



# Memorandum

Planning Division  
Community & Economic Development Department

To: Planning Commission

From: Casey Stewart, Senior Planner

Date: July 23, 2013

Re: Revisions to Marmalade Lofts Planned Development- 737 South 300 West

Encl: *Exhibit A*: Revised drawings based on June 26 commission discussion

*Exhibit B*: Original Planning Commission staff report

*Exhibit C*: Meeting minutes from June 26, 2013

The planning commission voted unanimously at the meeting on June 26, 2013 to table a decision on the Marmalade Lofts Planned Development (10 single family attached units). The intent was to afford the applicant time to try and address some site layout concerns as noted in the motion below:

## MOTION

*Commissioner Dean stated in regards to PLNSUB2012-00562 (Planned Development) and PLNSUB2012-00642 (Preliminary Subdivision ) at 737 North 300 West, she moved that the Planning Commission table the petition, keep the Public Hearing open and ask the Applicant to return with proposals giving options for orientating the entries of each unit to the Street and a location for a joint recycling facility. Commissioner Drown seconded the motion.*

*Commissioners agreed with the motion stating they would like to see connection to the street even if it meant adjustments needed to be made to setbacks. The motion passed unanimously.*

The applicant, Nathan Anderson, has modified the plans, with the key change being to pave the adjacent private alley on the west side of the property attempting to provide more of a street connection for the west-facing residential units. The building design and style remain essentially the same – no new building elevation drawings were provided. The lot layout and common drive remain unchanged. The modified plans are included as *Exhibit A*.

The original staff report is included again (*Exhibit B*) for comparison and reference for the planned development and subdivision application standards. Staff reviewed the revisions and in the following discussion points out potential issues or benefits of the revised layout and site design that the commission should consider during the decision process.

## ALLEY

The private alley west and adjacent to the site would be improved with pavement, curb, gutter and sidewalk. The paved area would extend into the subject property with a pull out for vehicles and a sidewalk. The applicant claims this proposal achieves the improved connectivity that the commission sought. It provides vehicle and pedestrian activity on that side of the property by allowing for vehicle parking in front of the west units and creates a usable street that was not there before.

This proposal comes at the expense of open space and landscaped area, and leaves unanswered the question of “who” and “how” the alley and improvements will be maintained in the future. The question also arises as to who gives permission to pave the alley – the applicant does not own it. Since the alley is not public, nor owned by the city, the city has no obligation to maintain the alley and the applicant has not provided a method for maintenance at this time.

The proposal involves paving/improving only the portion of the alley adjacent to the project. The result is an alley that is partially improved and then ends abruptly once past the project. It is unclear how the alley would be signed for vehicle circulation and how vehicles would enter and exit the property from the alley.

## OPEN SPACE / LANDSCAPING

The MU zoning district requires a minimum open space total of 20% of the lot area. The original proposal barely met that threshold and with the reduction in open space due to the additional paving, the project would drop below 20%. The commission would have to waive that requirement as part of the planned development approval.

It is staff’s opinion that the reduced landscaping and open space weakens the project’s adherence to the planned development purpose of “*use of design, landscape or architectural features to create a pleasing environment*”, which was the key purpose under which the original site design demonstrated compliance with the purposes for planned developments in the city.

## SETBACKS

The paved alley and vehicle pullout create a sense of a front yard area for the west units. The definition of front yard involves fronting a public street and the alley is not a “public” street. For discussion of setbacks, four of the western lots do not have frontage on a public street, which was one of the original reasons the applicant sought planned development approval. With the proposed alley improvement, the west edge of the development could be considered the front for setback purposes, and the rear yard would then be that area occupied by the common drive down the middle of the project. Setbacks were, and continue to be, the second reason the applicant sought planned development approval. The planning commission indicated in its vote to table the item its willingness to modify setbacks if that would facilitate connection to the street.

## STREET FRONTAGE

The proposed improvements to the private alley give, in a practical sense -but not technically, a street frontage to those four lots that would not have direct access to a public street. Although the public street frontage requirement would still have to be waived for this planned development, it may be easier to do so because of the proposed alley access.

## RECYCLING FACILITY

The commission included, in the motion to table, a condition for a “joint recycling” facility for the development. The applicant’s revised plans do not indicate a recycling facility as part of the project.

**Options:**

Approve original plan: the commission may consider the project as originally proposed.

Approve modified plan: the commission may consider the project modifications presented by the applicant and approve all or a portion of the modifications, or make additional modifications/conditions deemed necessary to comply with the application review standards.

Deny: the commission may consider denying the project completely if the commission determines the application review standards are not met.

If the commission is inclined to approve either the original or the modified proposal, staff recommends the five (5) conditions that were part of the original staff recommendation. Those conditions are included with the potential motions below.

**Potential Motions**

APPROVE ORIGINAL PLAN:

*“Based on the findings listed in the staff report and the testimony and plans presented, I move that the Planning Commission approve the requested Marmalade Lofts **planned development** PLNSUB2012-00562 as initially proposed at the June 26, 2013 meeting and subject to all conditions of planning staff’s original recommendation.”*

*“Based on the findings listed in the staff report and the testimony and plans presented, I move that the Planning Commission approve the requested Marmalade Lofts **preliminary plat** PLNSUB2012-00642 as proposed and subject to conditions 1 and 2 of planning staff’s original recommendation from the June 26, 2013 meeting.”*

Conditions:

1. Final planned development site plan approval and final subdivision plat approval are delegated to the Planning Director.
2. Compliance with all City department requirements outlined in the staff report for this project. See *Attachment D* of the staff report for department comments.
3. All sections of the wall along 300 West shall be a minimum of 50% open or replaced with fencing that is at least 50% open as determined by the Planning Director.
4. The north and south facades shall be revised to include more visual interest and less blank wall space as determined by the Planning Director.
5. The number of trees on the site shall not deviate more than 10% from the number of trees shown on the landscape plan. The number of trees in the park strip and for buffering shall comply with at least the minimum required by Chapter 21A.48 of zoning ordinance.

APPROVE MODIFIED PLAN:

*“Based on the findings listed in the staff report and the testimony and plans presented, I move that the Planning Commission approve the requested Marmalade Lofts **planned development** PLNSUB2012-00562 as modified and subject to all conditions of planning staff’s original recommendation from the June 26, 2013 meeting.”*

*“Based on the findings listed in the staff report and the testimony and plans presented, I move that the Planning Commission approve the requested Marmalade Lofts **preliminary plat** PLNSUB2012-00642 as proposed and subject to conditions 1 and 2 of planning staff’s original recommendation from the June 26, 2013 meeting.”*

Conditions:

1. Final planned development site plan approval and final subdivision plat approval are delegated to the Planning Director.
2. Compliance with all City department requirements outlined in the staff report for this project. See *Attachment D* of the staff report for department comments.
3. All sections of the wall along 300 West shall be a minimum of 50% open or replaced with fencing that is at least 50% open as determined by the Planning Director.
4. The north and south facades shall be revised to include more visual interest and less blank wall space as determined by the Planning Director.
5. The number of trees on the site shall not deviate more than 10% from the number of trees shown on the landscape plan. The number of trees in the park strip and for buffering shall comply with at least the minimum required by Chapter 21A.48 of zoning ordinance.

DENY:

*“Based on the testimony, plans presented and the following findings, I move that the Planning Commission deny the Marmalade Lofts **planned development** PLNSUB2012-00562.”*

The Planning Commission shall make findings on the following planned development standards:

- A. Whether a proposed planned development meets the purpose statement for a planned development (section [21A.55.010](#) of this chapter) and will achieve at least one of the objectives stated in said section;
- B. Master Plan and Zoning Ordinance Compliance: 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.
- C. 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:
- D. 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;
- E. The proposed planned development shall preserve any historical, architectural, and environmental features of the property;
- F. The proposed planned development shall comply with any other applicable code or ordinance requirement.

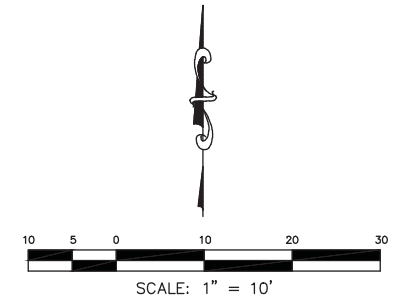
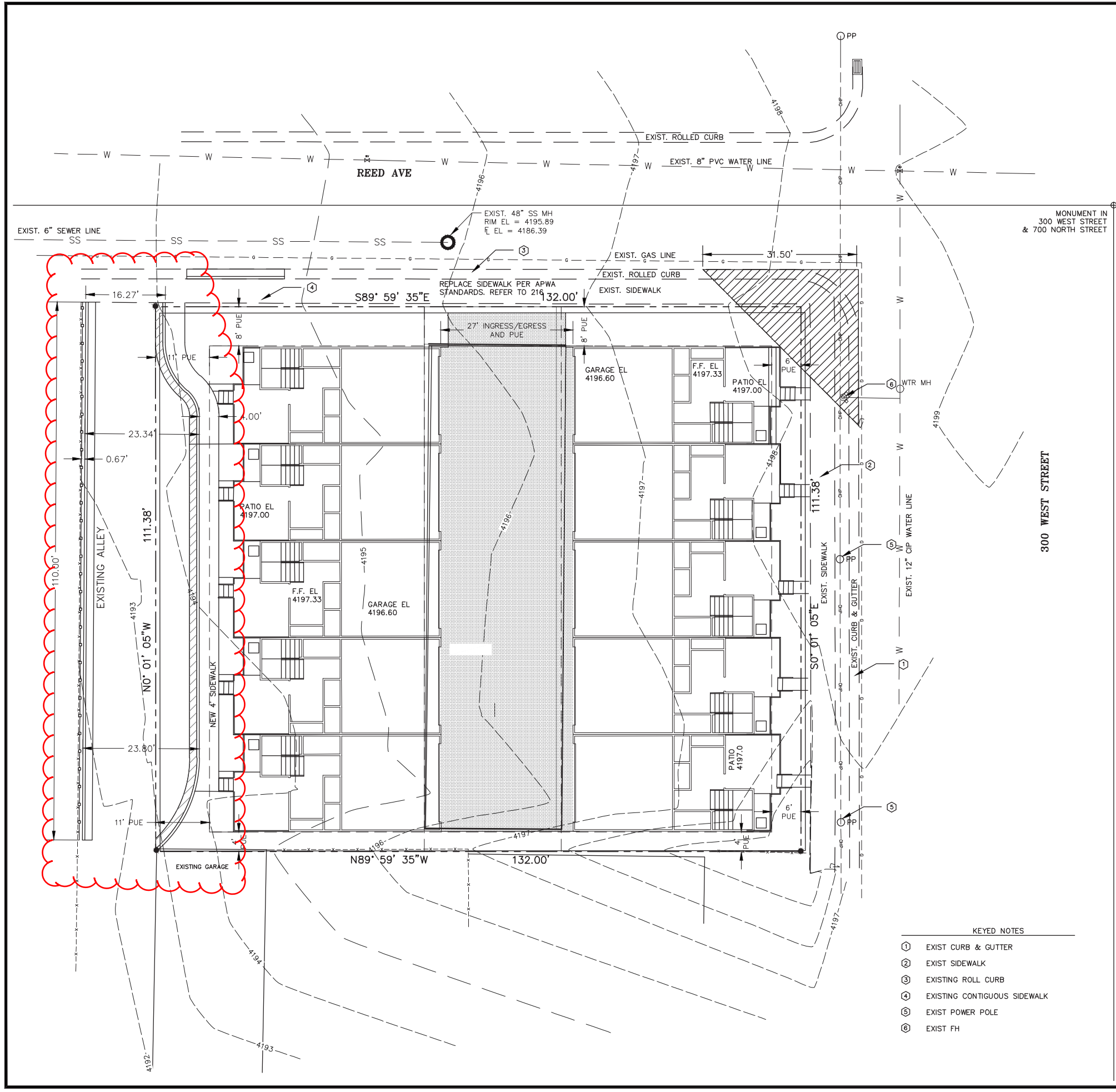
*“Based on the testimony, plans presented and the following findings, I move that the Planning Commission deny the requested Marmalade Lofts **preliminary plat** PLNSUB2012-00642.”*

The Planning Commission shall make findings on the minor subdivision standards as listed below:

- A. The general character of the surrounding area shall be well defined, and the minor subdivision shall conform to this general character.
- B. Lots created shall conform to the applicable requirements of the zoning ordinances of the city.
- C. Utility easements shall be offered for dedication as necessary.
- D. Water supply and sewage disposal shall be satisfactory to the city engineer.
- E. Public improvements shall be satisfactory to the planning director and city engineer.

**EXHIBIT A**

Revised drawings based on June 26 commission discussion



LAND USE TABLE

TOTAL AREA =	14,520 SF
TOTAL LANDSCAPE =	2,594 SF
TOTAL HARD SURFACE =	11,926 SF

THIS DRAWING IS FOR TOPOGRAPHICAL INFORMATION BOUNDARIES ARE APPROXIMATE

- KEYED NOTES
- ① EXIST CURB & GUTTER
  - ② EXIST SIDEWALK
  - ③ EXISTING ROLL CURB
  - ④ EXISTING CONTIGUOUS SIDEWALK
  - ⑤ EXIST POWER POLE
  - ⑥ EXIST FH

LEGEND

EXISTING SPOT ELEVATION	● 4204.04
EXISTING 2 FOOT CONTOUR	----- 4220 -----
EXISTING INDEX CONTOUR	----- 4220 -----
EXISTING FENCE	----- X ----- X -----
PUBLIC UTILITY EASEMENT (P.U.E.)	----- X ----- X -----
BUILDABLE AREA	----- X ----- X -----
CURB, GUTTER, SIDEWALK	----- X ----- X -----

**HILL & ARGYLE, Inc.**  
*Engineering and Surveying*  
**HA**  
 181 North 200 West, Suite #4, Bountiful, Utah 84010  
 (801) 298-2236 Phone, (801) 298-9883 Fax

REGISTERED PROFESSIONAL SURVEYOR  
 JULY 2004  
 No. 189586  
 SCOTT T. ARGYLE

SITE PLAN  
**MARMALADE DISTRICT LOFTS**  
 735 N. 300 W.  
 MARMALADE DISTRICT  
 PLAT 14 OF OFFICIAL SURVEY OF PLAT A  
 SALT LAKE COUNTY, UTAH

DRAWN BY	DATE	5/31/12
APPROVED STA	DATE	5/31/12
REV.	BY	DATE
1	STA/BC	12/05/12
2	T	05/31/12

SHEET C-2

SHEET NAME  
SITE PLAN

DRAWING NAME  
MAIN

PROJECT NO.  
12-197

**EXHIBIT B**

Original Planning Commission staff report



# Planning Commission Staff Report

Administrative Item



Planning Division  
Department of Community &  
Economic Development

## Marmalade Lofts

Planned Development PLNSUB2012-00112  
Subdivision Preliminary Plat PLNPCM2012-00111

737 North 300 West  
Hearing date: June 26, 2012

### Applicant:

Marmalade District, LLC  
(Nathan Anderson)

### Staff:

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

### Tax ID:

08-25-452-016

### Current Zone:

MU (Mixed Use)

### Master Plan Designation:

Capitol Hill Master Plan:  
High Density Mixed Use

### Council District:

District 3 – Stan Penfold

### Community Council:

Capitol Hill Community Council –  
Richard Starley (Chair)

**Lot size:** 0.34 acres

### Current Use:

Vacant

### Applicable Land Use Regulations:

- 21A.32.130 Mixed Use District
- 21A.55 Planned Development
- 20.20 Minor Subdivision

### Attachments:

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

### *Request*

This is a request for 10-unit single family residential planned development and related preliminary subdivision plat. The project requires review via the planned development process because of proposed building setback reductions and for creating lots that would not front a public street.

### *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 planned development and preliminary subdivision plat and therefore recommends the Planning Commission approve the application as proposed and subject to the following:

1. Final planned development site plan approval and final subdivision plat approval are delegated to the Planning Director.
2. Compliance with all City department requirements outlined in the staff report for this project. See *Attachment D* of the staff report for department comments.
3. All sections of the wall along 300 West shall be a minimum of 50% open or replaced with fencing that is at least 50% open as determined by the Planning Director.
4. The north and south facades shall be revised to include more visual interest and less blank wall space as determined by the Planning Director.
5. The number of trees on the site shall not deviate more than 10% from the number of trees shown on the landscape plan. The number of trees in the park strip and for buffering shall comply with at least the minimum required by Chapter 21A.48 of zoning ordinance.

### *Recommended Motions*

Based on the findings listed in the staff report and the testimony and plans presented, I move that the Planning Commission approve the requested Marmalade Lofts planned development PLNSUB2012-00562 as proposed and subject to all conditions of planning staff's recommendation.

Based on the findings listed in the staff report and the testimony and plans presented, I move that the Planning Commission approve the requested Marmalade Lofts preliminary plat PLNSUB2012-00642 as proposed and subject to conditions 1 and 2 of planning staff's recommendation.

## VICINITY MAP – 737 North 300 West



### **Background**

#### **Project Description**

The applicant is seeking approval for a 10-unit single family attached residential development. Each unit would be on its own lot, necessitating creation of a 10-lot subdivision plat. The applicant has submitted an application for planned development seeking to create lots without frontage on a public street and to modify the building setback requirements of the MU zoning district. These two aspects are discussed in more detail in the following pages.

The residential units will have three stories with a 2 car garage on the ground level, 2 bedrooms, 2.5 bathrooms, and very small walled, landscaped courtyard in front. The intent for the courtyard is to provide an outdoor space for owner's dogs ("dog patch") in a walled area.

The subject site currently consists of one vacant lot totaling 0.34 acres in size. The site is bordered on two sides by public streets (300 West and Reed Avenue) and abuts a retail use (furniture/appliance), private alley, single family residences, and a neighborhood bar (The Jam). The site is in the West Capitol Hill area more recently referred to as the "Marmalade" area along 300 West. Surrounding zoning districts are all Mixed Use (MU).

The applicant is also seeking preliminary approval for a minor subdivision plat for 10 lots for the 10 ten single family units.

## Project Details

Regulation	Zone Regulation	Proposal
Use	Single Family Attached Dwellings	Single Family Attached Dwellings
Density/Lot Coverage	No limit	10 units per 1/3 acre
Height	45 feet	30 feet or 3 stories
Front / <b>Corner Yard Setback</b>	10 / 10 feet	12.5 / <b>8</b> feet
<b>Rear Yard Setback</b>	20 feet	<b>17.5</b> feet
Side Yard Setback	4 feet	4 feet

## Discussion

The MU zoning district purpose is to “to encourage the development of areas as a mix of compatible residential and commercial uses. The district is to provide for limited commercial use opportunities within existing mixed use areas while preserving the attractiveness of the area for residential use. The district is intended to provide a higher level of control over nonresidential uses to ensure that the use and enjoyment of residential properties is not substantially diminished by nonresidential redevelopment. The intent of this district shall be achieved by designating certain nonresidential uses as conditional uses within the mixed use district and requiring future development and redevelopment to comply with established standards for compatibility and buffering as set forth in this section. The design standards are intended to facilitate walkable communities that are pedestrian and mass transit oriented while still ensuring adequate automobile access to the site.”

The planned development process is intended to provide flexibility in the application of site design in order to achieve a result more desirable than through strict application of City land use regulations. The planned development review process has been invoked by the applicant for flexibility in working with building setbacks and street frontage requirements for new lots. A discussion of key aspects of this planned development proposal is further detailed as follows:

- **Planned Development**
  - > **Setbacks:** The required setback for the corner side yard (Reed Avenue side) is 10 feet from property line; and for the rear yard (west line) is 20 feet from the property line. The applicant proposes 8 feet for the corner side yard and 17.5 feet for the rear yard. The proposed reductions are minimal and the applicant is indicating additional trees in these areas to mitigate any perceived impact of the building being closer to the public way on Reed Ave. The rear yard abuts an alley, which provides additional distance between the proposed building and any existing buildings to the west. Based on the small amount of reduction and the increased landscaping, staff supports the setback modifications.
  - > **Street frontage:** The lot layout does not provide public street frontage for all of the lots as required by section 21A.36.010.D of the zoning ordinance. This is a basic standard for any new lots created and is required to ensure lot owners don't end up with a lot that they can't legally and practically access. In this proposal, the western lots would have access to Reed Avenue, a public street, via a private easement acting practically as a common driveway. Given the nature of compact developments like this, it is not uncommon for shared driveways – similar to condominium projects. The building layout and vehicle circulation facilitate the applicant's desired density and lot type (single family attached), which are permitted in the MU district, in a simple, easy manner. Due to the original lot size and dimensions, it would be difficult to develop a single family attached project with individual lots that weren't overly and awkwardly deep.

The proposed site design, which is the primary reason for the planned development request, creates a pleasing environment for the proposed use of the property.

- > Walls and fences in front yard area along 300 West: The proposed masonry walls of the units along 300 West comply with zoning requirements but staff is concerned with their design in relation to this residential development and the visual impact. The walls meet the height and materials standards for walls/fences in “nonresidential” districts. There is no “modification” sought by the applicant for the walls. Despite their compliance with standards, they present a solid visual barrier along the prominent face of this residential development. In planning staff’s opinion, the walls should include more openings, possibly with wrought-iron or other fence materials, at least for that portion directly facing the public way. The sides of the walls might be kept as masonry in order to provide privacy between adjacent units, but the front walls should be more open to avoid a barrier affect. This is reflected in a proposed condition in staff’s recommendation.
  
- > Building façades: The building facades of the south end of the project, and along Reed Avenue are lacking in visual interest. The applicant has added a few architectural features along Reed Avenue, but staff would prefer to see more since this is a prominent face of the development and a main point of entry. The south façade along the side property line is not as visually prominent, but the façade can still be seen by the public traveling north on 300 West. The applicant should incorporate more building features and windows to break up the façade. Any approval of the planned development should include a condition to improve the design on the north and south facades; staff has provided a condition as part of their recommendation on the first page of this report.

### ***Public Notice, Meetings, Comments***

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project:

Notice of the public hearing for the proposal included:

- Public hearing notice mailed on or before June 14, 2013
- Public hearing notice posted on or before property June 14, 2013
- Public notice posted on City and State websites and Planning Division list serve: June 14, 2013

### **Public Comments**

The applicant presented the proposal two times to the Capitol Hill Community Council, in April and May, 2013. A copy of the community council’s written comments are included with this report as “Attachment E”. Some members of the community are concerned about the number of units and visitor parking for this development. They are opposed to utilizing street parking for the visitors. 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**

Project comments were received from pertinent city departments and are included as “Attachment D”: The Planning Division has not received comments from the applicable city departments / divisions that cannot reasonably be fulfilled or that warrant denial of the petition.

## ***Analysis and Findings***

### **Findings**

#### **21A.55.050: STANDARDS FOR PLANNED DEVELOPMENTS:**

The Planning Commission may approve, approve with conditions, or deny a planned development based upon written findings of fact according to each of the following standards. It is the responsibility of the applicant to provide written and graphic evidence demonstrating compliance with the following standards:

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 two reasons the applicant decided to pursue a planned development are the reduction in building setbacks (yard area) and private access to four (4) of the ten (10) lots. The setback modifications are minimal, are in keeping with the overall intent of the MU district, and not considered a significant issue from staff’s perspective. That leaves lot access as the primary issue associated with the planned development. The applicant claims the project creates a pleasing environment (purpose “D” above) by the design, landscape, and architectural features of his project.

The lot layout does not provide public street frontage for all of the lots as required by section 21A.36.010.D of the zoning ordinance. This is a basic standard for any new lots created and is required to ensure lot owners don’t end up with a lot that they can’t legally and practically access. In this proposal, the western lots would have access to Reed Avenue, a public street, via a private easement acting practically as a common driveway. Given the nature of compact developments like this, it is not uncommon for shared driveways – similar to condominium projects. The proposal would result in a more pleasing, reasonable, and marketable single family attached development versus strictly complying with the public frontage requirement. The project is anticipated to operate adequately and without adverse impact as individual lots.

The building layout and vehicle circulation facilitate the applicant’s desired density and lot type (single family attached), which are permitted in the MU district, in a simple, easy manner. Due to the original lot size and dimensions, it would be difficult to develop a single family attached project with individual lots that weren’t overly and awkwardly deep. The proposed site design, which is the primary reason for the planned development request, creates a pleasing environment for the proposed use of the property.

The building architecture provides surface relief and horizontal features on the front façade that break up potential blank walls along 300 West, making that façade visually interesting. The corner side façades facing Reed Avenue have fewer architectural features, are limited in visual appeal, and don't interact with pedestrian traffic. The south facades, although not facing a public way, are still visible from 300 West and present a blank, uninteresting wall to the viewer. The north and south facades, particularly the north façade, should be modified to increase visual interest above what is shown on the drawings. If the planned development is approved, the planning commission should include a condition to improve the design on the north and south facades; staff has provided a condition as part of their recommendation on the first page of this report. The landscaping proposed meets the basic requirements for yard areas and the landscape plan shows are good number of trees and shrubs, which contributes to a pleasing environment. Any approval of the planned development should stipulate that the number of trees should not deviate more than 10% from what is on the proposed landscape plan (this is included as a condition in staff's recommendation).

The reduced yard areas proposed by the applicant (corner side yard along Reed Avenue and rear yard along the west lot line), although smaller in depth, are still of sufficient size to achieve the intent and purposes of the MU district "...to facilitate walkable communities that are pedestrian and mass transit oriented..." and provide a soft visual edge and visually-inviting sight line to the development. Development in the MU district is intended to be located nearer to the public way to facilitate pedestrian interaction, and the proposed building setbacks achieve this.

The applicant claims the project also achieves purpose "H" with plans for roof-mounted solar collection panels for each unit. Staff determined that this is not a green building "technique" and is not a reason in itself to approve planned development. Solar panels can readily be mounted to most buildings and are not unique to this project. Otherwise, any project could plan for solar panels as an easy way to get a planned development approved. The solar aspect of the project does not achieve the cited purpose of "green" building techniques.

**Finding:** The project, through use of the planned development process, achieves at least one (purpose D) of the objectives for planned development, thereby satisfying this standard.

**B. Master Plan And Zoning Ordinance Compliance:** The proposed planned development shall be:

1. Consistent with any adopted policy set forth in the citywide, community, and/or small area master plan and future land use map applicable to the site where the planned development will be located, and,
2. Allowed by the zone where the planned development will be located or by another applicable provision of this title.

**Analysis:** The Capitol Hill Master Plan references this area for high density mixed-use development. The master plan mentions this area along 300 West is anticipated for mixed uses and seeks to ensure, as a policy, "*that infill development is compatible with neighborhood characteristics.*" Another applicable master plan policy is that of ensuring "*the existence of low density residential development as an important component of the residential land uses in the West Capitol Hill neighborhood,*" for this area of 300 West. The proposal is not a mixed use project, which is encouraged by the master plan future land use map, however the master plan recognizes the low and medium density residential uses desirable, and the MU zone anticipates and permits single family attached residential uses. The proposed design is of a density and design that is compatible with the surrounding neighborhood.

**Finding:** The project is consistent with the Capitol Hill Master plan and is permitted in the MU zoning district as required by 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:** The proposed use is compatible with adjacent properties and the surrounding neighborhood. The site would be accessed from Reed Avenue, which has the ability to handle the slight increase in residential vehicle traffic, and each lot would provide the required parking for 2 vehicles. Visitor parking would be accommodated on adjacent streets. No adverse impacts to surrounding streets are anticipated as a result of this project.

This medium density residential development, with its proposed compact and simple design, will not adversely impact adjacent properties. Just north of the project is a neighborhood bar “The Jam” which received city approval a few years ago. It has operated within its required conditions and staff anticipates



no significant conflicts with this proposed residential development. The project's internal circulation has limits the potential conflicts with pedestrians by creating one access point for the 10 lots. Being a residential project, there are no sound, odor, or other nuisance problems that would cause concern.

**Finding:** The project satisfies this standard; the proposed project is compatible with adjacent properties by the nature of the use and it's method of operation. There are no anticipated adverse impacts.

- 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:** There is no mature vegetation on the site; it is mostly weeds with a few small, unplanned trees. The site will have all new landscaping, which as planned, is appropriate for the scale of the project. No relief from landscaping standards are anticipated, or requested, with this project other than the reduced corner side and rear yard dimensions.

**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 is currently vacant and will be completely developed. The site has no other features that would warrant preservation.

**Finding:** The project satisfies this standard.

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

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

**Finding:** The project satisfies this standard.

### **20.20.020 Standards for Minor Subdivision:** *Required Conditions and Improvements*

- A. The general character of the surrounding area shall be well defined, and the minor subdivision shall conform to this general character.

**Analysis:** The surrounding area is characterized by low and medium density residential uses mixed with some small commercial uses on a mix of lot sizes. Most residential lots have vehicle access from the side streets which is proposed for this project as well. The proposed subdivision conforms to the surrounding character.

**Finding:** The proposed minor subdivision configuration conforms to the general character of the surrounding area.

- B. Lots created shall conform to the applicable requirements of the zoning ordinances of the city.



**Analysis:** The proposed residential lots comply with dimensional requirements and qualifying provisions specific to single family attached dwellings in the MU district. The MU district has no minimum lot size or width provided:

- a. Parking for units shall be rear loaded and accessed from a common drive shared by all units in a particular development;
- b. Driveway access shall connect to the public street in a maximum of 2 locations; and
- c. No garages shall face the primary street and front yard parking shall be strictly prohibited.

The garages for all units are rear loaded and accessed from a common drive, there is one driveway access, and none of the garages face the primary street. There is no front yard parking proposed.

One issue related to lot dimensions is lot depth. The lots as proposed are all less than 100 feet deep, which depth is required by the City's Site Development Ordinance. The planning commission may waive that standard and staff recommends it be waived given the planned development standards that the project meets.

**Finding:** The proposed minor subdivision lots meet the standards for lot size and width, but do not meet the lot depth standards of the Site Development Ordinance; however, the Planning Commission can reduce the lot depth but no criteria are given in the Site Development Ordinance. Staff recommends the lot depth requirement be waived for this project.

- C. Utility easements shall be offered for dedication as necessary.

**Analysis:** All necessary and required dedications, including but not limited to cross access easements for the common driveway, will be made with the recording of the final plat.

**Finding:** The proposed minor subdivision satisfies this standard.

- D. Water supply and sewage disposal shall be satisfactory to the city engineer.

**Analysis:** All plans for required public improvements must be submitted and approved by the City Engineer and Public Utilities department prior to approval of the final plat.

**Finding:** The proposed minor subdivision satisfies this standard.

- E. Public improvements shall be satisfactory to the planning director and city engineer.

**Analysis:** The proposed subdivision has been forwarded to the pertinent City Departments for comment. All public improvements must comply with all applicable City Departmental standards prior to recording of the final plat.

**Finding:** The proposed minor subdivision satisfies this standard.

## **Summary**

The proposed planned development and related minor subdivision, with the conditions recommended by staff, have adequately demonstrated compliance with all of the standards required of them, or in the case of the subdivision plat, will be required to comply prior to recording the final plat.

## **Commission Options**

If the planned development is approved, the applicant could apply for a building permit and start construction when the permit is issued. The applicant must record the final subdivision plat before the city would grant occupancy for the units.

If the planned development is denied, the project would be subject to the basic zoning requirements of the Mixed Use district for setbacks and street frontage. If the preliminary subdivision plat is denied, the applicant would need to reconfigure the lots to all have street frontage, which would likely result in a reduced number of lots.

If there are aspects or impacts of the project that can be adequately mitigated by conditions, the planning commission can place those conditions on any approvals granted.

## 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 prior analysis. Below is a potential motion that may be used in cases where the Planning Commission determines a planned development and/or preliminary subdivision plat should be denied.

**Not Consistent with Staff Recommendation (Planned Development):** Based on the testimony, plans presented and the following findings, I move that the Planning Commission deny the Marmalade Lofts planned development PLNSUB2012-00562

The Planning Commission shall make findings on the planned development standards as listed below:

- A. Whether a proposed planned development meets the purpose statement for a planned development (section [21A.55.010](#) of this chapter) and will achieve at least one of the objectives stated in said section;
- B. Master Plan and Zoning Ordinance Compliance: 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.
- C. 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:
- D. 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;
- E. The proposed planned development shall preserve any historical, architectural, and environmental features of the property;
- F. The proposed planned development shall comply with any other applicable code or ordinance requirement.

**Not Consistent with Staff Recommendation (Subdivision):** Based on the testimony, plans presented and the following findings, I move that the Planning Commission deny the requested Marmalade Lofts preliminary plat PLNSUB2012-00642.

The Planning Commission shall make findings on the minor subdivision standards as listed below:

- A. The general character of the surrounding area shall be well defined, and the minor subdivision shall conform to this general character.
- B. Lots created shall conform to the applicable requirements of the zoning ordinances of the city.
- C. Utility easements shall be offered for dedication as necessary.
- D. Water supply and sewage disposal shall be satisfactory to the city engineer.
- E. Public improvements shall be satisfactory to the planning director and city engineer.

***Attachment A***  
Applicant's Project Description

**Purpose Statement:** In asking for reductions to side yards and increased height to the courtyard walls through the PUD process Marmalade District, LLC offers the following in response:

D. Use of design, landscape, or architecture features to create a pleasing environment. For the property located at 735 North 300 West, our original intent was to build six narrow townhomes facing Reed St. with a tandem garage and a basement apartment. Much like the design we completed in 2008 at 700 North and 300 West, more expensive than the price point we're trying to achieve today. Following recent zoning changes in the West Capitol Hill area requested by the Mayor's office had affected our direction. The big impact was the exclusion of garages on the front of the home, thus requiring rear or alley access to a garage. This, coupled with the desire to achieve a lower market sales price and encourage home ownership, we changed to a small footprint courtyard entered townhome along with providing parking in a side-by-side two-car garage off an internal alley-way. These changes widen the unit footprint that encroached into the northern side yard by 2' and the southern side yard by 6'. This placement allows the ten wider townhomes to work



on the site provided we could ensure that the western facing townhomes could be secure, accessible and attractive from an architectural and landscape viewpoint. To the left is a depiction of the western elevation showing the entries, courtyards, decks, sidewalks, green deciduous wall and high grade cedar fencing. What isn't shown is the down angle lighting on the outside of the courtyards walls to illuminate the entries

from dawn to dusk (photo cell). The higher courtyard wall is an additional request through the PUD process as well. The city code requires this type of wall in a front yard to be no more than 4' high. We're requesting a wall of 5'5" in order to give the residents some small, quality outdoor private space as well as accommodating a small pet with a well located dog-patch. The image above is looking from the south-west corner to the north-east of Reed Street and 300 West. Below is the front elevation looking to the south-west from the corner of 300 West and Reed Street.

H. Utilization of "green" building techniques in development: With the use of an urban style flat roof with a parapet wall, we have concentrated our green efforts on solar. We expect to place a 3.6 kW system per unit. With a 3.6kW system our goal is to reduce an average electric bill of \$52.09 to an average electric bill of \$10.71 per unit per month. Each system will be net metered to the panel within each unit.



***Attachment B***  
Site / Building drawings



East elevation (from 300 West)



From intersection of 300 West  
and Reed Ave - looking SW.





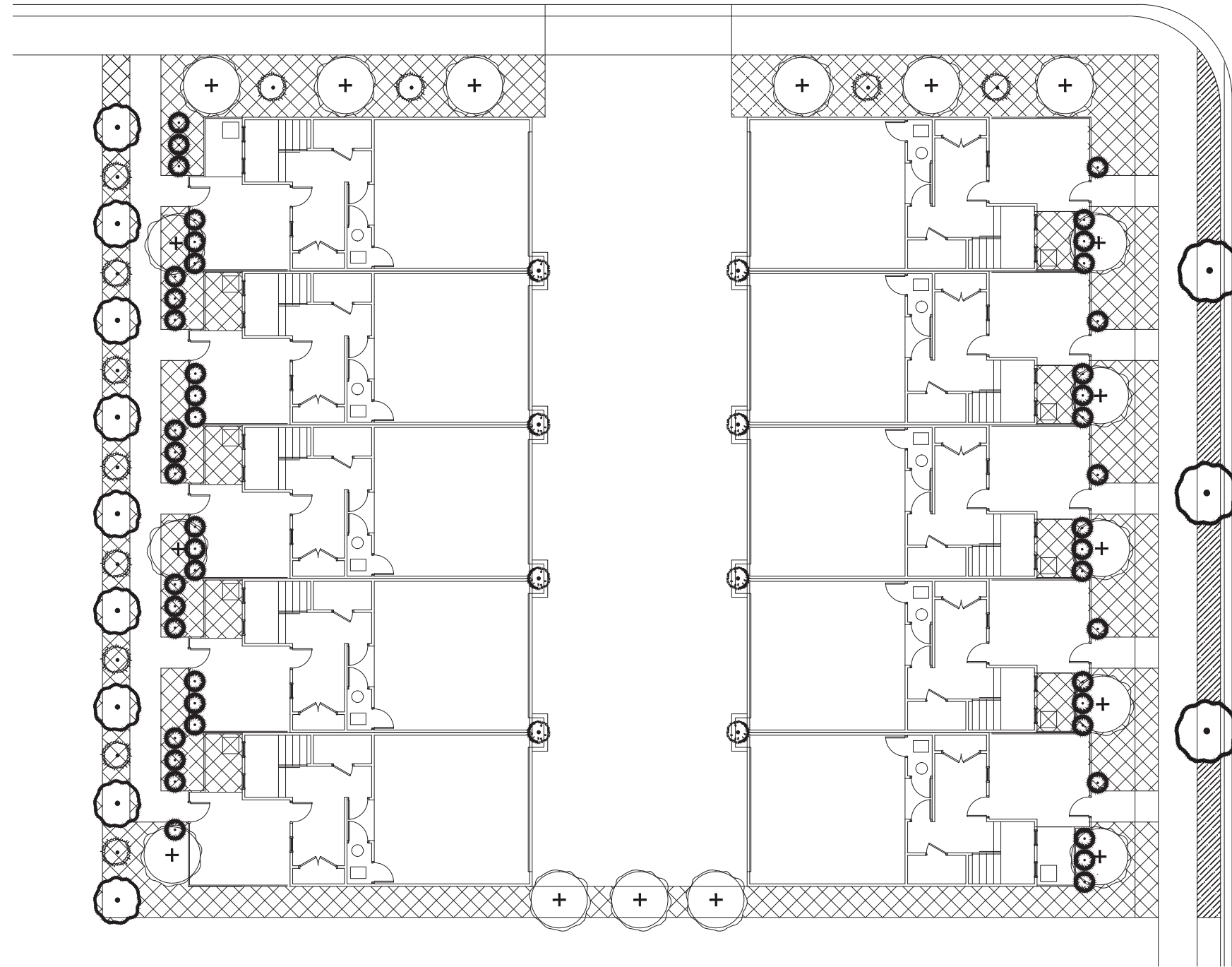
West elevation (from SW corner of site)




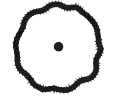
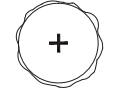
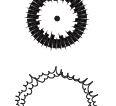
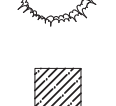
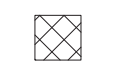



North elevation (from Reed Ave.)





PLANTING LEGEND

-  SMALL NARROW EVERGREEN SHRUB
-  AMERICAN SYCAMORE
-  FLOWERING CLEVELAND PEAR
-  ORNAMENTAL GRASSES
-  LOROPETALUM & EVERGREEN SHRUB
-  GRASS LAWN
-  BARK GROUNDCOVER

NOTE

ALL IRRIGATION SYSTEMS TO BE REVIEWED BY OWNER AND ARCHITECT PRIOR TO INSTALLATION

1 LANDSCAPE PLAN  
SCALE 1/8"=1'-0"

**RPA**  
RUSSELL PLATT ARCHITECTURE  
4141 HIGHLAND DRIVE SUITE 111  
HOLLADAY, UTAH 84117  
801-560-0181

MARMALADE DISTRICT TOWN HOMES  
725 NORTH 300 WEST  
SALT LAKE CITY, UTAH

DATE: 4-24-13

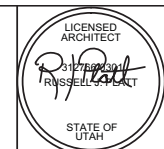
REVISIONS:

NO	DATE	REVISIONS
1	4-15-13	GARAGE ENTRIES

SHEET TITLE  
LANDSCAPE PLAN

SHEET NUMBER

L1



**RPA**  
 RUSSELL PLATT ARCHITECTURE  
 4141 HIGHLAND DRIVE SUITE 111  
 HOLLADAY, UTAH 84117  
 801-580-0181

**MARMALADE DISTRICT TOWN HOMES**  
 725 NORTH 300 WEST  
 SALT LAKE CITY, UTAH

DATE: 4-24-13

REVISIONS:		
NO.	DATE	REVISIONS

SHEET TITLE  
 ELEVATIONS

SHEET NUMBER

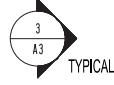
**A2.1**



- KEYNOTES**
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  - 2 HARDCOAT STUCCO
  - 3 BRICK
  - 4 VINYL WINDOWS. DARK MUD GRAY EXT./ WHITE INT.
  - 5 WROUGHT IRON RAILING
  - 6 WROUGHT IRON GATE
  - 7 GALVANIZED CAP
  - 8 STUCCO OVER WOOD FRAME COURTYARD WALL. SUPPLY 1-1/2" SPACE BETWEEN GROUND AND BOTTOM OF WALL.
  - 9 ALUMINUM GARAGE DOOR
  - 10 GALVANIZED DOWNSPOUT
  - 14 DOWNLIGHT AND DOORBELL
  - 15 1" ROUND STEEL ROD
  - 16 VENT FIREPLACE THROUGH PORCH CANOPY
  - 17 STUCCO SOFFIT WITH VENT UNDER DECK AND DECK CANOPY, SEE DETAIL 5/A3
  - 18 TIE DOWNSPOUT INTO UNDERGROUND DRAIN SYSTEM
  - 19 DOWNSPOUT FROM UPPER ROOF TO DECK CANOPY TO BE UNUSED. DOWNSPOUT FROM CANOPY TO GROUND TO BE USED.

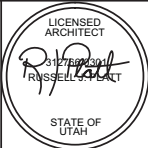
**1 EASTWEST ELEVATION**  
 SCALE 1/4"=1'-0"

**1 REAR ELEVATION**  
 SCALE 1/4"=1'-0"



ALL EAST SIDE WINDOWS TO BE 1/4" GLAZING





**RPA**  
 RUSSELL PLATT ARCHITECTURE  
 4141 HIGHLAND DRIVE SUITE 111  
 HOLLADAY, UTAH 84117  
 801-580-0181

**MARMALADE DISTRICT TOWN HOMES**  
 725 NORTH 300 WEST  
 SALT LAKE CITY, UTAH

DATE: 4-24-13

REVISIONS:

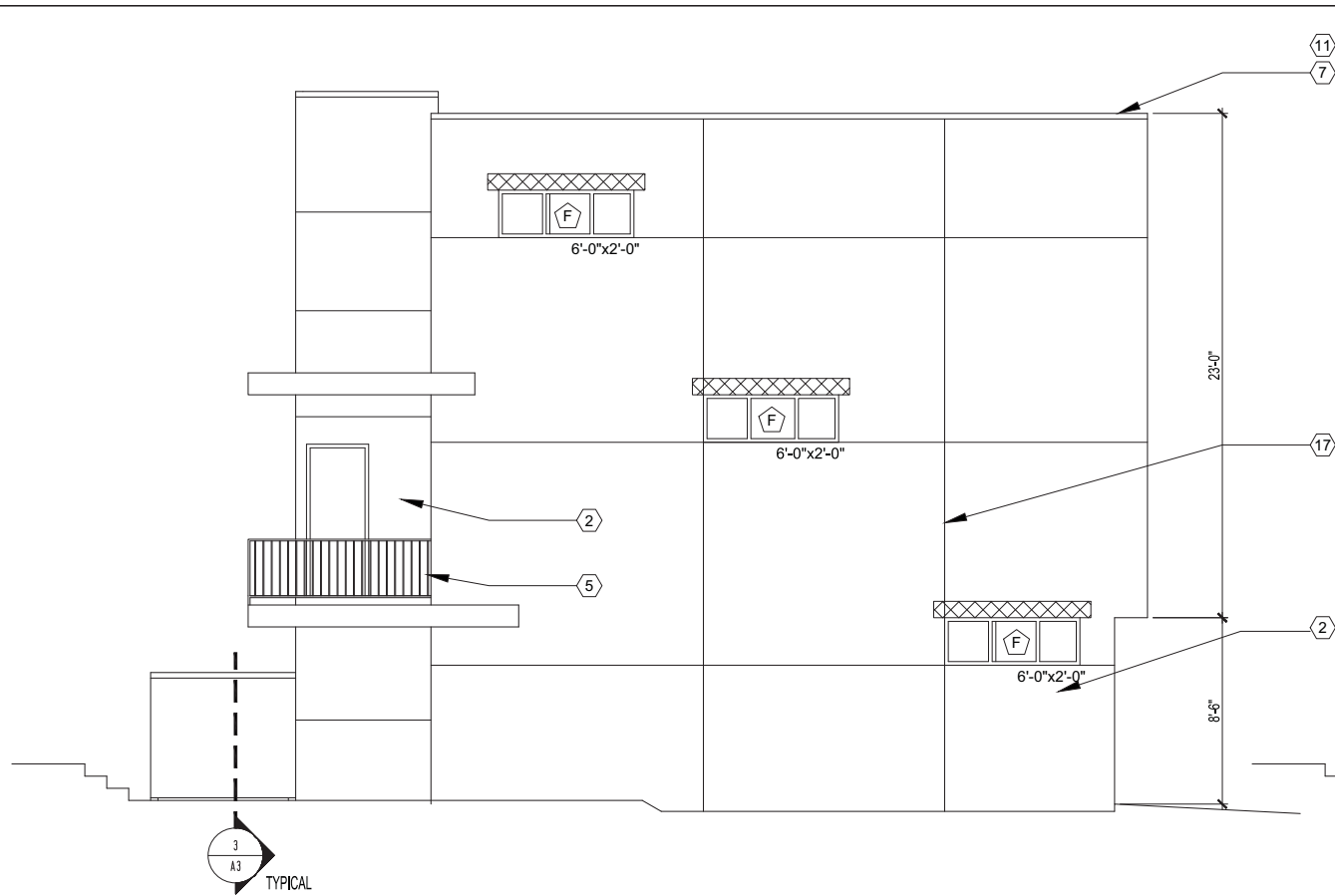
NO.	DATE	REVISIONS
1	4-15-13	N ELEV W BLDG

SHEET TITLE

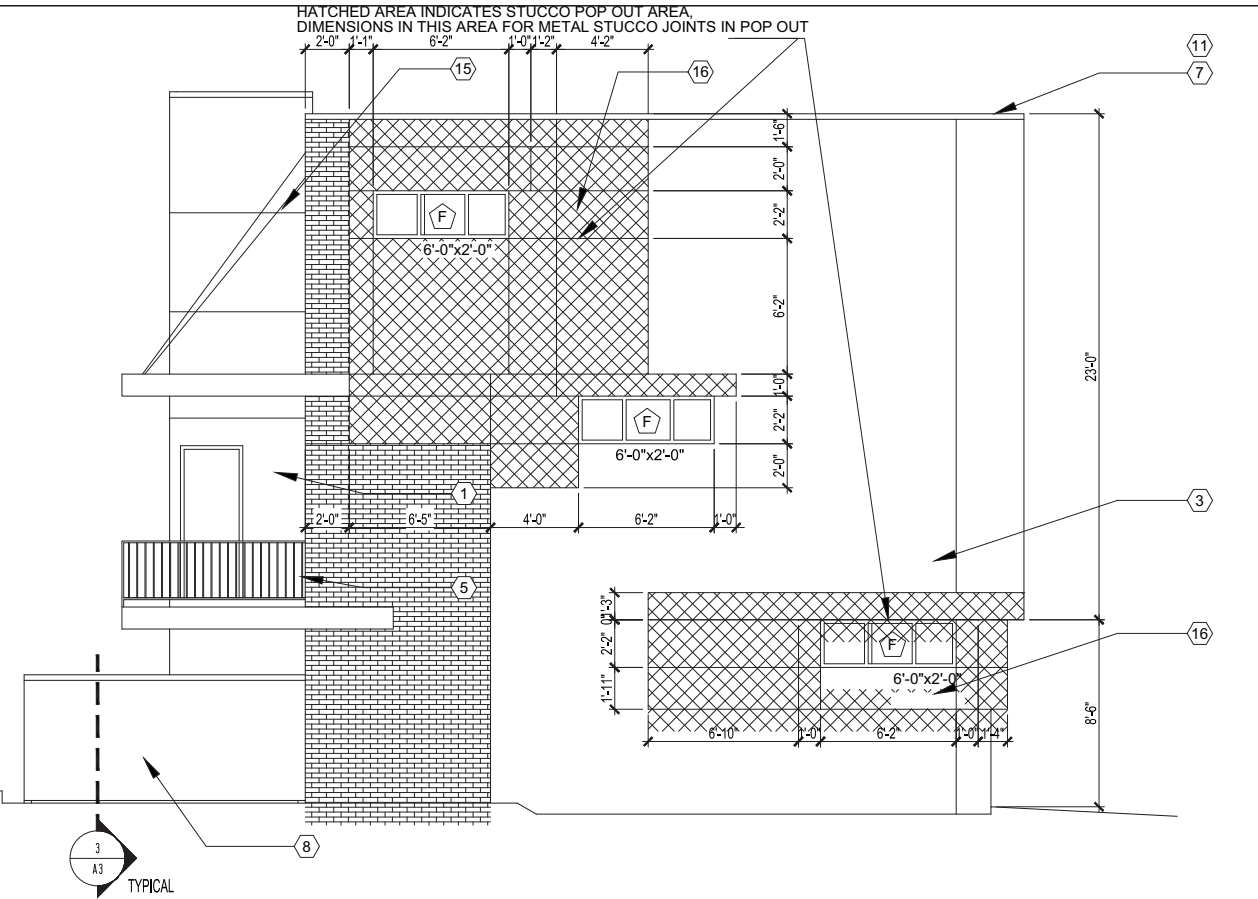
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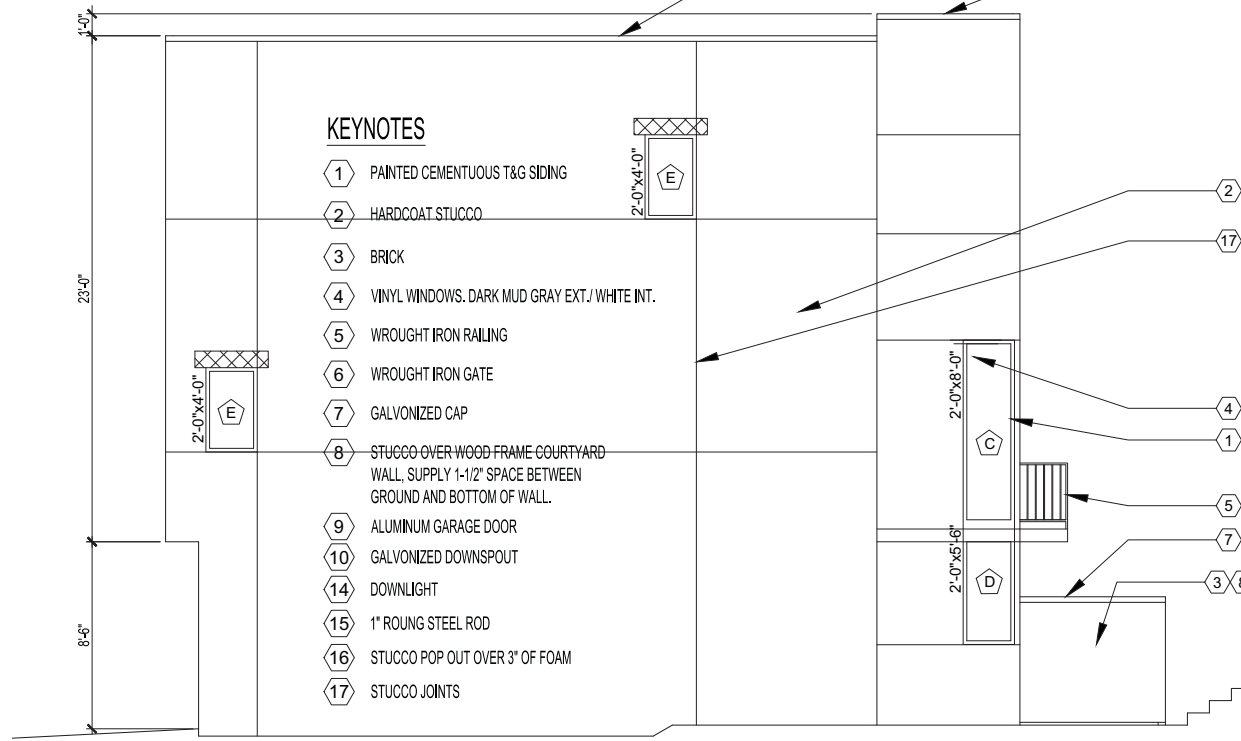
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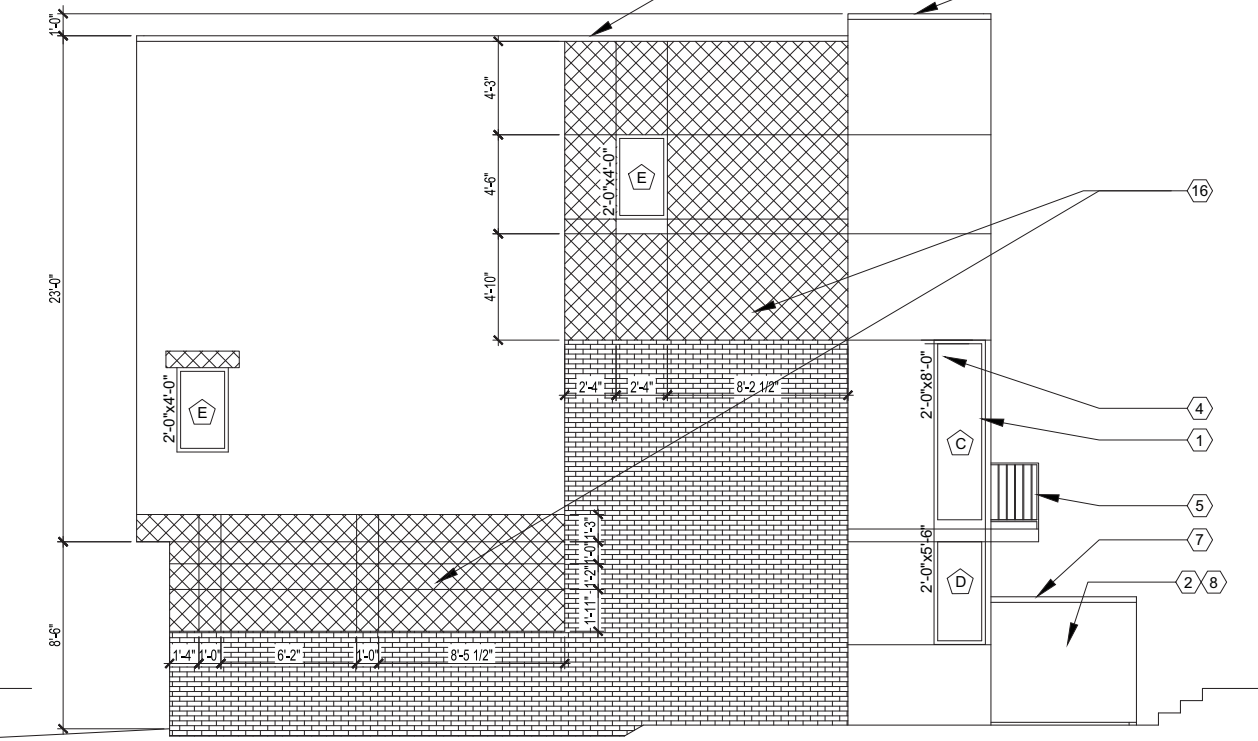
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**1 NORTH ELEVATION EAST BUILDING**  
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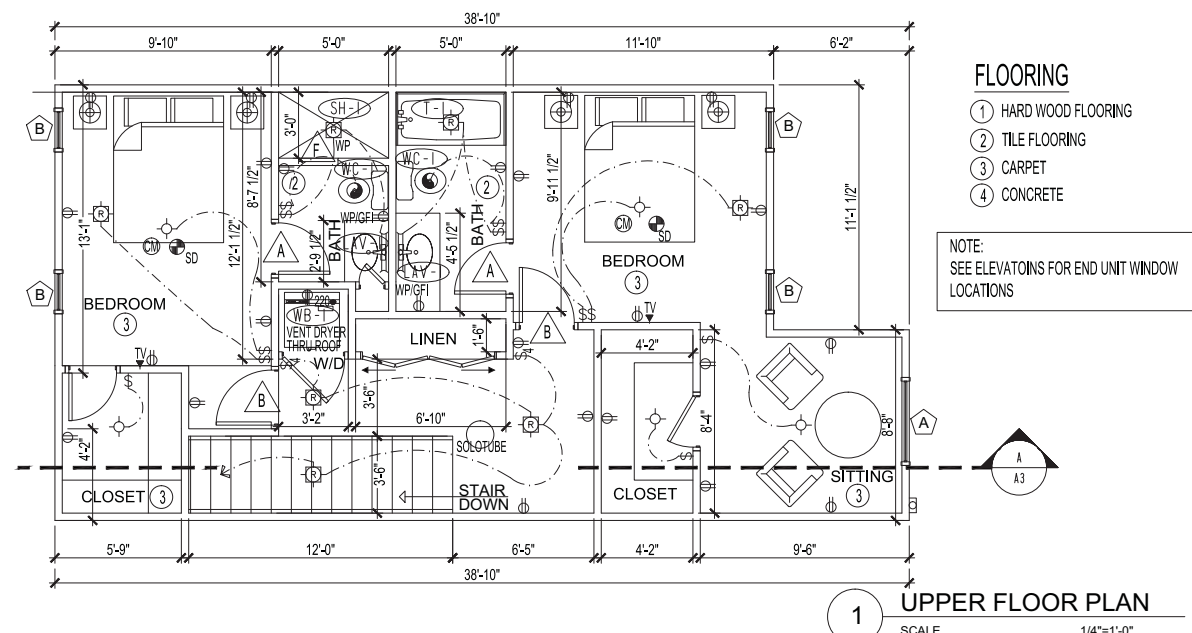
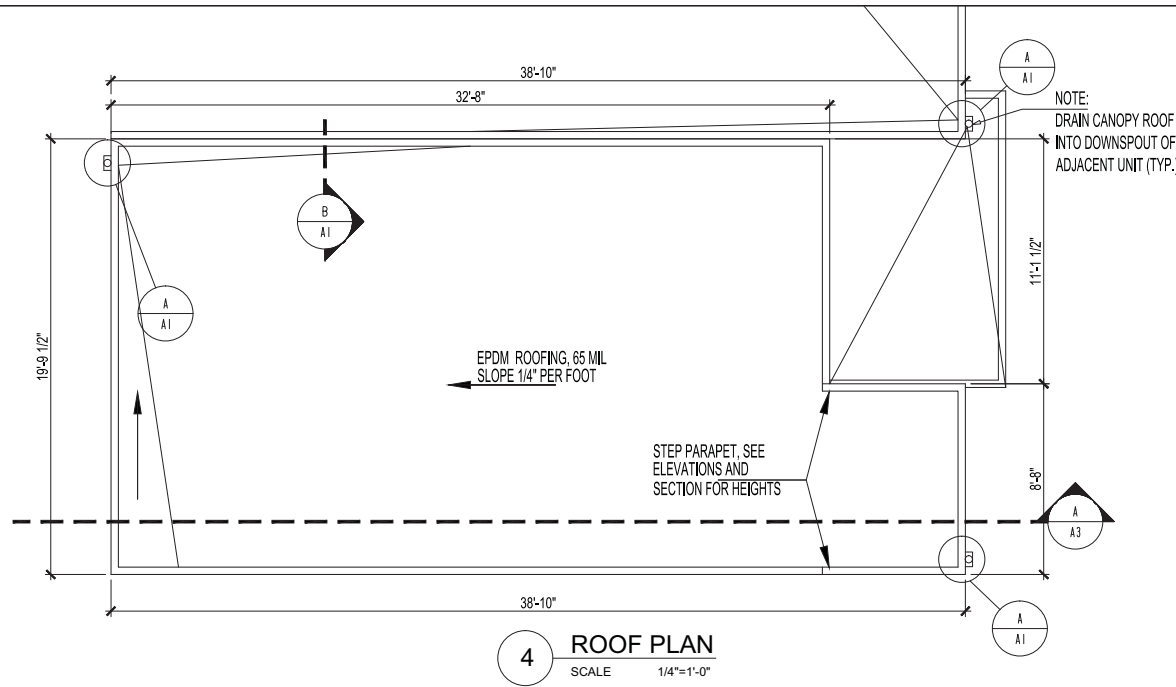
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**1 NORTH ELEVATION WEST BUILDING**  
 SCALE 1/4"=1'-0"

**KEYNOTES**

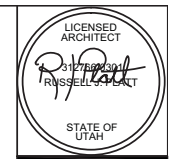
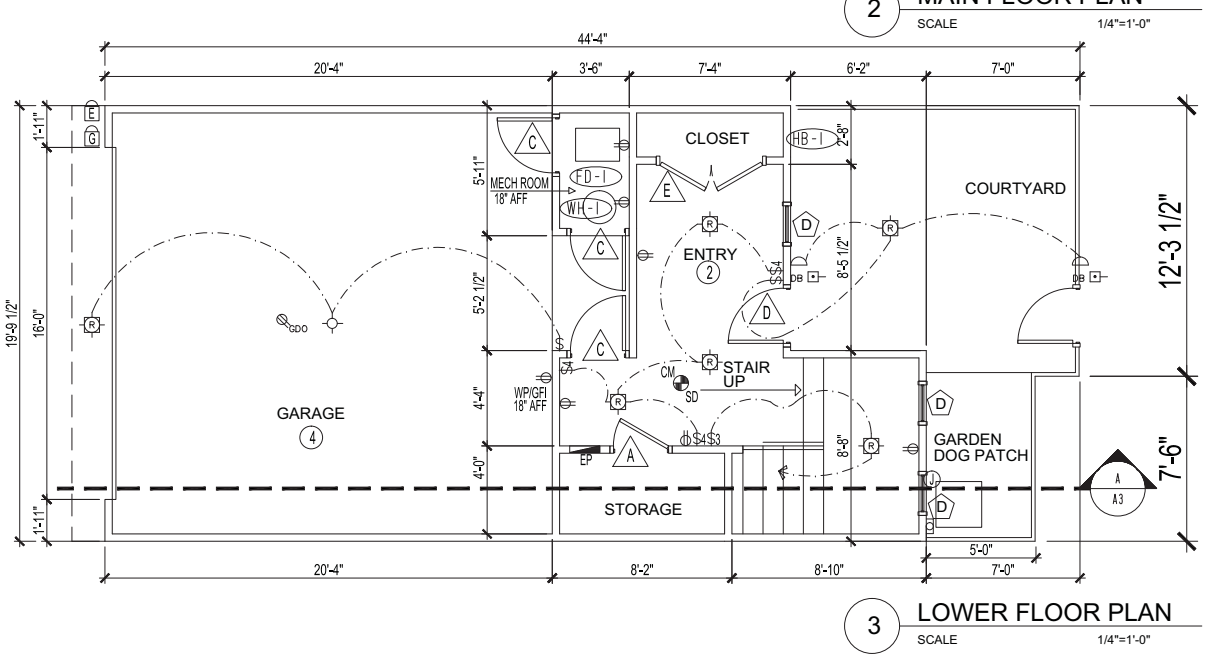
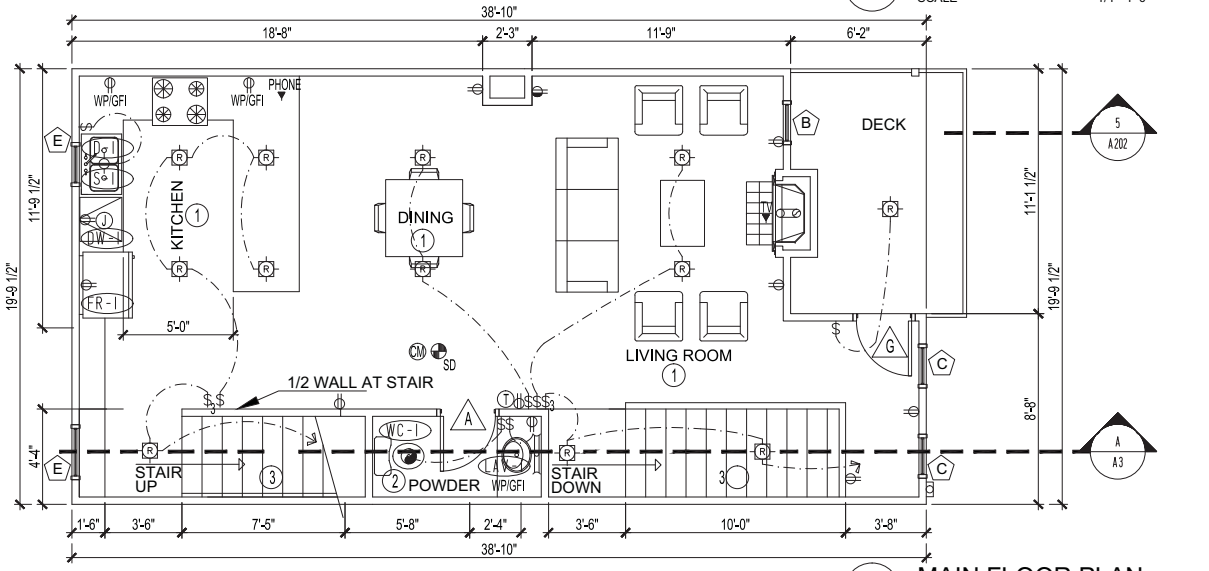
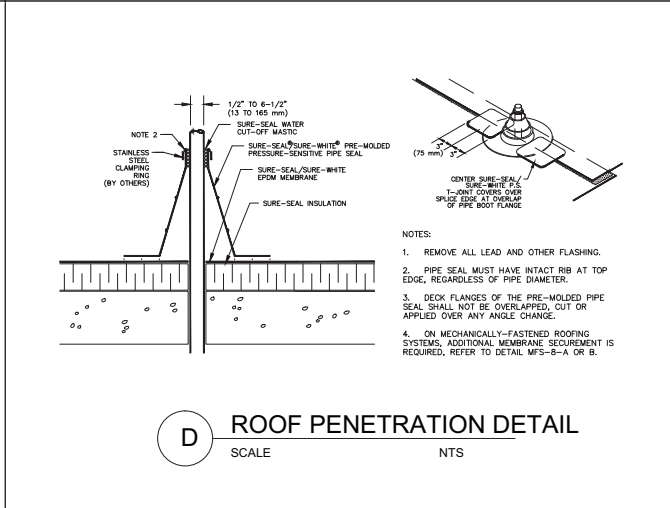
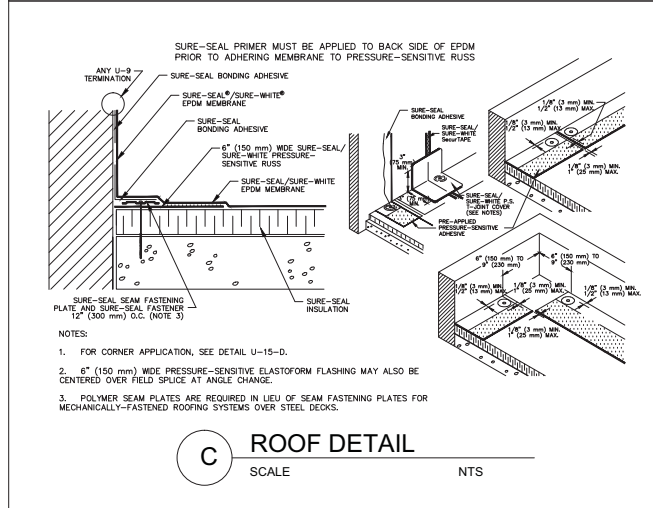
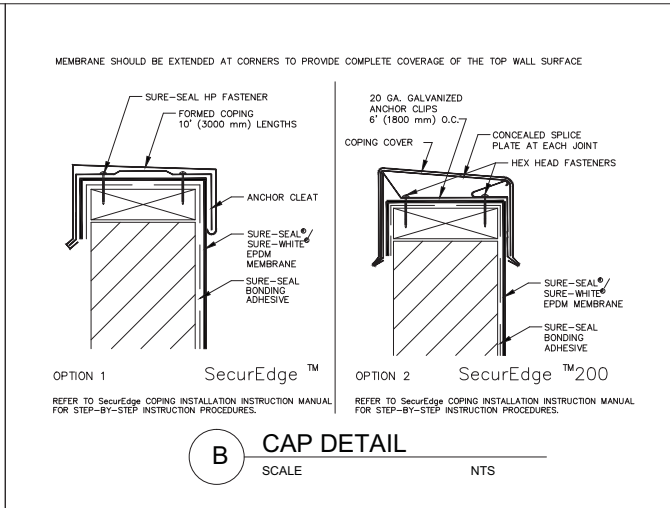
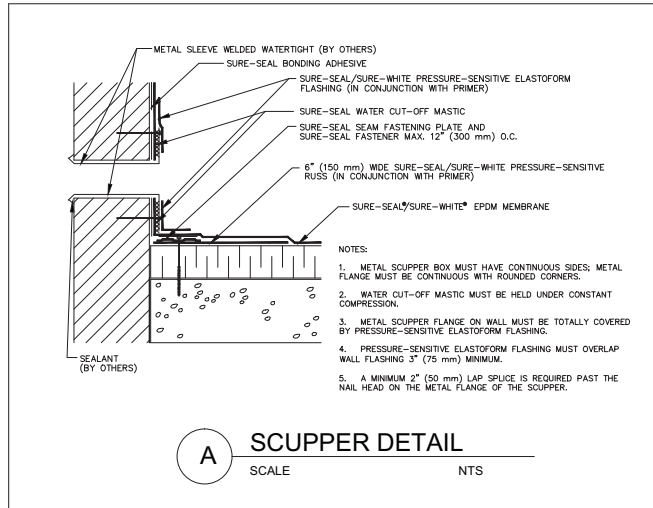
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- 2 HARDCOAT STUCCO
- 3 BRICK
- 4 VINYL WINDOWS. DARK MUD GRAY EXT./ WHITE INT.
- 5 WROUGHT IRON RAILING
- 6 WROUGHT IRON GATE
- 7 GALVANIZED CAP
- 8 STUCCO OVER WOOD FRAME COURTYARD WALL. SUPPLY 1-1/2" SPACE BETWEEN GROUND AND BOTTOM OF WALL.
- 9 ALUMINUM GARAGE DOOR
- 10 GALVANIZED DOWNSPOUT
- 14 DOWNLIGHT
- 15 1" ROUND STEEL ROD
- 16 STUCCO POP OUT OVER 3" OF FOAM
- 17 STUCCO JOINTS



**FLOORING**

- 1 HARD WOOD FLOORING
- 2 TILE FLOORING
- 3 CARPET
- 4 CONCRETE

NOTE: SEE ELEVATIONS FOR END UNIT WINDOW LOCATIONS



**RPA**  
RUSSELL PLATT ARCHITECTURE  
4141 HIGHLAND DRIVE SUITE 111  
HOLLADAY, UTAH 84117  
801-580-0181

**MARMALADE DISTRICT TOWN HOMES**  
725 NORTH 300 WEST  
SALT LAKE CITY, UTAH

DATE: 4-24-13

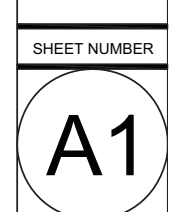
REVISIONS:

NO.	DATE	REVISIONS
1	4-15-13	ROOF SLOPES

SHEET TITLE

FLOOR PLANS

SHEET NUMBER





From 300 West. looking southwest  
at Marmalade Lofts site

**Attachment C**  
Photographs

***Attachment D***  
City Department comments



## CITY DEPARTMENT COMMENTS

➤ **Public Utilities** (Jason Draper):

There is an existing sewer lateral installed in 1908 that has been abandoned. There is a fire hydrant in front along 300 west. There is no water meter or other culinary water connections to the site. There is no drainage infrastructure onsite.

Sewer: a new private main will need to be installed with appropriate agreements in place with public utilities. Each unit will have a separate sewer lateral connecting to this main. Water connections may be done with individual meter connections for each unit with appropriate agreements or a master meter (probably 2") which then can be sub metered privately to each pad.

Drainage will need to be managed and maintained on site so as to not negatively impact the neighboring properties or the public right of way.

Public utilities will review the proposed subdivision. Provide site plan, site utility plan, grading and drainage plan, and building plans for review by public utilities. All impact, connection, permit, survey and inspection fees will apply.

➤ **Engineering** (Scott Weiler): 300 West is a State Road adjacent to this site. Any work in the roadway of 300 West requires review and approval from UDOT.

The address shown on the plat and the plans needs to be revised to one of the following two addresses: 745 N 300 West or 315 W Reed Avenue.

When a final plat is submitted the SLC Surveyor will perform a review and provide comments. The work to be performed in the public way appears to be limited to utility connections and a driveway connection, all on Reed Avenue. The existing sidewalk that abuts the proposed driveway must be replaced so that it is at least 6" thick. Prior to performing any work in the public way, a Permit to Work in the Public Way must be obtained from SLC Engineering.

➤ **Transportation** (Barry Walsh): The proposal indicates two parking stalls per unit for a ten unit residential development. A common 28 foot wide access drive is provided from Reed Avenue. Future Parking regulations may be required along the Reed Avenue frontage. Visitor on street parking is available along the 300 West frontage. The proposed plat indicates no impact to the existing right of way of Reed Ave or the 300 West UDOT right of way. A continuous 28 foot access easement is noted for access to all ten units as complete.

➤ **Fire:** (Ted Itchon): The buildings shall be provided with automatic fire sprinkler system. If they are apartments then they may be provided with a National Fire Protection Association (NFPA) 13-R system. If they are condominiums then they may be provided with an NFPA 13-D system. If the top occupied floor is 30 feet or greater measured from the lowest point of fire department access then the fire department access roads shall be a minimum 26-foot clear width, 13 foot 6 inches in clear height. This office questions the location of the tress. If the top occupied floor is less than 30 feet measured from the lowest point of fire department access then the fire department access roads shall be a minimum 20-foot clear width, 13 foot 6 inches in clear height. Fire hydrants shall be within 400 feet of all exterior walls of the first floor. Also a fire hydrant shall be within 100 feet of a fire department connection for the 13-R fire sprinkler system. The NFPA 13-R fire sprinkler system shall be provided with the interconnection to an approved of site monitoring company.

➤ **Zoning:** (Alan Hardman):

Receive approval from the Planning Division for planning petition PLNSUB2012-00562 (Planned Development) submitted for street frontage and building setback issues; and for planning petition PLNSUB2012-00642 (Preliminary Subdivision Plat) for a new 10-lot subdivision.

For residential uses, not less than 20% of the lot area shall be maintained as open space. The open space may take the form of landscaped yards or plazas and courtyards per 21A.32.130.H. Please provide calculations showing compliance.

***Attachment E***  
Written public comments

**From:** [Richard Starley](#)  
**To:** [Nathan Anderson](#)  
**Cc:** [Stewart, Casey](#); [Nephi Kemmethmueller](#)  
**Subject:** General Approval from Capitol Hill Neighborhood Council  
**Date:** Friday, May 10, 2013 10:18:37 AM

---

Nate:

Please excuse me for taking a few days to get back to you. I've been out of town.

I do want you to know that the Capitol Hill Neighborhood Council voted and that we are generally supportive of your development project on Reed Avenue. We applaud you for the use of solar panels and green space in the design of the project and think it will add to the neighborhood in a positive way. We also felt that off-street parking for guests and density are issues with the project, as we mentioned to you in our meeting.

Good luck with the development. And thank you again for joining us at our Trustees & Officers meeting last Monday night. If there's anything that the Council can do to help you in this development, please let me know.

**Capitol Hill Neighborhood Council**

[www.chnc-slc.org](http://www.chnc-slc.org)

**Richard Starley, Chair**

**801-355-7559 / 801-580-0350**

[rstarley@xmission.com](mailto:rstarley@xmission.com)

***Meetings are the 3<sup>rd</sup> Wednesday every Month at 6:30PM  
In the East Capitol Office Building with parking on the east  
Side of the building off East Capitol Boulevard.***

**EXHIBIT C**

Minutes from June 26, 2013 meeting

## **SALT LAKE CITY PLANNING COMMISSION MEETING**

**Room 126 of the City & County Building  
451 South State Street, Salt Lake City, Utah  
Wednesday, June 26, 2013**

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at 5:42:53 PM. Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

Present for the Planning Commission meeting were: Chairperson Michael Gallegos; Vice Chair Emily Drown; Commissioners Lisa Adams, Angela Dean, Bernardo Flores-Sahagun, Clark Ruttinger, Matthew Wirthlin and Mary Woodhead. Commissioners Michael Fife and Marie Taylor were excused

Planning Staff members present at the meeting were: Wilford Sommerkorn, Planning Director; Joel Paterson, Planning Manager; Doug Dansie, Senior Planner; Casey Stewart, Senior Planner; Lex Traughber, Senior Planner; Ray Milliner, Principal Planner; Michelle Moeller, Senior Secretary and Paul Nielson, City Land Use Attorney.

### **FIELD TRIP NOTES:**

A field trip was held prior to the work session. Planning Commissioners present were: Lisa Adams, Michael Gallegos and Clark Ruttinger. Staff members in attendance were Joel Paterson, Casey Stewart, Doug Dansie and Ray Milliner.

The following locations were visited:

- Pawn Shop 500 South State – Staff described the proposed use and the fact that this is a relocation of an existing pawnshop. There are no spacing criteria for pawn shops in the Zoning Ordinance. They asked about conditional use process and ordinance standards regulating outdoor displays.
- 1653 North Beck Street- Staff explained the proposal and that the access to the property is from the alley not Beck Street. The Commission asked about setback requirements.
- 737 North 300 West Marmalade Lofts – Staff explained the proposal and reason why a planned development process is required- some lofts don't have frontage on a public street. The Commission asked about location of the drive access. The Commission asked about the density of this project compared to the similar development to the South.
- Pratt Progeny Rezone 401 East 900 South- Staff explained the proposal and Master Plan amendment. Staff mentioned that there is no on-site parking and the neighbors

have complained about it. Staff stated the Applicant wants to incorporate outdoor dining which may increase the parking issue. The outdoor dining is a separate issue that would require a Special Exception approval and was not being considered with this petition.

## **APPROVAL OF THE MINUTES FROM THE JUNE 12, 2013 MEETINGS**

### **MOTION**

Commissioner Woodhead made a motion to approve the June 12, 2013, meeting minutes. Commissioner Drown seconded the motion. Chairperson Gallegos asked to be listed in attendance on the field trip for June 12. The motion passed unanimously.

...

7:57:45 PM

**Marmalade Lofts at approximately 737 North 300 West** - Nathan Anderson of Marmalade District, LLC requests approval from the City to develop a 10-unit single family attached residential project located at the above address. Currently the land is vacant and the property is zoned MU Mixed Use. This type of project must be reviewed as a Planned Development and Preliminary Subdivision Plat. The subject property is within Council District 3 represented by Stan Penfold. (Staff contact: Casey Stewart at 801-535-6260 or [casey.stewart@slcgov.com](mailto:casey.stewart@slcgov.com). Case numbers PLNSUB2012-00562 and -00642).

- a. **Planned Development** - a request for modification of building setbacks and public street frontage requirements of the Mixed Use (MU) zoning district (**PLNSUB2012-00562**).
- b. **Preliminary Subdivision Plat** - a request for preliminary approval of the related subdivision plat for the 10 new lots (**PLNSUB2012-00642**).

Mr. Casey Stewart, Senior Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated it was Staff's recommendation that the Planning Commission approve the petition as presented.

The Commission and Staff discussed the allowed fence height, garage placement and the proposals orientation to the street face.

Mr. Nathan Anderson, Applicant, presented pictures and discussed the materials proposed for the court yard walls. He discussed the height of the walls and the wrought iron gate at the entrances. Mr. Anderson reported on other areas that have similar layouts and the

suggestion to keep the fencing solid and consistent. He discussed the alley way on the side of the property, the fencing along the alley, the details of the landscaping and the security of the proposal. He stated the roof tops were proposed to be flat and would have solar panels on them.

The Commission and Applicant discussed the lot size of other properties in the area similar to the proposal. They discussed the request to revamp the south and north views making them more street friendly. Mr. Anderson stated they would work with the Planning Director to modify the south view. He stated the north view along Reed Street would be addressed as well but in a way to mitigate the noise from neighboring business.

**PUBLIC HEARING 8:15:21 PM**

Chairperson Gallegos opened the Public Hearing,

The following individuals spoke in favor of the petition: Mr. Michael Polachek

The following comments were made:

- Fits in with the character of the neighborhood and the way it is developing.
- Good use of the property

Chairperson Gallegos closed the Public Hearing.

The Commission asked the percentage of open space for the proposal. Mr. Anderson stated it was about 20 percent.

The Commission and Applicant discussed the front doors facing an abandoned alley and the safety issues that could arise. The Commission stated the project should be street orientated presenting a friendlier corner.

Mr. Anderson reviewed the issues with facing the townhomes toward Reed Street and stated the RDA did not want the side of the project to be on 300 West. He stated this was the only way to address those issues.

**DISCUSSION 8:19:52 PM**

The Commissioners and Staff discussed the setbacks for the proposal, if the alley could be vacated and how the City felt about the project not connecting to the street. Mr. Stewart stated the City was concerned with the orientation but it seemed to be a reasonable proposal due to the lot size. The Commission and Staff discussed the way the project could address the street and make the design better. They discussed if a security fence could be added to the alley area.



The Commission discussed if the proposal should be tabled or denied. The Commission asked if the Applicant was willing to work on a different design to address the concerns.

Mr. Anderson stated the goal was to work with the RDA and use the property in the most efficient way. He stated there was little that could be done to assure the Commission facing the alley would be safe. Mr. Anderson stated the ideal use for the property was apartments. He stated he was willing to work with the Commission but it would come with a request to the Planning Commission to alter setbacks.

**MOTION** 8:31:23 PM

**Commissioner Dean stated in regards to PLNSUB2012-00562 (Planned Development) and PLNSUB2012-00642 (Preliminary Subdivision ) at 737 North 300 West, she moved that the Planning Commission table the petition, keep the Public Hearing open and ask the Applicant to return with proposals giving options for orientating the entries of each unit to the Street and a location for a joint recycling facility. Commissioner Drown seconded the motion.**

Commissioners agreed with the motion stating they would like to see connection to the street even if it meant adjustments needed to be made to setbacks.

**The motioned passed unanimously.**