

DATE: May 25, 2006

TO: Salt Lake City Planning Commission

FROM: Wayne Mills, Senior Planner

**RE: STAFF REPORT FOR THE JUNE 28, 2006 PLANNING
COMMISSION MEETING**

CASE NUMBERS: 410-06-01, 490-06-29

APPLICANT: *Property Owner:* Salt Lake City Redevelopment Agency
Applicant: West Capitol Hill, LLC

STATUS OF APPLICANT: Developer

PROJECT LOCATION: 701 North 300 West (Parcel #08-25-452-013)
314 West 700 North (Parcel #08-25-452-015)



PROJECT/PROPERTY SIZE: .456 acres (19,842 square feet)

COUNCIL DISTRICT: District 3, Councilmember Eric Jergensen

REQUESTED ACTION:

Petition #410-06-01 and #490-06-29, A request by Nathan Anderson representing West Capitol Hill, LLC for Planned Development and Preliminary Subdivision approval for the construction of an 8 unit residential development located at 701 North 300 West and 314 West 700 North in the MU – Mixed Use District.

PROPOSED USE(S): 8-Unit Residential Planned Development

**APPLICABLE LAND
USE REGULATIONS:**

Salt Lake City Zoning Ordinance: Sections 21A.54.150 (Planned Developments) and 21A.32.130 (Mixed Use District)

**SURROUNDING ZONING
DISTRICTS:**

North – MU – Mixed Use District
South – MU – Mixed Use District
East – MU – Mixed Use District
West – MU – Mixed Use District

**SURROUNDING LAND
USES:**

North – Single Family Residential and Retail
South – Multi-Family Residential
East – Multi-Family Residential
West – Single Family Residential

MASTER PLAN SPECIFICATIONS:

Capitol Hill Master Plan (adopted, November 9, 1999) - The Capitol Hill Land Use Map identifies the future land use of this property as High Density Mixed Use.

SUBJECT PROPERTY HISTORY:

The project area consists of two parcels; 701 North 300 West and 314 West 700 North. The parcel addressed as 701 North 300 West formerly contained a commercial structure and the property at 314 West 700 North contained a residential multi-family building. The Salt Lake Redevelopment Agency purchased the properties in 2002/2003. The structures on both lots were demolished in 2003.

ACCESS:

The property is located on the corner of 700 North (local street) and 300 West (State arterial). Access to the requested dwelling units is from 700 North.

PROJECT DESCRIPTION:

The development plan for the subject property is to:

- Combine the properties addressed as 701 North 300 West and 314 West 700 North into one parcel (the project area).
- Construct two separate structures, each containing four side-by-side dwelling units (see Exhibit 1, Development Plans/Preliminary Plat). The structures range in height between 32.5 feet and 33 feet, which is under the maximum height of 45 feet. Parking would be provided in garages attached to each dwelling unit in a tandem style configuration (one stall in front of the other).
- Subdivide each dwelling unit with property lines drawn along the outside walls and interior walls separating the units from each other. This allows for private ownership of each individual dwelling unit as well as the underlying ground.
- Create limited common areas in front of and behind each dwelling unit that would be used solely by the dwelling unit owner(s).

The proposed development does not comply with the zoning regulations for parking dimensions or the lot dimension requirements of the MU – Mixed Use District; therefore, the applicant is requesting Planned Development approval. Planned Development approval is required to provide relief for the following elements of the development:

Tandem Parking

The applicant is proposing to satisfy the required parking (two parking spaces per dwelling unit) within garages attached to each dwelling unit. The garages are approximately 9' wide and 39' deep and are designed to provide covered parking in a tandem parking configuration (one stall in front of the other).

Currently, Salt Lake City does not recognize tandem parking because it places one car within the driveway access of the other. The applicant is requesting approval of the tandem parking configuration to utilize a portion of the ground floor for living space and to minimize the garage door appearance on the front façade of the buildings.

Substandard Lots

The applicant is proposing to create individual parcels around each of the proposed 8 dwelling units. This would allow for private ownership of each dwelling unit and the ground underneath the unit.

The MU – Mixed Use District permits a range of housing types from multi-family to single-family. The subject development is similar to a multi-family condominium project in that there are four dwelling units per structure and each unit would be privately owned. When reviewing

the project as a multi-family development, it complies with the MU District regulations as seen in the following table:

	MU District Requirement	Proposal	Compliance
Density	13,000 square feet of lot area for 8 dwelling units	19,842 square feet for 8 dwelling units	Compliant – exceeds the minimum lot size requirement by 6,842 square feet
Front Yard Setback	10 feet	10 feet	Compliant
Rear Yard Setback	15 feet	approximately 17 feet to 75 feet	Compliant – exceeds the minimum setback by 2 feet to 60 feet
Interior Side Yard Setback	10 feet	West side of west structure = 8 feet (approximate)	Not Compliant – Staff recommends that the building is located 2 feet to the east to comply with the required side yard setback
Corner Side Yard	10 feet	13 feet (approximate)	Compliant – exceeds required corner side yard by approximately 3 feet
Height	45 feet	30.5 feet to 33 feet	Compliant – under the maximum height by 14.5 feet to 12 feet
Open Space	20%	55%	Compliant – exceeds the required minimum open space by 35%.

The project differs from the multi-family condominium scenario in that property lines are being created, not interior space ownership areas. Whenever, property lines are created, the resulting parcel must comply with the minimum lot requirements of the zoning district. In this case, when reviewing the dwelling unit parcels independently, they do not comply with minimum lot size, interior side yard, or open space requirements of the MU District; therefore, the parcels must be reviewed as parts of the overall Planned Development.

COMMENTS, ANALYSIS AND FINDINGS:

1. COMMENTS

Comments from applicable City Departments/Divisions are summarized as follows. Please refer to the attached Department/Division comment letters for details (see Exhibit 2):

- a) **Transportation:** The proposed tandem parking for single family parking compliance is acceptable. The plans submitted need to have fully dimensioned civil drawings for the public way to show the driveway layout, street lighting, etc.

The shared approaches are in keeping with our previous conceptual discussions. I would like to recommend that the configuration be modified just a bit to allow additional parking on street by flipping unit “B” like Unit “H” and re-aligning the driveways.

- b) **Public Utilities:** A civil site plan, stamped by a Licensed Engineer, showing all property lines, water, sewer and storm drain mains, existing connections with labels to abandon or re-use must be submitted to Public Utilities. Unneeded connections must be abandoned according to Salt Lake City Public Utilities specifications. The plans must show all proposed connections with details.

A site drainage plan must be submitted. Detention is not required but drainage must be controlled so as not to impact neighboring properties or cause sheet flow across sidewalks.

The property must be master metered (one meter for all units). More than one sewer lateral may be proposed.

Salt Lake City Fire Department approval is required.

- c) **Engineering Division:** Curb, gutter and sidewalk exist in 300 West (State road) and 700 North adjacent to the proposed project. A dead drive approach exists in 300 West, which must be removed as part of this project. Two existing drive approaches in 700 North must be removed unless they can be used for the proposed development. The new drive approaches that are proposed in 700 North must be installed in conformance with APWA Standard Plan 225. Uneven sidewalk joints exist in 300 West and 700 North, which must be ground down or replaced to remove the tripping hazards.

A “Permit to Work in the Public Way” must be obtained from SLC Engineering prior to doing the work described above.

- d) **Fire Department:** The Fire Department has no objections to the above named proposal to combine two parcels to one lot. Please note that the proposed town homes may require fire sprinklers and additional fire hydrants.

- e) **Building Services:** This preliminary zoning review summarizes the comments from the DRT meeting held on December 9, 2005, and April 25, 2006.

1. The existing lots need to be combined into one lot with a new certified address and a new parcel ID number.
 2. A plat is required for town houses to be sold for individual ownership.
 3. The front entry stairs do not appear to meet the 10 foot minimum front yard setback. Stairs and landings over 4 feet high need to meet the setback. The plans must clearly indicate that the stairs and landings are less than 4 feet high at the setback line, or this requirement must be modified and approved through the planned development process. *(Planning Staff Note: The developer has stated that the final building plans will show that the stairs located within the front yard setback are less than 4 feet high)*
 4. Public Utilities approval is required.
 5. Public way improvements such as sidewalks, curbs and gutters need to be inventoried and replaced where defective. A Public Way permit will be required for these improvements.
- f) Police:** The Police Department is of the opinion that the proposal is an appropriate use of the property and would have little to no impact on Police services.
- g) Urban Forester:** The existing trees in the park strips cannot be removed without a permit from the City Forestry Office. The hedge maple on the 700 North side of the property should be protected throughout all phases of site development in accordance with Urban Forestry Division Tree Protection Guidelines.

Community Council Comments (see Exhibit 3, Community Council Comments):

The project was presented to the Capitol Hill Community Council on January 18, 2006 and February 15, 2006. During the February meeting, members of the Community Council voted to support the project. Topics of discussion included street parking, tandem parking, entrances, redevelopment in the area, affordable housing, and types of housing desirable in the Capitol Hill Community.

Planned Development Subcommittee (see Exhibit 4, Planned Development Subcommittee Notes): The subject project was reviewed by the Planning Commission's Planned Development Subcommittee on May 31, 2006. The Subcommittee made the following two suggestions:

1. Potential width increase for the garage area, as it is fairly small and perhaps inconvenient.
2. More windows facing the backyard from the first floor and additional access to the backyard from the first floor.

The applicant has met with a representative from the Police Department regarding the issue of adding windows to the first floor facing the rear yard. The representative from the Police Department stated that, in his opinion, installing a window in the rear garage area would be detrimental to the security of the property (see e-mail from JR Smith in Exhibit 4). The applicant

has stated to Staff that he is researching the garage width issue and will address the issue at the Planning Commission hearing.

2. ANALYSIS AND FINDINGS

To assist the Planning Commission in its decision making process, Staff has analyzed and made findings with respect to the following pertinent master plans, ordinances and issues relating to the conditional use, planned development and subdivision processes.

Conditional Use Review

21.54.080 Standards for Conditional Uses.

A. The proposed development is one of the conditional uses specifically listed in this Title.

Discussion: According to Section 21A.54.150 of the Zoning Ordinance, a Planned Development requires Conditional Use approval by the Planning Commission.

Finding: The proposed development is one of the conditional uses specifically listed in this Title.

B. The proposed development is in harmony with the general purposes and intent of this Title and is compatible with and implements the planning goals and objectives of the City, including applicable City master plans.

Discussion:

Purpose and Intent of this Title

Section 21A.02.030 of the Salt Lake City Zoning Ordinance states that the intent of the Zoning Ordinance is to:

- a) Lessen congestion in the streets or roads;
- b) Secure safety from fire and other dangers;
- c) Provide adequate light and air;
- d) Classify land uses and distribute land development and utilization;
- e) Protect the tax base;
- f) Secure economy in governmental expenditures;
- g) Foster the City's industrial, business and residential development; and
- h) Protect the environment.

Staff finds that the request is in harmony with item g, "Foster the City's industrial, business and residential development" because it provides homeownership opportunities within the Capitol Hill Community.

Planning Goals and Objectives of Applicable City Master Plans

The project area is located in the Capitol Hill Community. The Capitol Hill Community Master Plan identifies the future land of the property as “High Density Mixed-Use”. The plan also states that, “a mixed use area permitting both low density residential and non-residential development and encouraging medium to higher density residential development is foreseen for the area between 600 North and 300-400 West.”

The subject development, at 8 dwelling units on a 19,842 square foot lot, equates to 17.5 dwelling units per acre. This is considered medium density in the Capitol Hill Community. Staff finds that the request is in harmony with the future land use classified in the Capitol Hill Community Master Plan.

The Master Plan also states that in the mixed use areas, the massing and scale of structures should be compatible with surrounding land uses and buildings adjacent to streets should orient to the street. The land uses surrounding the subject property area are a mix of commercial, single-family residential, and multi-family residential. Staff is of the opinion that the development is compatible with the surrounding multi-family uses in that it is a multi-family project, but maintains compatibility with the adjacent single-family properties because all of the dwelling units are oriented to the street.

Finding: The proposed development is in harmony with the general purposes and intent of the Zoning Ordinance and is compatible with and implements the planning goals and objectives of the Capitol Hill Community Master Plan.

C. Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets.

Discussion: All of the dwelling units within the development would be accessed from 700 North. The Salt Lake City Transportation Division has reviewed the project and found no impact to service level on adjacent streets.

Finding: Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the services level on the adjacent streets.

D. The internal circulation system of the proposed development is properly designed.

Discussion: Each dwelling unit would be accessed from separate driveways directly from the street. There is no internal circulation system serving the proposed development.

Finding: This standard is not applicable.

- E. Existing or proposed utility services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources.**

Discussion: The Public Utilities Department has reviewed the proposed project and has offered comments regarding Public Utility requirements. The requirements must be met upon issuance of building permits.

Finding: The building permit process will ensure that utility services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources.

- F. Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts.**

Discussion: No impacts to adjoining properties from light, noise or visual impacts are anticipated in relation to the proposed residential development.

Finding: No significant impacts from light, noise or visual impacts are anticipated.

- G. Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood.**

Discussion: The project area is located within the Mixed-Use District. The surrounding properties are a mix of single-family, multi-family and commercial uses of varying architectural styles. The proposed structures would be finished with brick veneer and stucco and the orientation of each dwelling unit would be to the street. Staff finds that the appearance of the proposed development would be compatible with the existing neighborhood.

Finding: Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood.

- H. Landscaping is appropriate for the scale of the development.**

Discussion: All yard areas not covered by buildings or driveways will be landscaped.

Finding: The proposed landscaping is appropriate for the scale of development.

- I. The proposed development preserves historical architectural and environmental features of the property.**

Discussion: The site is not located in a historic district, and there are no unique environmental features on the property.

Finding: This standard does not apply.

J. Operating and delivery hours are compatible with adjacent land uses.

Finding: This standard does not apply.

K. The proposed conditional use or, in the case of a planned development, the permitted and conditional uses contained therein, are compatible with the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood or the City as a whole.

Discussion: The project is located in the MU – Mixed Use District. The purpose of the Mixed Use District is to encourage the development of areas as a mix of compatible residential and commercial uses. It is also the purpose of this district to provide for limited commercial use opportunities within existing mixed use areas while preserving the attractiveness of the area for residential use. The proposed development is a medium density residential project with an urban style (oriented to the street). Staff is of the opinion that the project would have a positive affect upon the surrounding Mixed-Use neighborhood because it would add residential homeowners to the area and would enhance the streetscape at the 300 West and 700 North corner.

Finding: The proposed planned development is compatible with the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood or the City as a whole.

L. The proposed development complies with all other applicable codes and ordinances.

Discussion: Approval of the request should be subject to meeting all applicable City requirements.

Finding: The proposed development must meet all applicable City, County, State and Federal codes and ordinances prior to issuance of a building permit.

Planned Development Review

According to Section 21A.54.150C of the Zoning Ordinance, the Planning Commission may change, alter, modify or waive any provisions of the Zoning Ordinance or the City's subdivision regulations as long as no such change, alteration, modification or waiver is approved unless the Planning Commission finds that the proposed Planned Development:

1. Will achieve the purposes for which a planned development may be approved pursuant to Section 21A.54.150A of the Zoning Ordinance.

Discussion: Section 21A.54.150 of the Zoning Ordinance states that through the flexibility of the Planned Development technique, the City seeks to achieve the following specific objectives:

1. Creation of a more desirable environment than would be possible through strict application of other city land use regulations;
2. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities;
3. Combination and coordination of architectural styles, building forms and building relationships;
4. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;
5. Preservation of buildings which are architecturally or historically significant or contribute to the character of the city;
6. Use of design, landscape or architectural features to create a pleasing environment;
7. Inclusion of special development amenities; and
8. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.

Staff finds that the proposed development achieves objectives 1 and 2 because creating parcels around each dwelling unit allows for homeownership and the tandem parking configuration minimizes the garage appearance along the front façade.

Finding: The proposal will achieve the purposes for which a planned development may be approved pursuant to Section 21A.54.150A of the Zoning Ordinance.

2. Will not violate the general purposes, goals and objectives of this title and of any plans adopted by the Planning Commission of the City Council.

Discussion: As discussed above, the proposed development is in harmony with the general purposes and intent of the Zoning Ordinance and is compatible with and implements the planning goals and objectives of the Capitol Hill Community Master Plan.

Finding: The proposed development will not violate the general purposes, goals and objectives of this title and of any plans adopted by the Planning Commission of the City Council.

Subdivision Review (Salt Lake City Code, Title 20, Subdivision Ordinance)

The subject development requires minor subdivision review due to the proposed property lines drawn around each dwelling unit. If the Planning Commission grants approval of the Planned Development and preliminary plat, the applicant may proceed with the administrative final plat process.

Section 20.20.020 of the Salt Lake City Subdivision Ordinance states that a minor subdivision shall conform to 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;**

Findings: This issue is addressed in the Conditional Use and Planned Development Sections above and Staff finds that the proposed development is compatible with the surrounding development.

- B. Lots created shall conform to the applicable requirements of the Zoning Ordinances of the City;**

Discussion: The Planning Commission can modify zoning standards through the Planned Development process.

Findings: All lots will comply with all applicable zoning standards if the requested Planned Development is approved by the Planning Commission.

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

Findings: This is a condition of final plat approval.

- D. Water supply and sewage disposal shall be satisfactory to the City Engineer;**

Findings: The construction of any required utility improvements are administered by the Salt Lake City Engineering Division and Public Utilities Department through the standard development review processes. All plans for required utility improvements must be submitted and approved prior to approval of the final plat.

- E. Public improvements shall be satisfactory to the Planning Director and City Engineer.**

Findings: Final plat approval is conditioned upon compliance with all necessary improvements required by the applicable City Departments.

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 Conditional Use #410-06-01 and Preliminary Subdivision #490-06-29 to allow an 8 unit residential planned development at 701 North 300 West and 314 West 700 North. The approval is subject to:

1. The west building meeting the required 10 foot interior side yard;
2. Recordation of a final plat;
3. Meeting all City Department/Division Requirements; and
4. Planning Director approval of the final development plan.

Wayne Mills
Senior Planner

Attachments:

- Exhibit 1 – Development Plans/Preliminary Plat
- Exhibit 2 – Department/Division Comments
- Exhibit 3 – Community Council Comments
- Exhibit 4 – Planned Development Subcommittee Notes