

Planning Commission Staff Report
Administrative Item



Planning Division
Department of Community &
Economic Development

Commercial Office Building
Conditional Use PLNPCM2013-00450
Planned Development PLNSUB2013-00455
2816 & 2818 South Highland Drive
Hearing date: August 28th, 2013

Applicants:

Phil Winston,
Highland Partners

Staff:

Thomas Irvin (801) 535-7932
thomas.irvin@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. Community Council 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 office building for orthodontic care and general office use.

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 planned development and therefore recommends the Planning Commission approve the application as proposed and subject to the conditions listed below:

Recommended Motion

Based on the findings listed in the staff report and the testimony heard, I move that the Planning Commission approve the proposed conditional use and planned development request to allow a flat roofed structure and modify the building setback requirements with the following conditions:

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.
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 9,582 square foot, masonry commercial retail building. A similar project at this location was approved by the Planning Commission in 2012, but as this approval has expired and the current proposal differs in many ways, a new review is required. The owner intends to occupy the majority of the second floor with an orthodontic office. The remainder of the building will be leased to future tenants. 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. Additionally, medical and dental clinics and offices require conditional use approval in the zone. 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. 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 and associated parking and landscaping.

Discussion

The purpose of the RB zoning district 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 the zoning ordinance. The planned development review process has been requested 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. It is bordered on three sides by public streets, two of which are classified as arterial. The existing buildings were constructed as single family residences. They have fallen into disrepair, likely as a result of the high volume of vehicle traffic surrounding them on all sides.

All of the buildings on the Highland Drive block face have been converted to home occupations, offices, or other small retail businesses. The only buildings used expressly for residential purposes are two duplexes and a single family home in the southwest corner of the triangular shaped RB area fronting Crandall Avenue. 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 barber shop 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 and office uses, leans less towards the “residential” aspect of the RB district and more towards the “business” aspect. The continued use of the subject site for residential purposes is unlikely given its physical characteristics. The RB districts intention to encourage development that appears “residential” has been counterproductive in earlier efforts to develop this property based upon its high traffic location.

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. The residential homes have become undesirable based on the surrounding commercial uses and high traffic volumes. This location is better suited for small retail and office uses where high volume traffic, noise, and visibility are less of a factor than for residential properties.

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

Analysis: Many residential structures are located south of the property but they have been converted to commercial uses including office, retail goods and services, and some 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 homes that have deteriorated based upon the changing character of the intersection. Due to these factors, the homes 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 masonry in order to match other buildings in the area.
3. *The front building elevation shall contain not more than fifty percent (50%) glass;*
 - > Staff comments: The proposed elevation along Charlton Avenue, the primary elevation, contains 45.7% glass, which complies with this standard. The other street facing elevations, while not front facing, have a similar percentage of glass.
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 primary building orientation is to Charlton Avenue. Additional entrances are provided facing the south parking lot.
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: One parking stall along Highland Drive encroaches into the corner side yard. Prior to approval, all parking must be located entirely within the buildable area.

Finding: The proposal adequately meets 6 of the 7 RB district design standards. The standard for a hip and gable roof design is not met but as the property is surrounded by multiple flat roofed buildings, having another at this location is appropriate.

- **Planned Development:** The proposal seeks modifications to the RB district front yard building setback and roof design guidelines.

- > **Setback:** The property has three street frontages. Based upon this unique situation and the proposed building orientation, the south property line is considered the rear yard. The north is the front and the east and west sides are considered corner side yards. The only yard area the proposal does not meet is the front. The RB zone requires the front yard to be twenty percent of the lot depth, but not exceed 25 five feet. *The proposed front setback is 15 feet* from the property line along Charlton Avenue. The intent is to provide a more pedestrian entrance at the building frontage.

Staff concurs with the proposed setback along Charlton Avenue 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 still 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. The character of surrounding buildings which exhibit flat roofs demonstrates that this design is in keeping with the character of the neighborhood and that the ordinance requirement for a hip or gable roof is not strongly supported in this location.

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 August 16, 2013
- Public hearing notice posted on August 16, 2013
- Public notice posted on City and State websites and Planning Division list serve: August 16, 2013

Public Comments

The applicant presented the proposal at a meeting of the Sugar House Community Council on August 19, 2013. The Community Council was in support of the project. Their comments are included as “Attachment E” of this report. 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, and Zoning. In general, the departments had no concerns or objections to the proposed development but provided guidance on specific improvements and required modifications to the plans based on their respective areas of concern.

Analysis and Findings

Standards for Conditional Uses; Section 21A.54.080.A

A conditional use shall be approved unless the planning commission, or in the case of administrative conditional uses, the planning director or designee, concludes that the following standards cannot be met:

1. The use complies with applicable provisions of this title

Finding: Medical and dental offices are listed as conditional uses in the RB zoning district and are similar in intensity with other retail service establishments. This item has been complied with.

2. The use is compatible, or with conditions of approval can be made compatible, with surrounding uses.

Finding: Surrounding this high traffic intersection are many retail sales and service businesses. Staff finds that the proposed use is compatible with these and will not negatively impact their operations. This item has been complied with.

3. The use is consistent with applicable adopted city planning policies, documents, and master plans.

Finding: The Sugar House Master Plan references this area for mixed-use development 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. This project does this with improved landscaping, building architecture, and pedestrian activity. This item has been complied with.

4. The anticipated detrimental effects of a proposed use can be mitigated by the imposition of reasonable conditions.

Finding: The following section specifically addresses an analysis of potential detrimental effects. Staff does not anticipate any detrimental effects that could not be mitigated without the imposition of reasonable conditions. This item has been complied with.

Detrimental Effects Determination: Section 21A.54.080B

In analyzing the anticipated detrimental effects of a proposed use, the planning commission, or in the case of administrative conditional uses, the planning director or designee, shall determine compliance with each of the following:

1. This title specifically authorizes the use where it is located;

Finding: The Zoning Ordinance authorizes this use as a conditional use in the zoning district that it is located within. This item has been complied with.

2. The use is consistent with applicable policies set forth in adopted citywide, community, and small area master plans and future land use maps;

Finding: The proposed dental office use is listed as a conditional use in the zoning district. The Sugar House Master Plan references this area for mixed-use development 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. This project does this with improved landscaping, building architecture, and pedestrian activity. This item has been complied with.

3. The use is well suited to the character of the site, and adjacent uses as shown by an analysis of the intensity, size, and scale of the use compared to existing uses in the surrounding area;

Finding: Other properties surrounding this busy intersection include a restaurant, strip mall, condominiums, and small businesses to the south that have been converted to commercial uses. A dental office use would be similar in character to these and would not overly intensify the neighborhood. Uses in the rest of the building will be required to be either permitted or conditional uses in the zone. While the proposed structure is taller than many buildings in the area, its predominant location is conducive to a more commanding building and would create a gateway feeling. This item has been complied with.

4. The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered;

Finding: While larger than surrounding building, the structure has been designed in a manner that will enhance the property and surrounding area. The closer setback will improve the buildings engagement with passing pedestrian and vehicle traffic. This item has been complied with.

5. Access points and driveways are designed to minimize grading of natural topography, direct vehicular traffic onto major streets, and not impede traffic flows;

Finding: Parking is provided to the south of the building with drive approaches provided on both Highland Drive and Richmond Street. It is not anticipated that the location or volume of traffic flow to and from the building will in any way impede traffic flows. This item has been complied with.

6. The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, nonmotorized, and pedestrian traffic;

Finding: The two drive approaches will allow vehicles to arrive and depart without conflict. The property is surrounded on all three frontages with pedestrian sidewalks. This item has been complied with.

7. The site is designed to enable access and circulation for pedestrian and bicycles;

Finding: As part of the permit process, bicycle racks and pedestrian access from the public way will be required. This item has been complied with.

8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street;

Finding: The proposed drive approaches are set well away from any intersections. Additionally, both Richmond and Highland Drive are arterial streets that are intended for larger traffic flows. This item has been complied with.

9. The location and design of street parking complies with applicable standards of this code;

Finding: No street parking is requested or anticipated. This item has been complied with.

10. Utility capacity is sufficient to support the use at normal service levels;

Finding: Public Utilities has reviewed the project and determined that there will be no service level impacts. This item has been complied with.

11. The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts;

Finding: The property only abuts on property to the south. The site plan provided meets buffering requirements. Additionally, the property to the south is a landscaper who has developed the landscaping plan for this property. This item has been complied with.

12. The use meets city sustainability plans, does not significantly impact the quality of surrounding air and water, encroach into a river or stream, or introduce any hazard or environmental damage to any adjacent property, including cigarette smoke;

Finding: The proposed building and dental office will not negatively impact the surrounding environment. This item has been complied with.

13. The hours of operation and delivery of the use are compatible with surrounding uses;

Finding: The dental office will not create unusual pedestrian or vehicle traffic patterns and would have hours of operation similar to other office uses – early morning until late afternoon. This item has been complied with.

14. Signs and lighting are compatible with, and do not negatively impact surrounding uses;

Finding: The Building Department has requested additional information on both the signage and exterior lighting that will be provided. Both of these will be required to meet the zoning requirements prior to the issuance of a building permit. This item has been complied with.

15. The proposed use does not undermine preservation of historic resources and structures.

Finding: The property is not within a historic district, nor are the two homes that will be removed considered historic resources. This item has been complied with.

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 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 objective D and F creating a pleasing environment and the elimination of blighted structures, 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: The Sugar House Master Plan references this area for mixed-use development 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. This project does this with improved landscaping, building architecture, and pedestrian activity. Dental offices are specifically listed as conditional uses in the RB zoning district. Any future uses would also be required to be permissible in the district.

Finding: By providing a well designed and landscaped building along a gateway to the Sugar House neighborhood, the Planned Development satisfies this standard.

- 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: These same standards were addressed previously under the conditional use review. Staff finds that the proposal will not detrimentally impact traffic and pedestrian circulations, adequate utility services are available, the use is appropriately buffered from the adjoining property, and the size and scale of the use is compatible with adjacent properties. 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 has also proposed landscaping the island located at the intersection of Charlton, Richmond, and Highland Drive.

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 the review of the construction plans.

Finding: The project satisfies this standard.

Specific Standards for Planned Development in Certain Zoning Districts, Section 21A.55.090
Planned developments within the RB zoning district may be approved subject to consideration of the following general conceptual guidelines (a positive finding for each is not required):

- A. The development shall be primarily oriented to the street, not an interior courtyard or parking lot.
- B. The primary access shall be oriented to the pedestrian and mass transit;
- C. The façade shall maintain detailing and glass in sufficient quantities to facilitate pedestrian interest and interaction;
- 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 the neighborhood;
- F. Parking lot lighting shall be shielded to eliminate excessive glare or light into adjacent neighborhoods;
- G. Dumpsters and loading docks shall be appropriately screened or located within the structure; and
- H. Signage shall emphasize the pedestrian/mass transit orientation.

Analysis: The proposed building is oriented both to the street as well as the interior parking lot. All three street facing façades are primarily glass and designed in a manner that will provide an interesting and interactive view for pedestrians. The remaining standards will be addressed through the building permit process as the RB zone requires light poles be under 16 feet in height, dumpsters be properly screened, and the signs be sized and located in a manner that emphasizes smaller scale developments with the neighborhood character in mind.

Finding: The project as designed meets the first 5 standards while the remainder will be addressed during the permitting process.

Conditional Building and Site Design Review standards

Conditional building and Site Design Review is required for this project since it is a Planned Development that involves new construction of a commercial building. The construction shall be approved in conformance with the provisions of the following standards found in chapter 21A.59.060 of the City's Zoning Ordinance.

- 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 this project due to the size being less than 60,000 square feet]**
- 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.

Analysis (Conditional Building and Site Design): Staff finds that the proposal meets the majority of the design standards. Considering the unique circumstances of the property, the applicant has achieved a balance between the needs of pedestrians and the constraints imposed by having three street frontages.

Street Orientation:

Two entrances have been proposed, one for pedestrians along Charlton Avenue and another facing the parking area to the south. The standards call for a building entrance along any street frontage within 30 feet. As this property has 3 street frontages, staff finds that the two entrances provided will adequately serve the public and provide secure interior space not hampered by multiple entrances. The south entrance has been

designed with an awning above the entrance while the entrance to the north has raised steps with handrails intended to emphasize the pedestrian entrance.

All facades of the building have been designed with sufficient glass as required. The parking lot will be landscaped and buffered sufficiently from the south property. The project is currently being reviewed by Building Services in order to obtain the necessary building permits. The zoning reviewer has requested a detailed landscaping plan be provided that addresses all necessary streetscape improvements. The permit shall not be approved until the applicant establishes that they comply with the necessary streetscape and landscaping requirements.

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.

Potential Motions

The motion recommended by the Planning Division is located on the cover page of this staff report. The recommendation is based on the above analysis. Conditional uses are administrative items that are regulated by State Law as well as City Ordinance. State law *10-9a-507 Conditional Uses* states that “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 may be denied. If the Planning Commission determines that this is the case, then the Planning Commission must make findings related to specific standards, identify the reasonably anticipated detrimental effects, and find that the detrimental effects cannot be reasonably mitigated. Below is a potential motion that may be used in cases where the Planning Commission determines a conditional use should be denied:

Not Consistent with Staff Recommendation: Based on the testimony, plans presented and the following findings, I move that the Planning Commission deny the conditional use to allow the demolition of two residential buildings and construction of a new commercial office building for orthodontic care and general office use located at approximately 2816-2818 South Highland Drive. The proposed conditional use will create (list the detrimental effects) which cannot be reasonably mitigated. Therefore, the proposed conditional use is not compliant with the following standards:

1. Compliant with Master Plan and Zoning Ordinance.
2. Compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located.
3. Compatible with the character of the area where the use will be located
4. Will not, under the circumstances of the particular case and any conditions imposed, be detrimental to the health, safety, and general welfare of persons, nor be injurious to property and improvements in the community, existing surrounding uses, buildings, and structures.
5. The proposed conditional use and any associated development shall comply with any other applicable code or ordinance requirement.

Instructions: The Planning Commission only needs to make findings on the specific standard that is not being complied with.

Attachment A
Applicant's Project Description

Planned Development Project Description

To: Salt Lake City Corporation
Project: 2816 Highland Commercial Office Building
Project Address: 2816 Highland Drive
Date: June 24, 2013

Project Description

The proposed new building for the site located at 2816 Highland Drive in Salt Lake City is a two story 9,582 square foot professional office building. The owner of the property will occupy the majority of the second floor with an orthodontic care office. The remaining area on the second floor and the entire first floor will be leased out to future tenants. A parking lot for 27 cars is part of the site design as well as two new drive entrances; one from Highland Drive and one from Richmond Street.

The property is zoned RB and is comprised of two parcels; No. 16-29-229-001 and 16-29-229-002. The gross area of the property (including both parcels) is 22,681 square feet or .52 acres. As part of the project the two existing houses, one on each parcel, will be removed. The houses to be removed are not occupied and have been condemned by Salt Lake City for many years. These houses have a long history of being used for illegal activities and in fact the Salt Lake City Police Department had to remove drug dealers that were squatting on the property as recently as June 12, 2013.

Conceptually, the mass of the proposed building has been pushed as far north on the site as possible in order to provide a buffer to the residences to the south as well as to create an urban presence along Charlton Avenue, Highland Drive, and Richmond Street. While the main entry is on the south side of the building, care has been taken to ensure that the north façade does not appear to be the back of the building. The maximum allowable height of the building is 30' and it comes close to that on the west side where the existing contours slope down to Richmond Street.

Aesthetically, the building design is intended to relate to the period of the majority of the homes in the adjacent Sugarhouse neighborhoods. Brick is used as the primary exterior cladding material and is only permeated by large bays of windows. Light fixtures, brick bands, and metal canopies add life to the façades and further reinforce the function of the building.

Planned Development Information

- a. The building meets the architectural style of the sugarhouse neighborhood through the selection of materials (brick) as well as overall scale of the building.



2483 South Alden Street Salt Lake City, Utah 84106 p 801.466.3100 f 866.574.1253

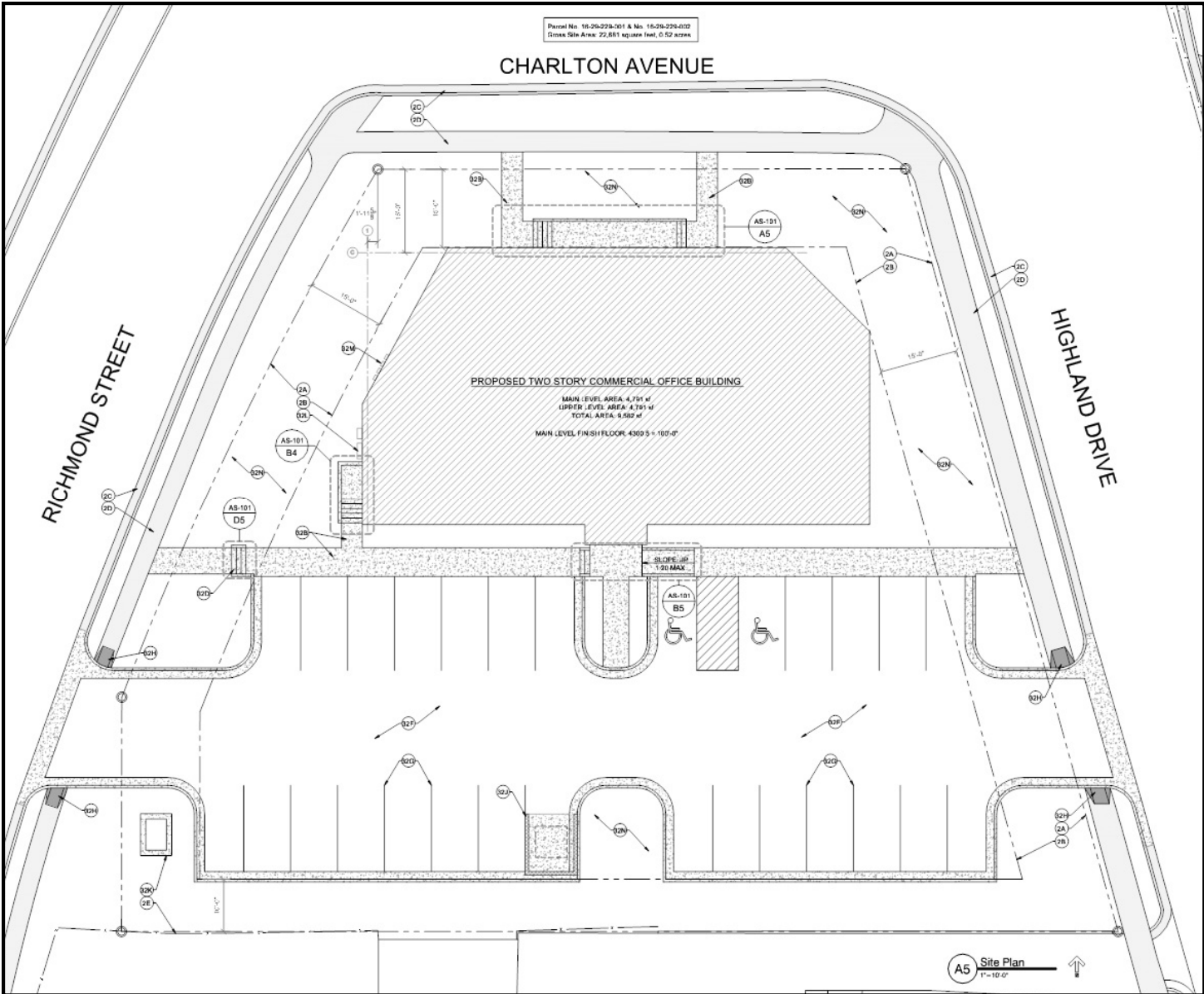
Planned Development

Project Description

- b. We will provide an engineered Storm Water Prevention Plan as part of the Permit Documents. Further, natural vegetation and topography will be retained where possible.
- c. The two existing buildings on the site are currently condemned and therefore will be removed.
- d. Landmark Design Inc. will be providing a landscape design plan for the project. Landmark Design Inc was selected because they operate out the building directly south of the site.
- e. N/A.
- f. The two existing structures on the site have been condemned and have been used to sell drugs out of. The residential owners to the south are eager to have the condemned buildings removed and the site developed and occupied to eliminate this problem.
- g. N/A.
- h. N/A.

Rob White
Principal, SugarHouse Architects

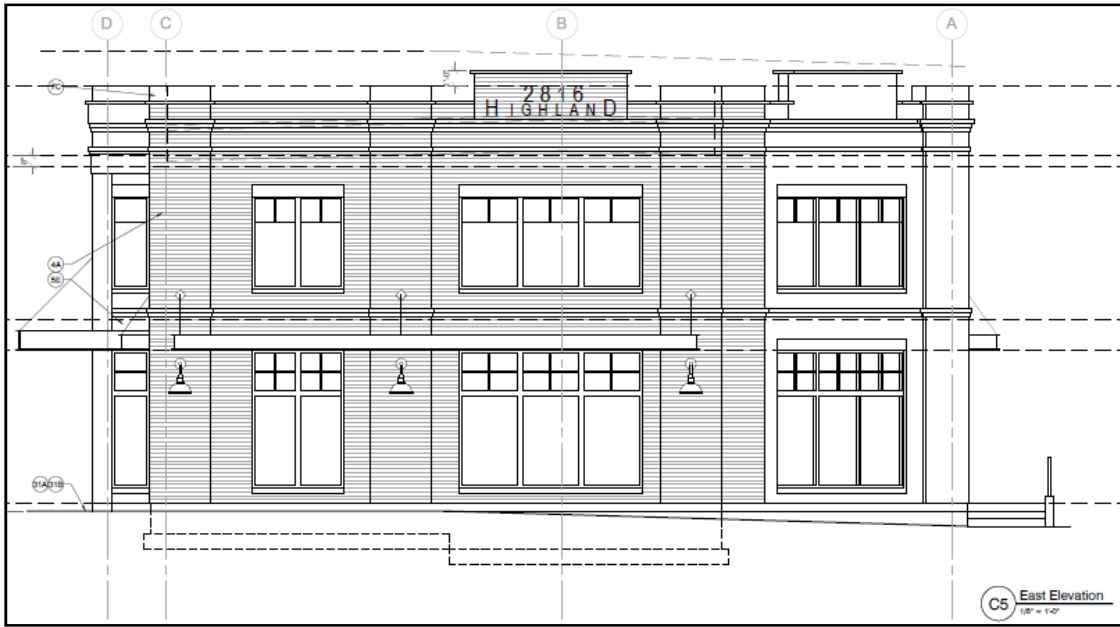
Attachment B
Site / Building drawings



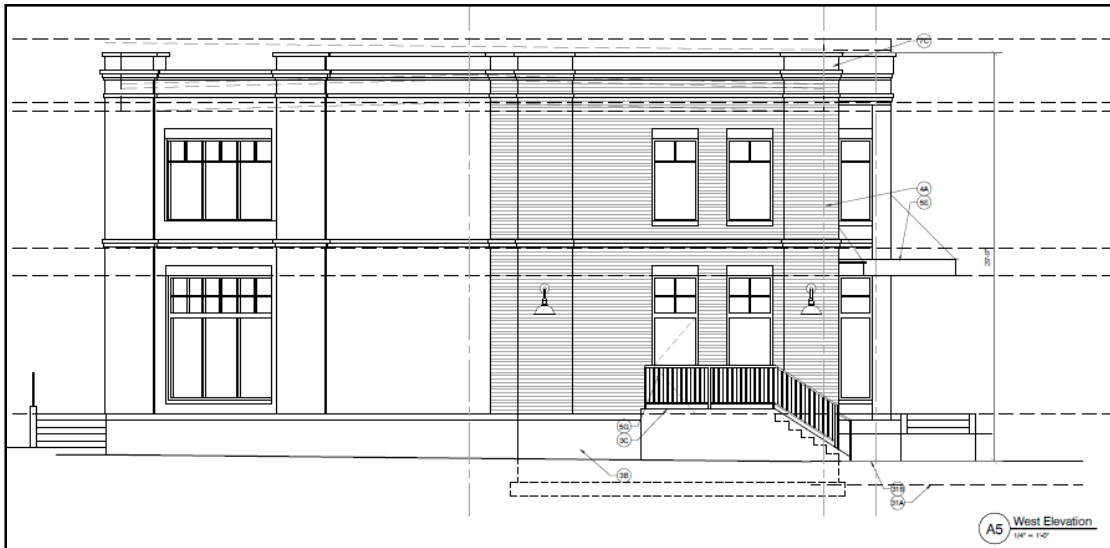
Site Plan



North Elevation



East Elevation



West Elevation



South Elevation

Attachment C
Photographs



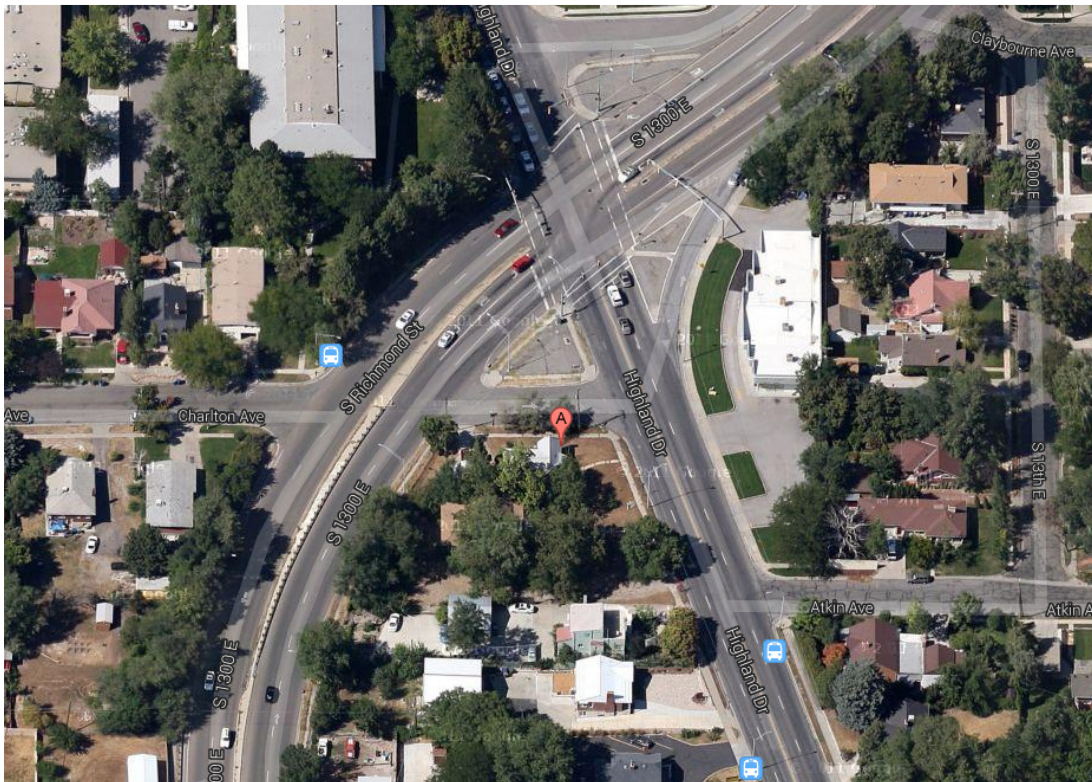
Existing Homes (to be demolished)



Unimproved Traffic Island



View from Charlton



Aerial View of Vicinity

Attachment D
City Department comments

- **Engineering** (Scott Weiler): Plans for this development were reviewed in June under BLD2013-. Engineering review comments were made on sheets C201, C301 and AS100, requiring corrections to be made. If those corrections are made, Engineering can approve this request.
- **Fire** (Ted Itchon): Fire Code State amendments require the whole building to be provided with automatic fire sprinkler Section 903.2.2. Fire alarm requirement 907.5. interconnection to a remote station 907.6.5.
- **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.”
- **Transportation** (Barry Walsh): 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. The site plan submitted is incomplete. 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, and public way APWA drive approach standards etc.
- **Zoning** (Ken Brown):
 - 1) Development of this site in the manner proposed requires the following processes and documentation;
 - a) A separate demolition permit for demolition of the residence at 2816 S. Highland Dr. and for the demolition of the residence at 2818 S. Highland Dr.
 - b) HAAB review and approval for the demolition of the 2816 and 2818 S. Highland Dr. residences.
 - c) Conditional use review and approval for the demolition of the 2816 and 2818 S. Highland Dr. residences (PLNPCM2013-00450).
 - d) Because this development proposal involves the use of separate parcels, these parcels will need to be combined into 1 parcel with 1 legal description and parcel number. Will need to discuss the method of combining the parcels with the Planning Desk in Room #215 at 451 S. State St. and modify the Site Data Table on G001 Cover Sheet.
 - e) Documentation of the new combined legal description.
 - f) Documentation of recording for the new combined parcel legal description.
 - g) Geotechnical report is required which includes a site specific Natural Hazards Report. Building location is in close proximity to a fault line and requires documentation showing that the building will not be constructed over a fault line.
 - h) Parking calculations, clearly indicating the total gross square footage of the structure as determined by 21A.62.040 "Floor Area, Usable" and documenting each proposed use for all areas of the building, along with the parking requirement for each of the proposed uses.
 - i) Bicycle parking calculations (capacity equal to 5% of required parking stalls).

- j) Conditional use review and approval for this new mixed use proposal which includes a dental clinic (PLNPCM2013-00450).
 - k) Planned development or variance review and approval for a flat roof inconsistent with the provisions for 21A.24.160 I & J, possible setback issues, etc.
 - l) Impact fees will be collected for the difference between the fees that would be required for the present use (residential) and what would be required for the proposed use (office). Please complete the attached Application For Determination Of Impact Fees, using the New Development column to identify the gross square footage of each use planned in this tenant finish proposal, and the Exemptions column to identify the number of dwelling units, then submit it for the file.
- 2) This development proposal must include the following information and supporting documentation on the site plan as follows;
- a) The property lines along with the dimensions of each as determined by the combined parcel legal description,
 - b) All public way improvements such as sidewalks, lights, trees, approaches, fire hydrants, etc., and identified as "existing" or "proposed" along with Detail Tags indicating where the details for each new element may be found,
 - c) A General Note indicating that public way improvements such as existing curb, gutter, sidewalk and drive approaches require inspection by the SLC Engineering Dept., prior to final inspection and certificate of occupancy issuance, to determine replacement requirements of defective and hazardous conditions,
 - d) Identification of the location of the "Front Yard", "Corner Side Yard", "Interior Side Yard" and "Rear Yard" as determined for this proposal, and documentation of compliance to 21A.24.160F,
 - e) No parking within the front or corner side yard setback area unless authorized through a variance or planned development proposal,
 - f) Bike rack location along with a Detail Tags indicating where the detail may be found (see attached F1.f2 bike rack requirements),
 - g) Correction to Site Keynotes #32J to include a solid gate and a Detail Tag outlining where the detail for the dumpster enclosure and gate may be found,
 - h) Dimensions used for determining the parking lot area (stall width, depth and required back out area) and the square footage documented,
 - i) Interior parking lot landscaping areas equal to 5% of the parking lot with dimensions used for determining the area and the square footage documented (5' in least dimension and at least 120 sq. ft. in area),
 - j) A 7' minimum width for perimeter parking lot landscaping, as measured from the parking lot curb, where parking stalls (including the required back out area) are closer than 20-feet to the property line,
 - k) The identification of all power and/or utility easements, and showing the new electrical transformer within a front public utility easement, or moving of the transformer out of the setback area,
 - l) Detail Tags for the transformer and transformer pad indicating where the details for each element may be found, and
 - m) The percentage of building coverage of all principal and accessory structures, etc.
- 3) Landscape Plans and Plant Schedules containing the following information will generally streamline the zoning plan review:
- The location, quantity, size, and name (both botanical and common) of all proposed plants;

- The type and location of all proposed ground covers including both botanical and common names of vegetative ground covers;
 - The location, size, and common names of all existing plants, including trees and other plants in the parkway, and indicating plants to be retained and removed;
 - Urban Forestry approval stamp or signature on any tree protection plans, tree trimming plans, tree planting or removal plans (SLC Urban Forestry 972-7818);
 - Existing and proposed grading of the site indicating contours at two ft. intervals. Proposed berming shall be indicated using one ft. contour intervals;
 - Existing and proposed Public Utility easements and drainage swells with high waterline indicated;
 - Elevations of all fences and retaining walls proposed for location on the site;
 - Water efficient irrigation system;
 - A Summary Data Table indicating the area of the site in the following classifications:
 - a) Total square footage of the park strip minus any driveway (that area within the public way located between the back of street curb and the sidewalk, and the percentage of live vegetative ground cover (33% minimum).
 - b) Total square footage of the front yard landscape area (that area between the front property line and the required front yard landscape line) and the percentage of live vegetative ground cover (33% minimum).
 - c) Total area of parking lot (stall width, depth and required back out area).
 - d) Interior parking lot landscaping required/provided based on 5% of the parking lot and showing at least 50% of each interior parking lot landscaping area covered with a live vegetative ground cover.
 - e) Number of interior parking lot trees required/provided based on one tree per 120 sq. ft.
 - f) Perimeter parking lot trees required/provided where parking stalls (including the required back out area) are closer than 20-feet to the property line based on one tree per 50 ft. of length.
 - g) Perimeter parking lot bushes required/provided where parking stalls (as noted above) are closer than 20-feet to the property line based on one shrub per 3 ft. on center along 100% of the yard length, except rear and side yards on nonresidential uses where it is 3 ft. on center along 50% of the length. Also showing at least 1/3rd of each perimeter parking lot landscaped area covered with a live vegetative ground cover.
 - h) Dimension of street frontage and Parkway trees required/provided based on one tree per 30 ft. of lot width.
 - i) Total percentage of drought-tolerant trees and shrubs (80% minimum required).
- Note: Rocky Mountain Power should be contacted regarding trees planned under or near power lines.
- 4) Parking lot lighting is limited to 16' in height. No information is found which documents compliance.
 - 5) On sheets A201 and A202 there are numerous references to the building address on different faces of the building. Building addresses that exceed one per address and more than 2 sq. ft. in area are regulated under the sign ordinance as flat signs. Signage is not reviewed as a part of the building permit application. A separate sign review and permit is required. On each sheet where the address is indicated, please make a note that signs are to be installed by licensed sign contractor under separate permit or remove all references to signage.

Attachment E
Community Council Comments

August 20, 2013

TO: Salt Lake City Planning Commission
FROM: Judi Short, Land Use Chair
Sugar House Community Council
RE: 2816 Highland Drive



**Sugar House
Community Council**

The Sugar House Community Council Land Use and Zoning Committee (LUZ) reviewed a request from Northstar Builders to build a project at 2816 South Highland Drive. We had previously reviewed this site for a New Balance store, and find that this new proposal is very similar.

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. The planned use is for an orthodontist's office, to be located on the second floor, which is a conditional use in the RB zone.

In reviewing the original proposal for a New Balance store a year ago, 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. We didn't feel that concern warranted holding up this project, because the parcel has been in terrible condition for a number of years. In fact, the police were called to this location for drug dealing just last week. The RB zone requires a sloped roof, however, we feel this flat roof is in keeping with the businesses along this part of Highland Drive and have no objection. This building will add to the character of the neighborhood because of its design, and quality of materials. We hope it might set an example for the area, particularly Highland Drive, and perhaps lead to some renovation and upgrading of the stores along that street. We have previously requested a small area master plan done to 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. Because of the strange configuration of this parcel, there is nothing to be accomplished by having a 25-foot setback, and we think this request is reasonable. This helps create an urban presence on this corner. There will be a working door on the north side of this building, and a bike rack.

Last year, we were unable to create any interest on the part of the city to deal with the weeds, which are an eyesore, along Richmond Street and the three triangles in the middle of this large intersection. This developer will landscape the triangle adjacent to this parcel, using Landmark Design, who will be doing the landscape design for the office project. Because there will be no water available on the triangle, and the plants will have to rely on rainfall to stay alive, we ask that a condition be added that the owner of the parcel maintain the landscape, as they will for the larger parcel. We would hate to see the extra vegetation become a catchment area for wind-blown paper and debris on this corner, defeating the purpose of the landscaping. And, we would like to ask Salt Lake City to waive any permit fees to apply to be able to landscape this triangle. This is an upgrade to the area, done at our request, and the fee should be waived.

The only concern we have is the use that will be on the main floor. This is a difficult corner to easily drive in and out of, and we would not like to see a big volume of traffic created by the use. We are told that it is the intent of the orthodontist to find several dentists to occupy the space on the first floor, and that will be a satisfactory use.

We ask that you approve this project.