

**DATE:** February 7, 2007  
**TO:** Salt Lake City Planning Commission  
**FROM:** Doug Dansie, Senior Planner  
**RE:** **STAFF REPORT FOR THE FEBRUARY 14, 2007 MEETING**

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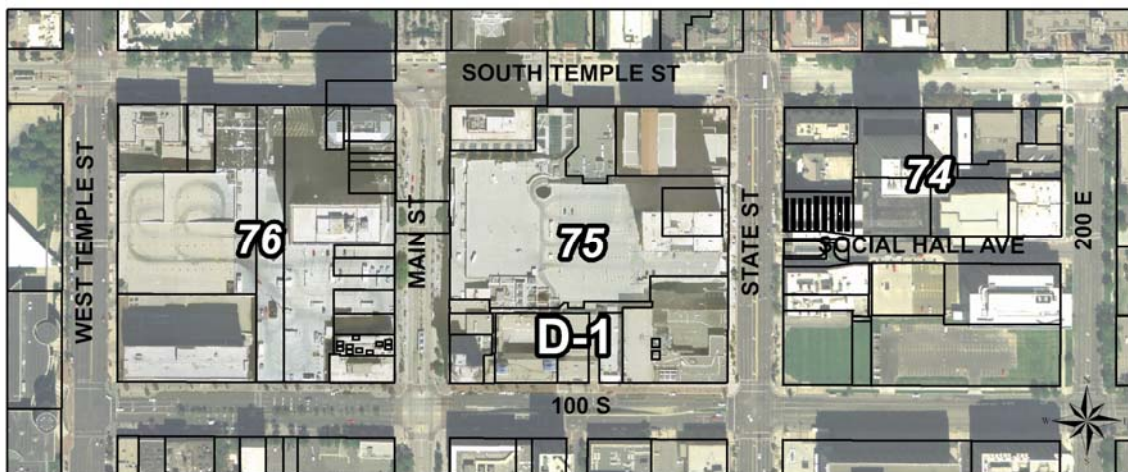
**CASE#:** 410-06-38

**APPLICANT:** Property Reserve, Inc.

**REQUESTED ACTION:** Conditional Use approval to allow a modification of the mid-block height regulation in the D-1 Central Business District for four buildings as part of the City Creek Center development. This Petition includes a request for Conditional Use approval to waive the maximum front yard setback requirement for portions of the structure generally located at, but not limited to, mid-block between Main and State Streets on South Temple Street

**STATUS OF APPLICANT:** Property Owner

**PROJECT LOCATION:** The buildings are generally located mid-block between West Temple and Main Streets on South Temple Street, mid-block between State and Main Streets on South Temple Street, and mid-block between West Temple and Main Streets on 100 South Street.



<b>PROJECT/PROPERTY SIZE:</b>	Overall project 20+ acres
<b>COUNCIL DISTRICT:</b>	District 4, Councilmember Nancy Saxton
<b>PROPOSED USE(S):</b>	Mixed use buildings with emphasis on housing. Two buildings are proposed at 125 feet, one building at 185 feet and one building at 415 feet.
<b>APPLICABLE LAND USE REGULATIONS:</b>	Chapter 21A.54: Conditional Uses Section 21A.30.020.F D-1 District Special Controls Over Mid Block Areas Section 21A.30.020.D Maximum building setbacks.
<b>SURROUNDING ZONING DISTRICTS:</b>	<b>North</b> – D-1 Central Business District <b>South</b> – D-1 Central Business District <b>East</b> – D-1 Central Business District <b>West</b> – D-1 Central Business District
<b>SURROUNDING LAND USES:</b>	<b>North</b> – Office, Religious (Church Office Building and Temple Square) <b>East</b> – Office <b>South</b> – Parking, Office <b>West</b> – Salt Palace /Abravanel Hall

**MASTER PLAN SPECIFICATIONS:**

The following master plans are relevant to the review of the petition being reviewed in this staff report and are discussed on pages 5-7:

- The Downtown Master Plan (1995)
- The Urban Design Element (1990)

**SUBJECT PROPERTY HISTORY:**

The four proposed building locations are presently occupied by retail malls. The proposed 100 South tower (415 feet) will replace the existing Key Bank Tower (in scale, not use), which is presently located mid-block along Main Street. The four buildings are part of the larger City Creek Center, which the Planning Commission has been reviewing since October 2006.

**ACCESS:**

The property has vehicle access via West Temple, South Temple, Main Street, State Street and 100 South Street. Parking will be internal to the new City Creek Center.

**PROJECT DESCRIPTION:**

The petitioner plans to demolish the existing Crossroads and ZCMI Center malls and construct a new mixed-use complex with below grade parking levels. As part of this development, four mixed-use/residential towers are proposed at mid-block locations (there are others proposed at corner locations which do not need conditional use approval for height). Please refer to attached site plan and elevations for locations and visual images. Along the South Temple frontage, between West Temple and Main Streets, two residential mixed-use buildings are proposed which will be approximately one hundred twenty-five feet tall (this is consistent with the existing Temple View Center located at 57 West South Temple, which will remain). Along the South Temple frontage, between Main and State Streets, one residential mixed-use building is proposed which will be approximately one hundred eighty-five feet tall. This building is also proposed to be set back from the property line by approximately thirty (30) feet. Along the 100 South Street frontage, between West Temple and Main Streets, one residential mixed-use building is proposed which will be approximately four hundred and fifteen feet tall. This building will replace the Key Bank Tower presently located at approximately 50 South Main Street, which is proposed for demolition and presently located mid-block along Main Street.

The new mixed-use buildings will be integrated with the proposed City Creek Center, which will be served by underground parking.

The street level façades will be required to be designed to meet the D-1 urban design standards by providing a minimum of forty percent glass and providing space for retail, office or restaurant use along the front façade on the ground level.

**COMMENTS:**

This project was reviewed at a Development Review Team (DRT) meeting on February 6, 2007. The following comments were submitted by City Departments/Divisions:

**City Departments and Divisions:**

**A. Public Utilities Department (Brad Stewart)**

The Public Utilities Department found no conflicts with the request for additional building height. The Public Utilities Department is working with the petitioner to resolve capacity issues for the larger project (water delivery and sanitary sewer).

**B. Engineering Division (Scott Weiler)**

Public way permits will be required. No concerns were raised regarding the request for additional building height.

- C. Building Services and Licensing Division - Permits (Ken Brown)**  
All buildings will be required to meet the D-1 urban design standards, including forty percent (40%) glass and first floor retail and or service establishment uses at the ground level. This is part of the DMSC Downtown Main Street Core Overlay District (21A.34.110) which emphasizes fashion retail development.
- D. Transportation Division (Barry Walsh)**  
The Transportation Division raised no concern regarding the request for additional building height. They see no impact to the public transportation right of way corridors per the proposed building height issue. The proposed uses must with the City Master Plan and City codes for total square footage of the building.
- E. Fire Department (Wayne Leydsman/Ted Itchon)**  
The Fire Department has no objection to the project provided that the size of water mains and other services are adequately addressed as part of the larger project.

#### **Community Councils:**

An Open House was held on February 6, 2007. Two members of the public and two media representatives were in attendance. They attended to discover details of the project.

#### **ANALYSIS AND FINDINGS:**

In reviewing this proposed development, the Planning Commission must make findings with respect to the following conditional use standards.

#### **21.54.080 Standards for Conditional Uses**

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

**Discussion:** Section 21A.30.020.F.3 allows for the Planning Commission to grant a modification of the one hundred foot (100') maximum building height regulation for buildings at mid-block locations through the conditional use process subject to the requirements of Section 21A.54 of the Zoning Ordinance. Section 21A.30.020.D.2.a allows for the Planning Commission to grant a modification of the five foot (5') maximum building set-back regulation for buildings through the conditional use process subject to the requirements of Section 21A.54 of the Zoning Ordinance.

**Finding:** The proposed land uses are allowed as a permitted use. The standards of the D-1 District allow for additional building height and modification of the maximum building setback through the conditional use process.

**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 Downtown Master Plan and the Urban Design Element are the primary planning documents guiding new development in the Central Business District.

The **Downtown Plan**, adopted in 1995, has a stated purpose of articulating the vision of Downtown by formulating public policies, identifying needed public facilities and involving the necessary public commitment to achieve the vision, goals and objectives. The Downtown Master Plan includes the following goals that are relevant to the development of the proposed residential/mixed-use structures being constructed in conjunction with the City Creek Center:

*Plan to develop a critical mass of political commitment, implementation strategies, public capital investment, private investment and people to establish Downtown as the growth center of the region (page 6).*

*Establish Downtown as a well-planned, desirable and diverse activity center serving the needs of a sizable 24-hour population (page 8).*

*Preserve and reuse our existing physical environment while providing for orderly transition of certain land uses and creating a new expectation of uncompromising quality for future Downtown developments (page 10).*

The **Urban Design Element** was adopted in 1990, with the stated purpose of articulating the City's urban design policies. Relevant policy concepts identified in the Urban Design Element include:

*Maintain the City's Central Business District as the visually dominate center of the City form (page 8).*

*Emphasize the important role of all development in establishing the City's urban form (page 11).*

*Preserve prominent view corridors and city vistas. Prominent land forms, buildings, and monuments should remain clearly visible as city landmarks. Special attention should be given to the design of buildings adjacent to prominent view corridors (page 22).*

*Maintain a pedestrian-oriented environment at the ground floor of all buildings (page 49).*

*Reinforce desired land use patterns by providing links among individual developments and the surrounding areas and improving pedestrian circulation (page 87).*

The zoning code was written with the intent to generally encourage taller building on the corners of major intersections consistent with the historical building pattern; however it was also acknowledged that this pattern is not rigid and numerous exceptions exist and will continue to do so. The primary concern for height exceptions has been the visual impact on the skyline. It is desired that taller buildings serve to create a skyline with variety and interest as opposed to mere “boxes”.

The proposed structures on South Temple between West Temple and Main Streets are consistent in height with the presently developed Temple View Center. These buildings are noted as towers 6 and 7 on the attached site plan. Their proposed size is consistent with other buildings on the block. The two buildings are centered upon the visual corridor from Temple Square and create a dramatic entryway into the proposed City Creek Center. The proposed building heights are 125 feet. It is also proposed that the building set-back more than five (5) feet from the property line for a portion of the façade.

The proposed structure on South Temple between Main and State Streets is visually in line with the garden on the LDS Church Plaza. It serves as a visual terminus for the plaza. The building is proposed to be set back from the property line approximately 30 feet. The building is proposed to be much shorter than its two adjacent neighbors, but is in scale with the street façade. It should also be noted that the tower portion of the building to the east, Eagle Gate Plaza, is not located on the corner. This building is noted as tower 4 on the attached site plan. The proposed building height is 185 feet.

The proposed structure on 100 South between West Temple and Main Streets is taller than any other building on the block. This building is noted as tower 2 on the attached site plan. The City Code was originally written to allow height to be moved off of the corner in order to preserve historical or other significant buildings. The other buildings on the block include the Crandall Building (10 West 100 South), which is listed on the Salt Lake City Register of Historic Places, and the Marriott Hotel (75 South West Temple), neither of which are owned by Property Reserve Inc. (PRI does have some ownership in the McIntyre Building which faces Main Street and is a companion building to the Crandall Building). PRI is also proposing to remove the existing Key Bank Tower, which is located mid-block along Main Street. The new tower is proposed to be 415 feet in height. Of the four proposed buildings that exceed mid-block height limits, this building is the only one to have a significant impact on the skyline. Because of its “spire” architecture, it will be more visually interesting than a traditional “box”.

The adjacent land owner (Crandall Building) has expressed concern regarding the shadow, alley and parking access; see attached comments.

**Finding:** The proposed structures are intended for use by residential tenants and customers visiting the City Creek Center. The construction of these structures is integral to the redevelopment of Blocks 74, 75, and 76 and is in harmony with the general purposes of the Zoning Ordinance and the relative 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 Transportation Division has reviewed this proposal and has not indicated any concern regarding the access or the ability of the street to accommodate the proposed use.

**Finding:** The streets are suitable and adequate to serve the new parking structure.

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

**Discussion:** The proposed structures have been designed to connect with the larger City Creek Center to allow internal circulation through all structures.

The Transportation Division has reviewed preliminary plans and has not expressed any concern regarding the design of the circulation system. The final design plans will be reviewed by the Transportation Division to ensure that all of the City's design requirements for parking are met.

**Finding:** The internal circulation system of the proposed structures appears to be properly designed and must meet City standards.

**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 Utility Department is reviewing the adequacy of the existing utility system in this area comprehensively as part of the overall development of City Creek Center. The Public Utility Department has not raised any concerns about the proposed request for additional building height.

**Finding:** The site is located in an existing developed area. Final designs must be reviewed by the Public Utility Department and meet all City Standards.

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

**Discussion:** The proposed structures are located in the D-1 District. The proposed use is a permitted use. The height is a conditional use.

The City's Master Plan calls for creating an urban environment that is active and pedestrian friendly, a goal that sometimes must be balanced with a desire for sunlight and open space. The buildings along South Temple are generally consistent in height with existing development. The proposed tower on 100 South is significantly taller than surrounding building, but its shadow will not be any more impactful on public spaces than the shadow of the existing Key Bank, a tower which is being removed. The shade will primarily fall upon the City Creek Center site.

The Zoning Ordinance requires any lighting to be shielded to prevent direct rays of light from shining onto adjoining properties (21A.44.020.4 Lighting). Noise standards are enforced through the Salt Lake County Health Department.

**Finding:** The proposed structures have been designed to limit light and noise impacts on adjoining properties. The new structures must meet Zoning Ordinance requirement to limit impacts from ambient light. Salt Lake County Health Department noise standards must be met.

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

**Discussion:** A wide variety of architectural styles and materials exist in the Downtown area. The proposed structures will be constructed of a variety of materials consistent with the larger City Creek Center.

**Finding:** The proposed architecture and building materials are compatible with the adjacent neighborhood.

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

**Discussion:** No landscaping is required on this site. The public right-of-way improvements must meet City standards. Street trees currently exist on this street.

The petitioner is proposing to set the building located mid-block on South Temple between Main and State Streets back approximately 30 feet. Staff has expressed a desire to insure that this "plaza" spaces is well designed and activated. It is located on the north side of the building and will be shaded much of the year. There is retail on the ground level; however the final details of the layout of the retail will determine how active the plaza space is.



**Finding:** No landscaping is required on-site. Public way improvements must meet City standards.

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

**Discussion:** Although the Crandall Building is not owned by the petitioner, its preservation precludes significant height on the northwest corner of 100 South and Main. The location of the proposed tower at mid-block allows for increased density without removing a historic building. The Deseret Building on the northeast corner of 100 South and Main will remain for the near future. The McIntyre Building (immediately north of the Crandall Building on Main Street) is also a historic building. It is partially owned by the petitioner and is proposed to remain.

The owner of the Crandall Building has expressed concern regarding the shadow, alley and parking access; see attached comments. The Crandall Building has no dedicated parking and relies on parking from other sources to maintain its financial viability.

**Finding:** No designated historical, architectural, or environmental resources are being removed for the construction of the proposed structure. The larger project attempts to balance historical and environmentally significant elements on the site.

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

**Discussion:** The proposed structures are part of a mixed-use project that has a variety of operating hours. City Creek Center will have a broad coordinated parking program. All major loading and service is located underground.

**Finding:** The adjacent land uses are commercial, office, and residential. The operating and delivery hours are compatible with adjacent land uses located within the Central Business District.

**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 buildings located along South Temple are in scale with adjacent structures and are designed to maximize view corridors and enhance pedestrian pathways. The additional residential population will help insure ongoing activity on the site. The building located on 100 South is taller than other buildings along the 100 South frontage, but not inconsistent with other buildings located mid-block on the same block (Key Bank Tower – to be removed) or on the adjacent block (Beneficial Life Tower). The corner locations on 100 South are presently

occupied by historical or other buildings that are not likely to be removed in the near future. Therefore in order to increase density on the site, additional height is necessary. The building will be prominent on the skyline but it will not be abnormally tall in relationship to surrounding buildings.

**Finding:** The proposed structures are compatible with the neighborhood surrounding the site 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:** The proposed structures must meet all applicable City Code requirements.

**Finding:** The proposed structures will comply with all other applicable codes and ordinances.

**RECOMMENDATION:**

Based on the Findings of Fact with the conditions listed below, Staff recommends that the Planning Commission approve this Conditional Use request to allow the proposed residential structures to exceed the one hundred foot (100') maximum building height for mid-block areas in the D-1 District to allow construction of the residential structures as presented, subject to:

1. Substantial conformance with the plan reviewed by the Planning Commission; and
2. Compliance with all applicable City Code requirements and Department and Division Comments.

Also, based on the findings of fact, Staff recommends allowance of an increased setback of approximately 30 feet for the building located mid-block between Main and State Streets on South Temple and also minor setbacks for the buildings located mid-block on South Temple between West Temple and Main Streets, subject to final review by the Planning Director to insure the space is activated.

**Attachments:**

- Exhibit A: Site Plan and Elevations
- Exhibit B: Comments from other divisions
- Exhibit C: Comments from the community
- Exhibit D: Site plan and elevations

**EXHIBIT A**  
**SITE PLAN AND ELEVATIONS**

**EXHIBIT B**  
**COMMENTS FROM OTHER DIVISIONS**

February 5, 2007

Doug Dansie, Planning

Re: petition 410-06-38, City Creek Center Mid-block Building Height.

The Division of transportation review comments and recommendations are as follows:

We see no impact to the public transportation right of way corridors per the proposed building height issue. The type of use and traffic generator along with the parking provision is to comply with the City Master Plan and City codes for total square footage of the building.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.  
Scott Weiler, P.E.  
Peggy Garcia, Public Utilities  
Wayne Leydsman, Fire  
Larry Butcher, Permits  
File

Property Management has reviewed the petition and find no reason to deny it. However as a side note, is it possible there will be building encroachments that need to be addressed via a lease agreement? I don't want this to fall through the cracks, in light of the fact of what we are going to be facing with City Creek.

John

Doug,

Thank you for the notice regarding Petition 410-06-38 City Creek Center mid-block height. This address is not in an established Salt Lake City airport influence zone. The project does not create any observed impacts to airport operations.

David Miller  
Aviation Planner  
AMF Box 22084  
Salt Lake City

Doug,

Engineering has no objection to the proposed petition.

Scott

**EXHIBIT C**  
**COMMENTS FROM THE COMMUNITY**

Doug,

Thank you for taking time out of your busy day to discuss the above captioned project. I appreciate the additional information with regard to the height regulations as stated in the Zoning standards. As we discussed, my interest is related to the City Creek Center's impact on the Crandall Building, located on the corner of First South and Main Streets. While I understand that seeking adjacent property owner input might be too unwieldy, I am disappointed that there was apparently little effort to seek input from adjacent property owners. In addition to our discussion, I have also shared my concerns with Mark Gibbons of PRI. Mark was kind enough to send me the Shadow Study. I have also shared some of my concerns with Bill Knowles the City's Ombudsman with regard to the Downtown projects.

There are several long term impacts and for brevity purposes I have summarized below my comments.

1. The Crandall and McIntyre have agreed to maintain a light corridor between the two Buildings. The light corridor will be impacted by the proposed residential tower (Tower 2).
2. Tower 2 seems to be incongruent with the City's Development Height Policy Concept of seeking compatible visual form. A 415 foot building seems incongruent in visual form and development character with the Crandall Building on the east and the Marriott Hotel on the West.
3. Parking. Both the McIntyre and Crandall Buildings currently have direct access (walkway from Buildings to parking) to Crossroad's Parking for Building tenants. The direct parking access will be demolished leaving both Buildings without adjacent tenant parking. While I understand that the historic nature of the Buildings exempt the Buildings from the City requirement to have parking, the lack of direct parking hinders office leasing.

In conclusion, I believe the reinvestment by PRI in Downtown is both applaudable and important for downtown revitalization. However, there are many historic structures which are also important to the CBD both in visual form and relationship to the new projects. It is my hope that the Planning Commission be aware of the associated impacts to adjacent properties and take a holistic approach in considering the petitions.

Sincerely,

John Crandall

**EXHIBIT D**  
**SITE PLAN AND ELEVATIONS**



## MEMORANDUM

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From: Doug Dansie, Planning

To: Wayne Leydsman, Fire Department  
Peggy Garcia, Public Utilities  
Barry Walsh, Transportation  
Scott Weiler, Engineering  
Lynn Curt, Engineering  
John Spencer, Property Management  
Captain Kyle Jones, Police Department  
Larry Butcher, Permits

**Re: Petition 410-06-38; for a Conditional Use approval to exceed the height regulations of 100 feet for mid-block buildings in the D-1 Central Business District.**

Date: February 5, 2007

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All:

The Planning Commission is currently reviewing **Petition 410-06-38**—A request by Property Reserve, Inc. as part of the City Creek Center development, for a Conditional Use approval to exceed the height regulations of 100 feet for mid-block buildings in the D-1 Central Business District. The buildings are generally located mid-block between West Temple and Main Streets on South Temple Street, mid-block between State and Main Streets on South Temple Street, and mid-block between West Temple and Main Streets on 100 South Street. This Petition includes a request for Conditional Use approval to waive the maximum front yard setback requirement for portions of the structure generally located at, but not limited to, mid-block between Main and State Streets on South Temple Street

Would you please review the accompanying information (attached email files) and submit your departmental comments to me **as soon as possible** (it is on the Planning Commission agenda for February 14 and I was inadvertently belated in routing the project). Your response by e-mail would be greatly appreciated: [doug.dansie@ci.sl.c.ut.us](mailto:doug.dansie@ci.sl.c.ut.us)

Thank You.

## Cabinet email

- Tim Harpst- Transportation Division Director
- LeRoy Hooton Public Utilities Director
- Rick Graham- Public Services Director
- Chuck Querry- Fire Chief
- Chris Burbank- Police Chief
- Nancy Boskoff- Arts Council Director
- Russ Pack - Airport Director
- LuAnn Clark- HAND Director
- Lyn Cresswell - Deputy Mayor (Management Services Department Director)
- Louis Zunguze - Community Development Director
- Alison McFarlane- Economic Development Director
- Valda Tarbet- RDA Director
- Ed Rutan- City Attorney

## Language for the e-mail to Cabinet members.

The Planning Division is currently reviewing **Petition 410-06-38**—A request by Property Reserve, Inc. as part of the City Creek Center development, for a Conditional Use approval to exceed the height regulations of 100 feet for mid-block buildings in the D-1 Central Business District. The buildings are generally located mid-block between West Temple and Main Streets on South Temple Street, mid-block between State and Main Streets on South Temple Street, and mid-block between West Temple and Main Streets on 100 South Street. This Petition includes a request for Conditional Use approval to waive the maximum front yard setback requirement for portions of the structure generally located at, but not limited to, mid-block between Main and State Streets on South Temple Street

This e-mail has been sent to appropriate city staff who have been asked to review the technical details of the project and respond in writing with any comments they have. If you would like to review details of the proposed project, the information is also attached as a PDF file.

If you have any questions, please contact me at 535-6182.

**CITY CREEK CENTER  
OPEN HOUSE  
ROOM 126**

# City Creek Center

**Open House**  
**February 6, 2007**

**MAIL COMMENTS TO:**  
**DOUG DANSIE, PRINCIPLE PLANNER**  
**451 S. STATE STREET, ROOM 406**  
**SALT LAKE CITY, UT 84111**  
**OR SEND E-MAIL TO: [doug.dansie@slgov.com](mailto:doug.dansie@slgov.com)**

*Name:*

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*Address:*

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**COMMENTS:**

**SALT LAKE CITY PLANNING COMMISSION**  
**City Creek Center Open House**  
**Meeting Roll February 6, 2007**

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