

DATE: February 8, 2006
TO: Salt Lake City Planning Commission
FROM: Sarah Carroll
Associate Planner
RE: Petition No. 400-05-24, Request to amend the zoning map and master plan for property located at 713 East Harrison Avenue. This item was tabled on December 14, 2005.

CASE NUMBER: 400-05-24: Request to amend the zoning map and master plan
APPLICANT: Harrison Apartments, LLC (Bob Strasters)
STATUS OF APPLICANT: Property Owner
PROJECT LOCATION: 713 East Harrison Avenue (1375 South)
PROJECT/PROPERTY SIZE: 0.38 acres



COUNCIL DISTRICT: 5 - Council Member Jill Remington Love

SURROUNDING ZONING DISTRICTS:
North – Open Space (OS)
South – Neighborhood Commercial (CN)
East – Single Family Residential (R-1/5000)
West – Single Family Residential (R-1/5000)

SURROUNDING LAND USES:
North – City Park
South – Commercial parking lot
East – Residential
West – Residential

REQUESTED ACTION:
This is a request to rezone the property located at 713 East Harrison from R-1/5000 to RMF-35 zoning. This request involves amending the Central Community Master Plan Future Land Use Map from “Low Density Residential (1-15 dwelling units/acre)” to “Low Medium Density Residential (10-20 dwelling units/acre).”

PROPOSED USE(S):
The applicant would like to demolish the existing four-plex apartment building and construct six new town homes that will be sold to individual owners.

APPLICABLE LAND USE REGULATIONS:
The proposed zone change is subject to the Salt Lake City Code, Chapter 21A.50, Amendments and Special Approvals. The proposed master plan amendment is subject to the Utah Code Annotated (10-9a-204) which identifies procedures for adopting and amending general plans. The following will also be considered in evaluating this request:

- The Central Community Zoning map (1995).
- The Central Community Master Plan (2005).
- The Salt Lake City Community Housing Plan (2000).
- The Final Report of the Salt Lake City Futures Commission, Creating Tomorrow Together, (1998).
- The City Vision and Strategic Plan for Salt Lake City, (1993).

MASTER PLAN SPECIFICATIONS:
The Central Community Master Plan, adopted November 1, 2005, identifies this property as Low Density Residential (1-15 dwelling units/acre). The applicant is requesting six units on a 0.38 acre lot, which is the equivalent of approximately 15.8 dwelling units/acre. Therefore, the master plan will need to be amended with this request in order to designate the property as “Low Medium Density Residential (10-20 dwelling units/acre).”

ACCESS: The property is accessed from Harrison Avenue.

HISTORY OF SUBJECT PROPERTY:

The property was recently purchased by a new owner who would like to improve the property and in seeking options for improvements began discussions with the Planning Office. The subject property is located at 713 East Harrison Avenue and contains an existing four-plex that was constructed in 1963 and is compliant with the R-4 zoning that was in place at that time. On June 24, 2005, the applicant submitted a request to rezone the property from R-1/5000 to RMF-45 in order to add an additional four-plex to the property and to help offset improvement costs to the existing four-plex.

An open house was held on August 9, 2005, and after listening to the neighbor's comments and concerns about the potential increase in traffic and density, staff suggested that the applicant amend the proposal to rezone the property from R-1/5000 to RMF-35.

On October 19, 2005, the applicant submitted an amended proposal that reflects the comments made by the public and by Planning staff and is requesting a zoning designation of RMF-35. The applicant also took into consideration neighbors comments about the desire for these units to be owner-occupied and is now proposing to demolish the existing four-plex and develop six new town homes that would be individually owned. Exhibit 2 is the applicant's original request. Exhibit 3 displays the comments given by the public regarding the original request. Exhibit 4 is the amended request submitted by the applicant after considering the public and staff comments. Exhibit 6 shows the final comments from the public and the community council. The proposal was then routed to pertinent City Departments/Divisions (Exhibit 5), and Exhibit 7 is the final proposal that reflects all of the Departments comments.

PROJECT DESCRIPTION:

The property consists of one parcel that is currently zoned R-1/5000 and supports an existing four-plex apartment building, which is nonconforming due to prior down-zoning. In 1986 the entire area was down-zoned from R-4 to R-2 and in 1995 the entire area was down-zoned again from R-2 to R-1/5000.

The property owner would like to rezone the property to RMF-35 in order to demolish the existing structure and construct six individually-owned town homes. The property abuts a major arterial street, 700 East, which is a State Highway, and sound attenuation will be used in the construction of the proposed town homes to decrease the noise impacts associated with the proximity of 700 East. Other abutting land uses include a City park to the North, single family homes to the East and a commercial parking lot to the South. The proposed town homes will create a transition between the Open Space zoning to the North and the Neighborhood Commercial zoning to the South and will help buffer the R-1/5000 neighborhood from the impacts of 700 East, while providing more home ownership options in the Central City. The zoning ordinance requires a ten foot landscape buffer and a fence between RMF-35 and R-1/5000 zoning and the proposed new development includes these additions to help buffer the existing single-family residence to the East (see Exhibit 7).

COMMENTS, ANALYSIS AND FINDINGS

COMMENTS

Comments from pertinent City departments/divisions and the Community Council have been attached and are summarized below (Exhibits 5 and 6).

- **Public Utilities:** Public Utilities has no objection to the proposed zoning change and will work with the developer as plans are submitted.
- **Permits Office (Building Services and Licensing):** The proposal will require creating either a condo plat or a PUD for owner-occupied town homes. There must be a 10 foot landscape buffer along the east property line with landscaping and fencing (the site plan has been modified to reflect this, as seen in Exhibit 7). See attached letter for remaining comments.
- **Transportation:** There is currently a four-plex building on this lot and the revision to a six town homes will not noticeably impact the public transportation corridors. A minimum ten foot wide driveway is required for the proposal, with a minimum of 10 x 10 foot clear sight zone.
- **Police Department:** The Police Department noted that of the two proposals their preference would be the proposal that allows for 6 garages 20 feet wide by 18 feet deep. The proposal with single garages allows for dark non-visible areas which may increase the potential of criminal activity. The applicant's final site plan reflects changes that address this comment, see Exhibit 7.
- **Engineering:** Curb, gutter, sidewalk and drive approach exist on Harrison Avenue along the frontage of the property, in satisfactory condition with the exception of some cracked concrete and an uneven sidewalk joint that must be replaced and/or repaired. The developer must enter into a subdivision improvement construction agreement, with applicable fees as noted in the attached letter. The private drive approach must be approved by UDOT. See attached letter for complete comments (Exhibit 5).
- **Fire Department:** The Fire Department recommends approval of the petition.
- **Community Council:** An open house was held on August 9, 2005 for the original request to rezone the property to RMF-45 in order to add an additional four-plex (Exhibit 2). Six people attended the open house, of which five live on Harrison Avenue. The neighbors were concerned about increased traffic on Harrison Avenue and expressed concern about the condition of the property and the type of tenants who have lived there in the past. The neighbors suggested that more pride would be taken in the property if the units were individually owned (Exhibit 3). After considering these comments the applicant amended the request from RMF-45 (eight apartments), to RMF-35 (six individually-owned town homes), as shown in Exhibit 4. The amended request was e-mailed to the attendees of the open house that provided an e-mail address and to the Community Council Chairs on October 24, 2005, with a request for comments by November 15, 2005. At the preparation of this staff report only one comment, against this amended proposal, has been received (Exhibit 6).

GENERAL ANALYSIS AND FINDINGS

The Planning Commission must make a determination on whether or not they will transmit a favorable recommendation to the City Council to rezone the subject property as requested (thereby creating a zoning map and master plan amendment) based on the Analysis and Findings as related to the standards for general amendments. The Zoning Ordinance, Chapter 21A.50.050, Standards for general amendments, states:

A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the city council should consider the following factors:

A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.

Discussion: There are several sources to consider in reviewing the purposes, goals objectives, and policies for this area:

- The Central Community Zoning map (adopted in 1995)
- The Central Community Master Plan (adopted November 1, 2005).
- The Salt Lake City Community Housing Plan (adopted April 2000).
- The Final Report of the Salt Lake City Futures Commission, *Creating Tomorrow Together*, (1998).
- The City Vision and Strategic Plan for Salt Lake City, (1993).

Central Community Zoning Map: This request involves amending the zoning map in relation to the property located at 713 East Harrison Avenue, from R-1/5000 zoning to RMF-35 zoning. The proposed RMF-35 zoning will create a transition between the Open Space zoning to the North and the Neighborhood Commercial zoning to the South and will help buffer the R-1/5000 neighborhood from the impacts of 700 East, while providing more home ownership options in the Central City.

Central Community Master Plan: The goals of the Master Plan are to protect and improve the quality of life for everyone living in the community regardless of age or ability, improve and support community involvement, provide opportunities for smarter and more creative development practices, prevent inappropriate growth and preserve residential neighborhoods. The vision for livable communities is described by the following criteria:

- Land use patterns are compatible with the characteristics of specific neighborhoods within the community.
- A variety of residential land use supports all types of housing and the affordability of the housing stock.
- Preservation of the housing stock is an integral part of maintaining neighborhood character.
- The appropriate transition of multi-family housing with mixed land uses in designated areas supports sustainable development within the community.

This Plan encourages diversity of use, preservation of historic neighborhoods and buildings, and design excellence to maintain and enhance the quality of living in the Central Community. The subject property is located within the East Central South Neighborhood; some of the residential issues for this neighborhood include a desire to protect low-density residential land uses along the east side of 700 East.

Salt Lake City Community Housing Plan: The goal of this Plan is to enhance, maintain and sustain a livable community that includes a vibrant downtown integrated with surrounding neighborhoods that offer a wide range of housing choices, mixed uses, and transit oriented design. This Plan focuses on concepts for creating a wide variety of housing types across the City and encouraging mixed use and mixed income housing.

Final Report of the Salt Lake City Futures Commission: In reference to the built environment this Report asserts that there is a mix of housing types, densities, and costs so that people of various economic groups can co-exist. This Report further states that the ideal neighborhood will: promote public safety; be well maintained; be family and youth friendly; be diverse and encourage persons of different incomes, ages, cultures, races, religions, genders, lifestyles and familial statuses to be active community stakeholders; have a well maintained infrastructure that meets the needs of current and future citizens; and will have close and easy access to open space.

City Vision and Strategic Plan: One objective of this Plan is to include a wide variety of affordable housing opportunities in attractive, friendly neighborhoods that provide a safe environment for families. Another objective is to recognize and protect neighborhood identity through neighborhood involvement in plans and public and private investment.

Finding: Because the Master Plan specifically addresses protecting the low-density development along 700 East, careful consideration of this proposal has been taken to determine whether or not the proposed rezone is appropriate for this location. The current proposal for RMF-35 and six individually-owned units is the result of consideration of the neighbor's comments and concerns that were expressed at the open house held on August 9, 2005 and from additional meetings conducted by City staff and the applicant.

Staff finds that the requested rezone is appropriate for this location and would enhance the goals of the Plans and Reports discussed above. The request will particularly enhance the goals of the Housing Plan and the Futures report by providing a variety of housing uses. Staff finds that the community has been involved in the planning of this project.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.

Discussion: The existing development in the immediate vicinity consists of: Single family homes to the East, a City park to the North, a commercial property to the South and is directly abutting 700 East. The property is currently occupied with a multi-family, four unit apartment structure. The request is to demolish the existing structure and construct six individually-owned town homes.

Finding: The overall character of the immediate vicinity will remain the same. The Transportation Division has stated that a transition from four units to six units will not noticeably impact the public transportation corridors. The proposed units will be individually-owned which will be more harmonious with the overall character of the neighboring single-family residences.

C. The extent to which the proposed amendment will adversely affect adjacent properties.

Discussion: When the original request for four additional units (eight total units) was proposed the community expressed concerns about increased traffic, the quality of the tenants and lack of care for the property.

Finding: Staff finds that the applicant has addressed these concerns by reducing their proposal to RMF-35 and six individually-owned units. These changes specifically address comments made by the community. If the zoning is changed, the zoning ordinance requires a ten foot landscaped buffer and fencing between the RMF-35 and R-1/5000 zoning designation; thus the single-family residence directly abutting the subject property will be buffered from the current situation and from the proposed intensification. The proposed amendment will not adversely affect adjacent properties.

D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts, which may impose additional standards.

Discussion: The property is not within any overlay districts.

Finding: Staff finds that the property is not within an overlay district.

E. 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 waste water and refuse collection.

Discussion: Staff requested comments from City Departments/Divisions; including Transportation, Engineering, the Fire Department, Public Utilities, Police, and Building Services. These departments/divisions did not have any objections to the proposed zoning amendment (Exhibit 5). The proposed development must comply with City regulations.

Findings: Staff finds that public facilities and services intended to serve the subject property are adequate and must meet all City regulations upon further development.

MASTER PLAN AMENDMENT:

The Central City Master Plan was adopted on November 1, 2005. State Law, Section 10-9a-204, Notice of public hearings and public meetings to consider general plan or modifications, outlines the criteria for noticing an amendment:

- (1) Each municipality shall provide:
 - (a) notice of the date, time, and place of the first public hearing to consider the original adoption or any modification of all or any portion of a general plan; and
 - (b) notice of each public meeting on the subject.
- (2) Each notice of a public hearing under Subsection (1)(a) shall be at least ten calendar days before the public hearing and shall be:
 - (a) published in a newspaper of general circulation in the area;
 - (b) mailed to each affected entity; and
 - (c) posted:
 - (i) in at least three public locations within the municipality; or
 - (ii) on the municipality's official website.
- (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before the meeting and shall be:
 - (a) submitted to a newspaper of general circulation in the area; and
 - (b) posted:
 - (i) in at least three public locations within the municipality; or
 - (ii) on the municipality's official website.

A notice for the Master Plan amendment was published in the Salt Lake Tribune and Deseret News on November 30, 2005 (Exhibit 8). A notice was also mailed to affected property owners and posted, meeting State Law requirements for Master Plan amendments.

December 14, 2005 Planning Commission Meeting:

This item was tabled on December 14, 2005 because the Planning Commission members were uncomfortable approving the requested rezone without first reviewing floor plans and elevations of the future town homes.

A Subcommittee meeting was held on January 18, 2006. The applicant presented the proposed floor plans and elevations. The following comments were made by the Subcommittee members:

- 1) The side of the garage that is nearest to 700 East should incorporate windows, and shrubbery should be planted to avoid a blank wall that may attract graffiti tagging.
- 2) A fence along 700 East may prevent graffiti tagging.
- 3) The front door should have a window and be more characteristic of other front doors along the street.
- 4) The columns on the front of the structure should reflect the architecture along the street, (craftsman bungalow).
- 5) More neighborhood architecture should be incorporated.
- 6) A picket fence was suggested.
- 7) Front porches are characteristic of the neighborhood and the commissioners would like to see an extension of the proposed porches.

The applicant has considered these comments and the revised drawings are attached (Exhibit 10). All of the comments, except number 7, have been incorporated into the revised drawings.

Additional comments from the community have been received and are attached (Exhibit 11).

RECOMMENDATION:

Based on the Findings of Fact identified in this report, staff recommends that the Planning Commission transmit a favorable recommendation to the City Council, to approve the proposed zoning map amendment and amend the Central Community Master Plan to identify the property as RMF-35, Moderate Density Multi-Family Residential zoning and Low Medium Density Residential (10-20 dwelling units/acre) land use.

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Exhibits:

1. Photo's of the Subject Property
2. Original Request from the Applicant
3. Open House Comments, August 9, 2005
4. Amended Request from the Applicant
5. Department/Division Comments
6. Notice of Amended Request and Public Comment
7. Final Proposal, Applying all City Department/Division and Public Comments
8. Newspaper Legal Notices, Published on November 30, 2005
9. Letter's Given to the Commissioners on December 14, 2005
10. Floor Plans and Elevations
11. Additional Comments from the Community