

Planning Commission Staff Report



Planning Division
Department of Community &
Economic Development

New Balance Shoe Store Conditional Use PLNPCM2012-00111 Planned Development PLNSUB2012-00112 2816 & 2818 South Highland Drive Hearing date: May 9, 2012

Applicant:

Scott Spurrier

Staff:

Casey Stewart 535-6260
casey.stewart@slcgov.com

Tax ID:

16-29-229-001 & 16-29-229-002

Current Zone:

RB (Residential/Business)

Master Plan Designation:

Sugar House Master Plan:
Mixed Use – Low Density

Council District:

District 7 – Soren Simonsen

Community Council:

Sugar House Community Council –
Christopher Thomas (Chair)

Lot size: 0.52 acres (combined lots)

Current Use:

Single Family Residential

Applicable Land Use Regulations:

- 21A.24.160 RB District
- 21A.54 Conditional Uses
- 21A.55 Planned Development
- 21A.59 Conditional Design Review

Attachments:

- A. Applicant's project description
- B. Site/Building drawings
- C. Photographs
- D. City Department Comments
- E. Written public comments

Request

This is a request for conditional use and planned development approval for demolition of two residential buildings and construction of a new commercial retail building for shoe sales.

Staff recommendation

Based on the findings listed in the staff report, it is the Planning Staff's opinion that the project adequately meets the applicable standards for a conditional use and therefore recommends the Planning Commission approve the application as proposed and subject to the following:

1. All parcels involved with the project shall be consolidated into one lot via the appropriate City process prior to issuance of the final building permit.
2. Final planned development site plan approval is delegated to the Planning Director.
3. Compliance with all City department requirements outlined in the staff report for this project. See *Attachment D* of the staff report for department comments.
4. The applicant shall ensure all necessary permits for any demolition are obtained.

VICINITY MAP

2816 & 2818 South Highland Drive



Background

Project Description

The applicant seeks approval to demolish two single family residential buildings and construct a new, 10,500 square foot, brick commercial retail building. The primary use of the building would be for a shoe store on the main level and accessory storage located on the lower (basement) level. The project requires review via the conditional use process because it involves demolishing residential buildings to make way for a commercial building in the RB (Residential/Business) zoning district. The applicant has also submitted an application for planned development seeking to modify the residential design requirements and building setback requirements of the RB zoning district. These two aspects are discussed in more detail in the pages that follow.

The subject site currently consists of two lots, each with a single family dwelling, totaling 0.52 acres in size. Both lots are offered for sale and one of the buildings is currently occupied. The site is surrounded on three sides by public streets and is in a small area of the city zoned RB (Residential/Business). Surrounding zoning districts include single family (R-1/7,000), multi-family (RMF-35), neighborhood commercial (CN), and community business (CB). The proposed project would demolish all existing buildings, combine the two lots, and develop the site with a new commercial retail building with associated parking areas and landscaping.

Discussion

The RB zoning district purpose is to “*create vibrant small scale retail, service, and office uses oriented to the local area within residential neighborhoods along higher volume streets. Development is intended to be oriented to the street and pedestrian, while acknowledging the need for automobile access and parking. This district is appropriate in areas where supported by applicable master plans. The standards for the district are intended to promote appropriate scaled building and site design that focuses on compatibility with existing uses.*”

The planned development process is intended to provide flexibility in the application of site design in order to achieve a result more desirable than through strict application of City land use regulations. The planned development review process has been invoked by the applicant for flexibility in working with building setbacks along the street frontages, and for relief from some of the specific residential design criteria in the RB district

The site and project have a number of aspects that make it difficult for redevelopment in the RB zoning district. The site is bordered on three sides by public streets, two of which are arterial classification. The existing buildings were constructed as single family residences which have deteriorated and, most likely a result of being located on a prominent Sugar House area intersection and bordered by two high volume arterial streets, have not be maintained over time, which has led to a dilapidated condition.

All of the buildings on the Highland Drive block face have been converted to home occupation and/or office use or other small retail service businesses. The only buildings used expressly for residential purposes are two duplexes and a single family home in the southwest corner of this triangular shaped RB area, which is the less prominent portion of the block. On the north side of this key intersection there is a Greek restaurant, and to the east, a one-story retail building that houses a sporting goods store and a copy/printing business. To the west and northwest are single family homes and multi-family, multi-story buildings.

The location of this subject site sandwiched between two arterial streets and surrounded by a number of small retail, service, and office uses leans less toward the “residential” aspect of the RB district and more toward the “business” aspect. The continued use of the subject site for residential purposes is unlikely given the physical characteristics and the intent of the RB district to encourage development that appears “residential” in look has been counterproductive in past efforts to redevelop this corner area. The properties continue to deteriorate.

The following discussion clarifies the specific reasons for the two different review processes and three sets of review standards involved with this project: conditional use, planned development, and conditional building and site design review. Staff’s consideration of these issues is also provided.

- **Conditional Use:** this is required when residential buildings would be demolished as part of a new nonresidential building project in the RB zoning district. The conditional use is subject to particular design standards detailed in the RB district (see following RB design standards) and shall only be approved “... *provided, that in such cases the planning commission finds that the applicant has adequately demonstrated the following:*”

1. *The location of the residential structure is impacted by surrounding nonresidential structures to the extent that it does not function as a contributing residential element to the residential-business neighborhood (RB district); and*

Analysis: The two single family residential structures proposed for demolition are abutted by a professional office, another retail building, and a restaurant. This location reduces the impact the properties might have as contributing factors to a residential character. Their desirability has diminished over the years due to their location on this prominent and busy intersection and do not adequately function as contributing residential elements. The site is better suited for small retail or office uses where high traffic volume, noise, visibility, and privacy are less of a factor than they are for residential uses.

2. *The property is isolated from other residential structures and does not relate to other residential structures within the residential-business neighborhood (RB district); and*

Analysis: The subject site does not relate to other structures within the neighborhood which are a mix of office, retail service, retail goods, and multi-family. The continued use of these sites and structures as single family residential lots is not deemed viable given the current physical conditions mentioned previously.

3. *The design and condition of the residential structure is such that it does not make a material contribution to the residential character of the neighborhood.*

Analysis: The existing buildings were constructed as one-story, brick façade, single family residences which have gradually deteriorated with little maintenance and, most likely a result of being located on a prominent Sugar House area intersection and bordered by two high volume arterial streets, have resulted in a dilapidated condition. Due to their current condition, the buildings and properties do not make a material contribution to the residential character of the neighborhood.

Finding: The proposal adequately meets the three specific standards for a conditional use in the RB zoning district.

RB design standards:

1. *All roofs shall be of a hip or gable design, except additions or expansions to existing buildings may be of the same roof design as the original building;*
 - > Staff comments: The roof design is essentially flat. This is similar to the adjacent home to the south, the retail building to the northeast, and the multi-family building to the northwest. The applicant is requesting, via the planned development, a waiver of this standard given surrounding building roof types.
2. *The remodeling of residential buildings for retail or office use shall be allowed only if the residential character of the exterior is maintained;*
 - > Staff comments: No remodeling is proposed, this project is entirely new construction the exterior will be brick in an attempt to match many Sugar House area buildings that utilize brick.
3. *The front building elevation shall contain not more than fifty percent (50%) glass;*
 - > Staff comments: The proposed front elevation along Highland Drive, the primary elevation, contains 36% glass, which complies with this standard but is short of the 40% standard required by the Conditional Building and Site Design Review. The project could potentially comply with both requirements if the glass were increased to 40% along Highland Drive.
4. *Special sign regulations of chapter 21A.46, "Signs", of this title;*
 - > Staff comments: The project intends to comply with the sign regulations for the RB district.
5. *Building orientation shall be to the front or corner side yard;*

- > Staff comments: The building orientation is to Highland Drive, which is considered the front yard.
- 6. *Building additions shall consist of materials, color and exterior building design consistent with the existing structure, unless the entire structure is resurfaced; and*
 - > Staff comments: No remodeling is proposed, the entirely new building will be predominantly a brick surface.
- 7. *No parking is allowed within the front or corner side yard.*
 - > Staff comments: No parking is proposed for the front or corner side yards.

Finding: The proposal either adequately meets 6 of the 7 RB district design standards. The standard for a hip and gable roof design is not met but the effects of surrounding flat-roofed buildings demonstrated by the applicant are deemed sufficient to allow a flat roof design. The RB district does not limit lot size or building size which would help in keeping the scale of uses and developments small in size. Lacking those limits, there is nothing precluding a retail structure of this size other than the attempt at requiring a residential style roof. This project could potentially be constructed with a hip or gable roof, but the surrounding structures don't have that same style.

- **Planned Development:** The proposal seeks modifications to the RB district front yard building setback and roof design guidelines.
 - > **Setback:** The applicant originally proposed a building that would comply with front yard building setback of 25 feet; however, upon meeting with the Sugar House Community Council, the preference for a reduced setback was discussed by the council. The applicant revised their plans so the building would be closer to Highland Drive to increase pedestrian activity and engage the building with the community more. Subsequently, after discussions with staff, the applicant revised the building footprint slightly which increased the setback a few more feet from Highland Drive and Charlton Street located north of the site. *The proposed front yard setback is 15 feet from the property line along Highland Drive (east line).* The building would comply with all other yard area setbacks, specifically corner-side yards along Charlton Avenue and Richmond Street, and interior side yard along the south property line. The lot would not have a rear yard as a result of three street frontages.

Staff concurs with the proposed setback along Highland Drive on the basis that it will increase pedestrian engagement and allow passing traffic to see into the building which will further activate the site while yet maintaining sufficient area for a landscaping buffer from vehicle traffic. The proposed setback is a good balance of design and safety.

- > **Roof design:** The roof design aspect of this project was discussed previously in this report under the RB design standards section. To reiterate, the applicant provided photographs of some abutting buildings that are flat-roofed, demonstrating to staff that the character of the immediate area is flat roof and that the ordinance requirement for a hip or gable roof was not strongly supported.

Options

Options for the conditional use request include denying, approving, or approving with mitigating conditions. Those options apply to both the conditional use and planned development petitions.

If the conditional use request was denied, the applicant would still have the option to petition for a map amendment to change the zoning district to one that would not have the design requirements of the RB district. If the planned development is denied, the project would be subject to the basic RB setbacks and design requirements.

If there were aspects or impacts of the project that can be adequately mitigated by conditions, the planning commission can place those conditions on any approvals granted. If those impacts cannot be mitigated by conditions, then the planning commission may consider denying the petitions.

Public Notice, Meetings, Comments

Notice of the public hearing for the proposal included:

- Public hearing notice mailed on or before April 27, 2012
- Public hearing notice posted on or before property April 29, 2012
- Public notice posted on City and State websites and Planning Division list serve: April 27, 2012

Public Comments

The applicant presented the proposal at a meeting of the full Sugar House Community Council on April 4th, 2012. A copy of the community council's written comments are included with this report as "*Attachment E*". One topic from the community council related to vacating Charlton Avenue on the north side of this site because it has very little traffic and would serve better as part of a development that would maintain it. It would also serve to reduce the size of the intersection of Highland Drive, 1300 East, and Richmond Streets, making it easier for pedestrians to navigate. Vacating the street would require action by the City Council and the applicant was not willing to add that additional time onto his project review, although he was not opposed to incorporating and landscaping the land at a later date. In general, applicable City departments did not object to the concept. An email was received from the adjacent property owner to the south who runs a landscape design firm. Generally, she supports redevelopment of the site for retail use but is concerned with the size of the building. The email is included with the public comments as *Attachment E*. No other public comments were received prior to the completion of this report. Comments received after will be provided to the planning commission members at the meeting.

City Department Comments

Comments were received from the following City departments and are included as "*Attachment D*": Public Utilities, Engineering, Transportation, Fire, Police, and Building Services. In general, the departments had no concerns or objections to the proposed development but provided a few specific improvements or modifications required according to their respective area of development oversight.

Analysis and Findings

Standards for Conditional Uses; Section 21A.54.080

A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use shall be denied. In order to identify and evaluate the detrimental effects and the need for and/or adequacy of mitigating conditions, the planning commission shall review and consider the following:

1. **Master Plan and Code Compliance:** The proposal is supported by the general policies of the City Wide, Community, and Small Area Master plan text and the future land use map policies governing the site;
 - a. The proposed development is one of the conditional uses specifically listed in this title; and
 - b. The proposed development is supported by the general purposes and intent of the zoning ordinance including the purpose statement of the zoning district.

Analysis: The proposed retail use is listed as a permitted use in the zoning ordinance. The Sugar House Master Plan references this area for mixed-use development in this area and considers it a gateway to the community. The master plan calls for rehabilitation of areas adjacent to gateways in order to give a good first impression, which this project does with improved landscaping, and building architecture, and pedestrian activity. The RB zoning district has the purpose of creating “...*vibrant small scale retail, service, and office uses oriented to the local area within residential neighborhoods along higher volume streets. ... The standards for the district are intended to promote appropriate scaled building and site design that focuses on compatibility with existing uses.*” The proposed use is retail and would be housed in an appropriately sized, scaled, and designed building for the area.

Finding: The project complies with the purpose of the RB district and supports the policies of the Sugar House Master Plan.

2. **Use Compatibility:** The proposed use at the particular location is compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing development. In determining compatibility, the Planning Commission may consider the following:
- a. 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;
 - b. The type of use and its location does not create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected with the development of a permitted use. In determining unusual patterns, the Planning Commission shall consider:
 - i) The orientation of driveways and if they direct traffic to the major streets or local streets, and, if directed to the local streets, the impacts to the safety, purpose, and character of the local streets;
 - ii) Parking locations and size, and if parking plans encourage street side parking to the proposed use which impacts the adjacent land uses;
 - iii) Hours of peak land use when traffic to the proposed use would be greatest and that such times and peaks would not impact the ability of the surrounding uses to enjoy the use of their properties; and
 - iv) The hours of operation of the proposed use when compared with the hours of activity/operation of the surrounding uses and the potential of such hours of operation do not create noise, height, or other nuisances not acceptable to the enjoyment of existing surrounding uses or common to the surrounding uses.
 - c. The internal circulation system of the proposed development is properly designed for motorized, non-motorized and pedestrian traffic, and mitigates impacts on adjacent properties;
 - d. Existing or proposed utility and public services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources;
 - e. Appropriate buffering such as landscaping, setbacks, and building location, is provided to protect adjacent land uses from light, noise and visual impacts.
 - f. Detrimental concentration of existing non-conforming or conditional uses substantially similar to the use proposed. The analysis is based on an inventory of uses within a quarter mile radius of the subject property.

Analysis: The proposed use in the subject location is compatible with adjacent properties and the surrounding neighborhood. The site would be accessed from Highland Drive and Richmond Street and the vehicle parking is located in the interior side of the adjacent to the building out of prominent view. The surrounding arterial streets are more than adequate to handle all anticipate vehicle traffic generated by this project. The permitted retail use would not create unusual pedestrian or vehicle traffic patterns and would have hours of operation similar to other retail uses – mid morning to evening. The project’s

internal circulation is properly design and pedestrian friendly. The proposed landscaping would satisfy buffering requirements from the lone adjacent office us to the south. There is no detrimental concentration of similar uses in the vicinity – surrounding uses are office, retail, and residential. The size and design are anticipated to have no adverse impact on the surrounding area.

Finding: The project satisfies this standard; the proposed conditional use is compatible with adjacent properties and the surrounding, by the nature of the use and it’s method of operation.

3. **Design Compatibility:** The proposed conditional use is compatible with:

- a. The character of the area with respect to: site design and location of parking lots, access ways, and delivery areas; impact on adjacent uses through loss of privacy, objectionable views of large parking or storage areas; or views and sounds of loading and unloading areas;
- b. Operating and delivery hours are compatible with adjacent land uses; and
- c. The proposed design is compatible with the intensity, size, and scale for the type of use, and with the surrounding uses.

Analysis: The site design will have minimal impact on adjacent uses and the surrounding area. The parking lot is located to the side of the building and will be partially shielded by a covered pedestrian/customer canopy project south from the building. Hours of operation are typical retail hours of mid-morning to evening. The size and design are anticipated to have no adverse impact on the surrounding area and were produced with the intent of creating a more engaging and visually appealing, pedestrian-friendly retail use.

Finding: The project satisfies this standard. The size and design of the project is compatible with the character of the area.

4. **Detriment to Persons or Property:** The proposed use will not, under the circumstances of the particular case and the 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 applicant shall demonstrate that the proposed use:

- A. Does not lead to deterioration of the environment by emitting pollutants into the ground or air that cause detrimental effects to the property or to neighboring properties;
- B. Does not introduce hazards or potentials for damage to neighboring properties that cannot be mitigated; and
- C. Is in keeping with the type of existing uses surrounding the property, and that as proposed the development will improve the character of the area by encouraging reinvestment and upgrading of surrounding properties.

Analysis: No deterioration of the environment will occur as a result of this application. The reinvestment and upgrading of the site will improve this corner as a gateway to the Sugar House community.

Finding: The project satisfies this standard. The project will not result in detriment to persons or property and improves the site and supports the surrounding neighborhood.

5. **Compliance with Other Applicable Regulations:** The proposed development complies with all other applicable codes and ordinances.

Analysis: Approval of this application is based on compliance with all applicable City building permits and codes prior to and during construction.

Finding: The project satisfies this standard. Staff finds the proposed conditional use must comply with all other applicable codes and ordinances.

Standards for Planned Developments; *Section 21A.55.050*

Through the flexibility of the planned development regulations, the city seeks to achieve *any* of the following specific objectives:

- A. Combination and coordination of architectural styles, building forms, building materials, and building relationships;
- B. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;
- C. Preservation of buildings which are architecturally or historically significant or contribute to the character of the city;
- D. Use of design, landscape, or architectural features to create a pleasing environment;
- E. Inclusion of special development amenities that are in the interest of the general public;
- F. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation;
- G. Inclusion of affordable housing with market rate housing; or
- H. Utilization of “green” building techniques in development.

- A. Planned Development Objectives: The Planned Development shall meet the purpose statement for a planned development (Section 21A.55.010) and will achieve at least one of the objectives stated in said Section;

Analysis: The project proposes, with the modified setbacks, a pleasing environment with landscaping and building design that will enhance the property and surrounding area. The closer setback has received support by the local community council and improves the building’s engagement with passing pedestrian and vehicle traffic. The project will also eliminate the deteriorated buildings on the site and activate this corner that is not conducive to residential use.

Finding: The project, through use of the planned development process, achieves at least two of the objectives for planned development, thereby satisfying this standard.

- B. Master Plan And Zoning Ordinance Compliance: The proposed planned development shall be:
 - 1. Consistent with any adopted policy set forth in the citywide, community, and/or small area master plan and future land use map applicable to the site where the planned development will be located, and,
 - 2. Allowed by the zone where the planned development will be located or by another applicable provision of this title.

Analysis: Refer to page 6. This same standard was addressed previously as item “1” under the conditional use review.

- C. Compatibility: The proposed planned development 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:
1. Whether the street or other means of access to the site provide the necessary ingress/egress without materially degrading the service level on such street/access or any adjacent street/access;
 2. Whether the planned development and its location will create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected, based on:
 - a. 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;
 - b. Parking area locations and size, and whether parking plans are likely to encourage street side parking for the planned development which will adversely impact the reasonable use of adjacent property;
 - c. Hours of peak traffic to the proposed planned development and whether such traffic will unreasonably impair the use and enjoyment of adjacent property.
 3. Whether the internal circulation system of the proposed planned development will be designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic;
 4. Whether existing or proposed utility and public services will be adequate to support the proposed planned development at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources;
 5. 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 planned development, and;
 6. Whether the intensity, size, and scale of the proposed planned development is compatible with adjacent properties.
 7. If a proposed conditional use will result in new construction or substantial remodeling of a commercial or mixed used 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: Refer to pages 6 and 7. This same standard was addressed previously as items “2” and “3” under the conditional use review. The project will be subject to the conditional building and site design review standards. These are addressed later in the report.

- D. Landscaping: Existing mature vegetation on a given parcel for development shall be maintained. Additional or new landscaping shall be appropriate for the scale of the development, and shall primarily consist of drought tolerant species;

Analysis: Because of the proposed demolition and new construction existing vegetation is not proposed to be kept. The site will have all new landscaping, which as planned, is appropriate for the scale of the project. The applicant states the landscaping will contain primarily drought tolerant plant species.

Finding: The project satisfies the landscaping standard.

- E. Preservation: The proposed Planned Development shall preserve any historical, architectural, and environmental features of the property;

Analysis: The site will be completely redeveloped. The existing buildings are not listed on any national or local registers of historic places or cultural resources. The site has no other features that would warrant preservation.

Finding: The project satisfies this standard.

- F. Compliance with Other Applicable Regulations: The proposed planned development shall comply with any other applicable code or ordinance requirement.

Analysis: Other than the specific modifications requested by the applicant, the project appears to comply with all other applicable codes. Further compliance will be ensured during review of construction permits.

Finding: The project satisfies this standard.

Conditional Building and Site Design Review standards

Conditional building and site design review shall be approved in conformance with the provisions of the following standards for design review found in chapter 21A.59.060 of the City's Zoning Ordinance.

Note: Analysis for these criteria is at the end of the criteria, starting on page 13.

- A. Development shall be primarily oriented to the street, not an interior courtyard or parking lot.
1. Primary building orientation shall be toward the street rather than the parking area. The principal entrance shall be designed to be readily apparent.
 2. At least sixty percent (60%) of the street frontage of a lot shall have any new building located within ten feet (10') of the front setback. Parking is permitted in this area.
 3. Any buildings open to the public and located within thirty feet (30') of a public street shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be a distinctive and prominent element of the building's architectural design, and shall be open to the public during all business hours.
 4. Each building shall incorporate lighting and changes in mass, surface, or finish to give emphasis to its entrances.
- B. Primary access shall be oriented to the pedestrian and mass transit.
1. Each building shall include an arcade, roof, alcove, portico, awnings, or similar architectural features that protect pedestrians from the rain and sun.
- C. Building facades shall include detailing and glass in sufficient quantities to facilitate pedestrian interest and interaction.
1. At least forty percent (40%) of any first floor wall area that faces and is within thirty feet (30') of a primary street, plaza, or other public open space shall contain display areas, windows, or doorways. Windows shall allow views into a working area or lobby, a pedestrian entrance, or display area. First floor walls facing a side street shall contain at least twenty five percent (25%) of the wall space in

window, display area, or doors. Monolithic walls located within thirty feet (30') of a public street are prohibited.

2. Recessed or projecting balconies, verandas, or other usable space above the ground level on existing and new buildings is encouraged on a street facing elevation. Balconies may project over a public right of way, subject to an encroachment agreement issued by the city.

D. Architectural detailing shall emphasize the pedestrian level of the building.

E. Parking lots shall be appropriately screened and landscaped to minimize their impact on adjacent neighborhoods.

1. Parking areas shall be located behind or at one side of a building. Parking may not be located between a building and a public street.
2. Parking areas shall be shaded by large broadleaf canopied trees placed at a rate of one tree for each six (6) parking spaces. Parking shall be adequately screened and buffered from adjacent uses.
3. Parking lots with fifteen (15) spaces or more shall be divided by landscaped areas including a walkway at least ten feet (10') in width or by buildings.

F. Parking lot lighting shall be shielded to eliminate excessive glare or light into adjacent neighborhoods.

G. Parking and on site circulation shall be provided.

1. Connections shall be made when feasible to any streets adjacent to the subject property and to any pedestrian facilities that connect with the property.
2. A pedestrian access diagram that shows pedestrian paths on the site that connect with a public sidewalk shall be submitted.

H. Dumpsters and loading docks shall be appropriately screened or located within the structure.

1. Trash storage areas, mechanical equipment, and similar areas are not permitted to be visible from the street nor permitted between the building and the street.
2. Appropriate sound attenuation shall occur on mechanical units at the exterior of buildings to mitigate noise that may adversely impact adjacent residential uses.

I. Signage shall emphasize the pedestrian/mass transit orientation.

J. Lighting shall meet the lighting levels and design requirements set forth in [chapter 4](#) of the Salt Lake City lighting master plan dated May 2006.

K. Streetscape improvements shall be provided as follows:

1. One street tree chosen from the street tree list shall be placed for each thirty feet (30') of property frontage on a street.
2. Landscaping material shall be selected that will assure eighty percent (80%) ground coverage occurs within three (3) years.
3. Hardscape (paving material) shall be utilized to designate public spaces. Permitted materials include unit masonry, scored and colored concrete, grasscrete, or combinations of the above.
4. Outdoor storage areas shall be screened from view from adjacent public rights of way. Loading facilities shall be screened and buffered when adjacent to residentially zoned land and any public street.
5. Landscaping design shall include a variety of deciduous and/or evergreen trees, and shrubs and flowering plant species well adapted to the local climate.

L. Street trees shall be provided as follows:

1. Any development fronting on a public or private street shall include street trees planted consistent with the city's urban forestry guidelines and with the approval of the city's urban forester.
2. Existing street trees removed as the result of a development project shall be replaced by the developer with trees approved by the city's urban forester.

M. **[Not Applicable to New Balance project due to size being less than 60,000 square feet]** The following additional standards shall apply to any large scale developments with a gross floor area exceeding sixty thousand (60,000) square feet:

1. The orientation and scale of the development shall conform to the following requirements:
 - a. Large building masses shall be divided into heights and sizes that relate to human scale by incorporating changes in building mass or direction, sheltering roofs, a distinct pattern of divisions on surfaces, windows, trees, and small scale lighting.
 - b. No new buildings or contiguous groups of buildings shall exceed a combined contiguous building length of three hundred feet (300').
2. Public spaces shall be provided as follows:
 - a. One square foot of plaza, park, or public space shall be required for every ten (10) square feet of gross building floor area.
 - b. Plazas or public spaces shall incorporate at least three (3) of the five (5) following elements:
 - (1) Sitting space of at least one sitting space for each two hundred fifty (250) square feet shall be included in the plaza. Seating shall be a minimum of sixteen inches (16") in height and thirty inches (30") in width. Ledge benches shall have a minimum depth of thirty inches (30");
 - (2) A mixture of areas that provide shade;
 - (3) Trees in proportion to the space at a minimum of one tree per eight hundred (800) square feet, at least two inch (2") caliper when planted;
 - (4) Water features or public art; and/or
 - (5) Outdoor eating areas or food vendors.

N. Any new development shall comply with the intent of the purpose statement of the zoning district and specific design regulations found within the zoning district in which the project is located as well as adopted master plan policies, the city's adopted "urban design element" and design guidelines governing the specific area of the proposed development. Where there is a conflict between the standards found in this section and other adopted plans and regulations, the more restrictive regulations shall control. (Ord. 61-08 § 2 (Exh. B), 2008; Ord. 89-05 § 8, 2005; Ord. 3-05 § 11, 2005)

Analysis (Conditional Building and Site Design): Considering the standards, staff has confirmed the project achieves almost all of the design standards except for glass content along Highland Drive and Richmond Street, and/or where unclear, the applicant understands the requirement to achieve the remainder of them.

Glass content:

The percentage of glass proposed for Highland Drive, the front of the building is 36 percent and does not reach the required 40 percent (standard C.1). There is a slight conflict with this standard and the RB district design standards as was mentioned in this report's discussion of the RB design standards on page 4. Any amount of glass less than 50 percent is acceptable per the RB design guidelines; however, the amount required by the Conditional Building and Site Design review is a minimum of 40 percent. The building proposed building design provides a good amount of architectural features, including covered canopies, façade breaks and windows on all sides of the building, to increase external visual interest without needing the full 40 percent glass along Highland Drive. The proposed 36 percent glass is sufficient in staff's opinion.

The building façade along Charlton Avenue includes sufficient glass to comply with the 25 percent requirement of the Conditional Building and Site Design review. The façade along Richmond Street, also considered a side street for this project, would only contain 20 percent glass, not 25 percent as required. The applicant seeks relief from the glass standard on this façade given the amount of glass already provided on the other facades. Furthermore, the extra glass content would make it difficult to provide areas within the building for secure storage of inventory and not have the public be looking into stacks of boxes and inventory. Staff supports the amount of glass on Richmond Avenue based on the applicant's arguments and the reduced need to visibility on this side due to the limited pedestrian activity on this side, and the grade change between the street and façade affecting visibility of passing traffic.

The standards for *conditional uses* and the guidelines for the *planned development*, as previously discussed, address essentially the same design standards as *conditional building and site design review*. Staff finds the proposal overall adequately satisfies the standards of the three review processes, and where the standards might conflict, reaches a good balance of compliance. The project incorporates many building design and site layout features that lend themselves to both pedestrian, mass transit, and automobile access, while maintaining overall compatibility with the adjacent uses and surrounding neighborhood. The project also serves to improve the community gateway at this intersection as promoted by the Sugar House Master Plan.

Attachment A
Applicant's Project Description

Please Answer the Following Questions. Use an Additional Sheet if Necessary.

Please describe your project:

Construction of a building to house the New Balance Salt Lake shoe store.+

List the primary street accesses to this property:

Entrance and exit on highland and Richmond street with right turn exit only on Richmond

If applicable, what is the anticipated operating/delivery hours associated with the proposed use?

Operating Hours: 10am-8pm

Delivery:10am-8pm with a single UPS delivery/pick up each day.

What are the land uses adjacent to the property (abutting and across-the-street properties)?

Across the street: Retail-currently a print shop, computer game store.

South: All retail or business.

Have you discussed the project with nearby property owners? If so, what responses have you received?

No

If applicable, list the primary exterior construction materials you will use as part of this project.

Decorative block (see attached image of our Union Park store that was constructed under a similar zoning situation).

How many parking stalls will be provided as part of the project?

26 including two handicap.

How many employees do you expect to have on-site during the highest shift?

6

Where applicable, how many seats will be provided as part of the conditional use?

What is the gross floor area of the proposed building?

5,000 ground floor with 5,000 basement divided into 2,500 office and 2,500 NB Salt Lake storage.

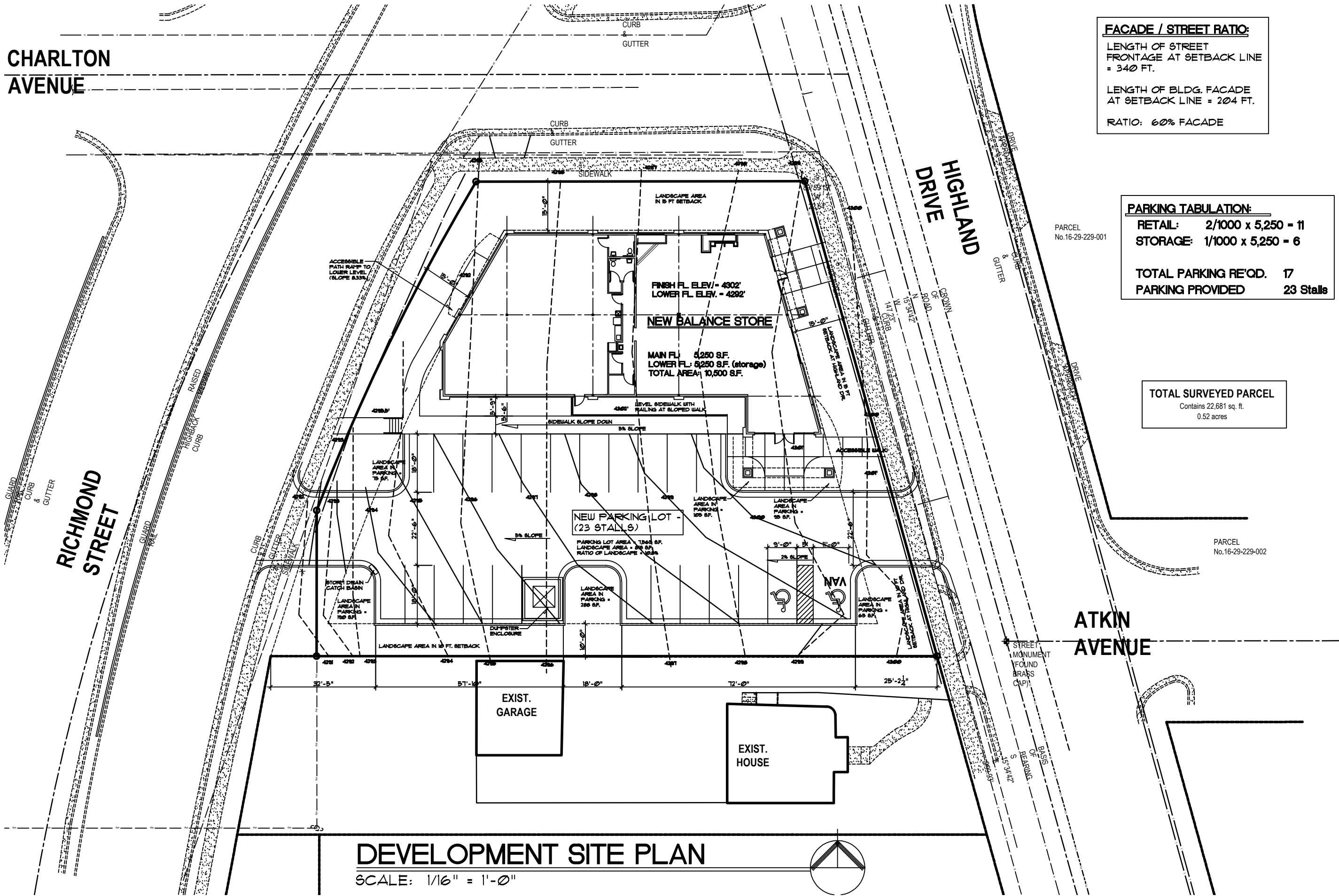
Attachment B
Site / Building drawings

CHARLTON AVENUE

RICHMOND STREET

HIGHLAND DRIVE

ATKIN AVENUE



FACADE / STREET RATIO:
 LENGTH OF STREET FRONTAGE AT SETBACK LINE = 340 FT.
 LENGTH OF BLDG. FACADE AT SETBACK LINE = 204 FT.
 RATIO: 60% FACADE

PARKING TABULATION:
 RETAIL: 2/1000 x 5,250 = 11
 STORAGE: 1/1000 x 5,250 = 6
 TOTAL PARKING RE'OD. 17
 PARKING PROVIDED 23 Stalls

TOTAL SURVEYED PARCEL
 Contains 22,681 sq. ft.
 0.52 acres

PARCEL No.16-29-229-001

PARCEL No.16-29-229-002

DEVELOPMENT SITE PLAN

SCALE: 1/16" = 1'-0"

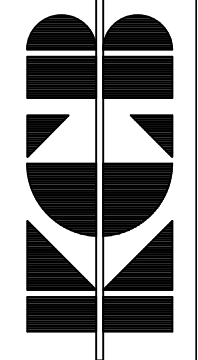
PROJECT/OWNER

NEW BALANCE
 NEW RETAIL STORE
 2016 SOUTH HIGHLAND DRIVE
 SALT LAKE CITY, UTAH
 SCOTT SPURRIER

ARCHITECT



architecture
 2033 don drive 84040
 layton, utah
 (801) 593-9338
 (801) 593-9328 FAX



REVISION

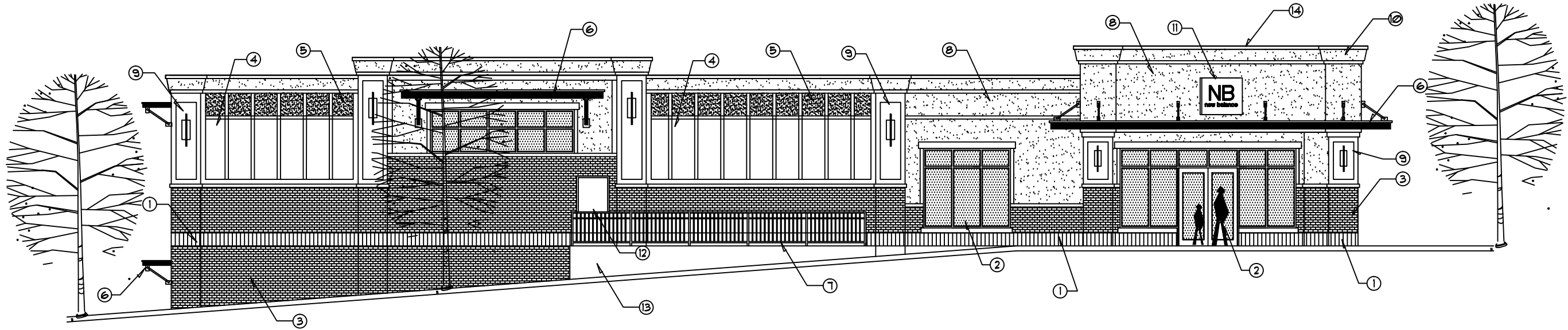
XX

DATE

20 APR 2012

SHEET NUMBER

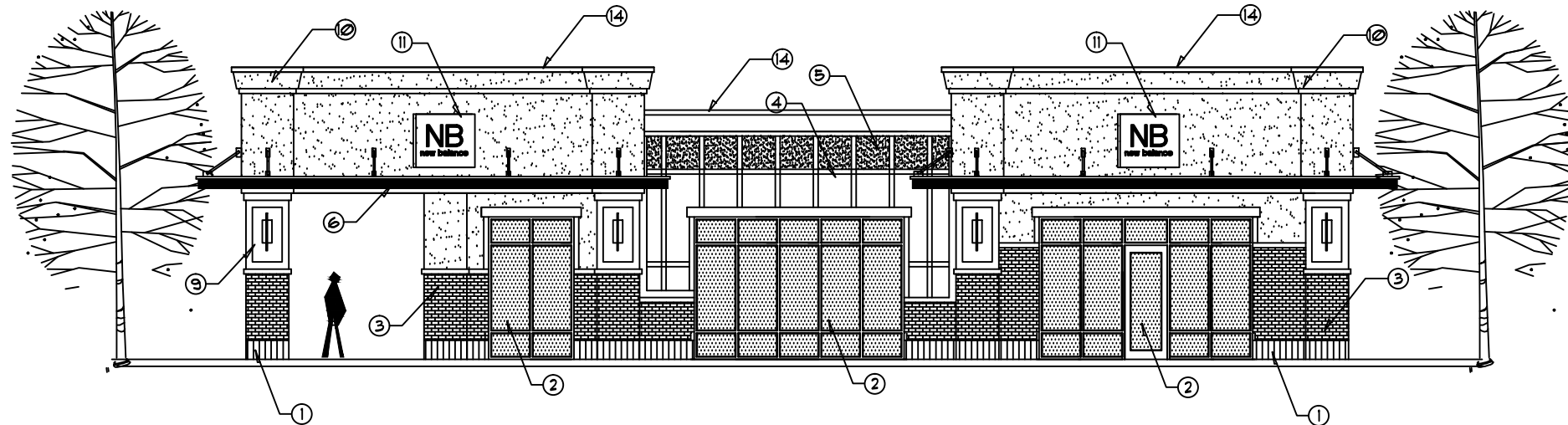
A1.1



SOUTH ELEVATION - parking lot

SCALE: 3/16" = 1'-0"

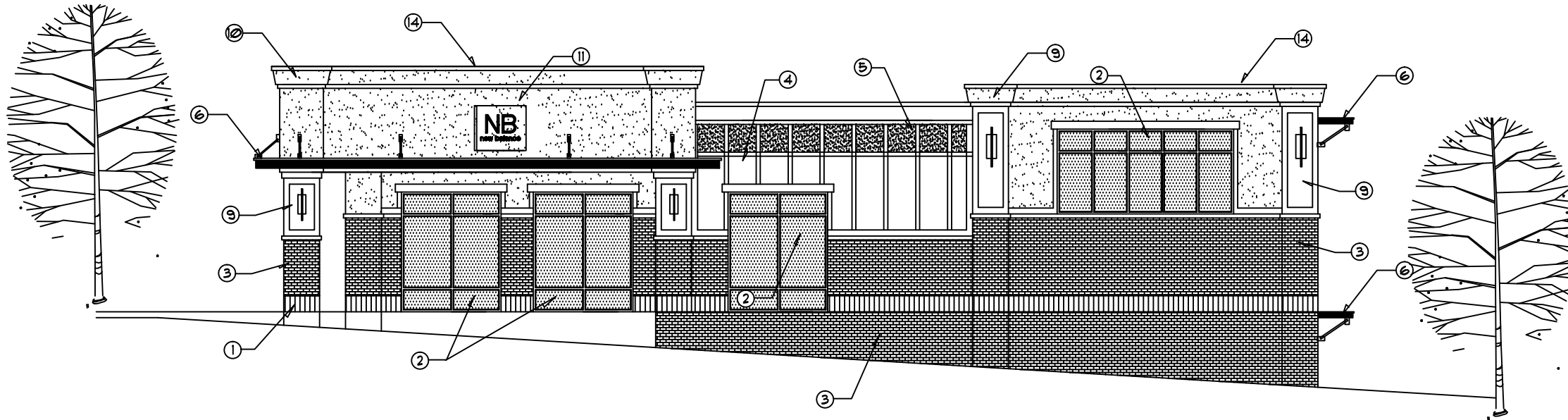
- ELEVATION KEYED NOTES:**
1. 16" BRICK SOLDIER COURSE AT BASE.
 2. DARK BRONZE ALUM. STOREFRONT.
 3. BRICK VENEER.
 4. HARDIBOARD SIDING AND TRIM
 5. RED ACCENT BAND - SMOOTH HARDIBOARD TRIM.
 6. DARK BRONZE METAL CANTILEVER AWNING ELEMENT AND TRIM.
 7. DARK BRONZE RAILING.
 8. SYNTHETIC STUCCO
 9. HARDIBOARD TRIM AT PILASTER WITH LIGHT SCONCE.
 10. EIFS CORNICE TRIM AT TOP OF PARAPET.
 11. SIGN BY OTHERS (N.I.C.)
 12. HOLLOW METAL DOOR - PAINTED
 13. EXPOSED CONCRETE FOUNDATION
 14. CONTINUOUS DARK BRONZE METAL CAP AT PARAPET.



| | |
|----------------------|-----------|
| TOTAL FACADE: | 1,340 SF. |
| GLAZING / OPEN AREA: | 485 SF. |
| PERCENTAGE: | 36% |

EAST ELEVATION - highland drive

SCALE: 3/16" = 1'-0"

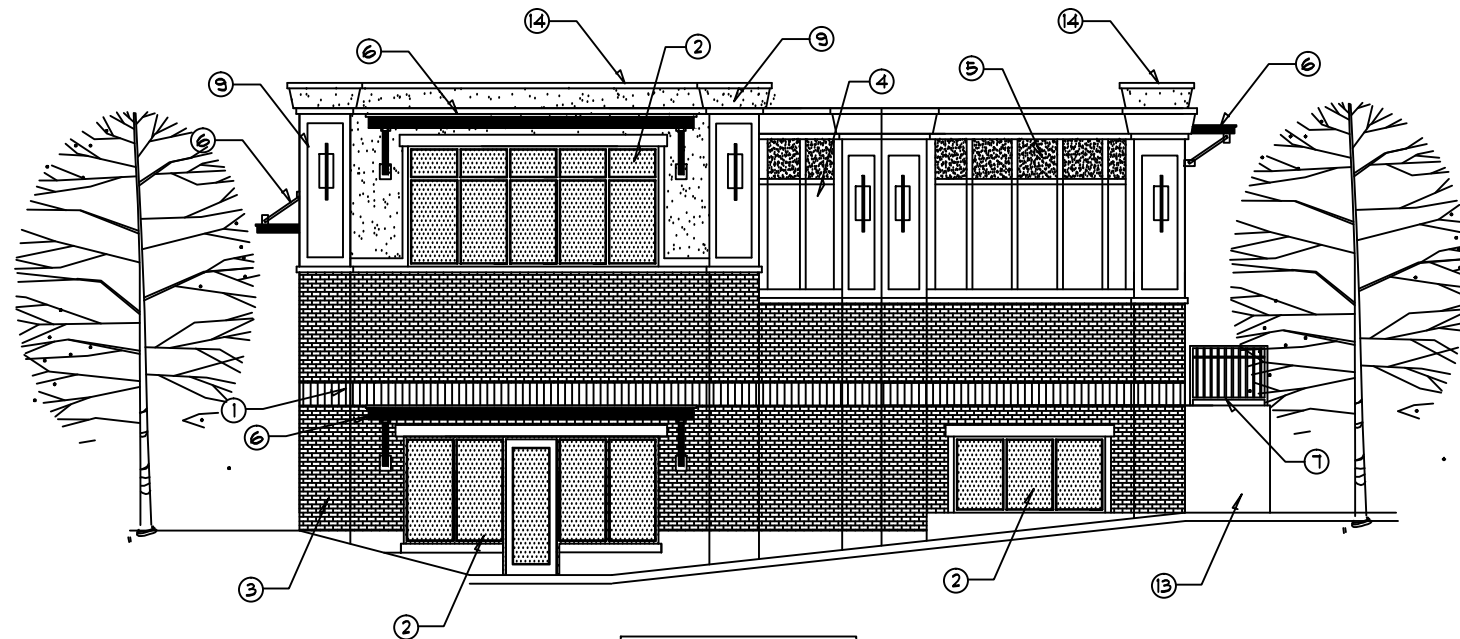


TOTAL FACADE: 1425 SF.
GLAZING AREA: 360 SF.
PERCENTAGE: 25%

NORTH ELEVATION - richmond st.

SCALE: 3/16" = 1'-0"

- ELEVATION KEYED NOTES:
1. 16" BRICK SOLDIER COURSE AT BASE.
 2. DARK BRONZE ALUM. STOREFRONT.
 3. BRICK VENEER.
 4. HARDIBOARD SIDING AND TRIM
 5. RED ACCENT BAND - SMOOTH HARDIBOARD TRIM.
 6. DARK BRONZE METAL CANTILEVER AWNING ELEMENT AND TRIM.
 7. DARK BRONZE RAILING.
 8. SYNTHETIC STUCCO
 9. HARDIBOARD TRIM AT PILASTER WITH LIGHT SCONCE.
 10. EIFS CORNICE TRIM AT TOP OF PARAPET.
 11. SIGN BY OTHERS (N.I.C.)
 12. HOLLOW METAL DOOR - PAINTED
 13. EXPOSED CONCRETE FOUNDATION
 14. CONTINUOUS DARK BRONZE METAL CAP AT PARAPET.



TOTAL FACADE: 1275 SF.
GLAZING AREA: 260 SF.
PERCENTAGE: 20%

WEST ELEVATION - richmond st.

SCALE: 3/16" = 1'-0"

Attachment C
Photographs



From Highland Dr.
looking south at
New Balance site



From Highland Dr.
looking northwest at
New Balance Site



From Highland Dr.
looking southwest at
properties south of
New Balance Site



From Richmond St.
looking north at New
Balance site (behind
tall trees at center).

Attachment D
City Department comments

CITY DEPARTMENT COMMENTS

- **Public Utilities** (Brad Stewart):
 - Demolition permits will be needed for the two houses. Those permits will require that the unneeded water and sewer connections will need to be abandoned.
 - The water services will need to be crimped off at the water main in Highland drive.
 - Sewer laterals can be abandoned by plugging with concrete at the property lines.
 - The parcels will have to be combined into one parcel.
 - It appears that the total combined lot size will be under one acre, therefore storm water detention is not required, but a storm water plan, including storm water quality bmp's is required.
 - We will need a civil site plan calling out for the abandonment of unneeded water and sewer connections and showing the any new connections.
 - Public Utilities impact fees will be based on acreage, number of plumbing fixture units and water meter size.”

- **Engineering** (Scott Weiler): Curb, gutter and sidewalk exist on Richmond Street, Charlton Avenue and Highland Drive adjacent to the proposed project. Three uneven sidewalk joints, a piped drive approach and 3 steps (at the corner of Richmond/Charlton) exist in Charlton Avenue. These must all be removed as part of this project so that there are no sidewalk tripping hazards or steps. In Highland Drive, the spalled panels of sidewalk must be replaced. The proposed drive approaches must be installed per APWA Std. Plan 225. Prior to performing any work in the public way, a Permit to Work in the Public Way must be obtained from SLC Engineering.

- **Transportation** (Barry Walsh): Per our DRT review 2/9/2012 comments - Review for proposal to combine two lots and demo existing buildings Requires Parking Calculations to include ADA and 5% bike stalls. Requires a Site Plan showing layout of development, including property lines and public way improvements. ADA stall(s) need pavement marking & signage. The first ADA stall needs to be van accessible (16 feet wide in total). ADA stall(s) staging area not to exceed 2% grade. Requires a Bike Rack (Transportation Standard detail F1.f2) equal to 5% of the required vehicular parking. Bike Rack and stall must be visible from the street and as near as practical to the main entry. Provide pedestrian access from the public way to the building entry in compliance with ADA standards. Requires APWA drive approach standards. The maximum driveway width in industrial areas is to be 40 feet, in commercial areas it is 30 feet, and in residential areas the minimum width is 12 feet. (Driveway design standards are subject to Transportation and Engineering Division reviews.) Requires coordination with UTA bus route/stop changes as needed. Contact Mike Clara, UTA Transit Planner 801 287-2325. In reviewing the petitions - submitted site plan sheet A1.1 the bike rack & parking has not been noted. A more detailed parking review is required to address city standards for surface parking stall not to exceed 4% stall cross slope and 6% front to back stall slope. The public sidewalk are to be continuous across the driveways. Final plan review subject to Zoning Engineering & public utilities for grade changes, drainage, etc. and bldg code for ADA access grades etc.

- **Fire:** (No comments or concerns were provided).

- **Zoning:** (No comments or concerns were provided).

Attachment E
Written public comments

April 16, 2012

TO: Salt Lake City Planning Commission

From: Judi Short, Land Use Chair
Sugar House Community Council

RE: New Balance Proposal
2816-2818 Highland Drive



**Sugar House
Community Council**

The Sugar House community Council had two meetings to discuss this proposal. The first was at its Land Use and Zoning Committee (LUZ) meeting on March 12, 2012, and the second was at the full meeting of the Sugar House Community Council (SHCC) on April 4, 2012.

This is a **conditional use**, because they are seeking demolition of two existing houses, one on each parcel. One is the historic Jensen farmhouse for the area, which has been sufficiently damaged and now is not worth saving. They will replace the houses with a new building for a nonresidential use.

As we read the conditions in the Zoning Ordinance for this, one of the issues the LUZ Committee wrestled with was the fact that the houses to the south are all home occupation type businesses, although they look like houses, but everything else on the block face has the flavor of a strip mall, with a flat roof. This project won't do much to add to the character of the neighborhood, but because the property has been allowed to run down to the extent that it has, we are at the point where this would be an improvement. At the same time, we feel like this could be a death knell for the rest of the housing on this triangle. As we have discussed before, we would really like to see a small area master plan deal with this triangle, but because half the triangle is in South Salt Lake at 30th South, it becomes more difficult. We could not get this done in any sort of timely manner, and it is not fair to hold up this project.

Another requirement is a **planned development**, to modify some building setback requirements from the numerous streets in this case. The committee struggled with the short little Charleton Street piece on the North side of the parcel, which creates an isolated triangle in the middle of a huge expanse of asphalt and traffic lights, which is just weedy and an eyesore. We attempted, through Casey Stewart, to see if the city was interested in trying to close that street, and incorporate the property into the New Balance development. We wanted to create something that would be more pleasing and friendly. Only one city department responded to that request, and was not in favor of doing much. There are utilities under the road, so nothing more than parking would be allowed in that space. We realize that money is tight, but this, along with doing something similar on the opposite corner where the 1300 East Frontage Road runs in front of Yanni's Greek restaurant, would make a huge improvement to that intersection.

Scott Spurrier made some changes to his plans, based on our feedback. We were trying to get his building closer to the north point so that some development could incorporate the isolated island. The parcel is also difficult because the land drops quite a bit from Highland Drive on the East to Richmond Street on the West. The project has only one entrance/exit, on the east, which is a plus. Traffic goes way too fast on Richmond, and there is a blind curve, which makes it a dangerous place for traffic to enter or exit. Mr. Spurrier tried hard to make this building look more residential in character, and he did add more windows as well. We always favor more windows, so the customer can see what is for sale. However, we also are realists who know that this is not a walkable street or corner. Most customers will have to drive to the store, not walk, although there is a bus stop on Highland Drive near the store.

The store is now bigger than originally proposed. Without a real second tenant, one that has a customer base, rather than just storage space for rent, the extra size seems unnecessary. I've talked with the property owners

to the south, and they feel this will be an improvement. Various members of the LUZ committee made these comments: “My sense of this project is that maybe it's not the right time to put a long term building on this site if the City is not on board with aggregating the property for a more comprehensive development.” “I would like to start discussions with the city about doing more for this intersection”. “Approval of New Balance is an admittance to the failure of protecting the residential character and housing stock of the entire triangular area bounded by Richmond, Highland Drive and 3300 South. We need a better plan. This is complicated by the fact that half the triangle is in South Salt Lake...the short section of Charlton Avenue should be closed and the triangle bounded by it incorporated into the project. Highland Drive and Richmond Street should be the target of beautification.” Another member felt we should recommend approval only if the city is willing to reconfigure, since New Balance is amenable to incorporating that parcel into their project. He feared we might never get anywhere on the beautification if it is not part of the New Balance project.

At the SHCC meeting, negative comments included pedestrian concerns, the distance across Richmond and Charleton Street to get to the store, the blank wall that will be on Richmond due to the elevation change, and “Salt Lake City says it is pedestrian oriented, but it needs to act to make that happen.” Other comments and questions included “This will be less traffic than a restaurant”, “Charleton Street is not the developer’s concern. The city needs to take responsibility. It would take the Transportation Department or an individual to petition to incorporate it into the project.

Questions included “Who will be the second tenant?” The reply was that because of the grade change, it will be difficult, but with the larger store, they will probably add the “casual shoes” line of New Balance shoes. “Would New Balance use the property in the triangle?” Yes, it would take time, but if it happens they would maintain the parcel as a park area. “Financing”? We are Bank approved and ready for city approval. “What is the construction impact?” Sewer improvements and trucks will be entering during construction.

This project will go to the Planning Commission probably May 9. If the street is vacated, that would take City Council approval, and could take six to twelve months. The building’s presence would not preclude the street vacation.

In summary, the SHCC has reservations only because we’d like this to be part of a bigger master plan, decided by the community, and we’d like to see Charleton Street incorporated into the project. We would like to see New Balance stay in Sugar House.

From: [Jan Striefel](#)
To: [Stewart, Casey](#)
Subject: Re: New Balance Store
Date: Tuesday, May 01, 2012 11:27:22 AM

Casey:

I am concerned about the size of the building. It is so much larger than my building and others on our block. It just looks out of scale, and certainly dose not have a residential feel. As I read the ordinance, retail uses are supposed to occur in a previous residential structure. Does it really address new construction? That being said, I'm not really opposed because I am sick of the mess and questionable activities. I would like a good neighbor.

I would like a decent looking fence on the south property line between our properties and better landscaping than just lawn and a few trees. Looks like it would go to the development review committee - can I attend? When do they submit a landscape plan?

There are water shares attached to the property - Lower Millcreek Irrigation Company, and I have a line that runs along their south property line to the back of our garage. I don't use it; rather pump irrigation water out of a box in the front, but I would like that line replaced when they construct. The easement should have shown up on the survey. Also, I believe they will need to get permission to abandon the irrigation ditch that runs on their property along Highland Drive or the Company may want it piped for future use. We have a meeting tomorrow night; I'll bring it up and see what they say.

I understand the developers came to the office last week when I was not there. So, you can pass this on if you wish.

Jan

On 5/1/2012 9:31 AM, Stewart, Casey wrote:

> Still being reviewed by supervisor. Should be ready by Thursday.
>
> Casey
>
> -----Original Message-----
> From: Jan Striefel [<mailto:jans@ldi-ut.com>]
> Sent: Tuesday, May 01, 2012 8:26 AM
> To: Stewart, Casey
> Subject: New Balance Store
>
> Is your staff report ready yet? js
>