

PLANNING COMMISSION STAFF REPORT ADMINISTRATIVE ITEM

LIBERTY HEIGHTS FRESH

Master Plan Amendment – PLNPCM2012-00608

Zoning Map Amendment – PLNPCM2012-00610

Minor Subdivision – PLNSUB2012-00607

Conditional Building Site and Design Review – PLNPCM2012-00609

1290 South 1100 East

January 9, 2013



Planning Division
Department of Community &
Economic Development

Applicant

Steven Rosenberg

Staff

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

Tax IDs & Lot Sizes:

16-08-452-034 (.21 acres)
16-08-452-033 (.13 acres)

Current Zone

R-1/5,000 (Single-Family Residential
District)
CN (Neighborhood Commercial)

Master Plan Designation

Central Community: Low Density
Residential, Neighborhood
Commercial

Council District

District 5 – Jill Remington Love

Current Use:

Single family home and Commercial

Applicable Land Use Regulations:

- Chapter 21A.50 – Amendments
- Chapter 20.20 – Minor Subdivision
- Chapter 21A.59 – Conditional Building and Site Design Review
- Chapter 21A.24.050 – R-1/5,000 Single-Family Residential District
- Chapter 21A.26.20 – CN (Neighborhood Commercial)

Attachments:

- A. Plans
- B. Community Council and Public Comments
- C. Photos of the site
- D. Central Community Zoning Map and Future Land Use Map

Request

The applicant, Steven Rosenberg is requesting a master plan amendment, zoning map amendment, minor subdivision approval, and conditional building and site design review approval in order to redevelop the existing Liberty Heights Fresh Market. The City Council has final decision making authority for the Master Plan Amendment and Zoning Map Amendment, while the Planning Commission has final decision-making authority for the subdivision amendment and conditional building site design review applications.

Recommendation

Based on the analysis in the staff report, it is the Planning Staff’s finding that the project generally meets the applicable standards for a Master Plan amendment, a Zoning Map Amendment, Minor Subdivision approval, and Conditional Building and Site Design Review and therefore makes the following recommendations:

1. Forward a positive recommendation of the Zoning Map amendment to rezone the portion of the property zoned R-1-5000 to CN to the City Council.
2. Forward a positive recommendation of the amendment to the future land use map in the Central Community Master Plan to the City Council.
3. Approve the Conditional Building and Site Design Review application with the conditions in this staff report.
4. Approve the Minor Subdivision with the conditions in this staff report.

Recommended Motions

For Master Plan Amendment and Zoning Map Amendment: Based on the testimony, plans presented, and the findings written in this staff report, I move that the Planning Commission forward the City Council a positive recommendation for the Liberty Heights Fresh project, petitions PLNPCM2012-00608 and PLNPCM2012-00610, located at approximately 1290 South 1100 East. The proposal meets the minimum standards necessary for a Master Plan Amendment and a Zoning Map Amendment

For subdivision and conditional building and site design review: Based on the testimony, plans presented, and the findings written in this staff report, I move that the Planning Commission approve the Liberty Heights Fresh project, petitions PLNSUB2012-00607 and PLNPCM2012-00609,

located at approximately 1290 South 1100 East. The proposal meets the standards for a Minor Subdivision Amendment and Conditional Building and Site Design Review subject to the following conditions of approval.

Conditions of approval for Subdivision and conditional site design review:

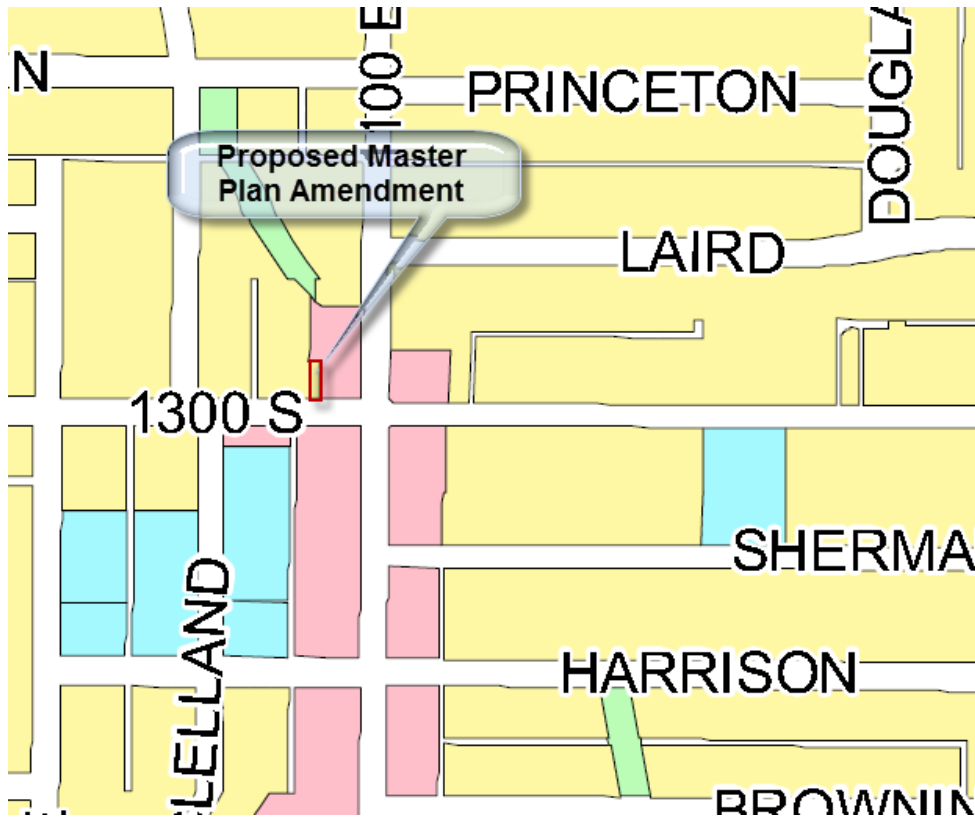
1. Prior to the commencement of any construction activity. The applicant shall submit a final plat amendment application that will be reviewed, approved and recorded with the Salt Lake County Recorder's Office.
2. Final Subdivision Plat Amendment site plan approval is delegated to the Planning Director.
3. The minimum setback for the building on the corner side yard along the south property line shall be one foot (1').
4. The minimum setback for the building in the front yard along the east property line shall be three and a half feet (3'6").
5. The applicant shall submit a lighting plan with special emphasis mitigating parking lot lighting, and featuring the front entry.
6. Prior to the issue of a building permit, the applicant shall submit a master sign plan to the Planning Division for review and approval.
7. The proposed building shall meet all landscaping requirements for the public right of way as stated in Chapter 21A.48 of the Zoning Ordinance.
8. If a building permit has not been issued for this project within one year of the date of approval (December 12, 2012), this approval shall be null and void.

VICINITY MAP



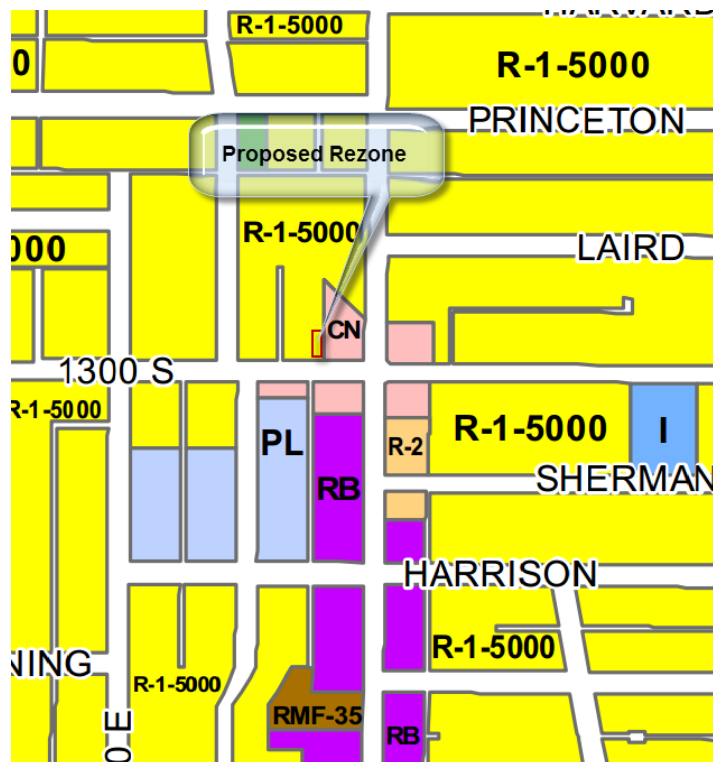
Future Land Use Map from Central Community Master Plan

Entire map with key attached as exhibit D



Central Community Zoning Map

Entire map with key attached as exhibit D



Background

The applicant, Steven Rosenberg, is the owner of the Liberty Heights Fresh Market at the corner of 1300 South and 1100 East. The purpose of these petitions is to enable the redevelopment of the market and its expansion onto an adjacent property that is zoned residential. The existing commercial building was originally permitted as the “Atlas Sewing Center” in 1947, and is considered a legal use in the CN zone. The adjacent single family home at 1073 East 1300 South was built in 1950 as a single family home and is currently used illegally as an office, and for market parking (commercial parking and office uses are not allowed in the R-1-5000 zone). The property has a single family home on the west side, a vacant commercial lot on the north, and commercial uses on the south and east sides. Primary access to the property is from 1100 East. This application would:

- Modify the Central Community Future Land Use Map at 1073 South 1300 East from Low Density Residential to Community Commercial
- Modify the Central Community Zoning Map to change the zone at 1073 South 1300 East from R-1-5000 (single family residence) to CN, Neighborhood Commercial.
- Approve a Minor Subdivision amendment to combine the properties at 1073 South 1300 East and 1290 South 1100 East into one lot of record
- Approve a Conditional Building Site and Design Review application that would grant an exception to reduce the required corner side yard setback from 15 feet to 1 foot and the front setback on the east from 15 feet to 3 feet 6 inches.

Standard “1” of Section 21A.50.050 of the Zoning Ordinance requires the Planning Commission and City Council to consider whether a zoning map amendment is consistent with the purposes, goals, objectives and policies of the various City planning documents. In this case, the Future Land Use Map of the Central Community Master Plan is not. Therefore, the City Council and Planning Commission are being asked to determine whether or not a policy change from low density residential to community commercial on the site is appropriate. If it is decided in the affirmative, then positive motions for the master plan amendment and zoning map amendment should follow.

Project Description

The applicant is proposing a multi unit mixed use development, with primary access from 1100 East. The facility would be a 2-story building approximately 24 feet in height, with parking on the north and west sides. The first floor would house the Liberty Heights Fresh Market with increased square footage and a café/deli. The second floor would have four residential units. The proposed floor area of the building is approximately 12,417 square feet. Primary exterior building materials include metal panels, cement block, and glass. A site plan, floor plan, and elevation drawings are attached for review (Exhibit A).

If the City Council and Planning Commission make findings for approval of these applications, the mixed use will be processed as a permitted use. No further board or commission action will be necessary. A final review for zoning ordinance compliance will occur at the time of building permit application. Staff has conducted a preliminary zoning review of the property, and made the following findings.

Ordinance Requirement	Proposed	Compliance
Use	Mixed use Residential on top floor, commercial on main floor.	Complies
Minimum Lot Area And Lot Width: Municipal service uses: No Minimum	14,608 square feet	Complies
Maximum Lot Size: 16,500 square feet	14,608 square feet	Complies
Maximum Building Height: 25 ft.	24 ft.	Complies
Minimum Front Or Corner Side Yard: A fifteen	1 foot	Requesting

foot (15') minimum. Exceptions to this requirement may be authorized as conditional building and site design review Average of the block face		Conditional Building and Site Design Review
Interior Side Yard: None Required	0 ft.	Complies
Rear Yard: 10 ft.	33 feet	Complies
Maximum Front Setback: 25 feet	18 feet	Complies
Required Parking: 14 spaces	14 spaces provided, with 2 ADA stall and bicycle parking	Complies

Public Notice, Meetings and Comments

Notice of the public hearing for the proposal includes:

- Public hearing notice mailed on December 21, 2012.
- Public hearing notice posted on property on December 21, 2012.
- Public hearing notice posted on City and State websites on December 21, 2012.
- A newspaper notice for the master plan amendment was published on December 21, 2012.

Public Comments

The application was presented to the East Liberty Park Community Council on December 5, 2012. Comments received from the Community Council, as well as comments from the public have been attached to this report as attachment B.

City Department Comments

Comments were received from affected City departments. No comments were received which would preclude the development of the proposed library. The applicant will be required to meet City standards for development as stipulated by the various City Departments/Divisions in the attached comments.

Analysis and Findings

STANDARDS FOR GENERAL AMENDMENTS

Central Community Master Plan Amendment

There are no specific standards in the Salt Lake City Zoning Ordinance for Master Plan Amendments. State Law, Section 10-9a-204, Notice of Public Hearings and Public Meetings to Consider General Plan or Modifications, outlines the criteria for amending a master plan relating to noticing requirements.

Analysis: The Future Land Use Map in the Central Community Master Plan defines the property at 1073 East 1300 South as low density residential 5-15 units per acre. The proposal would change that designation to community commercial. The Central Community Master Plan consistently emphasizes the need to preserve the existing single family housing stock, and discourages the encroachment of shopping centers or similar uses into their neighborhoods. Nonetheless, it also emphasizes the need for small scale commercial uses to support the residential neighborhoods.

- Residential Land Use Policy 1 states, “Preserve low density residential areas and keep them from being replaced by higher density residential and commercial uses.”
- Residential Land Use Policy 5 states “Use residential mixed use zones to provide residential land uses with supportive retail, service, commercial, and small-scale offices and monitor the mix of uses to preserve the residential component.”

The proposed redevelopment replaces a single family home that is on a busy street near an intersection where commercial uses are expected and have been in operation since 1947. The negative impacts of the removal of the housing units are offset by the fact that the existing home will be replaced by four individual residential units on site, and the proposed use fits with the current best practices in planning as it relates to the development of neighborhood commercial properties in urban residential areas, in that it will enable the continuation of a locally owned, walkable market in the neighborhood.

A study conducted by Civic Economics indicates that independent businesses bring substantial benefits to their local economies when compared to their chain competitors. It states,

“While chain stores and restaurants extract locally generated revenues from the community with each nightly bank transaction, independents are creating a virtuous cycle of local spending. The extra dollars in the local economy produce more jobs for residents, extra tax revenues for local governments, more investment in commercial and residential districts, and enhanced support for local nonprofits. In short, these businesses create better places.”

The Planning Division conducted a comprehensive survey of small businesses operating in the residential neighborhoods of the City. The purpose is to preserve and enhance sustainability in our neighborhoods. This effort builds upon past efforts to allow and encourage commercial land uses that provide important community gathering spaces, necessary services, employment and an enhanced tax base for the City. When asked whether or not a small business in their neighborhood was a positive or negative use, one half of residents (49%) report that having businesses located in their neighborhood is definitely positive, while another 30% say it is probably positive. Only 4% think that having businesses in their neighborhood is definitely negative.

Further, the study indicates, that when asked in an open-ended question, what they like about their neighborhood businesses, nearly half (48%) praise either the convenience or proximity of businesses or that they are walkable. One in five (20%) like that their neighborhood businesses are local or locally-owned (13%) or are small (7%). Others like the variety, diversity and unique nature of those businesses.

The proposed modifications to Liberty Heights Fresh Market are consistent with the findings of the survey of what people like about small business, and are therefore an important component in the City’s efforts to enhance sustainability in its neighborhoods.

On May 15, 2012, the City Council recorded a resolution Titled the “Council’s Philosophy Statement Priority: Neighborhood Quality of Life” the purpose of the resolution is to express an “aspirational vision of the City’s future, the values that underline the vision and the legislative tasks and projects the Council may undertake to realize the vision.” Vision 1 of the resolution states:

“We support policy and budget changes that promote growth of neighborhood businesses, institutions and other developments in order to provide conveniently located and physically accessible retail services to residents and provide more places for neighbors to socially interact.”

Finding: Although the proposed modifications to the General Plan would ultimately result in the loss of a single family home in a neighborhood where housing is held at a premium staff finds that the proposed amendment is consistent with the Central Community Master Plan for the following reasons:

1. One unit of housing on the site will be replaced with four units of housing.

2. Currently the single family home is used illegally as an office. This proposal will eliminate the illegal use along with creating legal residential units.
3. Current City policy has identified the Liberty Heights Fresh Market as an asset to the Central Community Neighborhood as well as to the City as a whole. This amendment will enable them to continue operating in the neighborhood legally.
4. The business is located at the corner of 1100 East and 1300 South, a busy intersection. Because of this, any additional traffic impacts due to the expansion will be handled by the existing streets with minimal impact to the surrounding property owners.

Zoning Map Amendment

As stated, the single family home property is zoned R-1-5000. Commercial and mixed uses are not allowed in that zone. The property has been used illegally for parking and as an office use for a number of years. The proposed zoning map amendment would make the proposed mixed residential/retail use a legal conforming use in the CN zone.

Section 21A.50.050B states: In making a decision to amend the zoning map, the City Council should consider the following.

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

Analysis: Currently the Future Land Use Map of the Central Community Master Plan is not consistent with the proposed zoning map amendment. As part of this petition, the City Council and Planning Commission are being asked to determine whether or not a policy change from low density residential to community commercial on the site is appropriate. If it is decided in the affirmative, then a positive motion for this Zoning Map petition should follow. Staff has reviewed the proposed Master Plan amendment and has recommended that the Planning Commission forward a positive recommendation to the City Council. This recommendation is based on the general finding that this project is consistent with the objectives of the Central Community Master Plan and current City policies as they relate to small business, as it will enhance an already successful small business that provides support to the surrounding neighborhood. Any negative impacts of the project that may come about as a result of the elimination of the single family home will be mitigated by the creation of four residential units on the second floor of the building.

Finding: If the Planning Commission finds that the proposed amendment to the Central Community Master Plan is appropriate, then the proposed zoning map amendment meets this standard. Staff finds that the proposed zoning map amendment coincides with current City efforts to enhance the viability of small business in the community by encouraging investment in the Central Community neighborhood.

Standard 2: Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance

Analysis: The purpose statement for the CN zone states:

“The CN neighborhood commercial district is intended to provide for small scale, low intensity commercial uses that can be located within and serve residential neighborhoods. This district is appropriate in areas where supported by applicable master plans and along local streets that are served by multiple transportation modes, such as pedestrian, bicycle, transit and automobiles. The standards for the district are intended to reinforce the historic scale and ambiance of traditional neighborhood retail that is oriented toward the pedestrian while ensuring adequate

transit and automobile access. Uses are restricted in size to promote local orientation and to limit adverse impacts on nearby residential areas.”

The proposed development will achieve the purpose of this statement as it will enhance an existing development on a property that is located at the corner of two busy collector streets each of which support multiple transportation modes including pedestrian, bicycle, mass transportation, and automobile. The proposed construction will be pedestrian oriented and will meet all requirements of the CN zone, including height, setbacks (requesting exception), landscaping and parking. The proposed map amendment will further the stated City goal of providing walkable commercial uses that support the overall urban residential atmosphere of the immediate Central Community neighborhoods.

Finding: Staff finds that the proposed map amendment is consistent with the purpose of the CN zone, as it will enhance a use that provides supportive retail and service commercial to the neighborhood that would not otherwise be available, thereby enhancing the sustainability of the Central Community as a whole.

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

Analysis: The property is boarded on the west by a single family residence. In general, parking and traffic generated by commercial uses in residential neighborhoods create significant impacts that are difficult to mitigate (cars parked up and down the street, congestion on narrow residential streets, deliveries to and from the site etc.). This use has a large parking lot, and vehicle access routes from collector streets. The impacts of the mixed use on adjacent property owners will be mitigated by the fact that the site has sufficient onsite parking and adequate access. As a result, patrons, delivery trucks and other vehicular impacts will be staged on site, rather than from the street. Further, per the requirements of the CN zone, the applicant is proposing a significant landscape buffer along the west property line that will be at least seven feet wide. The intent of the buffer is to mitigate the impacts of parking and general use of the property on the adjacent home.

Finding: Staff finds that the existence of a landscape buffer on the west side, a larger parking lot and good traffic access will reduce the impacts of the proposed zoning designation on the surrounding neighborhood residential.

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

Analysis: There are no overlay zones on the property

Finding: This standard is not applicable.

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

Analysis: This application has been reviewed by all applicable City Divisions. Comments from each indicate that they have no objection to the proposed zoning map amendment. There are issues that the applicant will need to address prior to the issue of a building permit, relating to the upgrade of existing service lines and infrastructure on site. All necessary fire, police and emergency services are within a reasonable distance.

Finding: Staff finds that the proposed amendment will have all utility and public services necessary to accommodate the site.

Minor Subdivision Standards for Approval; Section 20.20.70

A minor subdivision petition may be approved only if it meets the requirements specified in Section 20.20.70 of the Salt Lake City Code. The standards for approval are as follows:

A. The minor subdivision will be in the best interests of the city.

Analysis: The purpose of the subdivision proposal is to consolidate two lots owned by the petitioner in order to accommodate the expansion of an existing business. Currently, the single family home section of the property is being used illegally for parking and as an office use. The consolidation of these lots, mixed with a zoning map amendment will enable the legal use of the property. Further, studies indicate that the proposed use may have a positive effect on the surrounding neighborhoods as small business is considered a benefit to the Central Community.

Finding: Staff finds that the proposed minor subdivision will be in the best interests of the Central Community and the City as a whole.

B. All lots comply with all applicable zoning standards.

Analysis: The proposed subdivision will create a lot of approximately 14,608 square feet. The maximum lot size in the CN zone is 16,500 square feet. The total area of a contiguously mapped CN district shall not exceed ninety thousand (90,000) square feet. The additional 5,662 square feet of lot area will bring the total amount of contiguous CN zone square footage in the area to approximately 76,027 square feet. Additionally the lot is located on a corner, with adequate frontage and vehicular access.

Finding: Staff finds that the proposed lot complies with the applicable zoning standards.

C. All necessary and required dedications are made.

Analysis: This proposal was reviewed by all applicable City Departments/Divisions. There was no indication that any dedications were necessary.

Finding: No additional dedication are required.

D. Provisions for the construction of any required public improvements are included.

Analysis: This proposal was reviewed by all applicable City Departments/Divisions. Improvements are required as part of the overall project and are noted in the attached comments (Exhibit B).

Finding: Public improvements are required and shall be accomplished according to City standard as noted in the City Department/Division comments attached to the staff report (Exhibit B).

E. The amendment complies with all applicable laws and regulations.

Analysis: The proposed subdivision has been reviewed by pertinent City Departments/Divisions as to its adherence to applicable laws and regulations. No City Departments/Divisions had objections to the request, subject to the conditions as discussed in the staff report.

Finding: Staff finds that the proposed subdivision meets all applicable laws and regulations.

Conditional Building and Site Design Review Standards; Section 21A.59.060

In the CN zone, a fifteen foot (15') minimum front or corner side yard setback is required. The applicant is seeking a three feet six inches (3'6") front yard setback on the 1100 East side and a one foot (1') corner side yard setback on the 1300 South side. Section 21A.26.020.F.1 of the Zoning Ordinance states that exceptions to the minimum setback requirement may be authorized as conditional building and site design review, subject to the requirements of chapter 21A.59, and the review and approval of the planning commission.

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 giving emphasis to its entrances.

Analysis: The existing market building is setback approximately 25 feet from the front property line and approximately 30 feet from the corner side property line. The modification proposal would move the front entrance to one foot on the corner side yard and three and one half feet from the front property line. Primary pedestrian access would come from an entrance facing 1300 South on the corner side yard with a secondary access from the front. The entrance is a primary architectural feature of the building and would be readily visible from the public right of way.

In order to comply with standard A.4 above, staff recommends that the Commission condition this application that a lighting plan be reviewed by staff prior to the issue of a building permit. Staff will ensure that the building lighting will emphasize the front entry.

Finding: Staff finds that moving the primary entrance of the building forward, toward the front and corner side yard property lines, will enhance the interface between the pedestrian on the sidewalk and the building, because it will eliminate the need to walk across a parking lot to get to the front entry.

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.

Analysis: The proposed second story addition projects over the existing first floor approximately 6 feet on the north elevation and there is a proposed pergola over the entry on the front elevation. Further, the main entry on the south elevation comes directly from the sidewalk, providing shelter for individuals on that side. These features combine to cover both the front and side entries, and therefore will provide protection to pedestrians from the rain and sun.

The front door is proposed on the front corner of the building facing 1300 South. It is designed to receive pedestrian traffic straight from the public sidewalk into the building. This design feature is encouraged in a mixed use development because it emphasizes the interface between the pedestrian and the building, rather than the automobile.

Finding: Staff finds that the proposed building design is oriented toward the pedestrian and toward mass transit because it is moved forward on the lot to emphasize its relationship with the pedestrian on the sidewalk, rather than the automobile.

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.

Analysis: The existing first floor of the building meets the standard of (40%) glass on the front façade of the first floor. There are large windows running along the south elevation. The façade has a number of breaks, and variations, and the second floor is setback from the first reducing the visual bulk of the building. The second floor will have a deck area facing 1300 South with a small rooftop garden that will be used by the market. Signs will need to be designed to relate to the pedestrian and complement the building architecture.

Finding: Staff finds that the proposed building façade will facilitate pedestrian interest because it will be low to the ground, close to the sidewalk, and architecturally interesting.

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

Analysis: The building will be approximately 24 feet tall at its tallest point. On the south, east and west elevations, the second floor is setback from the front façade 12 feet. This will mitigate the perceived height of the building, making it more pedestrian friendly. Additionally, there are a number of display windows proposed on the south façade that will add interest to the building when viewed from the street.

By reducing the front and corner side yard setbacks, and having the building close to the sidewalk, it will be easier for individuals to interact with people who are walking along the street or working or living inside of the buildings. This interaction and transparency creates a safer and more interesting walking environment.

Finding: Staff finds that the architectural detailing as well as the reduced front yard setbacks will emphasize the pedestrian level of the building, by creating a better interaction between the pedestrian and 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.

Analysis: There are 14 parking stalls required by the ordinance, and 14 provided. They are each located in the rear of the property, with a driveway entrance from the south west corner, and another from the north east

corner of the property. The north east access will come from an opening in the building (under the second floor). No parking is proposed between the building and the street. The applicant is proposing that 9 broad leaf trees be planted as a buffer between the residential area on the west side and the parking lot in the rear. These trees will be included as part of the landscape buffer area required between the CN zone and the residential zone.

Finding: Staff finds that the proposed parking area is appropriately screened.

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

Analysis: All parking lot lighting will be required to meet minimum standards for approval in the Zoning Ordinance. Staff has conditioned this application that all lighting shall be reviewed for compliance with the ordinance by staff.

Finding: The proposal satisfies this standard.

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.

Analysis: Parking access is provided by two curb cuts one onto 1300 South, and the other onto 1100 East. This access and circulation is appropriate for the proposed use. There are no pedestrian facilities on the site that would warrant a special trail or pathway connection. Pedestrian access to the site is provided on the existing sidewalks bordering the public street frontages.

Finding: Staff finds that the vehicular access and pedestrian access to the site are adequate to account for the proposed addition and uses.

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.

Analysis: A screened dumpster area is proposed in the rear of the property. Access to the dumpster will come from the drive off of 1300 South behind the building. This location will not be visible from the street, and is not located between the street and building.

Finding: The proposal satisfies this standard.

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

Analysis: All proposed signs shall be reviewed for compliance with the Zoning Ordinance standards for signs in the CN zone.

Finding: As a condition of approval, staff recommends that a final sign plan be submitted for review and approval by Planning Staff.

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.

Analysis: The final lighting plan will be compliant with all applicable City standards to be determined as part of the building permit review process.

Finding: As a condition of approval, staff recommends that a final lighting plan be submitted for review and approval by Planning Staff.

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.

Analysis: The applicant is proposing a landscape buffer along the west side of the property. Because the applicant is proposing that the building be moved closer to the front and corner side yard property lines, there will be very little area for landscaping. Nonetheless, staff finds that the benefits of creating a more inviting place for pedestrians accomplishes the same goals as the landscaping requirement. Staff has reviewed the proposed buffer landscape area and found that it meets the minimum standards for approval. The final landscaping plan will be compliant with all applicable City standards to be determined as part of the building permit review process. The dumpster will be enclosed by six foot fence structure.

Finding: Staff recommends that the development be required to meet Section 21A.48 of the Zoning Ordinance as a condition of approval.

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.

Finding: Staff recommends that the development be required to meet Section 21A.48 of the Zoning Ordinance as a condition of approval.

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. The following is a potential motion that may be used in case the Planning Commission determines the project should be denied:

Not Consistent with Staff Recommendation (for subdivision and conditional building and site design review): Based on the testimony, plans presented, and the following findings, I move that the Planning Commission deny the Liberty Heights Fresh project located at approximately 1290 South 1100 East. The proposal fails to meet the standards for a Minor Subdivision Amendment and Conditional Building and Site

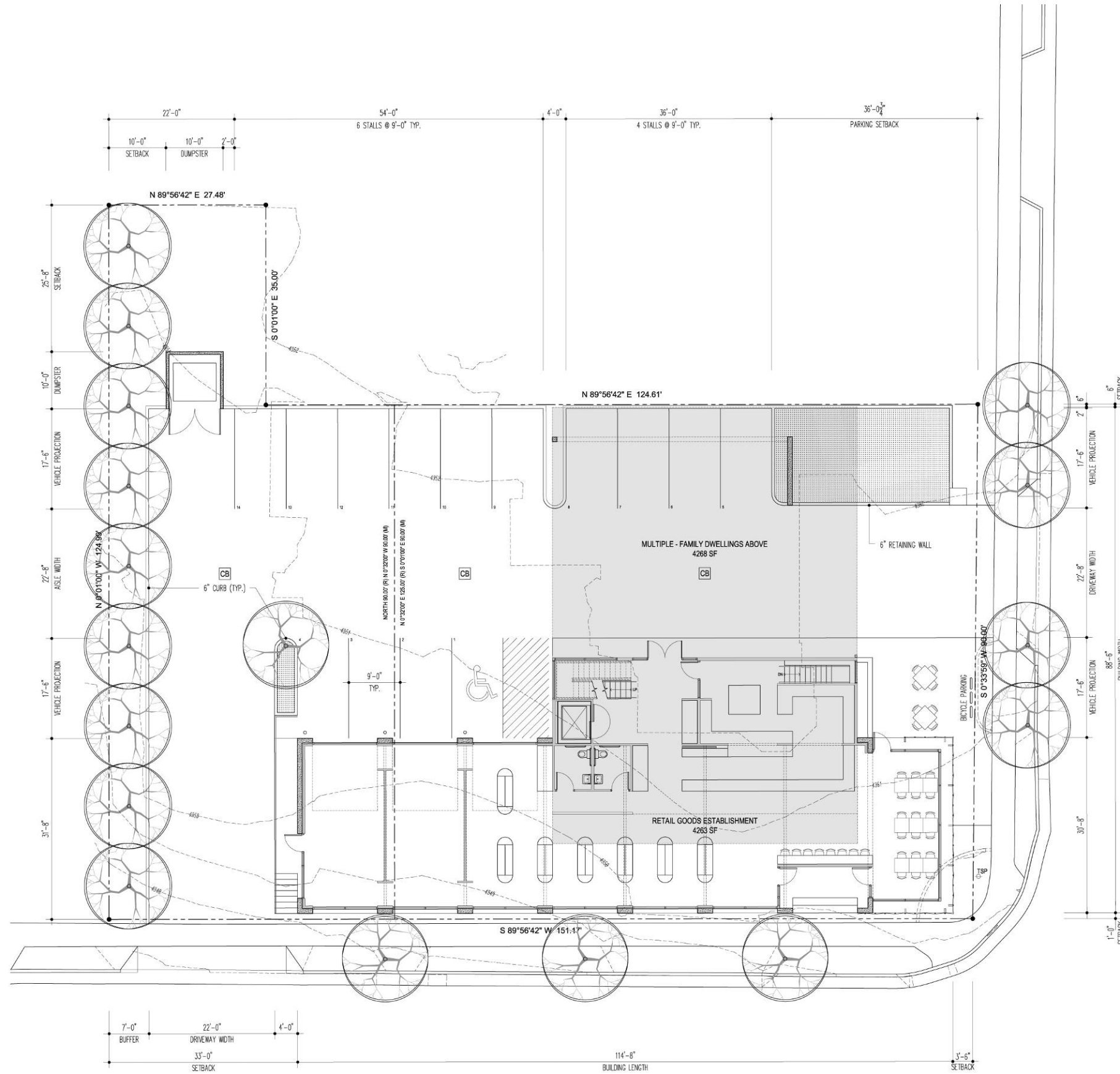
Design Review or some combination thereof. The proposed project therefore, is not compliant with the following standards and is denied:

Not Consistent with Staff Recommendation (for Master Plan Amendment and Zoning Map Amendment):

Based on the testimony, plans presented, and the following findings, I move that the Planning Commission forward the City Council a negative recommendation for the Liberty Heights Fresh project located at approximately 1290 South 1100 East. The proposal fails to meet the standards for a Master Plan Amendment and a Zoning Map Amendment or some combination thereof. The proposed project therefore, is not compliant with the following standards and is denied:

The Planning Commission will need to make findings based on the above reference standards to deny the proposal.

Attachment A
Proposed Plans



Site Plan

Information

Lot # 1608452034 (Liberty Heights Fresh)
Lot# 1608452033 (single family residence)

Zoning District:
 Existing Zoning District :
 CN Neighborhood Commercial
 R-1-5000 Single Family Residence
Proposed District:
 CN - Neighborhood Commercial

Uses
 Proposed Uses (permitted) CN
 Mixed Use Development
 Multiple-Family & Retail Goods Establish-
 ment w/o Drive-through
Max Height: 25' (Twenty Five Feet)

Lot Area Combined—0.335 Acres or 14,608sf

Proposed Building Areas

Basement	3,871 SF
Main Level	4,263 SF
Upper Level	4,071 SF
TOTAL	12,205 SF

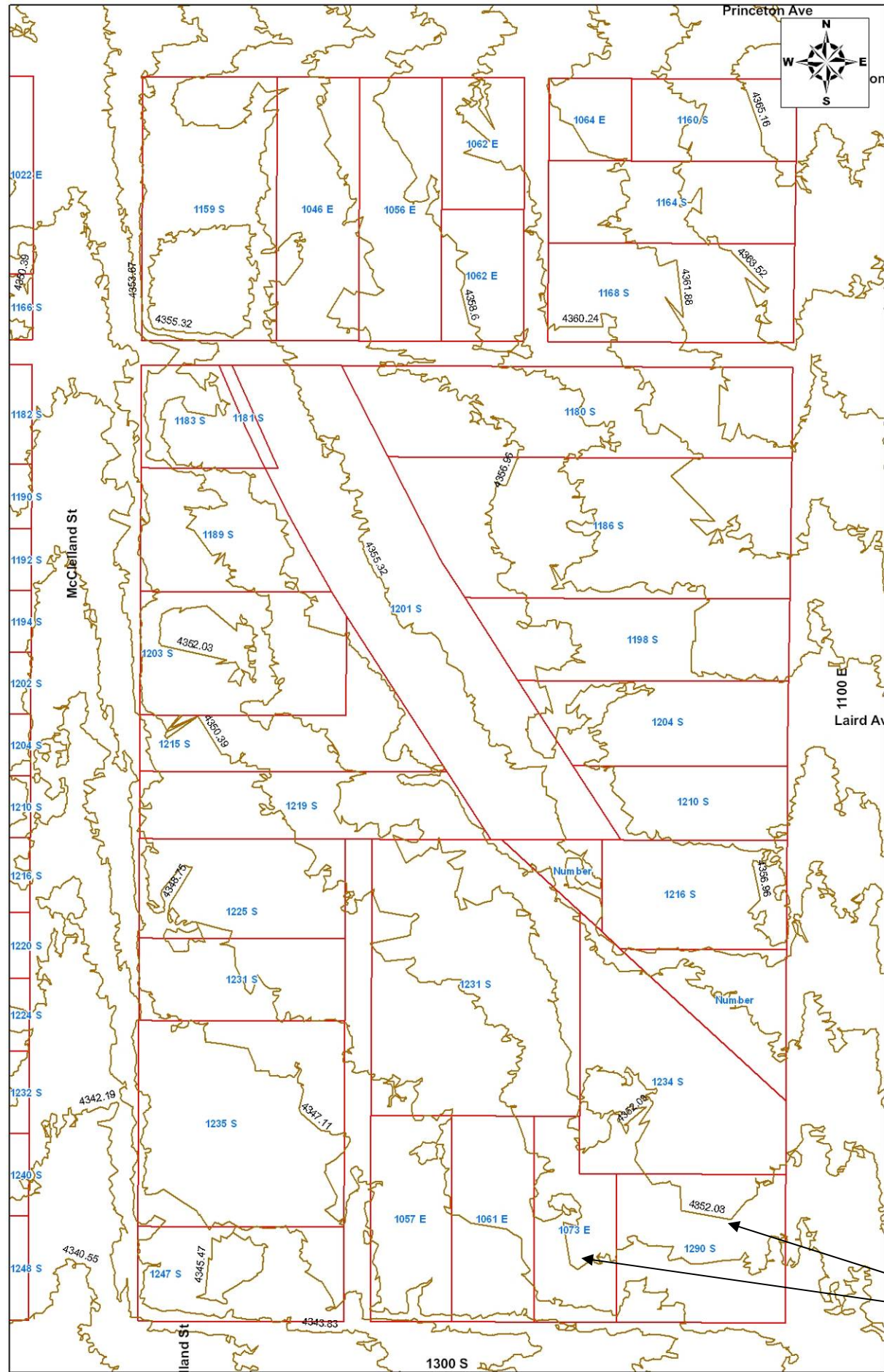
Parking required - 14 spaces
 Parking Provided—14 Spaces



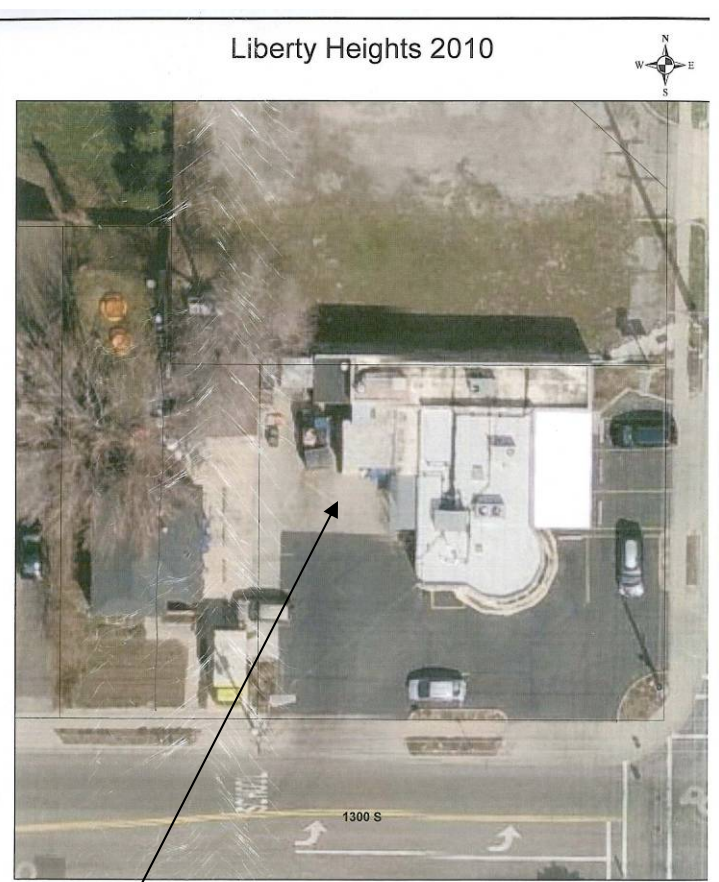


A SITE PLAN
AS-101 SCALE: 1/8" = 1'-0"





Aerial of Context of Liberty Heights Fresh



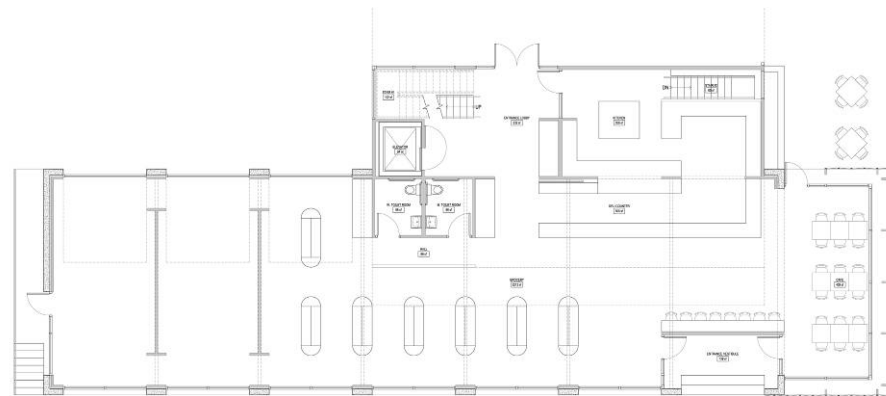
Existing Liberty Heights Fresh



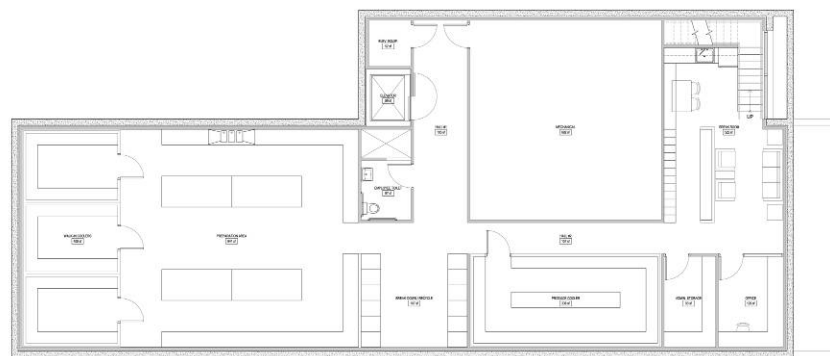
Parcel Locations



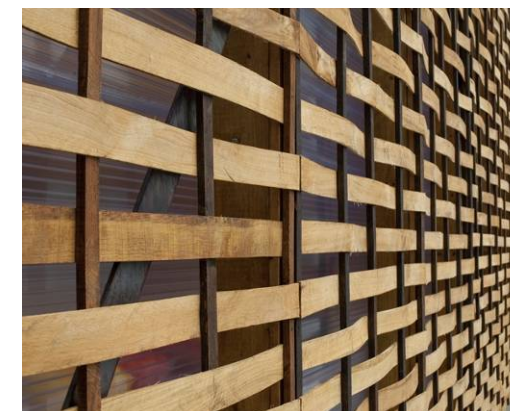
Upper Level



Main Level



Basement Level





○ SOUTH ELEVATION (1300 S.)
SCALE: 1/4" = 1'-0"



○ EAST ELEVATION (1100 E.)
SCALE: 1/4" = 1'-0"



Attachment B
Community Council and Public Comments

EAST LIBERTY PARK COMMUNITY

ORGANIZATION

December 9, 2012
Mr. Steven Rosenberg
Chief Eating Officer
Liberty Heights Fresh
1290 South 1100 East
Salt Lake City, UT 84105

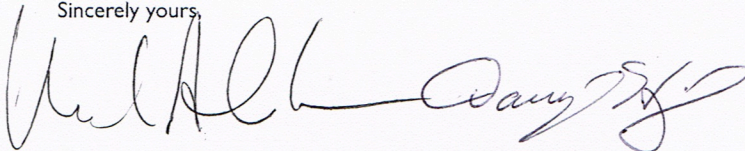
Dear Steven,

The Board wishes to thank you for taking the time to present your plans for improvement to Liberty Heights Fresh.

After your presentation on December 6, 2012, the Board discussed at length your proposed changes. Without exception, the members voted unanimously to encourage the City to allow the zoning variances you seek so that you can proceed with your plan. We believe your investment in the corner you occupy will help generate an even greater neighborhood feel to the entire corner, along with promoting more walking and bicycling within the community. We also believe that your parking plan and traffic flow pattern will help prevent accidents with cars, bicycles and pedestrians alike.

We have copied this letter to Ray Milner at Salt Lake City Planning Department. We wish you good luck in your endeavors.

Sincerely yours,

The image shows two handwritten signatures in black ink. The signature on the left is for Michael Cohn, and the signature on the right is for Darryl High. Both signatures are written in a cursive, flowing style.

Michael Cohn, Co-Chair

Darryl High, Co-Chair

cc Ray Milner, Staff Planner, Salt Lake City Corporation

Jill Love, Salt Lake City Council Member, District 5

As someone living in the neighborhood of Liberty Heights Fresh, I have no problem with them tearing down their own building, primarily used as office space, to enhance the neighborhood with the quality they bring.

Scott Weaver
SLC

I was unable to attend the Community Council Meeting last evening so I am writing in support of the requested amendments and conditional use approvals required to permit construction of the project Steven Rosenberg is proposing. Since 1978 our family has lived in the neighborhood at 1130 Princeton Ave. We have always considered the "node" of commercial establishments located on the corner of 11th E. and 13th S. to be a beneficial and welcome component of our community. Over time, we have also seen considerable evolution and improvement to the character of the corner. One of the major improvements has been the positive energy of Steve Rosenberg and his Liberty Height Fresh - located in what was previously a gas station. For years LHF has been and hopefully will continue to be a key element of our experience. The availability of locally owned businesses providing services, groceries (and now, multiple dining options) within walking distance is key to our sense of actually living in a viable neighborhood.

I am an Architect so in addition to my opinion as neighbor I also have considered the proposal from my point of view as a professional. In my opinion the project, per the preliminary drawings, is not only consistent in scale and character with the neighborhood, it also resolves the existing lack of clarity regarding automobile circulation. Locating the building at the sidewalk edges and placing parking at the rear with automobile entrances and exits as far as possible from the actual corner will be functionally and visually a major improvement.

I hope you, and the rest of our community will look favorably on this project and assist in facilitating it's approval and completion.

Respectfully,
Kenneth E. Louder, AIA
1130 Princeton Ave.
Salt Lake City, UT 84105

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Work Flow History Report

1290 S 1100 E

PLNPCM2012-00610

Date	Task/Inspection	Status/Result	Action By	Comments
9/12/2012	Staff Assignment	Assigned	Paterson, Joel	
9/18/2012	Staff Assignment	In Progress	Milliner, James	
9/21/2012	Staff Assignment	Routed	Milliner, James	
10/2/2012	Planning Dept Review	In Progress	Milliner, James	
10/3/2012	Fire Code Review	Complete	Itchon, Edward	
10/3/2012	Transportation Review	Complete	Walsh, Barry	<p>The existing development has a mixed retail and single family residential parking provision of 12 stalls with five driveways impacting the public roadway and parking fronting the public roadway.</p> <p>The proposed development indicates a parking generation of 8 retail stalls and six residential stalls for a total of 14 stalls, with two drive approaches impacting the public roadway, with the building located on the corner lot frontage.</p> <p>The proposal's revised traffic circulation should add to the reduction in congestion and add to the safety of the intersection.</p>
10/10/2012	Engineering Review	Complete	Weiler, Scott	No objections

Attachment C
Photos of the Site



View of Market Looking West



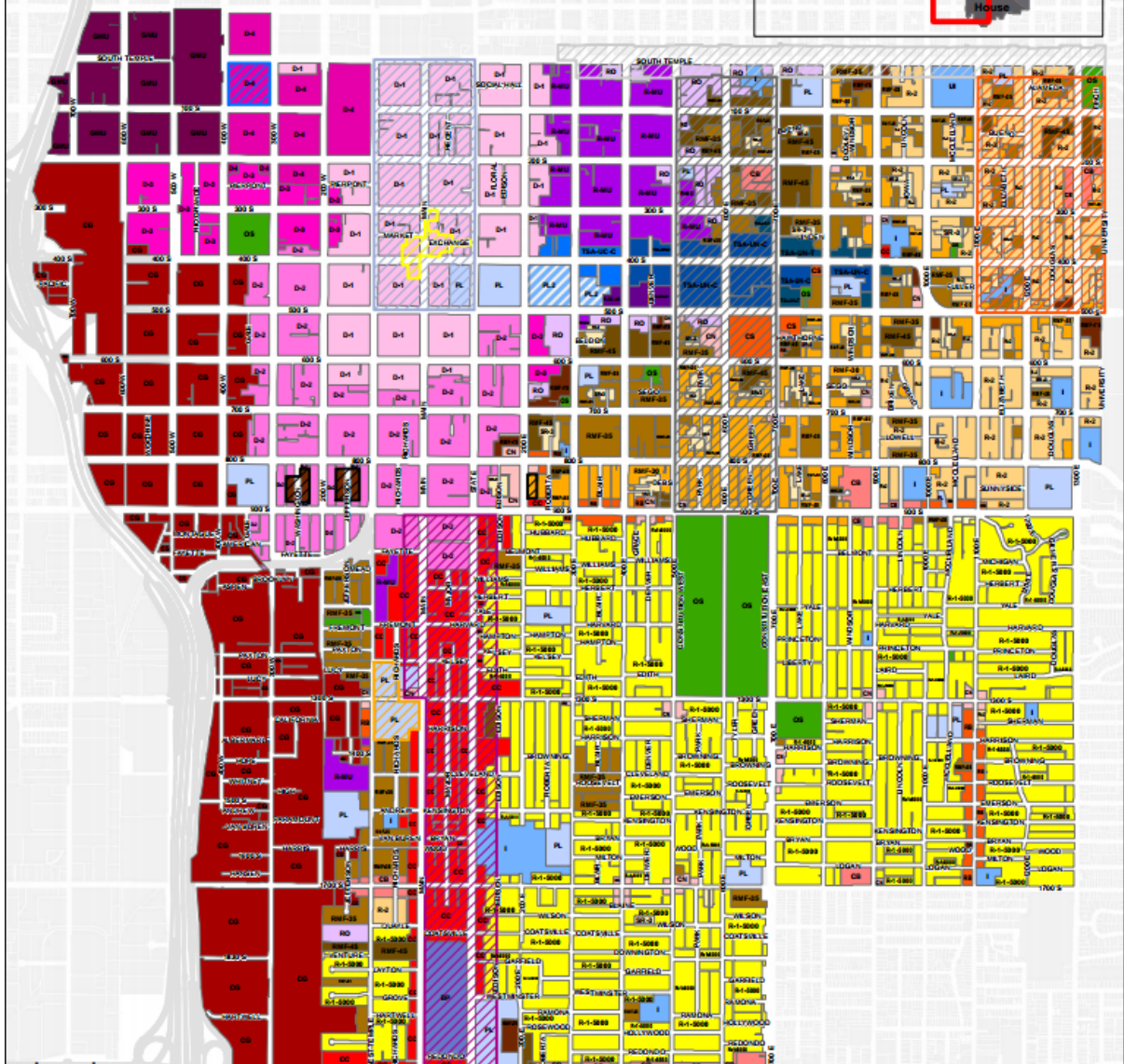
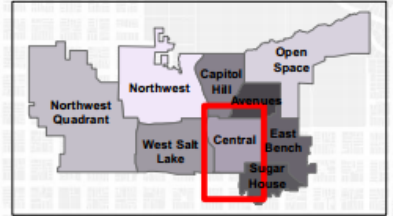
View of Single Family Home Looking North



View of Market and Single Family Home Looking North East

Attachment D
Central Community Zoning Map and Future Land Use Map

Central Community Zoning Map



Legend

Historic Preservation Overlay		CB Community Business		R-MU Residential/Mixed Use District - 75' Height	
	Central Community		CS Community Shopping		R-MU-45 Residential/Mixed Use District - 45' Height
	Exchange Place		CC Commercial Corridor		RB Residential/Business District
	South Temple		CG General Commercial		RMF-30 Low Density Multi-Family Residential
	University		D-1 Central Business District		RMF-35 Moderate Density Multi-family Residential
Overlay Districts			D-2 Downtown Support District		RMF-45 Moderate/High Density Multi-family Residential
	Sports Arena Sign		D-3 Downtown Warehouse/Residential District		RMF-75 High Density Multi-family Residential
	Ballpark Sign		D-4 Downtown Secondary CBD		RO Residential/Office
	Downtown Main Street Core		GMU Gateway Mixed Use		SR-1 Special Development Pattern
	South State Street		I Institutional		SR-3 Special Development Pattern Residential
	Transitional		OS Open Space		TSA-UC-C Transit Station Area - Urban Center - Core
Zoning			PL Public Lands		TSA-UN-C Transit Station Area - Urban Neighborhood - Core
	BP Business Park		PL2 Public Lands 2		TSA-UN-T Transit Station Area - Urban Neighborhood - Transition
	CN Neighborhood Commercial		R-1-5000 Single-Family Residential		UI Urban Institutional
			R-2 Single- and Two-Family Residential		



Salt Lake City Planning Division
Updated November 2012

Central Community Future Land Use

* NOTE: The Low-Medium and Medium Density Land Use designations may include multiple zoning designations (e.g.; a single land use designation and map color may represent RMF-35 or SR-3 classifications)

Map Legend

- Light Rail Stations
- Proposed Lightrail Stations
- Historic Preservation
- Light Rail
- Later Phase of Light Rail
- CBD Boundary
- CBD Support Boundary
- Salt Lake Community College/Future Expansion Area
- West Temple Gateway Plan

Future Land Use

- Low Density Residential (1-15 dwelling units/acre)
- Low Medium Density Residential (10-20 dwelling units/acre) *
- Medium Density Residential (15-30 dwelling units/acre) *
- Medium High Density Residential (30-50 dwelling units/acre)
- High Density Residential (50 or more dwelling units/acre)
- Low Residential/Mixed Use (5-10 dwelling units/acre)
- Medium Residential/Mixed Use (10-50 dwelling units/acre)

- Residential/Office Mixed Use (10-50 dwelling units/acre)
- High Mixed Use (50 or more dwelling units/acre)
- Neighborhood Commercial
- Community Commercial
- Central Business District
- Central Business District Support
- Regional Commercial/Industrial
- Low Density Transit Oriented Development (1-20 dwelling units/acre)
- Medium Density Transit Oriented Development (10-50 dwelling units/acre)
- High Density Transit Oriented Development (50 or more dwelling units/acre)
- Open Space
- Institutional
- Gateway Master Plan (Note: Future Land Use Shown in the Gateway Master Plan)
- Non-conforming properties to be evaluated for appropriate land use designation. (Interim land use policy would be adjacent land use classifications)

