

Communication to Planning Commission

Community & Economic Development
Office of the Director

To: Planning Commission Members

From: Cheri Coffey, AICP

Date: December 3, 2008

CC: file

Re: PLNBOA2008-00830; Clarification of Condition of Approval for 4th South Retail Center Planned Development 410-175 at 615 East 400 South

On May 18, 1995, the Planning Commission approved a request by 4th South Entertainment Partnership, represented by Thomas E. Williamsen, for a commercial planned development at approximately 615 East 400 South. This shopping center includes Hollywood Video and a few other commercial uses on the western portion of the shopping center located between 600 East and 700 East at approximately 350 South with frontage along 400 South. As part of the approval, the Planning Commission required that all department concerns, especially those noted from Traffic, Engineering and the Development Review Team, be successfully addressed.

The Development Review Team specifically noted that the applicant was to obtain cross access easements with owners of the property at 613 East 400 South (corner pad site) in order to use the access cut shown on 400 South. The property is currently owned by Wilson Robbins who has leased it for a Jimmy John's restaurant.

This year, the 4th South Entertainment Partnership group cancelled the cross access easement with the property at 613 East 400 South and has installed curb stops blocking the access from the corner pad site property to the larger shopping center property.

There is a question of why there is a condition for the cross access easement.

- Was it due to Mr. Williamson suggesting that they may want to use that access with the development, or
- Was it due to a requirement by the Transportation Division to ensure adequate circulation for the commercial planned development?

The Planning Staff is requesting that the Planning Commission review the attached documents from 1995 as well as the E-Mail Correspondence from Transportation dated November 25, 2008 to determine whether that condition should be retained.

If the Planning Commission determines that the access is required for adequate circulation within the shopping center, the owner of the shopping center will be required to either remove the barriers or demonstrate to the Planning Commission, at a future public hearing, that the circulation is adequate without the access.

If the Planning Commission determines that the access is not required for adequate circulation and the condition was included to insure that if the access was used there was a legal agreement between the two property owners to do so, then the Planning Commission should require the owner of the shopping center to meet current requirements which would include a permanent seven foot landscape barrier between the two properties (Section 21A.48.070C). The Planning Commission can delegate the design approval of such barrier to the Planning Director for final approval

Thank you.

**Attachment 1
E-mail Correspondence
Transportation Division
November 25, 2008**

Coffey, Cheri

From: Walsh, Barry
Sent: Tuesday, November 25, 2008 4:43 PM
To: Coffey, Cheri
Cc: Young, Kevin
Subject: PLNBOA2008-00830
Categories: Program/Policy

November 25, 2008

Cheri Coffey, Planning

Re: PLNBOA2008-00830; Clarification of Condition of Approval for 4th Street Market Planned development – Approval 410-175 at 613 East 400 South.

The Division of Transportation's review comments and recommendations are as follows:

The requirement for a cross easement for the plans submitted for the 1995 development at 613 East 400 South were due to circulation issues. The plans showed no vehicular barrier at the property line abutting the 605 East 400 South Snelgrove parcel. When a site plan is submitted to the Design Review Team and it shows circulation crossing from one property to another property, the standard review comment is that "a cross easement is required". The city does not have jurisdiction to demand or approve circulation to or from an abutting property without that property's written approval for that function. The written approval is the cross easement agreement.

In the 1995 case, based on the plans submitted, if the applicant could not acquire the easement, the plans would have been required to be revised to show a barrier between the properties, with a standard 7' landscape buffer, when parking is closer than 20 feet to a property line. An access connecting to 400 South across the Snelgrove parcel was not needed for the development to be granted approval, that is why it was only necessary to get a cross access agreement if there was no barrier placed between the properties.

Each site is reviewed as a stand alone site development, independent of abutting properties. It either has to stand alone, or if access is needed across another property, then a cross easement is mandatory. This site has public way access directly to 600 East. At the time of approval, we required that the existing 600 East roadway median be modified to align with the proposed new driveway, along with an upgrade to the 400 South 600 East intersection. All that work was done.

Again, back in 1995, If the applicant had chosen not to acquire the cross easement and had included the property line buffer, the plan would have been approved with the 600 East access revisions.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
File

12/1/2008

Attachment 2
Planning Commission Staff Report
May 8, 1995

**SALT LAKE CITY PLANNING COMMISSION STAFF REPORT
CONDITIONAL USE COMMERCIAL PLANNED DEVELOPMENT
IN A "C-S" ZONING DISTRICT
CASE 410-175**

Case 410-175 Thomas Williamsen is requesting a conditional use permit for a commercial planned development to be located at approximately 615 East 400 South in a Commercial Shopping "C-S" zoning district.

OVERVIEW

Mr. Thomas E. Williamsen, representing the 4th South Entertainment Partnership, is requesting that Salt Lake City grant a conditional use permit for a commercial planned development to be located on the corner of 600 East and 400 South. The proposed project would include approximately 14,250 square feet of retail in three common wall buildings aligned in a "strip mall" fashion oriented toward 400 South. A 45 to 60 seat restaurant, with outdoor dining, will be the anchor use. The property is zoned Commercial Shopping "C-S," which allows commercial planned developments pursuant to conditional use provisions found in Chapter 27 of the Zoning Ordinance. This application has been reviewed by the Central City Community Council and the Historic Landmarks Commission. The applicant is seeking preliminary development plan approval as per section 27-15 of the Zoning Ordinance.

BACKGROUND

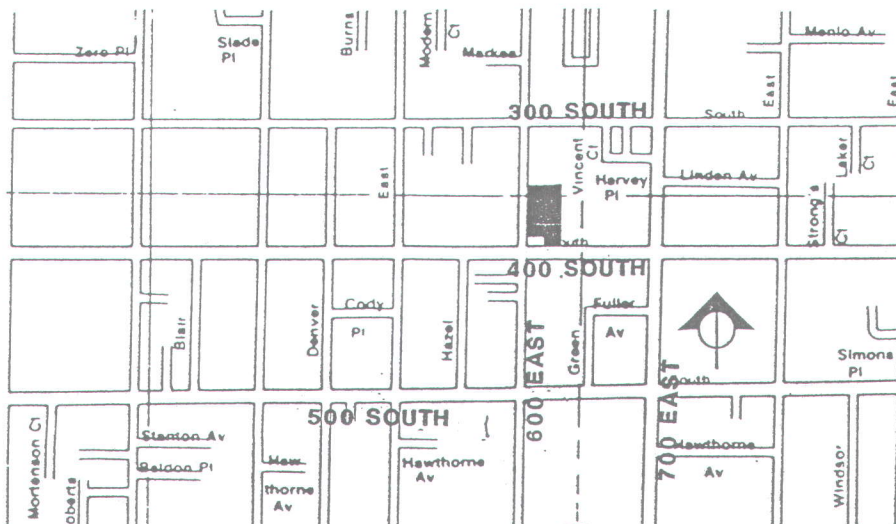
History

The proposed commercial project is located on Block 39, Plat B, which is bounded by 300 South, 700 East, 400 South and 600 East. During the past three years, this particular block has received a significant amount of planning attention. Beginning in 1992 with the Johansen-Thackery rezoning application for a 60,000 square foot Albertson's Store, and continuing through 1995 and the zoning rewrite process, more than a dozen planning meetings have been held with various property owner's, City and Community Council representatives and other interested parties concerning this block's future development. After considerable public input and debate, the final zoning for the block was agreed by all participants on March 16, 1995. A line drawn roughly through the center of the block divides an RMF-35 residential zone on the north from a C-S commercial zone to the south.

Historically, Block 39B was once part of an exclusive eastern Salt Lake City residential neighborhood. At one time, a number of brownstone apartment buildings and Victorian mansions graced tree lined streets. Landscaped street medians, combined with other special features, lend character and flavor to this older inner-city neighborhood.

Over time, the area has experienced a transition from a predominately residential neighborhood to one that has become increasingly commercial. Retail businesses and office buildings have developed in areas adjacent to major streets. In particular, commercial land uses have established themselves along 400 South and 700 East, both of which are state owned major arterial streets that carry a high volume of traffic.

LOCATION MAP



Taking advantage of exposure to drive-by traffic, a number of businesses have located along the 400 South street frontages. These businesses include Snelgrove's Ice Cream Parlor, Taco Bell, the Utah Republican Party Headquarters, American Heart Association offices, Designer Textiles, Movie Buffs and Q Lube. The construction of the new Fred Meyer Store immediately southwest of Block 39B has provided additional incentive for commercial development and redevelopment along 400 South.

Development Summary

Zoning	C-S	
Total Property Size	81,603 square feet	
Building Area	14,200 square feet	
Retail Use	5,250 square feet	
Retail Use	3,000 square feet	
Restaurant	6,000 square feet	
Building Setbacks	Front yard	180 feet from Snelgrove property line
	Side yards	19 feet 7 inches (west) 49 feet (east)
	Rear yard	32 feet 5 inches - 15 feet landscaping
Building Height:	24 feet	
Parking Required	73 stalls	
Parking Provided	106 stalls	

ANALYSIS

Master Plan Recommendations

The *East Downtown Neighborhood Plan*, written and adopted in 1990, divided Salt Lake City's eastern downtown area into seven sub areas. The master plan assigned Block 39, Plat B to the Bryant Residential area. The desired future character section of the *East Downtown Neighborhood Plan* for this particular sub area states:

"... development in [the Bryant Residential] sub area should remain medium density, high quality residential with its large distinctive, late nineteenth century residential structures. The fast moving traffic on the wide streets is a major impediment to the residential character of the area. The area should be exclusively residential in character without any commercial office uses and only existing neighborhood commercial support services."

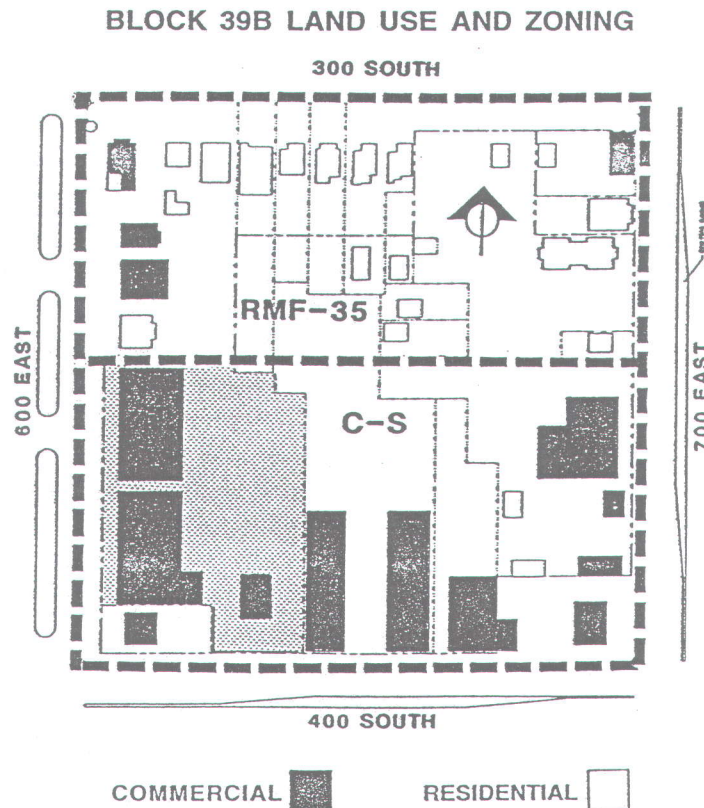
The *East Downtown Neighborhood Plan* also reviewed and made recommendations for the 400 South commercial corridor.

"The existing commercial activity along 400 South should be maintained at the level and scale of existing commercial facilities which are predominately restaurant and fast food, service commercial and office facilities. The strip commercial nature of the area should be discouraged and limited to the three block area from 300 East to 600 East that has direct access."

The ordinance adopting Salt Lake City's new Zoning Ordinance required that "all existing adopted master plans should be construed and interpreted to conform to the new Zoning Ordinance and Zoning Maps." Despite the *East Downtown Neighborhood Plan's* recommendations, the new zoning designation, Commercial Shopping "C-S," takes precedence and represents a slightly more ambitious continuation of the C-1 development that historically been allowed in the past.

Existing Land Use

The southern half of the Block 39B consists of commercial buildings constructed perpendicular to 400 South, with business parking located behind. The center of the block functions as one large continuous parking lot supporting businesses located along both 400 South and 700 East frontages.



Land use along 300 South consists of single and multi-family housing. Two multi-family buildings, one containing 8 units and the other 24 units, face 700 East. Three interior block courts, Vincent, Heather and Harvey Place, still provide access to 8 single family or duplex units located near the center of the block. The northern one third of Block 39B remains residential in character while the southern portion is predominantly commercial.

Zoning Considerations

An extensive amount of planning effort has been devoted to Block 39B. The final zoning decision was arrived through the consensus of property owners, developers, citizen representatives and staff planners.

Using existing land use as the predominant guide, a demarcation line was drawn east and west through Block 39B dividing the northern RMF-35 residential zone from the southern C-S commercial zone. Approximately 350 feet of depth was provided for the commercial zone, allowing sufficient space for required setbacks, average building widths and adequate surface parking. The building line will form a clear separation between the commercial district and the residences to the north. As additional commercial redevelopment takes place to the east of the proposed project, the same building line will be honored and the same buffering provided.

Project Design

Compatibility of Proposed Use - The height, scale and intensity of the proposed project is in keeping with commercial buildings located along 400 South.

Building Orientation - The realignment of buildings parallel to 400 South allows for a better use of the property. Parking will be more functional, taking place in front of businesses instead of behind. Each store will front along 400 South, increasing its visibility from the street and its feasibility.

Site Access and Parking - Access to the proposed project will be provided from both 600 East and 400 South. An additional 33 parking stalls beyond what is required by the ordinance are provided.

Landscaping and Setbacks - Interior parking lot landscaping is provided as per the new ordinance's requirements. Additional landscape improvements will be provided along 600 East and 400 South. The setback of 19 feet 7 inches on the project's western boundary does not conform to zoning standards, which is 30 feet. The building functions better if allowed to encroach into the corner side yard setback.

Back Door - Business deliveries will take place at the back of the building, as well as trash collection. A sight barrier wall and landscaping will buffer the commercial use from adjoining residences to the north of the proposed project.

Parking - Parking requirements for the project equal 73 stalls; 106 are provided. (6,000 sq ft proposed restaurant = 36 stalls; 8,250 sq ft proposed retail = 25 stalls; and 1,987 sq ft existing restaurant = 12 stalls.)

Community Council Input

The Central City Community Council has been directly involved with the development of this property. Mr. Williamsen met with the Central City citizen's group at their regularly scheduled meetings on March 1st and April 5th. The Council supports this location for commercial development and had no overriding concerns with the project's design or its planned retail uses. A formal vote on the project was not taken since the proposed retail and restaurant uses are permitted in a C-S zoning district.

Historic Landmarks Commission

Block 39B is located in the Central City Historic District. As such, the proposed project was reviewed by the Historic Landmarks Commission on May 3, 1995. Following the Commission's review, conceptual approval was granted based on the approval and successful completion of the following requirements:

1. The size and color of elements on the west elevation, such as a trellis or awning for the restaurant's outdoor dining area;
2. The size and location of all signage, including the probable areas for identification signage;
3. The color of the split-face block for construction of the building facade;
4. The type and locations of building lighting; and
5. The design details of the fence on the north and east elevations.

Departmental Comments And Concerns

Fire	The developer will need to provide a complete set of building plans for review including a complete code analysis listing the type of construction, allowable area calculations, building occupancy classifications, fire protection, etc.
Police	<p>There is the need for good parking lot lighting which does not appear on the site plans.</p> <p>Prickly ground cover should be planted in the back northeastern corner area and along the northern property lines to discourage loitering and vandalism.</p> <p>Berming height and landscaping along 600 East should not present a solid sight barrier to the adjoining parking lot.</p>
Public Utilities	Storm drainage will need to be reviewed.
Engineering	Provide grade change information, including spot elevations.
Property Management	The planned outdoor dining area for the restaurant should not be allowed to encroach into the 600 East public right-of-way. If it does, than planning approval must be granted and an annual lease payment made to Property Management.
* Transportation	<p>Developer will need to modify 600 East island cut to align with the project's entrance off that same street as per Transportation and Engineering Department standards.</p> <p>Signaling upgrade is required for intersection of 400 South and 600 East.</p>
* Development Review Team	<p>Obtain cross easements with owners of Snelgrove's property in order to use access cut shown on 400 South.</p> <p>Outside dining in front yard will require special exception approval by Board of Adjustment staff.</p>

Verify that landscaping plan meets required buffering as per sections 24-8.3 and 24-8.4 including 5% landscaping of parking lot and 15 foot buffer against residential district.

RECOMMENDATION

Findings

1. The *East Downtown Neighborhood Plan's* is "interpreted to conform to the new Zoning Ordinance and Zoning Maps" which call for Commercial Shopping "C-S" development along the frontage of 400 South between 600 and 700 East.
2. The Central City Community Council supports this location for commercial development and had no overriding concerns with the project's design or its planned retail uses.
3. There are no overriding departmental concerns for the use of this property as a commercial planned development.
4. The Historic Landmarks Commission has granted conceptual approval for the project design and compatibility with the Central City Historic District.
5. The project conforms with existing 400 South development and all City zoning standards for a commercial planned development, with the exception of the corner side yard setback of 19 feet and 7 inches along the western side of the project.

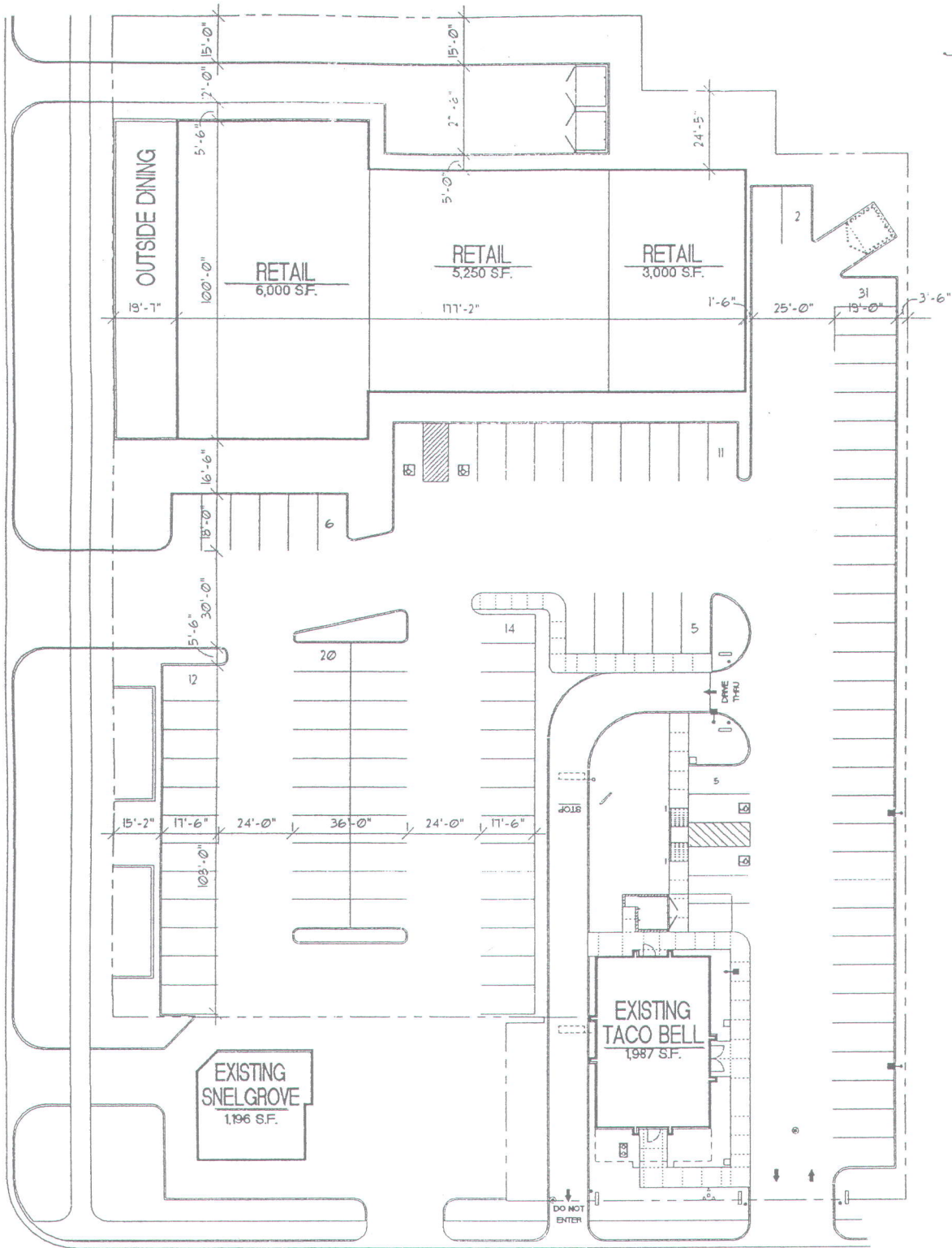
Recommendation

Based upon the analysis and findings above, the Planning Staff recommends that the Salt Lake City Planning Commission grant a conditional use permit for a commercial planned development in a Commercial Shopping "C-S" zoning district, located at approximately 615 East 400 South, upon successful completion of the following conditions:

1. All Historic Landmarks Commission requirements concerning signage, awnings, materials, color, lighting and fence details are reviewed and final approval granted for exterior treatment of the project.
- * 2. All City department concerns, especially those noted from Traffic, Engineering and the Development Review Team, be successfully addressed.
3. The final landscaping plan to conform to requirements found in Sections 24-8.3 and 24-8.4 of the Zoning Ordinance. Planting recommendations made by the Police Department to be incorporated as part of the final plan.
4. The corner side yard requirement of 30 feet for this zone be reduced to 19 feet and 7 inches, allowing for better property utilization, building configuration and outdoor dining for the project's proposed restaurant use.
5. Certification of final development plan compliance to be granted by the Planning Director as per section 27-15.10 of the Zoning Ordinance.

Val John Halford, AICP
Community Planner
May 8, 1995

600 EAST STREET



PARKING CALCULATION

RESTAURANT 6,000 S.F.
 RETAIL 5,200 S.F.
 RETAIL 3,000 S.F.

PARKING 61 CARS

EXISTING TACO BELL RESTAURANT 1,987 S.F.

PARKING 12 CARS

TOTALS

BUILDING AREA 16,187 S.F.

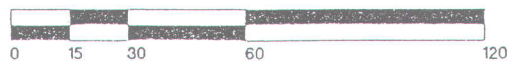
PARKING REQUIRED 73 CARS

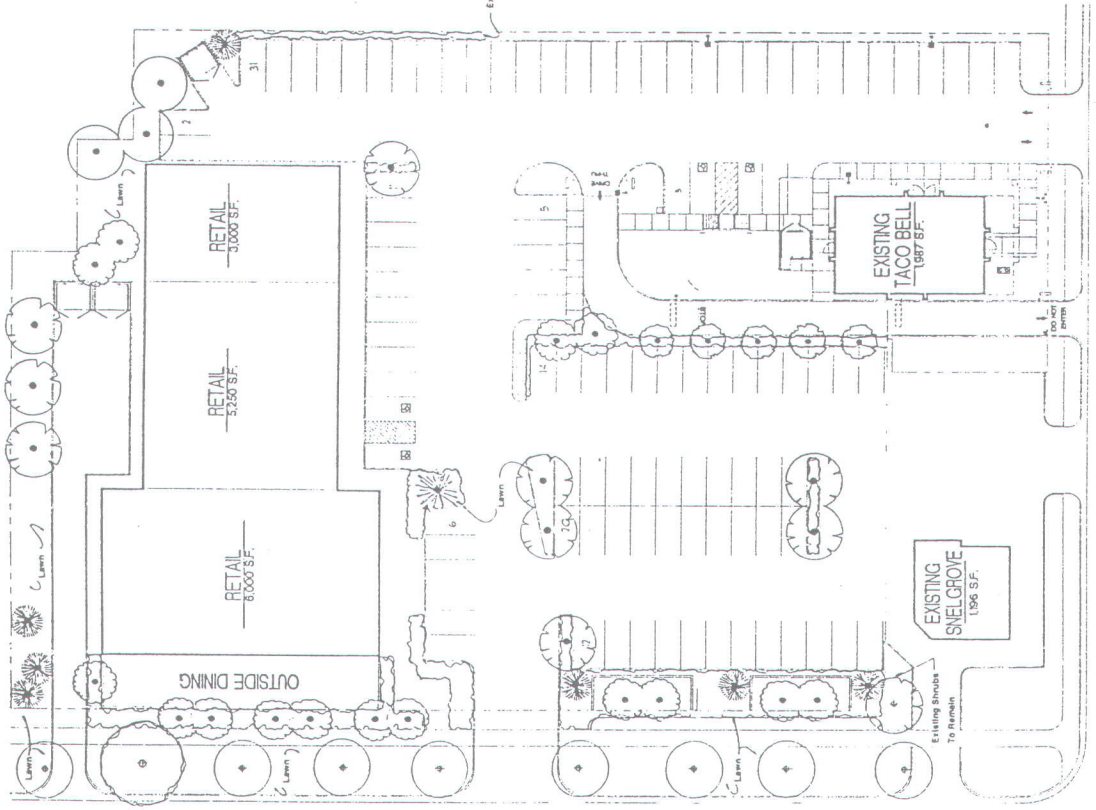
PARKING 106 STALLS

400 SOUTH STREET

SITE PLAN

SCALE: 1" = 30'










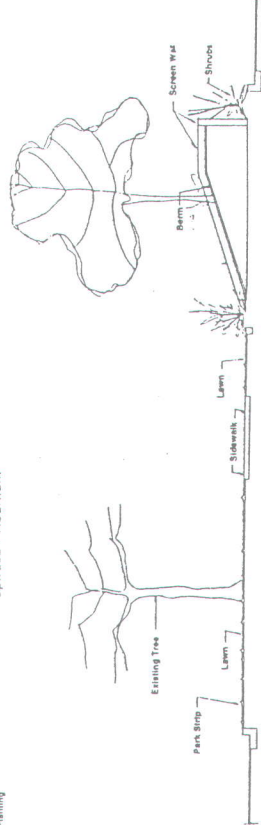


600 EAST STREET

400 SOUTH STREET
 NORTH
 SITE PLAN
 SCALE: 1" = 20'

Plant Legend

-  Existing Ash Tree To Remain
-  Existing Linden To Remain
-  Shade Trees : Honeylocust - Linden
-  Medium Flowering Trees : Flowering Plum - Flowering Pear - Flowering Crab
-  Small Flowering Trees : Redbud - Flowering Cherry - Flowering Pear
-  Evergreen Trees : Spruce - Pine - Fir
-  Shrub Planting : Coloneaster - Plum - Dogwood - Privet - Juniper - Yew - Spiraea - Viburnum

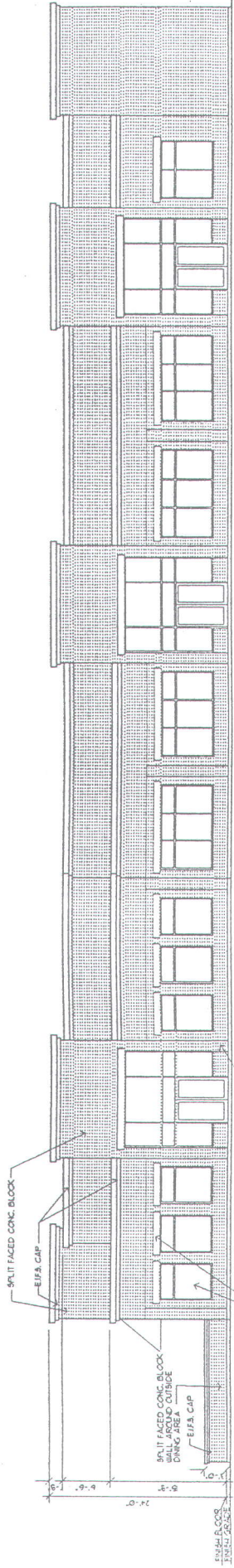


Screen Wall Section

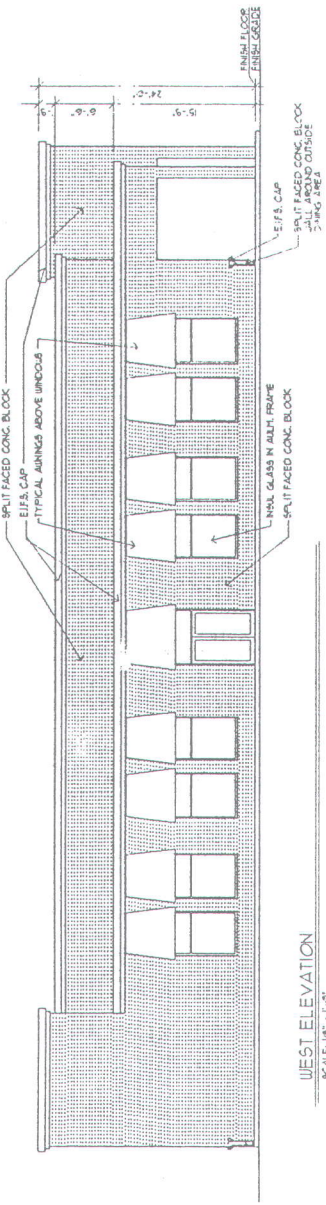
Robert D. Lien
 Landscape Architect
 570 East Tree Avenue
 Salt Lake City, Utah 84105
 (801) 462-3000

NICHOLS • NAYLOR
 ARCHITECTS
 215 West North Temple
 Salt Lake City, Utah 84102
 (801) 462-3000

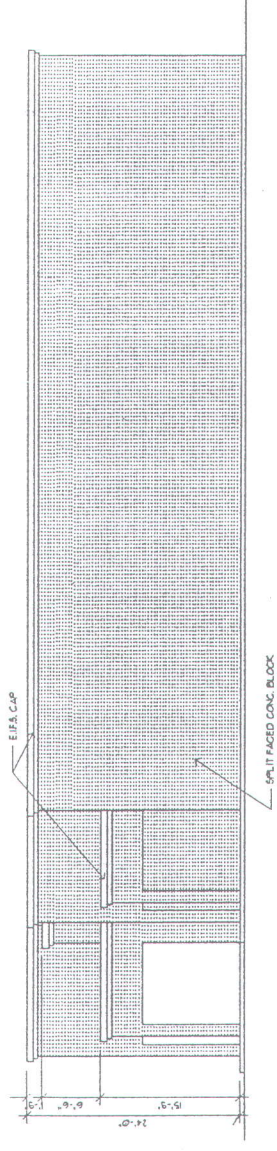
400 SOUTH ENT. PARTNERSHIP
 165 SOUTH WEST TEMPLE
 SALT LAKE CITY, UTAH



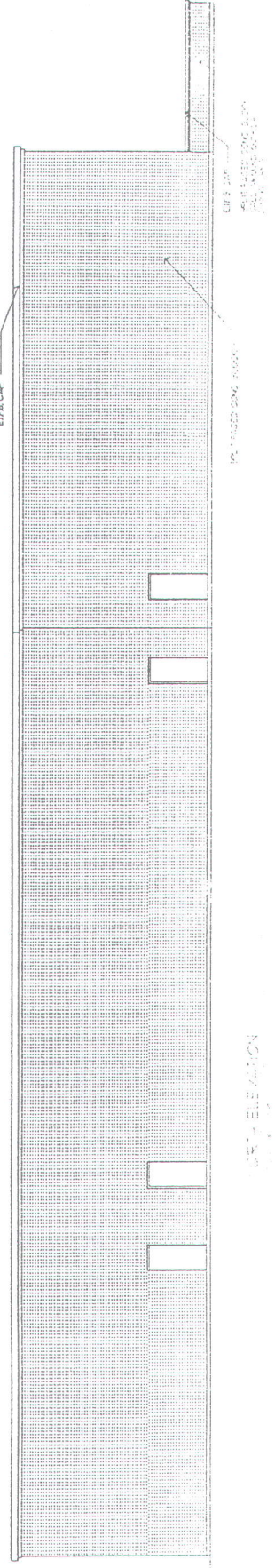
SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



WEST ELEVATION
SCALE: 1/8" = 1'-0"



EAST ELEVATION
SCALE: 1/8" = 1'-0"



NORTH ELEVATION

Attachment 3
Planning Commission Minutes
May 18, 1995

PUBLIC HEARING - Petition No. 410-0175 by Thom Williamsen requesting a conditional use for a planned development located at 353 South 600 East in a Commercial "CS" zoning district.

Mr. Val Halford presented the staff report outlining the major issues of the case, the findings of fact and the staff recommendation, a copy of which is filed with the minutes.

Mr. Russ Naylor, representing the petitioner, was present for this portion of the Planning Commission meeting and used briefing boards to demonstrate the project. Mr. Naylor stated that Mr. Williamsen was hoping to convince Taco Bell to utilize the site identification signage and remove the existing Taco Bell sign. He stated that they did not know if Taco Bell would agree to that proposal but added that they would try to work it out. Mr. Naylor explained ingress/egress, architectural details, parking, landscaping and building materials for the project.

Ms. Cromer suggested the parking stall immediately north of the Snelgrove establishment be removed to facilitate maneuvering for the Snelgrove drive-up window. Mr. Naylor responded that he had no problem with that since they had more than enough parking.

Ms. Cromer also suggested more architectural detail in the wall buffering the residential area from the commercial area. Mr. Naylor said he would be happy to incorporate that detail in the wall.

Mr. Wright stated that the City was hopeful that the two businesses to the east of this project would upgrade their sites as a result of this project or even tie into this project.

Mr. Howa opened the hearing to the public and asked if anyone wished to address the Planning Commission. Upon receiving no response, he closed the hearing and opened it for Planning Commission discussion.

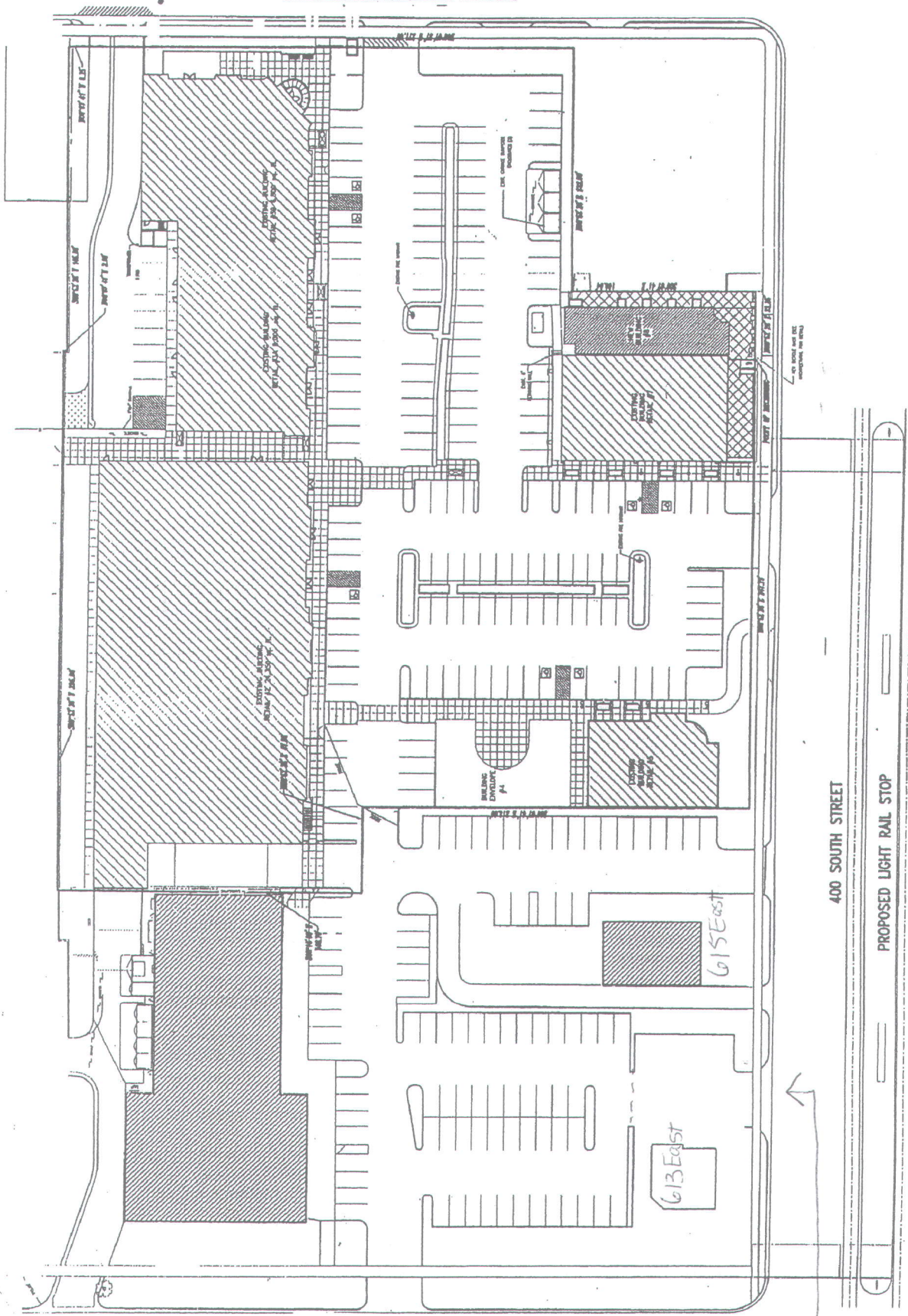
Ms. Cromer moved to approve Petition No. 410-175, based on the findings of fact and subject to the conditions listed in the staff report. Mr. Cromer further moved that as part of the continuing design review process with the Historic Landmark Commission, that the north elevation of the building be looked at for additional architectural detail, that safety issues associated with berming be considered carefully and that the parking arrangements behind the existing Snelgrove establishment be reviewed. Ms. Short seconded the motion.

Mr. Wright explained that the outdoor dining on the 600 East side of the project required a special exception and recommended that if the Planning Commission supported the outside dining, it should be mentioned in the motion. Ms. Cromer stated that she understood the staff report conditions and findings to cover that. Ms. Cromer stated that support for the outside dining was included in the motion. Ms. Short, Mr. Young, Ms. Kirk, Mr. Neilson, Mr. McRea, Ms. Cromer and Mr. Iker voted "Aye." Mr. Becker, Mr. Beckstead and Ms. Roberts were not present. Mr. Howa, as Chair, did not vote. The motion passed.

**Attachment 4
Site Plan**

700 East

Primary Street Accesses



600 East

Access in question