

MEMORANDUM

451 South State Street, Room 406
Salt Lake City, Utah 84111
(801) 535-7757



Planning and Zoning Division
Department of Community Development

TO: Salt Lake City Planning Commission

FROM: Doug Dansie, Senior Planner

DATE: October 6, 2010

SUBJECT: **Petition 410-07-57** - Planned Development: Six Gateway office Building

At their February 13, 2008 meeting, The Salt Lake City Planning Commission approved the construction of an office building to be located at 50 north Rio Grande Street. Since that time, the site has been subdivided and an associated hotel on 400 West has been constructed. The Boyer Company is requesting a time extension of the planned development approval. The Administration has committed to support the application for the request as part of the negotiations regarding rebuilding the North Temple Viaduct.

Please find attached the original staff report, minutes and the letter requesting the time extension.



March 3, 2010

Mr. Doug Dansie
SALT LAKE CITY PLANNING & ZONING DIVISION
City & County Building
451 South State, Room 406
Salt Lake City, Utah 84111

**RE: PETITION 410-07-57
SIX GATEWAY OFFICE BUILDING**

Dear Doug:

As per our conversation a few weeks back, The Boyer Company would like to respectfully request an extension of the approval provided on February 13, 2008 of Petition 410-07-57 for an additional office building to be constructed on 50 North Rio Grande Street within The Gateway mixed-use project.

As you are aware, this petition was unanimously approved by the Planning Commission on the February 13, 2008 date. Due to the challenging nature of the most tumultuous financial markets and crumbling of the real estate market as a whole, tenants have disappeared and financing has been unavailable. Therefore, The Boyer Company would like to respectfully request an extension of the approval for this petition such that as the market recovers, the construction documents that have been produced for the Six Gateway Office Building can be utilized and the project can be constructed.

Thank you in advance for your understanding of these tough economic times. We look forward to receiving authorization for this extension. Please feel free to contact me with any questions or concerns you may have regarding the granting of this extension.

Sincerely,

Jake Boyer
President



**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, February 13, 2008**

Present for the Planning Commission meeting were Commissioners Tim Chambless, Robert Forbis, Peggy McDonough, Susie McHugh, Prescott Muir, Kathy Scott, and Chairperson Matthew Wirthlin. Commissioners Frank Algarin, Babs DeLay and Vice Chairperson Mary Woodhead were absent from the meeting.

Present from the Planning Division were Cheri Coffey, Deputy Planning Director; Doug Wheelwright, Deputy Planning Director; Doug Dansie, Senior Planner; Michael Maloy, Principal Planner; Katia Pace, Associate Planner; Casey Stewart, Principal Planner; and Cecily Zuck, Senior Secretary. Lynn Pace, City Attorney, was also present. George Shaw, Planning Director, was out of town on City business and excused from the meeting.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson Wirthlin called the meeting to order at 5:49 p.m. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were: Tim Chambless, Peggy McDonough, Susie McHugh, Prescott Muir, Kathy Scott, and Chairperson Mathew Wirthlin. Salt Lake City Staff present were: Michael Maloy, Katia Pace, Casey Stewart and Doug Wheelwright.

Petition 410-07-39 Gateway Hyatt Hotel Conditional Use Planned Development—a request by the Boyer Company, for a planned development to allow new construction for a hotel use, at 55 North 400 West. This property is zoned G-MU Gateway Mixed Use and is located in City Council District Four.

Petition 410-07-57 Rio Grande Office Conditional Use Planned Development—a request by the Boyer Company, for a planned development to allow new construction of an office use, at 50 North Rio Grande. This property is zoned G-MU Gateway Mixed Use and is located in City Council District Four.

(The above items were head concurrently at 9:56 p.m.)

Cheri Coffey was excused from the remainder of the meeting.

Mr. Pace noted that he had a conflict of interest in the matter, with a close relative who worked for the Boyer Company, and therefore excused himself from the remainder of the meeting.

Chairperson Wirthlin recognized Doug Dansie as staff representative.

Mr. Dansie stated that an Issues Only Hearing had been held in January and many of the issues had already been discussed. He noted that the proposal was to build the Hyatt Place hotel along 400 West, and it would be inline with the urban street wall of 400 West. Mr. Dansie noted that the porte cochere would extend slightly into the public right-of-way; however, Mr. Dansie stated that the issue regarding the right-of-way on 400 West between the City and the Boyer Company had been resolved, with that right-of-way being deeded back to the City. Mr. Dansie noted that part of the planned development approval dealt with building materials. Mr. Dansie stated that staff recommended approval for both petitions. He noted that the hotel approval was conditioned upon

the right-of-way being made whole, and noted that Mr. Boyer was very close to completing negotiations with Transportation regarding the curb on 400 West in front of the proposed hotel to allow cars and sidewalk while maintaining the full right-of-way to accommodate light rail or the full street.

Commissioner McDonough inquired if the proposed parking on the office building met or exceeded the ordinance requirements.

Mr. Dansie noted that the requirement had been met, however, as part of the RDA approval, Mr. Boyer would need to prove this in order to obtain a building permit. He noted that part of the parking issue had come from several cross easements, which historically, had been surplus to the Gateway development.

Commissioner McDonough stated that she was concerned the parking was beyond minimum requirements at this time.

Mr. Dansie noted that at that time it was in surplus of the City requirements. He noted that they had enough at the moment to accommodate the office building on its own lot.

Chairperson Wirthlin invited the applicant forward to speak at 10:02 p.m.

Jake Boyer, the applicant, stated that the easiest way to make the most amicable solution for themselves and the City was to deed the aforementioned portion of 400 West back to the City.

Commissioner McDonough noted that she had made the suggestion to setback the office building somewhat in order to improve the intended view.

Mr. Boyer stated that since last meeting, they had pushed the building back approximately six feet on the lot to create more of a pedestrian plaza in the front of the proposal. He stated that their intention had been to add additional landscaping and hardscaping to promote interest for pedestrians.

Chairperson Wirthlin opened and closed the public hearing at 10:06 p.m. as there was no one present to speak to the item.

Regarding petitions 410-07-39 and 410-07-57, Commissioner Forbis made a motion to approve the requests, based upon staff comments, analysis, and findings of fact presented this evening and subject to the following conditions:

Petition 410-07-39:

1. **The Transportation Department approve the final site plan.**
2. **The Planning Director approve final landscaping.**
3. **The original portion of the 400 West right-of-way that was granted to the railroad be deeded back to the City.**

Petition 410-07-57:

1. **The final plan meet all of the City Codes, including Administrative Approval from the Transportation and Public Utilities Division.**
2. **If the site is separated from the larger lot, a subdivision would be required.**

Commissioner McHugh seconded the motion. All voted, "Aye". The motion carried unanimously.

Mr. Wheelwright expressed his gratitude that the Boyer Company worked so hard with the City regarding the 400 West deed issue, and with the negotiations which had taken place, the City had retained all options for light rail and maintaining two lanes of traffic, north and southbound on 400 West.

Commissioner McDonough noted that when staff reviewed the Issues Only Hearing regarding large parcels, transportation was an issue in the Sugarhouse District, which could require a comprehensive analysis.

Mr. Wheelwright noted that staff could schedule this issue for an Other Business discussion sometime in the near future. He stated that there had been talk amongst the new City administration about clearing any petitions by the Planning Commission administratively before official initiation.

Mr. Wheelwright noted that this possible policy had come about primarily because of the perception in the public that there was a six month moratorium on condominium conversions when there actually was not and therefore, before a petition would be initiated in the future, it would be necessary for City Administration to review. Mr. Wheelwright noted that this issue could also be further discussed at the retreat.

Commissioner Forbis inquired if there was any possibility that a member of the administration could attend the Planning Commission retreat and listen to the concerns of the Commission regarding Sugarhouse. Mr. Forbis noted that there may come a point in the very near future where so much traffic could impact the area that people would begin to avoid it and the area could suffer.

Commissioner Wirthlin adjourned the meeting at 10:13 p.m.

Cecily Zuck, Senior Secretary

PLANNING COMMISSION STAFF REPORT

Gateway Office Building
Planned Development Petition 410-07-57
Generally located at 50 North Rio Grande
February 13, 2008



Planning and Zoning Division
Department of Community
Development

Applicant:

Boyer Company

Staff:

Doug Dansie, Senior
Planner 535-6182
doug.dansie@slcgov.com

Current Zone: G-MU
Gateway Mixed Use

Master Plan

Designation: Gateway

Council District:

District Four, Council
Member Luke Garrott

Acreage:

Approximately 1 acre
(building lot only)

Current Use:

Vacant/Parking

Applicable Land Use

Regulations:

- 21A.21.030 GMU
- 21A.54.080 Standards
for Conditional Uses
- 21A.54.150 Planned
Developments

Attachments:

- A. Elevations and Site
Plan
- B. Green development
commitment

REQUEST

Petition 410-07-57 - A request for Planned Development approval for site plan and design approval, including a request for Conditional Use approval for the modification of building materials.

PUBLIC NOTICE

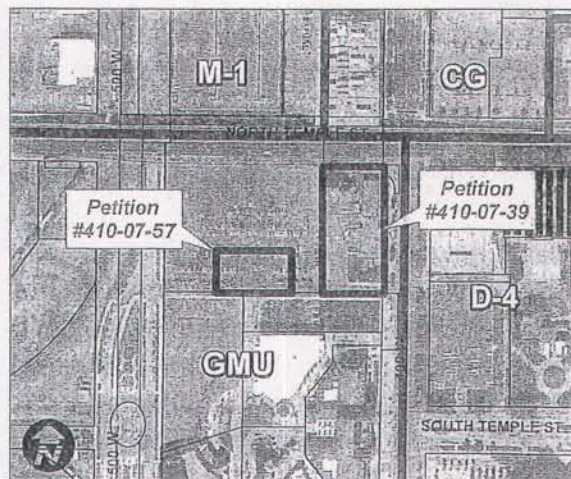
Notice of the February 13, 2008 public hearing was mailed on January 29, 2008 which satisfied the required fourteen day noticing provision for conditional uses and planned development requests.

STAFF RECOMMENDATION

Based on the comments, analysis and findings of fact outlined in this staff report, Staff recommends, subject to departmental requirements, that the Planning Commission grant approval of Petition 410-07-57 site plan and modification of building materials with the following conditions:

- The final plan meet all other city codes, including administrative approval from the Transportation and public Utilities divisions
- If the site is separated from the larger lot, a subdivision is required.

VICINITY MAP



Storm drain calculations and a grading and drainage plan must be submitted for review and approval.

Engineering Division: The Engineering Division needs to verify the address prior to issuance of a building permit.

Building Services: This proposal was reviewed by the DRT on January 28, 2008. The Building Services Division noted the following issues that will need to be addressed by the applicant prior to issuance of a building permit.

- 1) Obtain a certificate of address from the Engineering Division before making an application for a building permit.
- 2) Parking calculations are required.
- 3) Plans, as submitted, appear to conflict with the loading dock maneuvering requirements previously approved for the Old Navy Store.
- 4) Through the conditional use process the applicant will need to address any modifications to the following:
 - Location of loading docks and other service areas as per 21A.31.010.G.
 - Mid-block parking—parking areas are required to be located behind the principle building or 75 feet from front and corner side lot lines.
 - Surface parking lot landscaping—a 20 feet landscape setback is required for surface parking lots in addition to parkway and interior parking lot landscaping.
 - Any modifications to the architectural and urban design requirements for the G-MU zone.

Fire: The Fire Department had no issues.

STAFF ANALYSIS AND FINDINGS

Project History

Since the late 1990's, the applicants have submitted several petitions relevant to the overall development of the Gateway mixed-use center. This project is adjacent to, but outside the planned use approval for the original Gateway development.

Master Plan Discussion

adequate light and air, classify land uses and distribute land development and utilization, protect the tax base, secure economy in governmental expenditures; foster the City's industrial, business, and residential development, and protect the environment.

- **The Central Community Master Plan:** This property is located in the area covered by the Central Community Master Plan. The Future Land Use Map in the Plan designates the property as Gateway. The Plan emphasizes creating livable neighborhoods, developing vital and sustainable commercial development, creating unique and active centers and gathering places and improving the pedestrian environment through quality urban design.
- **The Downtown Master Plan:** The Downtown Plan does not specifically mention this block, but talks of a general upgrade of the Gateway area. The Plan also makes strong statements about the importance of expanding the Downtown to the west and south, away from lower density neighborhoods.
- **The Urban Design Element.** The Urban Design Element generally encourages the tallest buildings in Salt Lake to be located in the central core along Main Street. This site is located in the secondary height area. The primary concern has been the creation of an interesting skyline, rather than a collection of square-topped buildings.

Finding: The Downtown Master Plan supports urban development at this site. Staff finds that the proposed development is generally consistent with the Central Community Master Plan, Downtown Master Plan, Urban Design Element and other applicable Master Plans if all applicable zoning regulations are adhered to.

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 proposed overall access is from 400 West and 500 West via 50 North (private) Streets. 400 West is an arterial street. The Salt Lake City Transportation Division has reviewed the site plan.

Finding: The Transportation Division is generally satisfied with the recommendations of the traffic study and does not anticipate that the traffic impact associated with this project will significantly degrade level of service on adjacent streets.

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

Discussion: The development is required to meet the minimum construction standards adopted by the City. The Transportation Division must approve the internal circulation of the proposed project and have submitted comments to the applicant

material. The developer has attempted to weave the proposed development into the existing environment and has been sensitive to adjacent properties. The G-MU zone allows buildings with non-flat roofs to be constructed ninety (90) feet tall. The proposed structure is approximately seventy-two (72) feet.

Finding: The proposed architecture and conditional use waiver of building materials is consistent with the adjacent gateway development. The building is with allowable height limits.

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

Discussion: Landscaping is not required in the G-MU zoning district.

Finding: The landscaping is appropriate. Public way improvement should be consistent with other public way improvements in the Downtown area.

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

Discussion: The site is adjacent to the historic Salt Lake Hardware and Union Pacific Depot Buildings.

Finding: The proposal does not negatively impact local historic resources or environment features of the site.

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

Discussion: Because it is a mixed-use project there will be a variety of operating times. Salt Lake City Code section 9.28.040 prohibits certain noises, including power equipment, during the night time hours.

Finding: The operating and delivery hour will be compatible with adjacent land uses if applicable City code requirements are adhered to.

K. The proposed conditional use or, in the case of a planned development, the permitted and conditional uses contained therein, are compatible with the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood or the City as a whole.

21A.54.150. The project is not inconsistent with other criteria, they are generally not applicable (i.e. there are no historic structures to preserve, etc.)

Finding: The project generally meets the requirements of the Planned Development approval criteria.

21A.54.150E - Other standards.

Standards for Planned Development Approval include the following:

1. It must meet the minimum lot size.

Discussion: There is no minimum lot size in the G-MU zoning District. All new development is required to be reviewed in the G-MU District.

Finding: The project meets the criteria.

2. Residential density may not be greater than the base zone.

Discussion: The G-MU District has no density limitations for residential uses. The project contains no permanent dwelling units. The office will be beneficial to the vitality and success of the City.

Finding: The project meets this standard.

3. Reduced width streets must be properly engineered.

Discussion: The developer does not propose to narrow the public right-of-way adjacent to this project.

Finding: The street is appropriate in width.

4. The perimeter side and rear yard building setback shall be the greater of the required setbacks of the lot or adjoining lot unless modified by the Planning Commission.

Discussion: There are no minimum front, rear or side yards required in the G-MU Zoning District. There is a maximum front yard setback requirement to encourage urban development. This project is in general conformity with the concept.

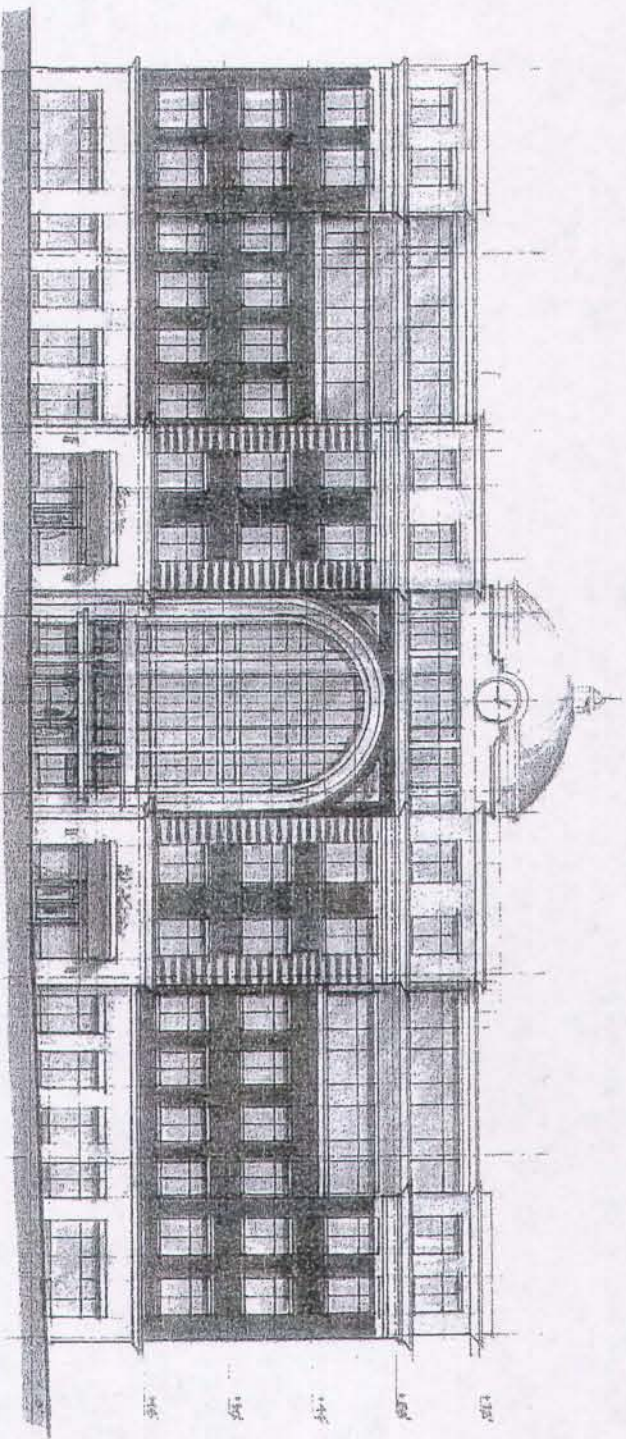
Finding: The project meets this standard.

5. The Planning Commission may increase or decrease the side or rear yard setback where there is a topographic change between lots.

Discussion: The G-MU zone does not require side or rear yard setbacks.

Finding: Not applicable.

Attachment A
Elevations and Site Plan



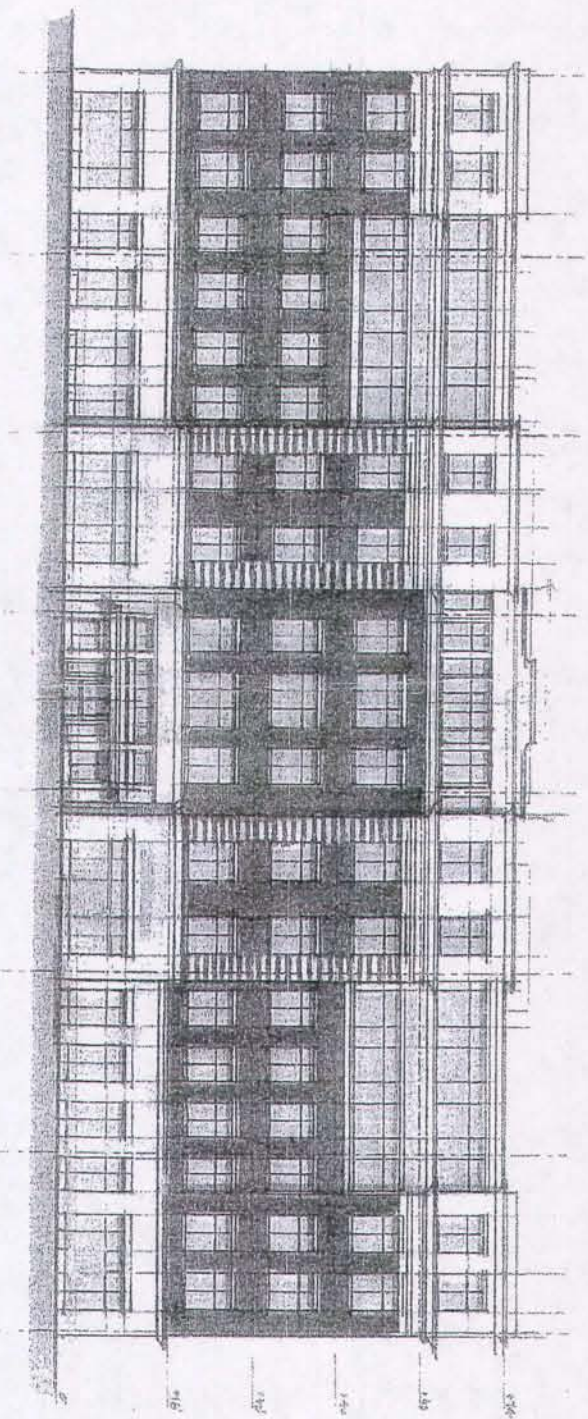
GATEWAY OFFICE SIX
SALT LAKE CITY, UTAH

DRAWN BY: J. J. JONES

PROPOSED BUILDING ELEVATION 51
SCALE: 1/8" = 1'-0"

DESIGNED BY:
J. J. JONES

GATEWAY OFFICE SIX (NORTH - ASAC)
SUN LEE, CH, SHH
DATE: NOVEMBER 27, 2007
PROPOSED BUILDING ELEVATION
SCALE: 1/4" = 1'-0"
SUN LEE, CH, SHH
GROUP



Attachment B
Green Development Commitment

The Boyer Company
Gateway 6 Office Building
Green Building Components

Using previous developed site and connecting new building to existing commercial community
Within 1/2 mile of light rail
Will provide bike racks on site
No new parking provided
Provide preferred parking for low-emitting/fuel efficient vehicles within the required parking
Provide preferred parking for vanpools or carpool vehicles within the required parking
Use roofing materials with a higher Solar Reflective Index
Encourage tenants to recycle paper, glass, aluminum and metals
Recycle and /or salvage a portion of non-hazardous construction wastes
Encourage use of reused building materials and products
Encourage use of building materials and products with recycled and post-consumer content
Encourage use of regionally manufactured building materials and products
Designate Gateway 6 as a Non- Smoking building. Smoking area located away from building entrances
Develop and implement an IAQ Management Plan during construction
Encourage use of Low-Emitting adhesives and sealants
Encourage use of Low-Emitting paints and coatings
Investigate the use of Green Label carpets
Encourage use of non urea-formaldehyde resins in particleboard, plywood and medium density
Fiberboard
Use innovative energy efficient 3-stage cooling system