

**DATE:** August 23, 2006  
**TO:** Salt Lake City Planning Commission  
**FROM:** Ray McCandless, Principal Planner at 535-7282 or ray.mccandless@slcgov.com  
**RE: STAFF REPORT FOR THE AUGUST 23, 2006 PLANNING COMMISSION MEETING**

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**CASE#:** 480-06-02  
**APPLICANT:** Armen Taroian  
**STATUS OF APPLICANT:** Owner  
**PROJECT LOCATION:** 38 West Merrimac Avenue



**PROJECT/PROPERTY SIZE:** .343 Acres

**COUNCIL DISTRICT:** District 5, Councilmember Jill Remington Love

**REQUESTED ACTION:** The applicant requests preliminary approval to construct five (5) new condominium units

**PROPOSED USE(S):** Five (5) unit condominium

**APPLICABLE LAND USE REGULATIONS:** Salt Lake City Zoning Ordinance, Section 21A.56, Condominium Approval procedure.

Salt Lake City Subdivision Ordinance, Section 20.08.210, Minor Subdivision and Section 20.20.020, Required Conditions And Improvements

**SURROUNDING ZONING DISTRICTS:** North = RMF-35  
South = RMF-35 and CC  
East = CC  
West = RMF-35

**SURROUNDING LAND USES:** North = Single-Family Residences  
South = Single-Family Residences and Duplexes  
East = Commercial Buildings  
West = Single Family Residences and Duplexes

**MASTER PLAN SPECIFICATIONS:** The Central Community Future Land Use Designation is “Medium Density Residential” (15-30 dwellings units/acre). The proposed density complies with the Master Plan Future Land Use Classification.

**SUBJECT PROPERTY HISTORY:** The subject property is a vacant corner lot with street frontage along Merrimac Avenue and Richards Street.

**ACCESS:** The subject property has access from Richards Street, Merrimac Avenue and from a public alley on the east side of the property. The proposed site plan shows that the five units will face Merrimac Avenue with the garages behind the dwellings. The garages will be accessed from a driveway that extends between Richards Street and the alley.

**PROJECT DESCRIPTION:** The applicant is requesting preliminary condominium approval of a proposed five-unit multi-family development located at approximately 38 West Merrimac Avenue.

The following table shows the dimensions of the five proposed dwelling units compared to the minimum lot standards in the RMF-35 Zoning District:

	<b>Lot Width</b>	<b>Lot Area</b>
<b>RMF-35 District Minimum Requirements for Single-Family Attached Dwellings</b>	<b>80 feet</b>	<b>13,000 square feet for 5 dwelling units</b>
	105.29' - Richards Street 141.91 - Merrimac Avenue	14,941.7 Square Feet

*Summary: The table shows that the proposed lot meets the minimum zoning standards for the development of attached single-family dwellings in the RMF-35 Zoning District.*

Administrative Condominium Hearing

This item was considered at an Administrative Hearing on April 25, 2006 where it was tabled due to concerns raised by adjoining property owners. The item was again heard at an Administrative Hearing on May 16, 2006 and was forwarded to the Planning Commission due to concerns raised by adjoining property owners.

The following summarizes the comments received during the administrative hearings. The Planning Division response to these concerns are italicized:

- A resident claimed that with the development of the Franklin-Covey Baseball Stadium, there were significant discussions about maintaining the single-family character of the neighborhood and that the proposed development is not consistent with those discussions.

*No documentation supporting these claims has been provided to Staff. At the time the Baseball stadium was approved in 1993, the zoning on the property was R-6 which allowed high density residential development up to a height of 75 feet. As part of the 1995 Zoning Rewrite Project, the zoning on the property was changed from R-6 to "Moderate Density Multi Family Residential" (RMF-35), which reduced the maximum allowable height of buildings to 35 feet or 3 and 1/2 stories. The RMF-35 zoning has not changed since 1995. The Central City Community Master Plan, which was adopted in 2005, reaffirmed that medium density multi-family development is the most appropriate land use for this area.*

- The overall height and setbacks were raised as an issue.

*The proposed buildings are two-story townhouses. Although many of the adjoining structures are single story, there are two-story structures near by. The adjacent building*

*to the west is a 2-story building and there is a commercial two-story building to the northwest of this property. The maximum allowable building height and setbacks are regulated by the RMF-35 Zoning Ordinance. All height and setback issues must comply with the height and setback requirements of the RMF-35 Zoning District which will be reviewed as part of the building permit process. The proposed development meets the building setback requirements and must meet all other applicable zoning requirements.*

- The proposed building design places the garages behind the building, impacting the adjoining property owner to the north.

*Although the garages are oriented towards the adjoining property owner to the north, the proposed design is preferable to fronting the garages towards the streets. In addition, locating the garages behind the building, as proposed, provides more distance between the proposed residential building and adjoining neighbor to the north.*

- Concerns were raised about diminished property values and that the proposed development will contribute toward the "overpopulation" of the neighborhood.

*Both the recently adopted Central City Community Master plan and RMF-35 zoning support multi-family land uses. It is Staff's opinion that the proposed five new dwelling units will not contribute to the overpopulation of the area, nor will property values decrease because of this development.*

- The proposed development increases the potential number of rental units in the neighborhood.

*This application is for the condominium approval. Condominium approval will allow the units to be sold to individual owners which will increase the number of home ownership in the City.*

#### **CITY DEPARTMENT COMMENTS:**

The comments received from pertinent City Departments/Divisions are attached to this Staff Report (Exhibit 4). The following is a summary of the comments/concerns received:

##### **A. Public Utilities:**

The Public Utilities Department recommends approval of the request subject to the applicant finalizing the utility plans and payment of all required fees.

##### **B. City Engineering:**

The City Engineering Division recommends approval of the project subject to making some minor revisions to the improvement drawings and preliminary plat drawing.

##### **C. Building Services:**

The Salt Lake City Building Services and Licensing Division recommends approval of the request, subject to installing park strip landscaping and street trees. Trash removal for the project needs to be addressed on the final site plan.

**D. Transportation:**

The Salt Lake City Transportation Division recommends approval of the request subject to the following conditions: 1) As the alley is being used as primary access from the proposed new units, a permit is required to re-surface/repave the alley when the units are constructed. 2) Park strip trees are required to be installed and need to be coordinated with the Urban Forester, Bill Rutherford. 3) Street lighting is required and needs to be coordinated with Mike Barry. 4) The existing dead driveways need to be removed and the new driveways need to be reviewed and approved by Barry Walsh and ADA ramps are required to be installed at the intersection.

**E. Fire:**

The Salt Lake City Fire Department recommends approval subject to the applicant providing a drawing to the Fire Marshal for review and approval identifying the nearest fire hydrant and the fire flow. Additional hydrants may be required. A drawing needs to be submitted for review and approval clarifying the driveway area. The multi-family construction of the units as one building may require installation of fire sprinklers for the complex as a whole.

**F. Police:**

The Police Department recommends approval.

**G. Planning:**

The Planning Division is recommending that the site be irrigated with an automatic sprinkling system (including the park strip). Preliminary approval is subject to compliance and completion of all conditions of a approval. A final condominium plat will be required to be submitted and recorded with the Salt Lake County Recorder's Office.

**ANALYSIS AND FINDINGS:**

Section 20.08.210 of the Salt Lake City Code defines condominiums as minor subdivisions and are therefore subject to the standards contained in Section 20.20.020 of the Salt Lake City Subdivision Ordinance.

The standards stated in Section 20.20.020 relate to required construction improvements. Section 20.20.020 of the Subdivision Ordinance states that a minor subdivision shall meet the following standards:

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

**Discussion:** The subject property is surrounded by a mix of land uses. To the east along Main Street are commercial businesses which are zoned Corridor Commercial (CC) and

are primarily oriented toward Main Street. To the north, on Richards Street, between Merrimac and the Franklin-Covey stadium, are mostly single-family dwellings that are zoned RMF-35. To the west, there is a duplex and to the south, along Richards Street, are a mix of duplexes and single-family dwellings which are zoned RMF-35. With the exception of the commercial uses, most of the buildings are one and two-family dwellings.

Under the existing RMF-35 Zoning, the building could be built as a permitted use without Planning Commission approval, however, since the development proposal involves condominium, Planning Commission review is required. The Central Community Master Plan supports multi-family residential as the future land use plan identifies this property as “Medium Density Residential” (15-30 dwellings units/acre) The proposed density complies with the Master Plan Future Land Use Classification and current zoning.

**Finding:** Staff finds that the proposed 5-unit condominium is compatible with the general character of the surrounding neighborhood.

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

**Discussion:** The subject property is located in the RMF-35 Zoning District. In the RMF-35 District, the minimum lot size for a 5 unit multi-family building is 13,000 Square feet and the minimum lot width is 80 feet. The lot meets these requirements.

**Finding:** The proposed lot conforms to the applicable requirements of the Salt Lake City Zoning Ordinance. All future construction must comply with Salt Lake City Zoning Ordinance regulations.

**C. Utility easements shall be offered for dedication as necessary;**

**Finding:** Representatives from the Salt Lake City Public Utilities Department, Engineering Division, and Transportation Division have reviewed the project and have not indicated that any new utility easements are necessary with the requested subdivision. All existing utility easements on the property must remain unless they are vacated at a later time.

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

**Discussion:** A representative from the Salt Lake City Public Utilities Department has reviewed the requested subdivision and has no concerns with the proposed condominium.

**Finding:** The Public Utilities Department has reviewed the proposed condominium and has determined that water supply and sewage disposal is satisfactory, as long as, all Public Utility conditions are met.

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

**Discussion:** A representative from the Salt Lake City Engineering Division has reviewed the request and recommends approval of the project subject to making some minor revisions to the preliminary plat drawing.

A representative from the Salt Lake City Transportation Division has reviewed the proposed preliminary plat and is requiring the applicant repave the alley on the east side of the property and install street trees in the park strip and street lighting. The Transportation Division is also requesting that all dead driveways be removed as conditions of approval.

**Finding:** Public improvements are satisfactory as long as the requirements of the Transportation Engineer and Salt Lake City Engineering Division are met.

**RECOMMENDATION:**

Based on the comments, analysis, and findings of fact noted in this report and on the submitted plans, the Planning Staff recommends that the Planning Commission approve the preliminary condominium plat, located at approximately 38 West Merrimac Avenue as proposed, subject to the following conditions:

1. The site (including the park strip) must be irrigated with an automatic sprinkling system.
2. A condominium plat, conforming to the requirements of Chapter 21A.56 - Condominium Approval Procedure of the Salt Lake City Zoning Ordinance be recorded with the Salt Lake County Records Office.
3. The applicant shall comply with all City Department and Division conditions as stated in this Staff Report.
4. The applicant shall show on the final plat an approved trash removal plan for the project.
5. Identification of parking designation of the five units need to be identified on the final plat and in the condominium bylaws.
6. The Declaration of Covenants must be approved by the Salt Lake City Attorney for compliance with the State of Utah and Salt Lake City Code requirements. Prior to final plat recording, the Declaration of Covenants shall be executed and recorded.
7. Any future redevelopment activity associated with the properties will require that all inadequate or absent public improvements be installed in accordance with the departmental

comments noted in this Staff Report. Additionally, any future redevelopment will be subject to the requirements of the Zoning Ordinance.

**Attachments:**

Exhibit 1 – Application Submittal

Exhibit 2 – Preliminary Condominium Plat

Exhibit 3 – Administrative Hearing Minutes

Exhibit 4 – City Department Comments

Exhibit 5 – Staff Report for the April 25, 200 and May 1, 2006 Administrative Hearings