

PLANNING COMMISSION STAFF REPORT

Marmalade West Rezone Petition # PLNPCM2011-00096 Zoning Map Amendment at 300 West Between 600 North and 500 North



Planning and Zoning Division
Department of Community and
Economic Development

Applicant:

Howa Capital LLC

Staff:

Ray Milliner
ray.milliner@slcgov.com
(801)535-7645

Current Zone:

Residential Mixed Use (R-MU)

Master Plan Designation:

Capitol Hill
Medium Mixed Use

Council District

3 Stan Penfold

Community Council

Capitol Hill

Review Standards

21A.50.050 Standards for General
Amendments

Affected Text Sections

N/A

Notification

- Project noticed in
Newspaper May 25, 2011
- Project Posted May 31,
2011
- Project Notice Mailed to
Adjacent Property Owners
May 25, 2011

Attachments

- A. Letter from Applicant
- B. Site Plan of Property
- C. Site Photographs
- D. Existing Zoning map and
Future Land Use Map

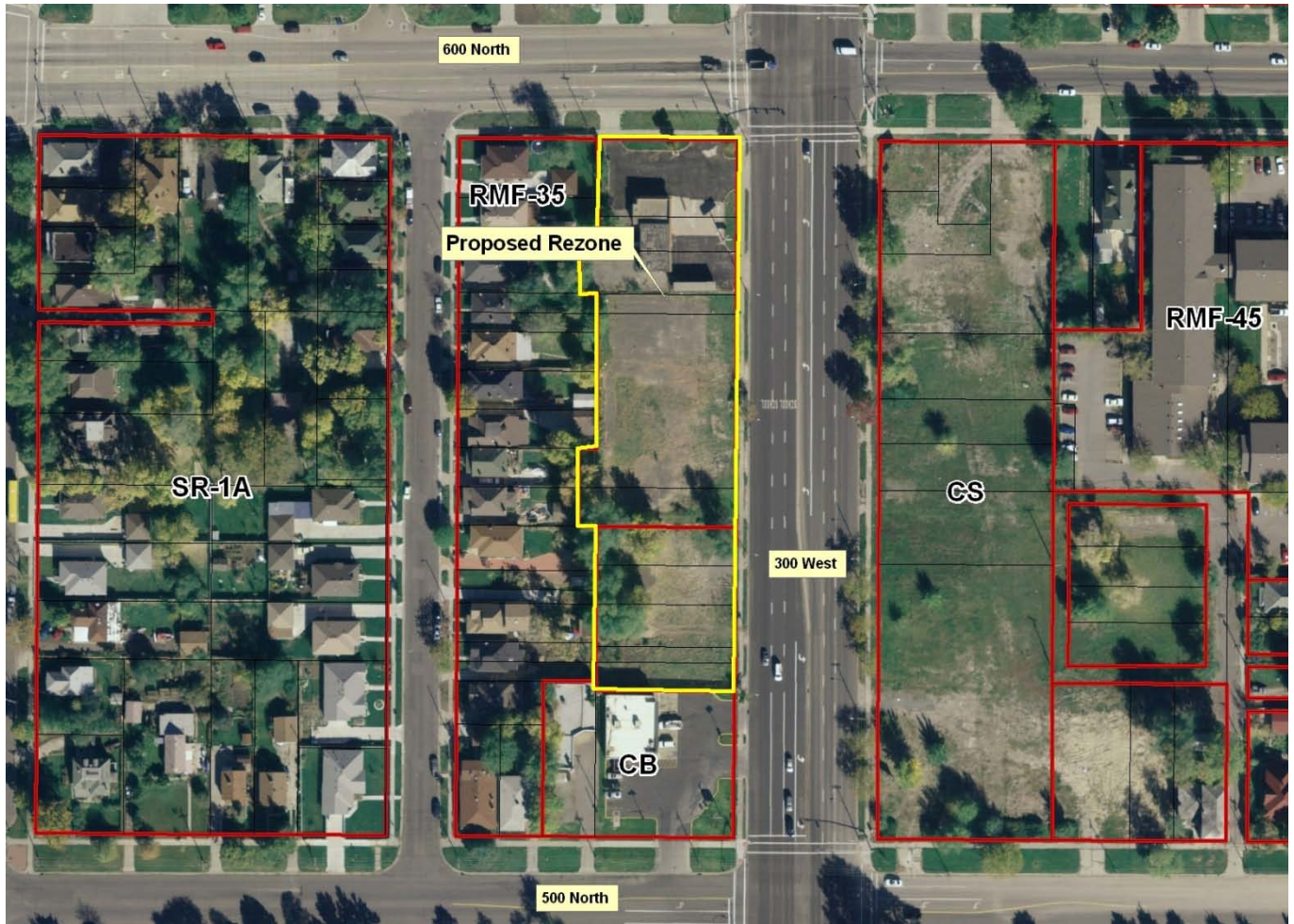
Request

Howa Capitol LLC, represented by JR Howa is requesting approval of a zoning map amendment to rezone the area along the west side of 300 West between 500 and 600 North from Residential Mixed Use (R-MU) to Commercial Business (CB). The purpose of the petition is to allow drive-through, and office uses on the site.

Recommendation

Staff recommends that the Planning Commission review the proposed zoning map amendment for the areas along the west side of 300 West between 500 North and 600 North and forward a positive recommendation to the City Council.

Vicinity Map



Public Participation

Community Council / Public Open House

The project was reviewed by the Capitol Hill Community Council on May 18, 2010. Comments from the meeting were by and large favorable. Members stated that they like the project in general, and that they would like to see it become successful. The request received unanimous approval from all members present in a straw poll.

To date, staff has received no written or verbal comment from other members of the public.

Project Information

Request

This is a request to rezone the areas on the west side of 300 West between 500 North and 600 North from Residential Mixed Use (R-MU) to Commercial Business (CB). The purpose of the proposal is to

enable drive-through and office uses on the property. Neither of these uses are allowed in the R-MU zone.

Proposed Zone: The applicant is requesting a change from R-MU to CB. The CB allows a mixed array of uses including multi-family residential, commercial retail, restaurants, and offices. Staff has reviewed the project, and is recommending that the property be rezoned. The following is a summary of the purposes of the R-MU and CB zones.

CB Purpose = the CB community business district is intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods. The design guidelines are intended to facilitate retail that is pedestrian in its orientation and scale, while also acknowledging the importance of transit and automobile access to the site.

R-MU Purpose = The purpose of the R-MU residential/mixed use district is to reinforce the residential character of the area and encourage the development of areas as high density residential urban neighborhoods containing supportive retail, service commercial, and small scale office uses. The design guidelines are intended to facilitate the creation of a walkable urban neighborhood with an emphasis on pedestrian scale activity while acknowledging the need for transit and automobile access.

	Setbacks	Allowed Height	Lot Coverage	Density
R-MU	No Setback on front and side. 25% of lot depth for the rear.	75 feet for mixed use. 45 feet for nonresidential buildings	20% open space for mixed and residential uses	No minimum lot area required for multi-family structures.
CB	No setback on front or side. 10' in the rear.	30 feet.	15,000 square feet gross floor area permitted. Anything larger is a conditional use	No minimum.

Background Information

The property in question runs along 300 West from 535 to 565 North. There are currently 3 buildings on site, each a multi-unit commercial structure (see site plan exhibit B). The property to the west (directly behind the property), is zoned Residential Multi-Family (RMF-35) but is built out with single family homes. The property to the south is zoned CB with an existing convenience store.

In April of 2005, the applicant entered into negotiations with the City Redevelopment Agency (RDA) to acquire both the east and west sides of 300 West between 500 and 600 North in order to build a large mixed use development. The property was divided into three phases, Marmalade East (Phases 1 and 2 on the east side of 300 West) and Marmalade West (phase 3 on the west side of 300 West). The proposed development of each phase is summarized below:

Phase 1

- **Building D; a five-story, mixed-use building:** The first floor of the building would have 8,000 square feet of retail space with 41 dwelling units on levels two through five. The dwelling units are being considered as condominiums. Underground parking will be provided for the residents.

- Building F; eleven townhomes: These buildings accessed through Arctic Court (private street), and be two-story townhomes.

Phase 2

- Building A; a five-story, mixed-use building: The first floor of the building with retail space, 36 dwellings on levels two through five. Underground parking will be provided for the residents. Due to the grade of the slope on the property, the height of the building on the western edge is 58 feet while the eastern edge is 45 feet 6 inches.
- Grocery/Retail Building: The grocery store will contain 15,000 square feet with an additional 2,750 square feet of retail space. Parking will be located on the north side of the building.

Phase 3

- Building H; Retail Building: A single-story, retail building consisting of 4,245 square feet.
- Building J; Retail Building: A single-story, retail building consisting of 3,360 square feet of retail space.
- Building K; Retail Building: A two-story, mixed-use building, with retail space on the first floor and office space above.

On April 26, 2006 the Planning Commission reviewed a multi tiered application for the project with the following requests (summary only for Phase 3):

1. A conditional use / planned development (see approval summary below)
2. A Master Plan Amendment to amend the future land use map to allow mixed uses on site
3. A Zoning Map Amendment to change the zone to R-MU from MU and RMF-35

At the hearing, the Planning Commission forwarded a positive recommendation for the Map Amendment and Master Plan Amendment to the City Council, and approved the Conditional Use / Planned Development. As part of the Planned Development approval, the Planning Commission voted to grant the Phase 3 property the following exceptions to the Ordinance requirements:

1. Reduction in the required landscaped setback for the interior side yard setback from 30 feet to approximately 6 feet on the east side of the lots between the buildings.
2. Reduction of the required 10 foot landscaped buffer from 10 feet to approximately 4 feet along the west property line.
3. Reduction of the required perimeter landscaping from 7 feet to approximately 1 foot along the south property line.

The three buildings have been built and are ready for occupation.

In July of 2008, the City Council adopted an unrelated ordinance amending the Land Use Tables in the zoning ordinance. As part of this amendment, the Restaurant with Drive-through use was eliminated in the R-MU zone. This change in the ordinance eliminated one of the primary uses that the applicant would like to see on the property, as a result, they are now requesting that the City Council approve the rezone in order to allow the drive-through and office uses.

Phases 1 and 2 of the project were never developed and, the land was retained by the RDA.

Master Plan Information

Analysis: The land proposed for the zoning map amendment is administered by the Capitol Hill Master Plan. The area is featured as “Medium Mixed Use” on the future land use map, and is identified as being within the “West Capitol Hill” neighborhood. Numerous passages in the plan emphasize the need

to create commercial areas that are compatible with the existing residential neighborhoods on both sides of 300 West. Passages include:

- Maintain existing neighborhood oriented commercial land uses and encourage new neighborhood commercial uses in areas where appropriate such as 300 West.
- Provide improvements along 300 West to make 300 West less of a barrier and to allow the residential areas west of 300 West to more closely tie into the existing residential area east of 300 West.
- Provide for commercial establishments which minimize the impacts of nonresidential land uses on the residential community.

Finding: Staff finds that although the CB zone does not have “Mixed Use” as part of its title, nonetheless, the zone allows for a wide array of uses generally considered mixed uses, such as multi-family residential, office, and retail. Staff finds that the change to CB zone will be consistent with the Medium Mixed Use designation on the future land use map. Further, staff finds that the CB zone will be consistent with the policies and goals of the Capitol Hill Master Plan, since the purpose statement specifically states the zone is “intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods.”

STANDARDS FOR GENERAL AMENDMENTS

A decision to amend the text of the Zoning Ordinance or the Zoning Map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the City Council should consider the following factors found in the Zoning Ordinance under Section 21A.50.50.13 for Zoning Amendments:

In making a decision to amend the zoning map, the city council should consider the following:

1. Whether a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;

Analysis: The applicant is requesting this zoning map amendment in order to allow drive-through and office uses on the site. The development on site is consistent with both the purpose statement of the R-MU and the CB zones, and is consistent with the purposes and goals stated in the Capitol Hill Master Plan (see analysis above). This amendment will enable new uses on site as well as make the zoning consistent along the block face between 500 and 600 North, as the convenience store to the south is zoned CB.

Finding: Staff finds that the proposed amendments to the Zoning Map are consistent with the purposes, goals, objectives and policies of the various adopted planning documents.

2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance;

Analysis: The change to the CB zone will be consistent with the policies and goals of the Capitol Hill Master Plan as the purpose statement specifically states the zone is “intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods.” The CB

zone is designed to allow a wide range of uses that support residential areas while mitigating the commercial impacts. Mitigations in the CB section of the Zoning Ordinance include:

- A required 10 foot buffer between commercial and residential uses
- Height limited to 30 feet
- Requirement that all mechanical equipment and service areas be screened
- Requirement that buildings larger than 15,000 square feet be reviewed as a conditional use
- Requirement that landscaped setback be consistent with neighborhood character

The existing development on site complies with these requirements (or received a specific exception to the standard through the planned development process). Therefore, if the zone is changed from R-MU to CB, the purposes and requirements of the Zoning Ordinance will be maintained, as the property in question is consistent with the purpose statement and base requirements of the CB zone.

Finding: Staff finds that the proposed changes to the Zoning Map are consistent with the purpose statement of the CB zone and the Zoning Ordinance, as the existing property meets the minimum requirements of the chapter.

3. The extent to which a proposed map amendment will affect adjacent properties;

Analysis: The immediate effect of the rezone on surrounding properties will be minimal, as the buildings on site have already been constructed. Nonetheless, if the applicant were to expand the development, he would be required to meet all regulations in the CB zone, a zone designed specifically to allow commercial development while protecting adjacent neighborhoods. In some ways, the CB zone is more restrictive on development than the R-MU. For example, the height in the R-MU is 75 feet for a residential building, and 45 feet for a commercial building. In the CB zone the maximum height for all structures is 30 feet.

Neighborhood impacts of the proposed drive-through will be limited for the following reasons:

- It will be located on the South end of the property adjacent to the existing convenience store
- Entry and exit to the drive-through will be from 300 West
- Traffic impact of the drive-through on adjacent residences will be limited, as 300 West is a large arterial street

Finding: The proposed change will have a minimal effect on adjacent properties.

4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and

Analysis: The proposed amendments are not specifically tied to any overlay zoning district. The project received a Planned Development approval from the Planning Commission for three buildings on a single lot. All future development will be required to meet the minimum standards for development in the CB zone including any necessary modifications to the Planned Development approval. No exemption is requested as part of this map amendment.

Finding: Staff finds that the proposed map amendment will be consistent with all applicable overlay zoning districts on the zoning map.

5. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and wastewater and refuse collection.

Analysis: The proposed rezone area is fronted on two sides by large arterial streets with all necessary water, sewer and emergency services adjacent. The site is located within easy walking distance of numerous bus stops along the 300 West Corridor, is near a major freeway interchange and is located within one minute of the nearest fire station.

Finding: The proposed rezone area has sufficient public facilities and services to warrant the proposed rezone.

Attachment A
Letter from Applicant

MEMO

DATE: 03.01.11

TO: Salt Lake City Planning Department
451 South State Street, Room 406
Salt Lake City, Utah 84111-5480

CC: Nole Walkingshaw, Joel Patterson, Rick Howa, JR Howa

FROM: Aaron Hansen

PROJECT: Marmalade West – Generally located on the west of 300 West Street, between 500 North Street and 600 North Street

RE: Zoning Map Amendment

The following information is provided per requirements of the Application for Zoning Amendment.

Purpose Statement of the Map Amendment

Howa Capital, LLC. (Howa) first expressed interest in developing the Marmalade Development located on the east and west side of 300 West Street and generally between 500 North Street and 600 North Street in April 2005 when they entered into negotiations with the Redevelopment Agency of Salt Lake City, Utah to purchase the property. At that time, and throughout the duration of the entitlement process, it was Howa's expressed intent to develop and market the Marmalade Development as a mixed use, walkable, urban, project including residential use, retail use (with a drive through included in the development on the west side of 300 West Street) and office use. For this to happen Howa was required to go through an extensive entitlement process which in part included an amendment to the Zoning Map on both sides of 300 West Street, amending the Capitol Hill Master Plan on the east side of 300 West Street, and applying for a Planned Unit Development (PUD). The amendment to the Zoning Map was proposed to change the property on the east and west side of 300 West Street. The amendment to the Zoning Map on the east side of 300 West Street that was deemed appropriate for the proposed project changed Special Development Pattern Residential "SR-1" and Community Shopping "CS" to reflect Residential Mixed Use "R-MU." The amendment to the Zoning Map on the west side of 300 West Street that was deemed appropriate for the proposed project changed Mixed Use "MU" and Moderate Density Multi-Family Residential "RMF-35" to reflect Residential Mixed Use "R-MU." The proposed amendment to the Zoning Map on both the east and west sides of 300 West Street unified the Marmalade Development.

On April 6, 2006 the Planning Commission of Salt Lake City (Planning Commission) approved a motion to give the City Council of Salt Lake City (City Council) a favorable recommendation to allow the Marmalade Development to proceed as a PUD. On April 8, 2006 the City Council adopted Ordinance No. 55 of 2006, "rezoning the property to R-MU and amend[ing] the Capitol Hill Master Plan subject to a development agreement executed by the RDA Board and confirmed by resolution of the City Council." The Ordinance suspended the recording of the amendment to the Zoning Map and Capital Hill Master Plan, until the development agreement entered into by the RDA and Howa was confirmed by resolution of the City Council. The approved Planned Unit Development included drawings that represented two single story retail buildings (Building H and Building J) and one two story retail/office building with a drive through (Building K) located within the Marmalade West Development.

On October 8, 2008 the Redevelopment Agency of Salt Lake City (RDA) and Howa entered into a development agreement for the property west of 300 West Street and generally between 500 North Street and 600 North Street, known as Marmalade West. Following the execution of the development agreement Howa proceeded to obtain the necessary building permits in addition to proceeding with the construction of the site work, each of the two single story retail buildings (Building H and Building J), and the two story retail/office building (Building K). The project was built as permitted with the drive through moved to the

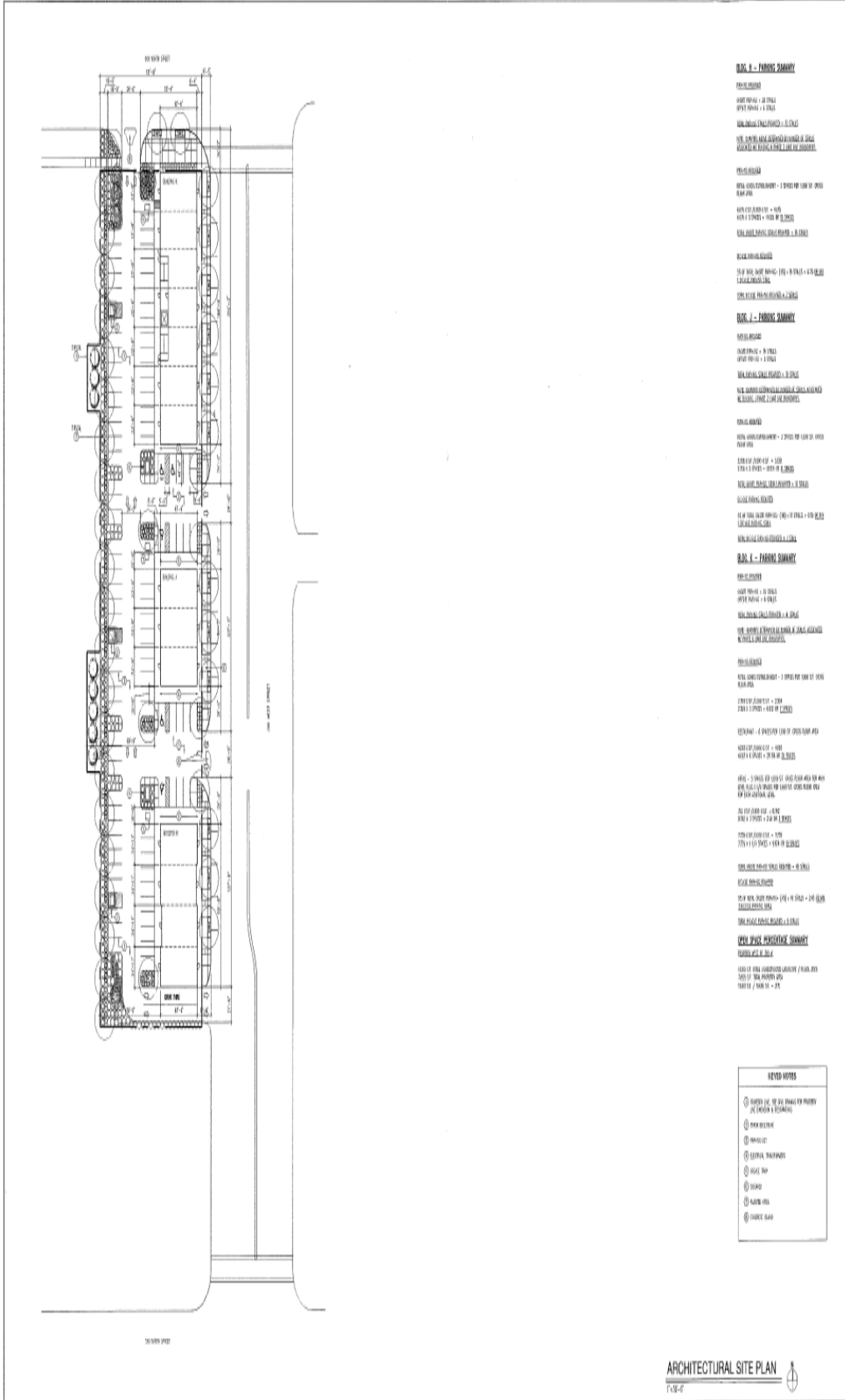
south of Building H and Building K decreased in footprint and square feet. Construction completed in the spring of 2010. On January 18, 2011 the City Council confirmed the development agreement and the amendments to the Zoning Map were recorded.

Without Howa's knowledge, the City Council adopted an ordinance that changed 21A.24.190 Table of Permitted and Conditional Uses for Residential Uses including Residential Mixed Use "R-MU" on January 19, 2008. Prior to this change, Table 21A.24.190 dated July 2006 (the table that Howa used as a basis of design) reflected a drive through for financial institutions as a conditional use, and office as a permitted use. After this change, Table 21A.24.190 reflected all uses with a drive through as not permitted and all office uses as conditional use. See attached Table 21A.24.190 dated July 2006 and Table 21A.24.190 dated October 2010.

It is the desire of Howa to continue to market and lease the Marmalade West Development to meet the project goals established in 2005 by maintaining a walkable, urban development conducive to retail space supported by a drive through, and office space. However, the changes made to Table 21A.24.190 will not allow this. Therefore, Howa is proposing to reconcile the intent of the Marmalade West Development with the expressed intent of the design guidelines as set forth in the Capital Hill Master Plan and the Salt Lake City Zoning Code by amending the Zoning Map changing Residential Mixed Use "R-MU" on the west side of 300 West Street to reflect Community Business District "CB." Howa makes this proposal with the understanding that the purpose statement for each Zoning District emphasizes the desire to facilitate and establish walkable, pedestrian oriented neighborhoods including community oriented business (retail and office) which support adjacent residential areas. In addition, Howa makes this proposal with the knowledge that the drive through south of Building H is required to meet the demand of local businesses such as coffee shops with a drive-up component.

Attachments:

- Six (6) 30" x 42" copies of the Architectural Site Plan, Sheet A0.1
- One (1) 11" x 17" copy of the Architectural Site Plan, Sheet A0.1
- Notice of Minor Subdivision Approval dated 03.02.11 (legal description)
- 21A.24.190 Table of Permitted and Conditional Uses for Residential Districts dated July 2006
- 21A.24.190 Table of Permitted and Conditional Uses for Residential Districts dated October 2010
- Salt Lake City Planning Commission Meeting Minutes (pages 12-14) dated April 26, 2006



KEYED NOTES

- ① OPEN UP TO EX. DRUM TO PROVIDE ACCESS TO EXISTING
- ② NEW WALL
- ③ WALL
- ④ EXISTING PATIO
- ⑤ EX. TRAP
- ⑥ TRAP
- ⑦ NEW WALL
- ⑧ EXIST. GRASS

FIG. 4 - PARKING SUMMARY

PROVIDED
 200 CAR SPACES - 100' x 20' x 20' (200)
 100 CAR SPACES - 100' x 20' x 20' (100)
 100 CAR SPACES - 100' x 20' x 20' (100)

REQUIREMENTS
 100 CAR SPACES - 100' x 20' x 20' (100)
 100 CAR SPACES - 100' x 20' x 20' (100)
 100 CAR SPACES - 100' x 20' x 20' (100)

FIG. 5 - PARKING SUMMARY

PROVIDED
 200 CAR SPACES - 100' x 20' x 20' (200)
 100 CAR SPACES - 100' x 20' x 20' (100)
 100 CAR SPACES - 100' x 20' x 20' (100)

REQUIREMENTS
 100 CAR SPACES - 100' x 20' x 20' (100)
 100 CAR SPACES - 100' x 20' x 20' (100)
 100 CAR SPACES - 100' x 20' x 20' (100)

FIG. 6 - PARKING SUMMARY

PROVIDED
 200 CAR SPACES - 100' x 20' x 20' (200)
 100 CAR SPACES - 100' x 20' x 20' (100)
 100 CAR SPACES - 100' x 20' x 20' (100)

REQUIREMENTS
 100 CAR SPACES - 100' x 20' x 20' (100)
 100 CAR SPACES - 100' x 20' x 20' (100)
 100 CAR SPACES - 100' x 20' x 20' (100)

PRESCOTT WIJR ARCHITECT
 1771 WEST PIERPONT AVE.
 SALT LAKE CITY, UTAH 84101
 TEL: 801.521.9111 FAX: 801.521.9158

OWNER: WEST
 PROJECT NO.: A.O.1

ARCHITECTURAL SITE PLAN

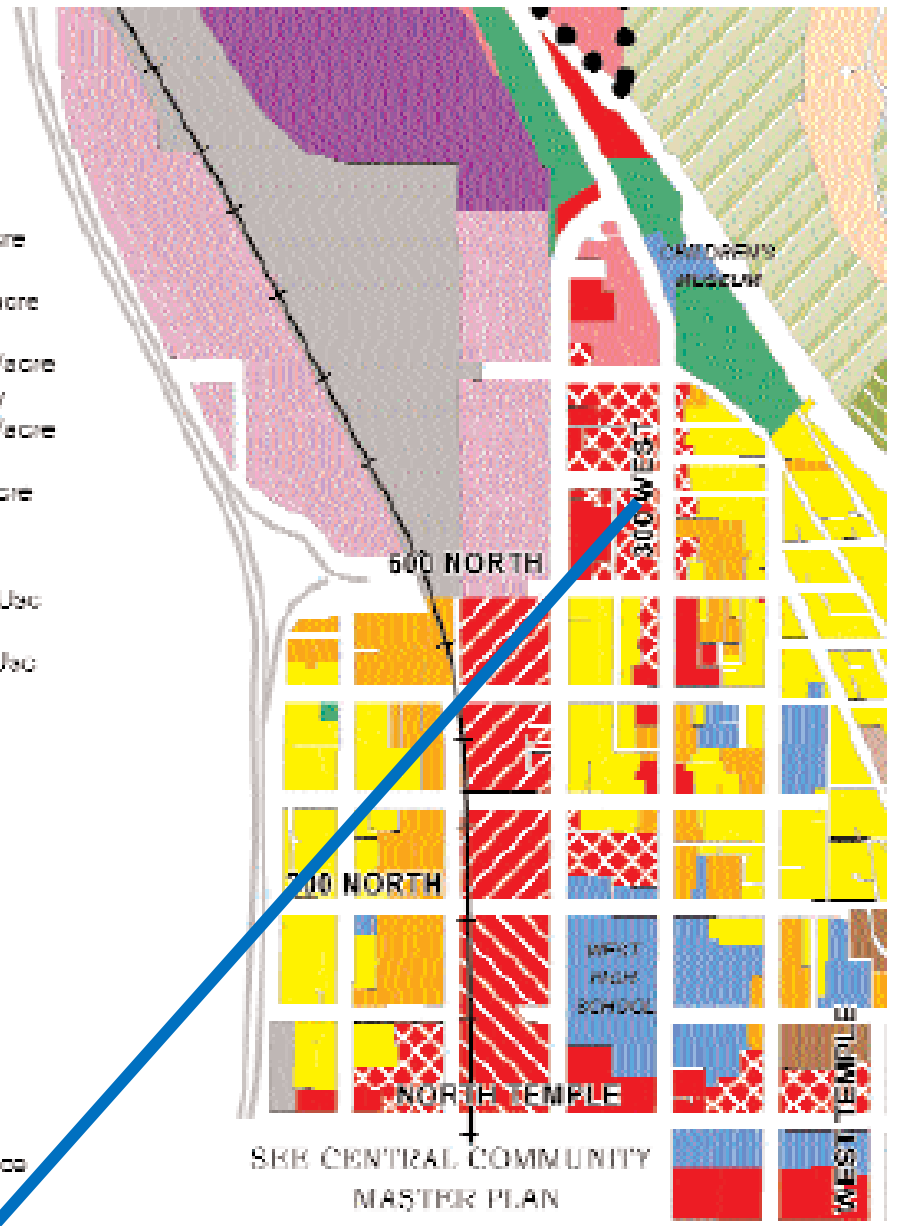
Attachment C
Photographs of Site





Attachment D
Future Land Use Map and Existing Zoning Map

- Transitioning to Business Park
- Future Land Use**
-  Foothill Preservation Residential
-  Very Low Density Residential 1-5 du/acre
-  Low Density Residential 6-15 du/acre
-  Medium Density Residential 15-30 du/acre
-  Medium/High Density Residential 30-15 du/acre
-  High Density Residential 45+ du/acre
-  Medium Mixed Use
-  Medium/High Mixed Use
-  High Density Mixed Use
-  General Commercial
-  Business Park
-  Light Industrial
-  Heavy Industrial
-  Extractive Industry
-  Institutional
-  Transportation
-  Parks and Open Space
-  Foothill Open Space



Property