structure, City Code does not restrict operating and delivery hours at this location; however conditions that restrict operating and delivery hours are within the purview of the Planning Commission (City Code 21A.54.090 Conditions on Conditional Use). Although no one from the public has identified this issue as a concern, the applicant has indicated to staff that they are considering limiting the hours of operation for commercial tenants within the mixed use development.

Finding: Operating and delivery hours are compatible with the commercial nature of adjacent land uses.

- 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 proposed parking structure is allowed as an accessory use within the zoning district subject to compliance with Chapter 21A.44 Off Street Parking and Loading. The surrounding land uses are commercial in nature with provisions for on-site vehicle parking.

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

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

Discussion: The proposed development must comply with all applicable City codes and ordinances. All departmental comments stated within this report must also be complied with along with any additional requirements that may be necessary through the permitting process. All pertinent City codes must be addressed in order to obtain a building permit.

Finding: Subject to compliance with the findings and conditions outlined within the staff report, the proposed development complies with all other applicable codes and ordinances.

¹ Due to the extent of the building remodel, the property was removed from the National Register of Historical Properties in 2007.

Attachment A – Proposed Development Amendment

Attachment B – Preliminary Landscape Plan

Attachment C – Community Council Meeting Minutes

