

## PLANNING COMMISSION STAFF REPORT

### Harvard Mercantile Planned Development Case #PLNSUB2009-00359 1234 South 1100 East August 12, 2009



Planning and Zoning Division  
Department of Community and  
Economic Development

**Applicant:**

Mike Polich

**Staff:**

Ray Milliner [ray.milliner@slcgov.com](mailto:ray.milliner@slcgov.com)  
(801)535-7645

**Tax ID**

09-30-479-013

**Current Zone:**

CN Neighborhood Commercial

**Master Plan Designation:**

Central Community, Low Residential  
Mixed Use

**Council District:**

Council District 4 Jill Remington Love

**Lot Size:**

.28 acres

**Current Use:**

Vacant

**Applicable Land Use Regulations:**

21.54.080 - Conditional Use  
21.54.150 – Planned Development.

**Notice**

Mailed: June 24, 2009  
Posted: June 24, 2009  
State Web Page: June 24, 2009

**Attachments:**

- A. Proposed Site Plan and Elevations
- B. Department Comments
- C. Public Comments
- D. Photographs of Site

### ***REQUEST***

The applicant, Mike Polich, is requesting approval to build a 9 unit mixed use development. The planned development is for the following:

1. Relief from Section 21A.48.080(C)(3) that requires Lots in the CN zone that abut a lot in a residential district have a seven foot (7') landscape buffer (reduced from 7 feet to 0).
2. Relief from Section 21A.26.020 (H) requiring that buildings be no more than 25 feet or two and one half stories in height (increase to 30 feet above existing grade).

### ***STAFF RECOMMENDATION***

Staff recommends that the Planning Commission review the proposed planned development, conduct a public hearing and consider approving it pursuant to the analysis, findings and conditions of approval in this staff report.

### ***Conditions of Approval***

1. Prior to the issue of a building permit, the applicant shall negotiate a lease agreement with applicable City Divisions for the open space area adjacent to the north property line.
2. Prior to the issue of a building permit, the applicant shall satisfy and adhere to all the requirements noted by the various City Departments and Divisions attached to this report.
3. The maximum height of the structure shall not exceed thirty feet (30') above established grade.
4. Final approval of the landscape plan shall be delegated to the Planning Director.
5. The landscape buffer on the perimeter boundary of the project site that abuts the adjacent R-1/5,000 zoned property to the north is waived.

# Vicinity Map



## BACKGROUND

On November 29, 2006, the applicant, Mike Polich, received Planning Commission approval for a 7 unit mixed used Planned Development. The approval allowed a height increase to 29 feet above established grade, and a reduction of the buffer area from 7 feet to 0. Nonetheless, construction on the site never began, and the approval expired. On March 26, 2009 the applicant submitted a new Planned Development application for a mixed use development with 7 residential units and 2 commercial units (likely live work units).

Comparison of November 2006 Planned Development and Current Proposal

	November 2006 Approval	Current Proposal
Number of Units	6 residential 1 commercial	7 residential 2 commercial
Square Footage	Approximately 21,000 including garage and basement	16,011 including garage and basement
Number of Parking Stalls	11 on site plus 4 on street	16 on site plus 4 on street
Proposed Height	29 feet above existing	30 feet above existing
Proposed Buffer	Reduce from 7' to 0' on north	Reduce from 7' to 0'

## Proposal

This is a proposal for a mixed-use development with approximately 2 live work units, and 7 residential units and a basement unit for a cellular provider (this unit will not be occupied, it is only for the equipment). The mixed-use development is an allowed land use in the CN (Neighborhood Commercial District) Zone.

The adjacent parcel to the north that is zoned R-1/5,000 (Single Family Residential) is City owned and maintained. The applicant is showing this open space on the proposed site plan, as it is his intent to negotiate a lease with the City to enhance and maintain the property as public open space. Although the conversion of this parcel to landscaped open space is not technically a matter for Planning Commission consideration, it is a factor in staff's recommendation that the buffer area adjacent to the property be reduced. This is consistent with what the Planning Commission considered in the initial Planned Development request in 2006.

The Planning Commission is considering this proposal because the Zoning Ordinance provides a provision for an applicant to seek exemptions from development standards through the Planned Development process. The Planning Commission has the latitude to grant them if the project results in a better design or provides a public benefit. 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 A - 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, 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. The City owned property is bisected by the McClelland canal, and therefore not one that the City will be selling, or vacating in the future.

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 thirty feet (30') for the 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 A-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.

Staff has conducted a preliminary zoning review of the property and made the following findings:

	<b>CN ZONE Ordinance Requirement</b>	<b>Existing / Proposed</b>
<b>Lot Area</b>	16,500 Square foot Maximum Lot Size	.28 acres or 12,197 square feet. <b>COMPLIES</b>
<b>Lot Width</b>	N/A	45 feet <b>COMPLIES</b>
<b>Building Height</b>	Maximum 25 feet or 2 ½ stories, whichever is less measured from established grade	Approximately 30 feet at the highest point. <b>Requesting Exception</b>
<b>Yard Requirements</b>	Front = 15' Lots abutting a lot in a residential zone 7' landscape buffer required	Front = 15' Side yard 0 <b>Requesting Exception</b>
<b>1<sup>st</sup> Floor Glass</b>	40% of first floor, front façade	approximately 42 % <b>COMPLIES</b>
<b>Parking</b>	2 spaces per unit.	17 parking stalls. <b>COMPLIES</b>
<b>Maximum Building Size</b>	Greater than 20,000 square feet = Conditional Use	Approximately 16,011 square feet <b>COMPLIES</b>

If the Planning Commission approves this application, the project will be able to proceed with building permits and begin construction. Nonetheless, the applicant will be required to submit for approval a condominium plat that will need to be approved and recorded prior to the final sale of individual units. A final review for zoning ordinance compliance will occur at the time of building permit application.

## ***Comments***

### **Public Comments**

Because this property is within 600 feet of two Community Council borders (East Liberty Park and East Central) the project was reviewed at an open house. (Comments attached as exhibit C). Comments received at the Open House were generally positive.

Staff has received three related telephone calls from members of the public who have expressed concerns regarding the massing, height, and commercial units of the project. They requested that their comments be regarded as negative toward the project.

## City Department Comments

The proposal was reviewed by all applicable City departments and divisions. The review comments have been attached to this report as Exhibit B. There were no issues raised by the City that would prevent the proposal from proceeding. The applicant must comply with all City requirements.

## ANALYSIS

### Conditional Use Standards

Section 21A.54.080 of the Zoning Ordinance provides General Standards for Approval of a conditional use. Staff has applied these standards to the proposed use, and made the following findings (staff analysis is in italics):

**Standard 1: Master Plan and Zoning Ordinance Compliance:** The proposed conditional use shall be:

- a. Consistent with any policy set forth in the City-Wide, Community and Small Area Master plan and future land use map applicable to the site where the conditional use will be located, and
- b. Allowed by the zone where the conditional use will be located or by another applicable provision of this title.

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

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.

**Finding:** The development as proposed is generally in harmony with the intent of the Salt Lake City Code and allowed in the CN zone. 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.

**Standard 2: Use Compatibility:** The proposed conditional use shall be compatible with the character of the site, adjacent properties and existing development within the vicinity of the site where the use will be located. In determining compatibility, the Planning Commission shall consider:

- a. Whether the street or other means of access to the site where the proposed conditional use will be located will provide access to the site without materially degrading the service level on such street or any adjacent street;
- b. Whether the type of use and its location will create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected with the development of a permitted based on:
  - i. Orientation of driveways and whether they direct traffic to major or local streets, and, if directed to local streets, the impact on the safety, purpose, and character of these streets;
  - ii. Parking area locations and size, and whether parking plans are likely to encourage street side parking for the proposed use which will adversely impact the reasonable use of adjacent property;
  - iii. Hours of peak traffic to the proposed use and whether such traffic will unreasonably impair the use and enjoyment of adjacent property; and
  - iv. Hours of operation of the proposed use as compared with the hours of activity/operation of other nearby uses and whether the use during hours of operation will be likely to create noise, light or other nuisances that unreasonably impair the use and enjoyment of adjacent property;
- c. Whether the internal circulation system of any development associated with the proposed use will be designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic;

- d. Whether existing or proposed utility and public services will be adequate to support the proposed use at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources;
- e. Whether appropriate buffering or other mitigation measures, such as, but not limited to, landscaping, setbacks, building location, sound attenuation, odor control, will be provided to protect adjacent land uses from excessive light, noise, odor and visual impacts and other unusual disturbances from trash collection, deliveries and mechanical equipment resulting from the proposed use; and
- f. Whether detrimental concentration of existing non-conforming or conditional uses substantially similar to the use proposed is likely to occur based on an inventory of uses within one-quarter (1/4) mile of the exterior boundary of the subject property.

**Analysis:** Access to the property will be from 1100 East. The Transportation Division has indicated that the existing street can handle the increase in traffic use from the development. Parking for the use is adequate, and the internal circulation will allow all necessary ingress and egress from the property.

There is an existing trail access on the property that will be maintained and enhanced as part of this application. To mitigate the impact of the reduced buffer area on the north side yard, the applicant will maintain the property adjacent to the building as public open space. Prior to the issue of a building permit, the applicant will enter into a lease agreement with the City for the use and maintenance of this property.

The impact of the structure height will be mitigated by the stepping of the building, and the placement of rooftop landscaping in the patio areas. This will reduce the visual impact of the top floor from the street level, as it will not be as visible.

**Finding:** The development will be compatible with the surrounding neighborhood in mass, scale, circulation (vehicular and pedestrian), and parking. Reduction of the required buffer area on the north side will be mitigated by the landscaping of the adjacent property. The increased height of the building is mitigated by stepping the highest part of the building back from the front façade and providing rooftop landscaping.

**Standard 3: Design Compatibility** The proposed conditional use is compatible with the character of the area where the use will be located with respect to:

- a. Site design and location of parking lots, access ways, and delivery areas;
- b. Whether the proposed use, or development associated with the use, will result in loss of privacy, objectionable views or large parking or storage areas; or views or sounds of loading and unloading areas; and
- c. Intensity, size, and scale of development associated with the use as compared to development and uses in the surrounding area.
- d. If a proposed conditional use will result in new construction or substantial remodeling of a commercial or mixed-use development, the design of the premises where the use will be located shall conform to the conditional building and site design review standards set forth in Chapter 21A.59 of this title.

**Analysis:** The proposed mixed use is located in the CN zone with single family residential zones on the west and north sides. Although the use is larger in scale and use than those found in the residential zones, the impact of the development is mitigated by the following factors:



- The north side is open space. Because the Canal/McClelland Corridor is City owned open space, no development will occur on site.
- The mixed residential/live work use will have less of an impact than other uses allowed in the CN zone.
- The height of the structure is setback from the front façade, thereby reducing the visual impact of the height increase.
- Because access to the site is from 1100 East, a busy arterial corridor the traffic impact of the development will have less effect on residential streets.

**Finding:** Staff finds that the development is compatible with the adjacent uses in the neighborhood, and that the negative impacts of the project are mitigated through careful design and conditions of approval in this staff report.

**Standard 4. Detriment to Persons or Property** The proposed conditional use shall not, under the circumstances of the particular case and any conditions imposed, be detrimental to the health, safety, and general welfare of persons, nor be injurious to property and improvements in the community, existing surrounding uses, buildings, and structures. The proposed use shall:

- a. Not emit any known pollutant into the ground or air that will detrimentally affect the subject property or any adjacent property;
- b. Not encroach on any river or stream or direct runoff into a river or stream;
- c. Not introduce any hazard or potential for damage to an adjacent property that cannot be mitigated;
- d. Be consistent with the type of existing uses surrounding the subject property; and
- e. Improve the character of the area by encouraging reinvestment and upgrading of surrounding properties.

**Analysis:** The proposed use will not introduce any known pollutant to the ground or air that is not commonly associated with a mixed use. The use will be consistent with the neighborhood in size, scale and design and will provide an improvement to the character of the neighborhood, by enhancing the surrounding open space.

**Finding:** Staff finds that the proposed development will not be a detriment to neighboring persons or property because of its pollutants, and hazards, and that it will be consistent with the character and type of development in the area.

**Standard 5. Compliance with Other Applicable Regulations:** The proposed conditional use and any associated development shall comply with any other applicable code or ordinance requirement.

**Analysis:** Other than the requested exceptions, the project complies with all other Zoning ordinance requirements. The property is not located within a historic district; therefore no historic design guideline review is necessary.

**Finding:** Staff finds that the proposed development complies with all Zoning Ordinance related criterion other than that which is being modified as part of this application.



### **Planned Development Standards**

In approving any planned development, the Planning Commission may change, alter, modify or waive any provisions of the Zoning Ordinance regulations as they apply to the proposed planned development. No such change, alteration, modification or waiver shall be approved unless the Planning Commission shall find that the proposed planned development meets the following standards:

**Standard 1:** Will achieve the purposes for which a planned development may be approved pursuant to subsection A (planned development purpose statement) of this section (Section 21A.54);

Section 21A.54.150 states:

Purpose Statement: A planned development is a distinct category of conditional use. As such, it is intended to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services and encouraging innovation in the planning and building of all types of development. Through the flexibility of the planned development technique, the city seeks to achieve the following specific objectives:

1. Creation of a more desirable environment than would be possible through strict application of other city land use regulations;
2. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities;
3. Combination and coordination of architectural styles, building forms and building relationships;
4. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;
5. Preservation of buildings which are architecturally or historically significant or contribute to the character of the city;
6. Use of design, landscape or architectural features to create a pleasing environment;
7. Inclusion of special development amenities; and
8. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.

**Analysis:** The proposed development achieves the above objectives in that it will create a desirable environment, and improve the existing condition of the site by enhancing the existing open space on site, creating a mixed use development with residential and commercial uses. The architecture of the site will be interesting and compatible with the surrounding vernacular. No historic or significant structures will be modified or demolished as a result of this application.

**Finding:** Staff finds that the proposed development meets the minimum requirements of the Zoning Ordinance.

**Standard 2:** Will not violate the general purposes, goals and objectives of this title and of any plans adopted by the Planning Commission or the City Council.

**Analysis:** The proposed planned development achieves the purposes for which planned development regulations were instituted by allowing the Planning Commission to modify standards to encourage development of a site with dimensional constraints (i.e. narrow frontage, deep lot, with few accessible points). The proposed planned development does not detract from the general purposes of the zoning ordinance or any plans, master plans or otherwise, adopted by the Planning Commission or City Council. The intent of the ordinance is met even with the modifications, because the decrease of the required buffer zone will be compensated by the open space to the north and the extra height will allow for mixed use development that is not readily visible.

**Finding:** Staff finds that the proposed design meets the purpose of the planned development process.

Section 21A.51.150.D provides additional standards of review for a planned development and states, “Planned developments may be approved subject to consideration of the following *general conceptual guidelines*” (italics added for emphasis, as a positive finding for each standard is not required):

**Standard 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 as set forth in table 21A.54.150E2 of this section.

**Analysis:** The CN district has no minimum lot area requirement for a planned development.

**Finding:** The proposed development complies with this criterion.

**Standard 2: Density Limitations:** Residential planned developments shall not exceed the density limitation of the zoning district where the planned development is proposed. The calculation of planned development density may include open space that is provided as an amenity to the planned development. Public or private roadways located within or adjacent to a planned development shall not be included in the planned development area for the purpose of calculating density.

**Analysis:** With 7 units on a lot size of 12,198 square feet the density for the project is approximately 25 units per acre. There is no density limit in the CN zone.

**Finding:** The project complies with this criterion.

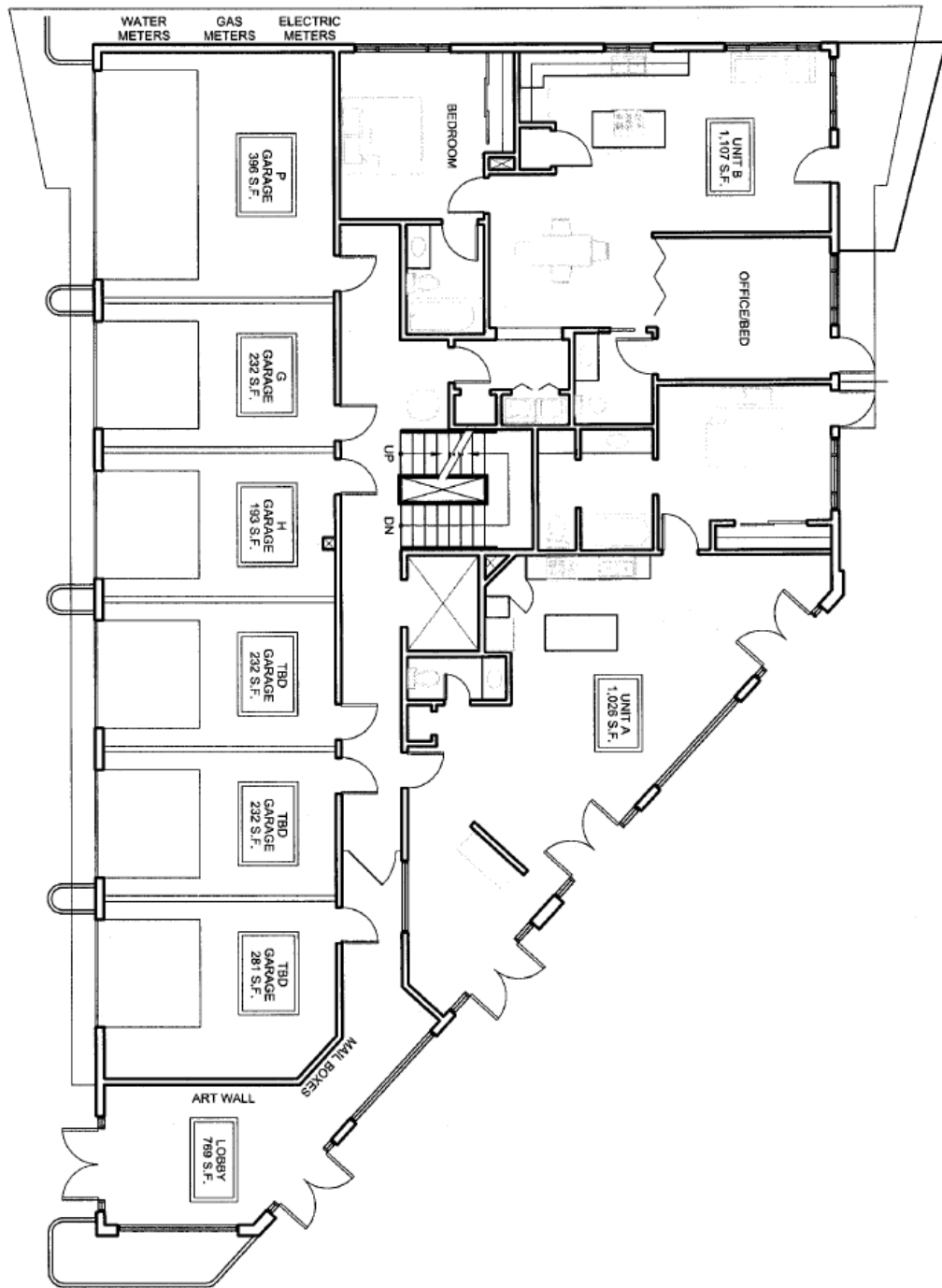
**Standard 3: Consideration of Reduced Width Public Street Dedication:**

**Analysis:** The project does not involve a reduced width of a public street or a public street dedication.

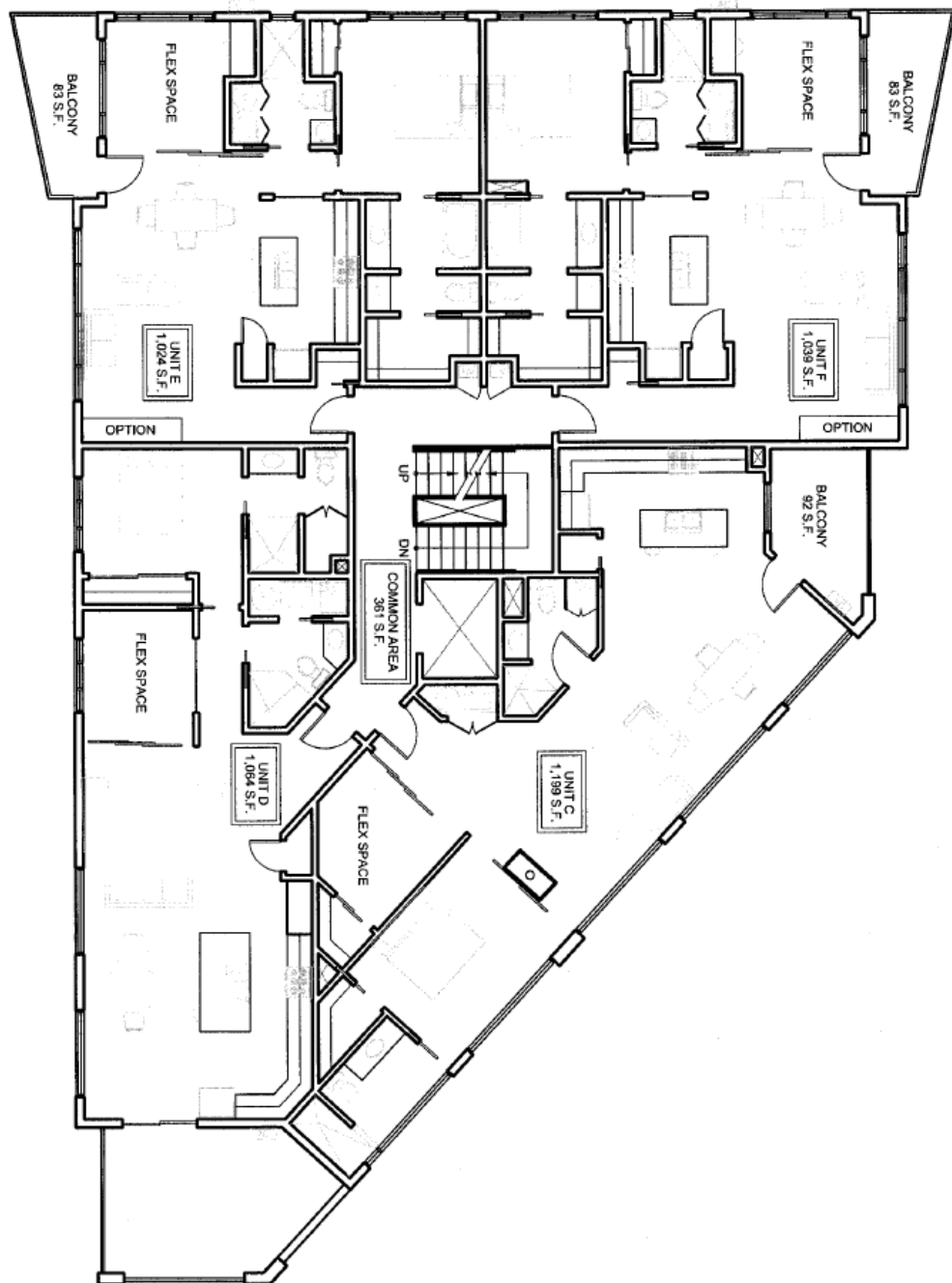
**Finding:** This standard is not applicable.

**Exhibit A:**  
**Proposed Site Plan and Elevations**

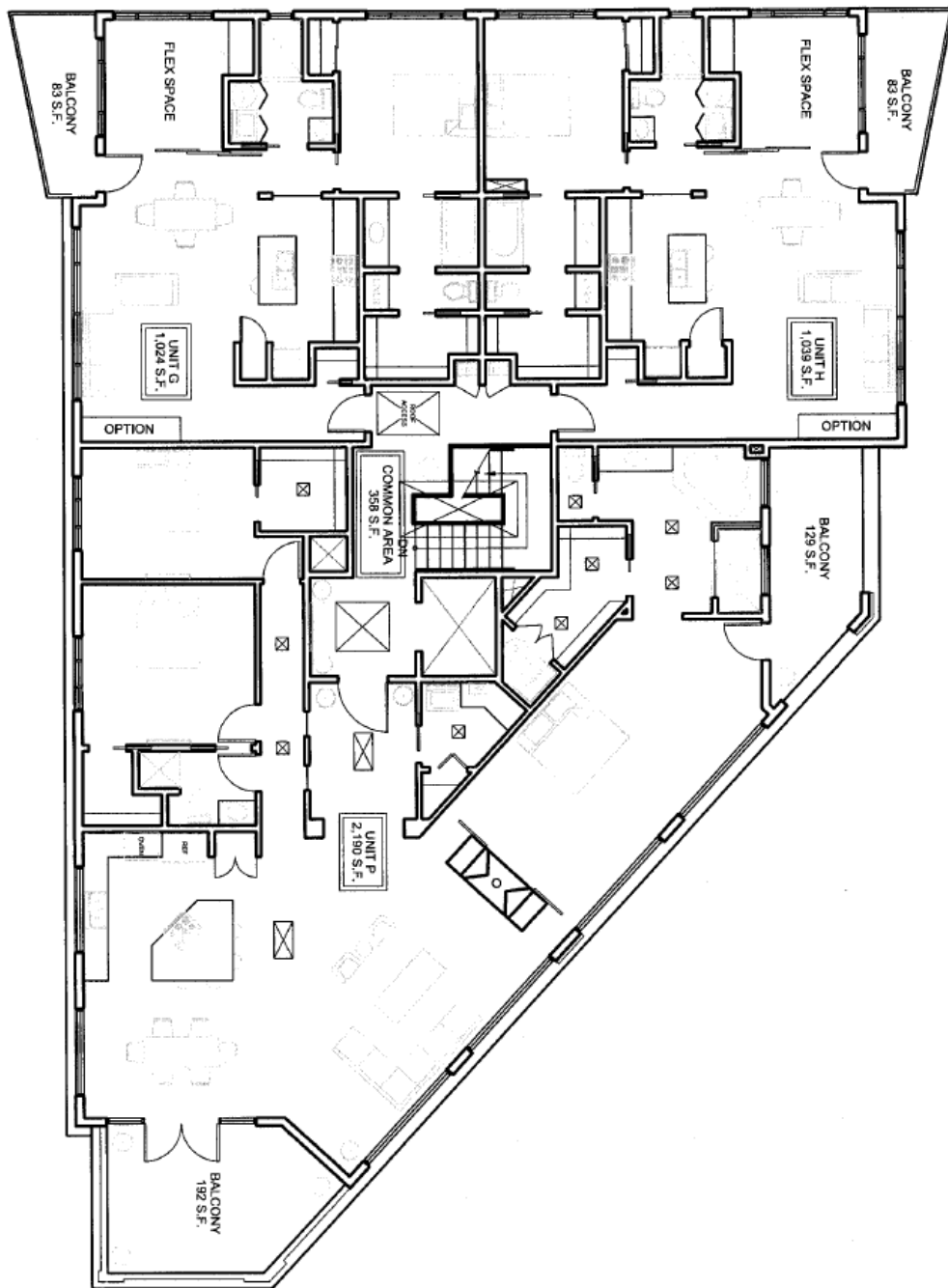




**FIRST FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"



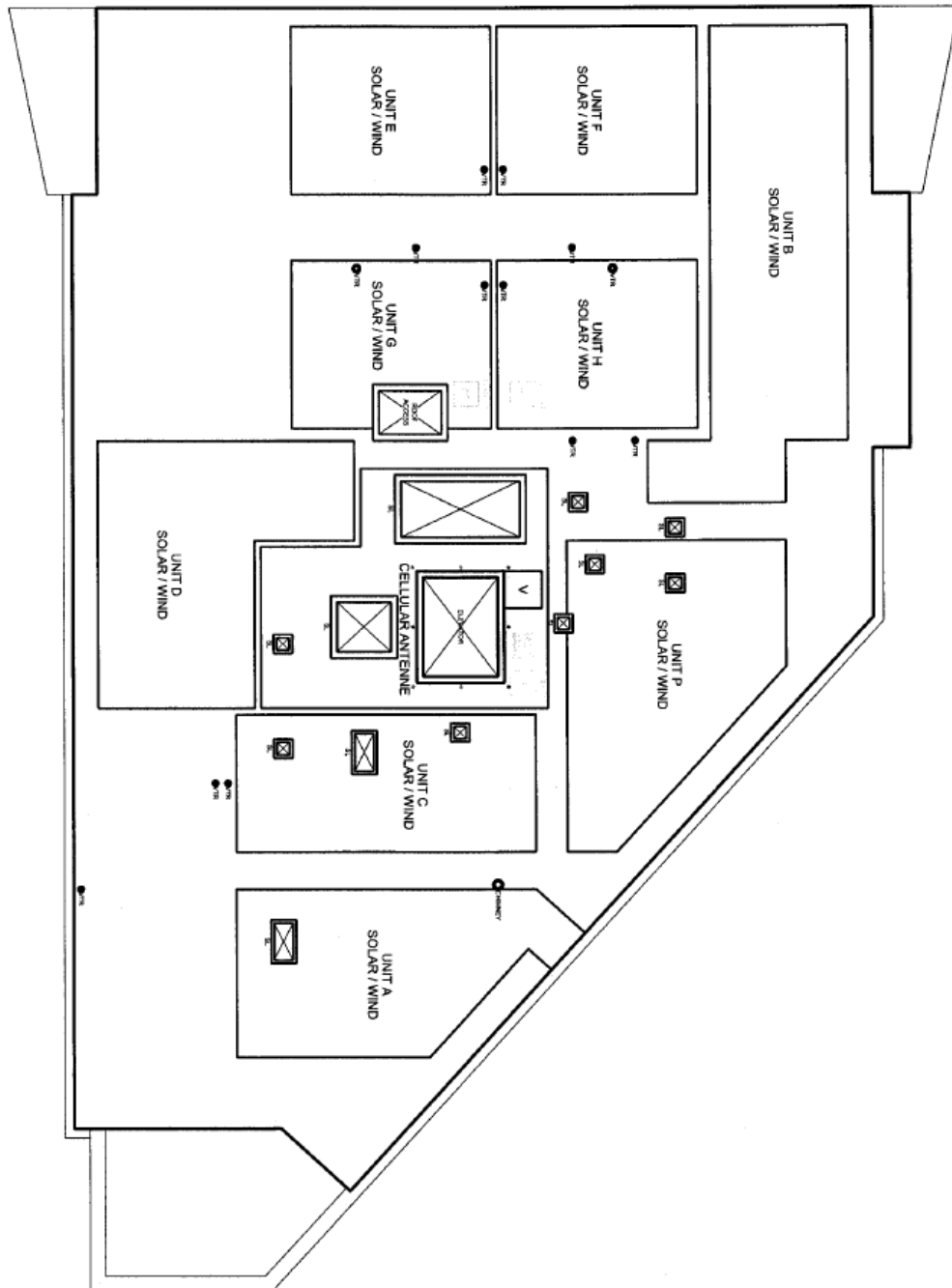
**SECOND FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"



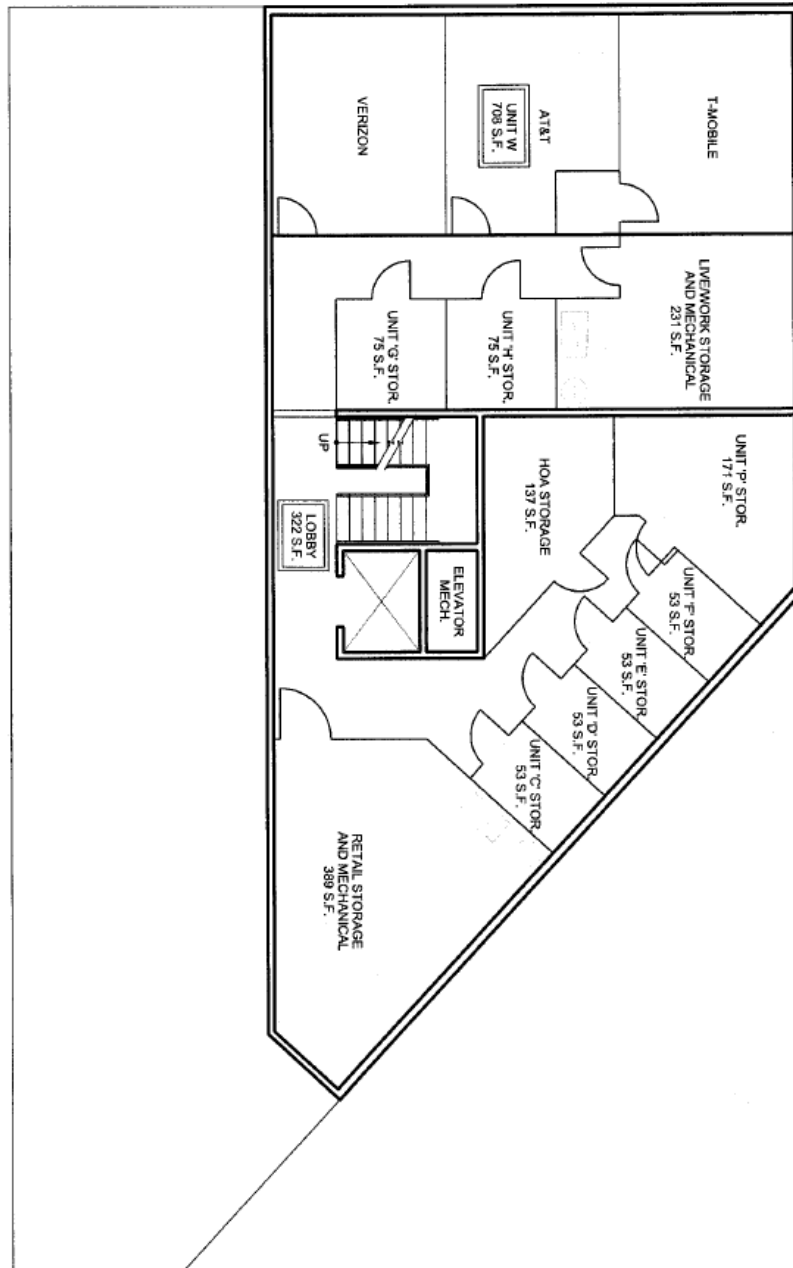
**THIRD FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"



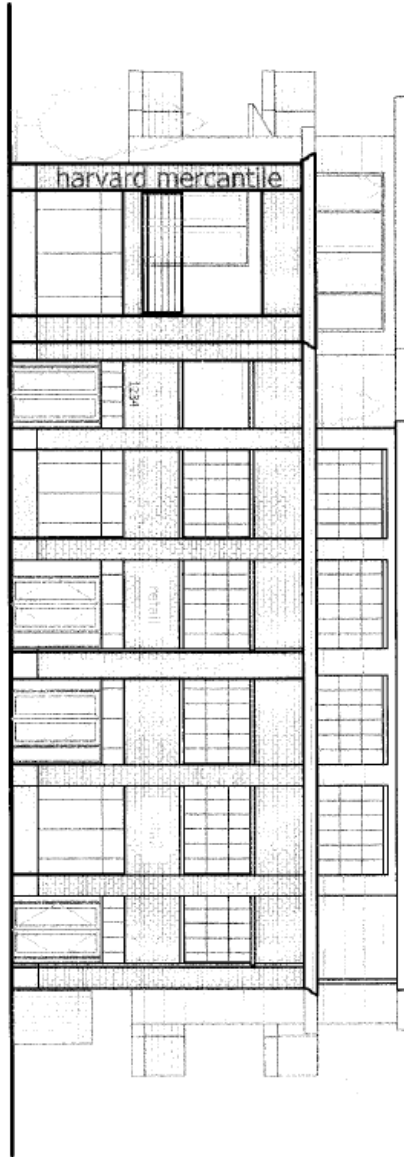




**ROOF PLAN**  
SCALE: 1/8" = 1'-0"



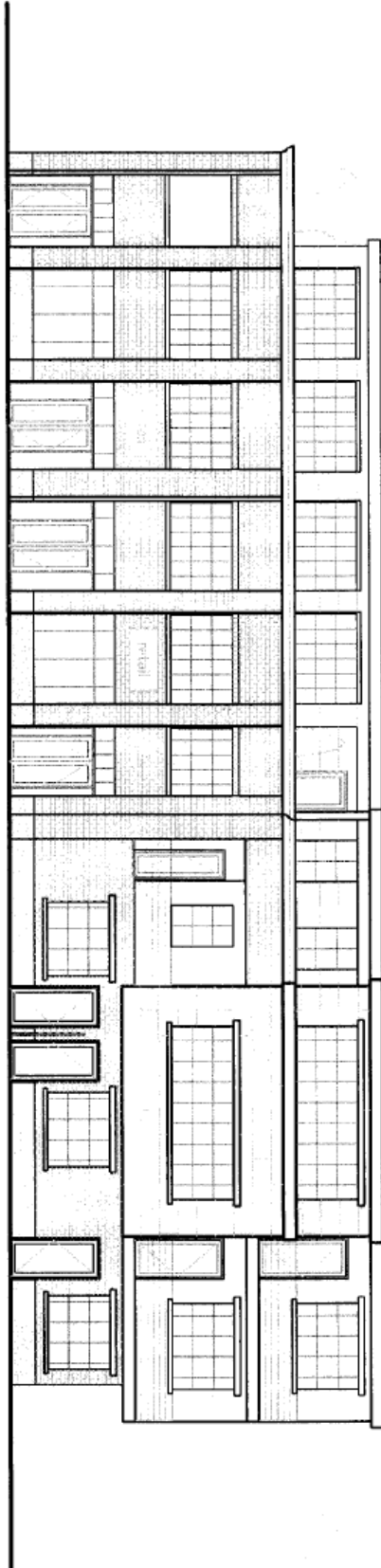
**BASEMENT FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"



GLAZING CALCULATIONS:  
 STREET FRONTAGE  
 FIRST FLOOR GLASS  
 61.75 S.F. / 112.5 S.F. TOTAL =  
 54.09% GLASS

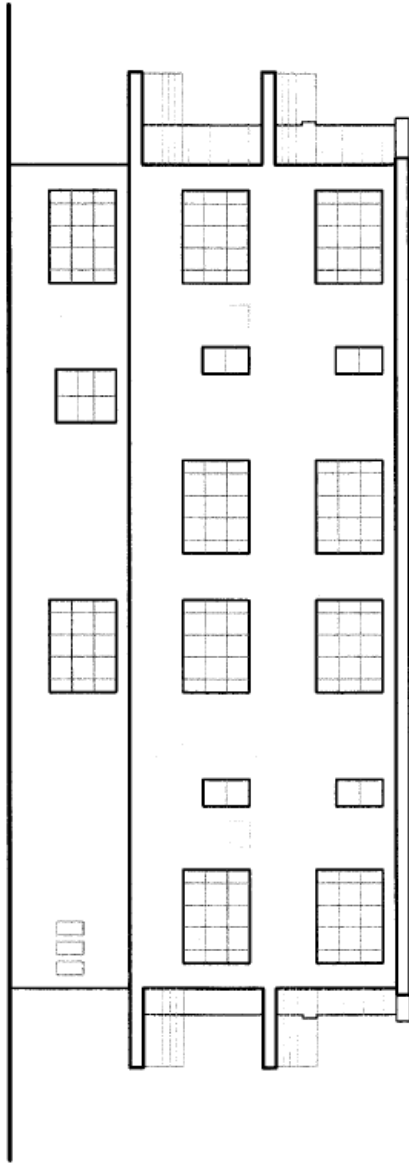
# **EAST ELEVATION**

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



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

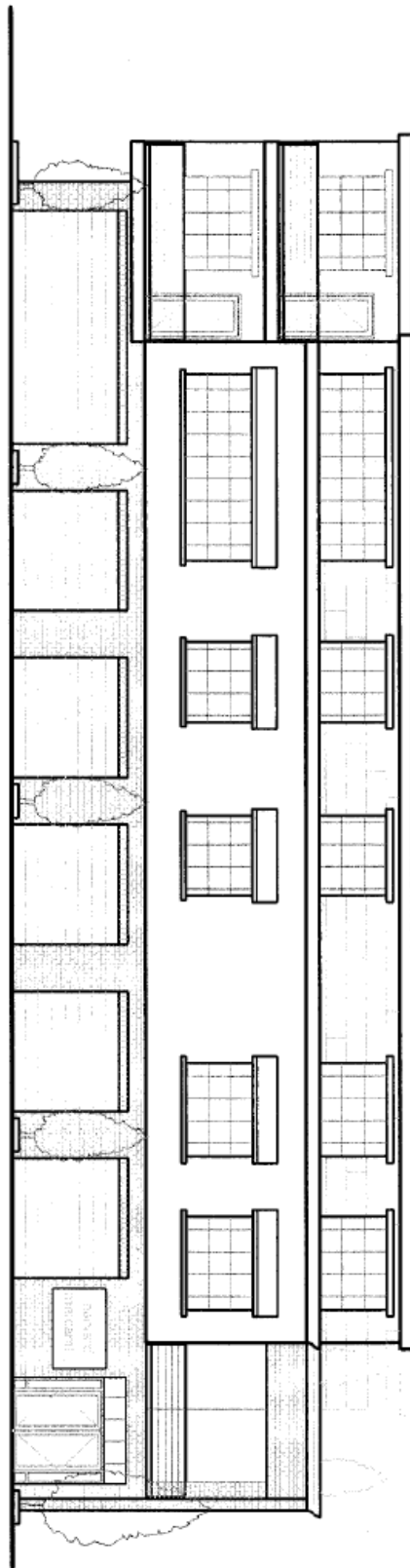




WEST ELEVATION  
SCALE: 1/8" = 1'-0"



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



**Attachment B:  
City Division Comments**

April 14, 2009

Ray Milliner, Planning

Re: Petition PLNSUB2009-00359 for Harvard Yard Condominium – 9 units at 1234 South 1100 East.

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

The proposal indicates seventeen on site parking stalls with one being ADA van accessible. They are shown per Salt Lake City design standards for stall dimension and back out area. The plan indicates bicycle parking and park benches, but no details are shown.

Please provide parking calculations for the:

- 1<sup>st</sup> floor lobby, garage, retail space and one residential unit.
- 2<sup>nd</sup> floor four residents.
- 3<sup>rd</sup> floor three residents.

Past reviews (2006) have discussed on street parking and the four shown are subject to evaluation. Public way improvements and repairs are subject to Engineering and Lighting reviews.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.  
Scott Weiler, P.E.  
Michael Barry, P.E.  
Peggy Garcia, Public Utilities  
Ted Itchon, Fire  
Larry Butcher, Permits  
File

Ray,

Below are the issues from Building Services Dept.;

The project description submitted for PLNSUB2009-00359 is inconsistent with the 3/23/09 condo plat information C0.00 1 of 6 submitted.

The 3/23/09 Co.01 sheet 2 of 2 is inconsistent with the 3/23/09 C0.00 sheet 1 of 6.

This proposal includes use of the adjacent parcel owned by Salt Lake City Public Utilities and will require a separate permit for the fencing planned (4' in front yard set back and 6' beyond).

A revocable permit will be required for each site where the proposed fencing projects into the public way.

A "no build" easement needs to be recorded on the abutting property to allow for openings for windows and doors in the exterior wall of the proposed building at the property line (building code issues).

A public trail easement needs to be recorded on the site to maintain public use of the McClelland trail corridor across this site.

The proposal also includes a sign on the adjacent parcel which would be considered an off-premise sign which is not allowed by ordinance.

This proposal does not provide for landscape buffers at the north property line & shows encroachments of pavement, accessory structures, trash enclosure and utility boxes within the west landscape buffer area, which are not allowed by ordinance.

Any proposed ground mounted utility boxes may require Special Exception approval.

Height proposed exceeds height allowed by ordinance.

Insufficient information has been provided to determine if the parking for the site is adequate, set back dimensions have not been provided, first floor glass information has not been provided, etc.

Delivery operations for the retail tenant have not been addressed.

TO: RAY MILLINER, PLANNING DIVISION

FROM: RANDY DRUMMOND, P.E., ENGINEERING

DATE: APR. 23, 2009

SUBJECT: **Harvard Yard Condominiums**  
**1243 S 1100 E**  
**Petition #480-07-35**

SLC Engineering's review comments are *repeated and revised* as follows:

1. This is a condominium project to construct 9 units on 0.292 acres at 1243 S 1100 East. This is a vacant parcel on a fully improved street. The necessary right-of-way exists, however the existing drive approach must be replaced. The new drive approach shall be constructed as per APWA Std. Dwg. 225. In addition, there are 6 sections of curb and gutter that will need to be replaced as per APWA Std. Dwg. 205A and 251. The project will be required to provide subdivision improvement drawings with a cover sheet with appropriate title blocks, a detailed grading/drainage plan showing how drainage flows will occur, the limits of excavation for any water or sewer main extensions required by Salt Lake City Public Utilities, and a pavement section. In addition, the developer will need to provide a mylar copy of the cover sheet with all title blocks signed by the appropriate City Departments prior to final approval of the project.
2. The developer must enter into a subdivision improvement construction agreement. This agreement requires a security device for the estimated cost of the public improvements. It also requires the payment of a stepped fee starting at 5% based on the estimated cost of constructing the street improvements. A copy of the agreement can be picked up from my office if the developer needs one. The developer should contact Joel Harrison (535-6234) to discuss insurance requirements for the project.
3. The developer must enter into agreements required by the SLC Public Utility Department and pay any required fees.
4. Alice Montoya (535-7248) in SLC Engineering will assign addresses when the plat is submitted. A certified address is required prior to applying for a building permit.
5. A pollution prevention plan (SWPP) must also be submitted to SLC Public Utilities.

Ray Milliner  
Harvard Yard Condominiums  
April 23, 2009  
Page 2

6. The plat is being reviewed. Any necessary changes will be made known to the applicant's consultant after the review is complete.

cc: Scott Weiler,  
Brad Stewart  
Barry Walsh,  
Vault

**Attachment C:  
Public Comments**



May 21st SLC Planning Open House - Mixed Use Project 1234 S. 1100 E.

- **Petition PLNSUB2009-00359 Planned Development/Conditional Use**—a request to allow the applicant, Mike Polich, to build a mixed use development with two (2) commercial units and seven (7) residential units as a planned development, located at approximately 1234 South 1100 East. As part of the planned development the applicant is requesting that the Planning Commission reduce the buffer setback from 7 feet to 0 and to increase the maximum height limit from 25 feet or 2 and a half stories to 30 feet above established grade. Staff contact: Ray Milliner at 801.535.7645 or [ray.milliner@slcgov.com](mailto:ray.milliner@slcgov.com).

Hello all,

I made it to the open house on Thursday sponsored by the SLC Planning Division to review the latest design for the project at 1234 South 1100 East by owner Mike Polich. Since several of you (who were unable to attend) asked me to comment on the meeting, I am sending you the same email.

The project will be constructed on the vacant lot just north of Liberty Heights Fresh Market. It is currently zoned "CN", Neighborhood Commercial and abuts single family zoning R1-5000. The purpose of the open house was to obtain public comment. There will be a formal hearing at a future Planning Commission hearing, but I don't have a date for that yet.

The owner is requesting to concessions from these zoning regulations:

- 1) Reduce the required landscape buffer from 7 feet to 0 on the east property line (abuts the SLC owned parcel containing the canal). He is also asking to eliminate the landscaping requirements along the west property line in order to allow for tenant gardens along the west of the structure.
- 2) Increase the building height from the allowable 25 feet or 2-1/2 stories to 30 feet. I believe a previous review from the SLC Planning Commission had approved an increased height of either 28 or 29 feet - I'm not sure on this one.

All other aspects of the project meet zoning regulations as far as I know.

#### Project Description:

The project design has been revised quite a bit since the last time I saw it at a planning commission hearing. It has morphed from a large irregularly shaped footprint to a more compact trapezoid shape with some parking along the south border. The property itself is odd shaped due to the canal that runs diagonally (southeast to northwest) across what would be a rectangular parcel. SLC owns this property as opposed to across the street at the old Dairy Queen site where the City holds an easement only. The project consists of 7 residential units above and 2 live/work/retail units below. I met with a psychologist at the open house who intends to purchase one of the main level units for his private practice. The other unit could be used for a small retail or office occupancy I believe. There is covered parking for 6 of the 7 residential units enclosed inside the main level structure. The project meets or exceeds parking requirements with the addition of the outdoor parking stalls along the south property line and the newly designated stalls in front along 11th East. Of course, the newly marked stalls on 11th East could be used by anyone since they are on public property.

#### My Thoughts:

Landscape buffer reduction - I see no problem with this since there will now be a new small park area on the abutting parcel owned by the City over the canal. I believe that Mr. Polich is paying for the cost of these improvements, but I think that this should be verified. Also, I would like to know who will be paying for the upkeep for these improvements. This green space will be a nice improvement that visually links to the pocket park just down the McClelland trail at Princeton & McClelland streets. I don't see a problem with removing the planting requirements along the west property line to allow for tenant gardens. However, since this will abut the new building I wonder if there will be enough sunlight to make these gardens viable. It might be a reasonable requirement that if the gardens don't work out, the owner will have to come back with the

required landscape buffer planting. This is normally required where a CN zone abuts an R1 zone as it does here.

Height Increase - I can see how the structure needs to go to around 30 feet in order for the 2 level living units to function above the main level live/work units. The CN zoning limits height to 25 feet or 2-1/2 stories which appears to be aimed at limiting building to 2 levels with a possible 3rd built into the attic. I don't have a problem with this extra height since it doesn't impact the closest residence to the north across the SLC canal parcel. The other residence is to the west and is quite a bit forward towards 13th S. and wouldn't be impacted by this project. I am a bit concerned about the large "landlocked" space behind this residence, though. I understand that there is a narrow easement that allows access to this land, but I'm not sure how it could be developed in the future. Currently, it looks like a big back yard. Mr. Polich stated to me that he was unsuccessful in attempts to purchase this land and incorporate it into his project. Any building 2 stories or taller on the project site will impact sunlight & views onto this "landlocked" parcel so the extra height really doesn't make it much worse.

General Thoughts - I feel that projects such as this one, the Liberty Heights Market, small cafes and businesses are a real plus for our older residential neighborhoods. They add character and walkable, much needed amenities. Of course they also bring increased traffic and parking issues which must be balanced against the good that comes from this development. 13th South and 11th East has limited mass transit with only the 11th East bus route. Once the old Dairy Queen site is developed, along with this project, Liberty Heights and the Kyoto restaurant, Cleaners (to the west) we have quite a bit of development at this intersection. Will this result in the same conflicts and bad feelings that have been generated further east on 13th South by the Emigration Market?

Dave Richards

PS - anyone who wants to contact Mr. Polich about his project, he can be reached at 801.915.6453  
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