

**Simmons Place Planned Development &
Condominium Conversion**
Petition #'s 410-07-16 (PD), 480-07-23 (Condo);
located at approximately 450 South 900 East
Hearing date: August 22, 2007



Planning and Zoning Division
Department of Community
Development

Applicant:

Bruce Manka

Staff:

Casey Stewart 535-6260
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Tax ID:

1605331-013	1605331-017
1605331-014	1605331-028
1605331-015	1605331-030
1605331-016	

Current Zone:

CN (Neighborhood Commercial)

Master Plan Designation:

Central City; Medium
Residential/Mixed Use (10-50
units/acre)

Council District:

District 4
Nancy Saxton

Lot size: 0.62 acres

Current Use:

Commercial Offices

**Applicable Land Use
Regulations:**

- Chapter 21A.26.020 CN Zoning District
- Chapter 21A.56 Condominium Approval Procedure
- Chapter 21A.54.150 Planned Developments

Attachments:

- A. Application form
- B. Site and building drawings
- C. Department comments

REQUEST

Approval of a conditional use application for a planned development and preliminary approval for condominium conversion. The proposal involves converting the existing office building to residential condominiums and adding residential condominium units to the parking structure. The planned development application is for approval of two principal buildings on one property, and to modify the rear yard requirements for the second building in the rear. The property is located in the CN zoning district (Neighborhood Commercial).

PUBLIC NOTICE

A notice of public hearing was mailed to all property owners within 450 feet of the subject property on August 7, 2007. The site was posted with a notice of public hearing on August 10, 2007.

COMMUNITY COUNCIL COMMENTS

This request was forwarded to the *East Central Community Council* for review but no comments were received prior to this report.

STAFF RECOMMENDATION:

Staff recommends approval of the conditional use for planned development (410-07-16) and preliminary approval of the proposed residential condominium conversion(480-07-23) subject to the following conditions:

1. All existing lots associated with the project shall be combined via the appropriate Planning Director-approved process for combining lots.
2. This approval extends to the final development plan subject to certification by the planning director that the final development plan is in conformance with the preliminary development plan approved by the planning commission.
3. Approval shall not be valid for a period longer than one year unless a building permit is issued and construction is diligently pursued. However, upon written request of the applicant, the one year period may be extended by the planning commission for such time as it shall determine for good cause shown, without further public hearing.
4. The final condominium plat, which creates the lot containing the condominium project, shall be recorded with the Salt Lake County Recorder.
5. Compliance with the departmental comments as outlined in this staff report.
6. Full compliance with the Utah Condominium Act of 1975 and the Condominium Approval Procedure regulations in the Salt Lake City Zoning Ordinance (Section 21A.56).
7. The execution and recording of the Declaration of Covenants. The Declaration of Covenants must be approved by the Salt Lake City Attorney for compliance with State of Utah and Salt Lake City Code requirements.
8. No condominium shall have final approval, or shall said units be sold, until the plat has been recorded with the Salt Lake County Recorder.

VICINITY MAP



Overview

The project area is located at approximately 450 South 900 East, in the CN (Neighborhood Commercial) Zoning District. The applicant proposes to convert an existing office building into 18 residential condominium units and add to the existing detached parking structure in the rear to accommodate two levels of living space for 8 residential units while retaining the parking areas. The front, larger building area is 24,600 square feet with a building foot print of 8,200 square feet; the building is three stories in height. The rear, smaller building area is 10,800 square feet with a building foot print of 8,100 square feet; the building would be 2 ½ stories in height.

Parking is currently accommodated by an existing two level parking structure located on the rear portion of the property. The parking structure will be remodeled as part of the development to create two additional levels for residential units with the parking underneath. Additional parking will be provided in between the buildings at grade level. Total number of parking stalls required is 40 stalls, and 44 stalls are proposed. The existing parking capacity is approximately 75 on site; therefore the conversion will cause a reduction in parking requirements.

Existing Conditions

The existing site is level with two existing structures – a 3-story office building and a detached, 2-level parking structure. The existing façade of the front building is primarily concrete and glass. All on site parking is located behind the office building and is accessed either via a 12-foot wide private alley (Simmons Place), or an access easement from 500 South.

Discussion

The applicant proposes to convert an existing office building into 18 residential condominium units and add to the existing detached parking structure in the rear to accommodate two levels of living space for 8 residential units while retaining the parking areas.

The planned development request stems from the regulation that prevents two principal buildings on the same lot and because of the rear yard requirement not being met. The existing buildings utilize seven existing lots, which should be combined into one lot to clear up the confusion of which improvements are on which lot and other problems with having buildings across multiple lots. Since combining the lots will be a recommended condition of approval, the applicant has submitted the request for the planned development. This also creates a conflict with the 16,500 sq. ft. limit for lot sizes in the CN zoning district. The resultant single lot would be approximately 26,500 sq. ft. The Zoning Administrator has provided a determination for this particular situation that nullifies the lot size maximum for this project. The reasoning includes the fact that the buildings exist, no new buildings are proposed, and the area affected has existed in its current configuration since the early 1970's. This determination is attached as "Exhibit C" for review. The planned development approval should recognize this determination.

The existing parking structure, which will be modified to include both parking and living units, encroaches into the rear yard. The applicant requests that the standard rear yard requirement for the CN district be modified with the approval of the planned development from 10 feet to zero feet as it currently exists. No further encroachment will occur.

The existing building exceeds the height limits for the CN zoning district, however as long as this proposed project utilizes the existing building and does not extend the height of it, other than the typical allowances on roof tops, the project will not be required to comply with the standard height limit. A zoning determination was made that would allow the existing front building to remain at its current height if it were merely remodeled and refaced, not demolished and replaced. This determination is attached as "Exhibit C" for review. The planned development approval should recognize this determination.

Comments

Public Comments

No public comments have been received as of the date this report was completed.

City Department Comments:

Fire Department:

Provide automatic fire sprinkler system and 3 fire hydrants. Provide local fire detection in dwellings, general fire detection in common areas. Fire extinguishers required (2A:10BC in dwellings, 4A:60BC in parking structure). Additionally, a list of standard fire department comments were provided that includes a list of 29 items the applicant will need to comply with as part of the construction of the proposed development after the subdivision process.

Public Utilities:

Jordan Salt Lake Canal may run through property, watch easements. If JSLC is on property, must show on new plat. 6" water mains, need to know fire demand. May need to replace 6" mains w/ current minimum (size 12"). Fire Department wants fire sprinklers, will need Civil Plans, and possible water main extension drawings in plan & profile. Will also need agreement & performance bond. There will be impact fees for sanitary sewer, fees go up July 1st. Need to add storm water detention. (0.2 cfs/acre is maximum discharge if parcel is more than one acre).

General Requirements:

All design and construction must conform to State, County, City and Public Utilities standards and ordinances. Utility design and construction must conform to Salt Lake City Public Utilities General Notes.

Fire Department approval will be required prior to Public Utilities approval. Fire flow requirements, hydrant spacing and access issues will need to be resolved with the fire department.

Sanitary Sewer and Water:

Utility plans showing all proposed and existing water and sanitary sewer connections for the two buildings within this lot must be submitted for review and approval. According to our records there is currently water and sanitary sewer connections to the mains for the existing buildings. Public Utilities will allow one master meter service to serve both buildings with culinary water. One additional metered service will be allowed for irrigation purposes only. The existing one-inch meter can be converted to provide irrigation only service. Fire connections must be separately connected at the main from the culinary and irrigation services. Calculations must be submitted showing anticipated sanitary sewer flows from this proposed subdivision. Public Utilities will use this information to determine if the downstream system is adequate to support these additional flows. City standard dictates the downstream pipes not exceeding 75% full.

Utility plans must show all proposed pipe routings, sizes, types, boxes, meters, detector checks, fire lines and hydrant locations. For all culinary water line services larger than 3-inches, the water meter size must be justified by submitting AWWA M-22 method calculations or by a Public Utilities' approved equivalent method. All gravity pipes must be designed and constructed to meet minimum allowable grades. Any potential conflicting private or public utility must be designed to meet minimum State and City separation standards. A minimum 1.5-foot vertical separation must be provided for between water and sewer crossings. All other utilities should have a minimum 1.5-foot separation with

a larger separation required between larger structures and pipes. A stamped geotechnical report must be provided to Public Utilities for review and approval. The engineer or contractor must obtain approval from Public Utilities for dewatering activities required during construction.

Storm Water Design and Construction

Drainage and grading plans must be submitted for review and approval. This development, shown to contain less than 1 acre in total acres and less than 15,000 square feet of impervious area will not be required to provide on-site detention. The engineer must show that enough hydraulic head is provided to drain storm water away from this subdivision. Appropriate water quality measures must be installed prior to connecting to the public drainage system. An engineered stamped drainage report is required showing all the above-mentioned requirements have been met. The developer must comply with UPDES Construction Storm Water Permits. At a minimum, silt fence must be provided along open drainage ways, hay bales must protect any existing grates or inlets and the City's clean-wheel ordinance must be followed. A copy of the proposed Storm Water Pollution Prevention Plan required for the UPDES permit must be submitted to Public Utilities for review and approval.

According to our records the Jordan and Salt Lake Canal crosses under the northeast corner of the property and possibly under the existing eastern building. This canal can not be disturbed and must be protected in place. No new construction will be allowed on or within fifteen-feet of either side of the canal. The canal must be shown on the plat along with the appropriate easement. The storm drain connection to the canal as shown on the plans will require additional review once the expected flow has been determined.

All sewer, water and storm drain connection agreements must be completed and fees paid in full prior to any approvals from our Department.

Building Services and Licensing:

The planned development needs to address; the maximum height requirements of 25 feet and 2½ stories, whichever is less, the maximum lot size requirement of 16,500 square feet and the rear yard requirement of 10 feet, for the C-N zone. Applicant will need to document parking calculations on the plans by indicating the total number of dwelling units, bedrooms, and parking stalls required and provided. A property report to the Building Official is required as outlined in the condominium plat application. Applicant will need to show compliance with façade controls and equipment screening as outlined in 21A.26.020.I.1-4. Applicant will need to determine how refuse will be addressed. Due to the change of use with increased occupant loads the applicant will need to address all provisions of the 2006 IBC and the currently adopted version of the ANSI standards. A seismic analysis will need to be performed per Section 3406.4 of the 2006 IBC.

City Engineering:

This submission consists of an office/professional building with parking structure in the rear, or west portion of the lot. This complex is to be converted to residential condominiums, and adding residential condominiums to the parking structure. 900 East Street is fully improved, and has all the required right-of-way. There are 2 panels of drive approach that are cracked sufficiently to require replacement, as per APWA Std. Dwg. #291, and about 85 feet of existing curb and gutter that meet the same criteria for replacement, and must be replaced. The curb and gutter shall be installed as per APWA 205 A, the drive approach shall be replaced as per APWA 222 or 225, whichever is existing, and the asphalt tie-in as per APWA 251. All of this work shall be completed by the applicant's contractor via a Public Way Permit to be obtained from the Engineering Division Office. An improvement drawing showing the required changes to the curb, gutter and drive approach as listed above must be submitted for approval.

Any required changes to the plat will be made known to the applicant's surveyor.

Transportation:

The proposed conversion from Office building use with on site parking of about 75 stalls to an 18 unit residential condominiums use with about 50 stalls is a reduction in traffic generation and therefore appropriate. The 900 East roadway frontage is an arterial class transportation corridor accessed per a 12' wide right of way (Simons Place). The existing access to 500 South is per an agreed easement per the abutting property at 470 South 900 East.

Per our DRT review February 15, 2007 the transportation division comments were for clarification of the revisions to access, definition of easements, circulation, and parking layout revisions and ramp upgrades. The existing parking structures' lower level is accessed by the 500 South driveway and the Simons Place right of way with pedestrian access to the rear yard per a stairway. The existing parking stalls are not impacted with support columns as proposed by the new development and the Simons access ramps are not to current city standards.

The upper level parking is accessed by the rear yard per Simons Place with a ramp that does not comply with current standards, (drawing notes refer to structural design drawings not submitted)

The rear yard at grade parking is accessed per Simons and has been proposed to provide only one ADA stall.

All proposed design items will need to be addressed per the review process for full compliance to current city design standards.

Staff Analysis (planned development)

In approving any planned development, the planning commission may change, alter, modify or waive any provisions of this title or of the city's subdivision regulations as they apply to the proposed planned development. No such change, alteration, modification or waiver shall be approved unless the planning commission shall find that the proposed planned development:

1. Will achieve the purposes for which a planned development may be approved pursuant to subsection A (planned development purpose statement) of this section (Section 21A.154); and

Analysis: The proposed planned development achieves the first and second purposes for which planned developments are an option. It will create a more desirable environment than would be possible through strict application of other city land use regulations by allowing for the residential use and density anticipated by the area's master plan while still complying with height limits which have been a concern in this area. It will allow utilization of existing structures and facilities and encourage infill of higher density while minimizing construction disturbance associated with complete demolition and new construction.

It will promote a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities by again, using existing buildings and facilities to foster a development that is encouraged by the area master plan. It results in a moderate density residential use located near a transportation corridor and the local neighborhood commercial centers, which is a desired effect.

2. Will not violate the general purposes, goals and objectives of this title and of any plans adopted by the planning commission or the city council.

Analysis: *The proposed planned development achieves the purposes for which they were instituted and does not detract from the general purposes of the zoning ordinance or any plans, master plans or otherwise, adopted by the planning commission or city council. The proposed development serves to comply with and further the goals of area's master plan to locate medium density residential uses on this property.*

Planned developments within the CN may be approved subject to consideration of the following general conceptual guidelines (a positive finding for each is not required):

- a. The development shall be primarily oriented to the street, not an interior courtyard or parking lot,
The principal building is primarily oriented to 900 East.
- b. The primary access shall be oriented to the pedestrian and mass transit,
The primary access will be oriented to the pedestrian and mass transit along 900 East.
- c. The facade shall maintain detailing and glass in sufficient quantities to facilitate pedestrian interest and interaction,
The proposed façade indicates detailing and glass in sufficient quantities to facilitate pedestrian interest. The development will be accessed primarily by those who reside in the building.
- d. Architectural detailing shall emphasize the pedestrian level of the building,
The proposed architecture is geared toward the pedestrian and is more welcoming than the current façade of the office building.
- e. Parking lots shall be appropriately screened and landscaped to minimize their impact on the neighborhood,
The parking will be located at the lower levels of the rear building, which will screen the parking from view and minimize impact on the neighborhood.
- f. Parking lot lighting shall be shielded to eliminate excessive glare or light into adjacent neighborhoods,
The parking structure will be lit but due to its location in the rear of the lot, no visual impacts are anticipated.
- g. Dumpsters and loading docks shall be appropriately screened or located within the structure, and
No information was provided in the application regarding location of dumpsters. That issue can be worked out during the final development phase, but must meet screening requirements.
- h. Signage shall emphasize the pedestrian/mass transit orientation.
As this is not a commercial or retail use, signage will be limited. There may be some type of nameplate and address sign but it must comply with the sign regulations for the CN district.

Perimeter Setback: The perimeter side and rear yard building setback shall be the greater of the required setbacks of the lot or adjoining lot unless modified by the planning commission.

The applicant proposes modification of the rear yard requirements from 10 feet to zero feet due to the fact that the existing parking structure is located zero feet from the rear lot line. No new encroachments are proposed.

Topographic Change: The planning commission may increase or decrease the side or rear yard setback where there is a topographic change between lots.

Not applicable in this development.

Standards for Conditional Uses

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

Analysis: *Section 21A.54.150 of the zoning ordinance establishes planned developments as conditional uses in all zoning districts.*

- 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.
Analysis: The proposed planned development achieves the purposes for which they were instituted and does not detract from the general purposes of the zoning ordinance or any plans, master plans or otherwise, adopted by the planning commission or city council. The proposed development serves to comply with and further the goals of area's master plan to locate medium density residential uses on this property.
- 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.
Analysis: The existing access to the development is suitable for this type of use proposed (residential) and will not degrade the service level of adjacent streets.
- D. The internal circulation system of the proposed development is properly designed.
Analysis: Parking for the development is accessed from both 900 East and 500 South. The parking structure provides adequate parking and circulation for the proposed residential use.
- 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.
Analysis: Some of the existing utility services are adequate for the proposed residential use, and those that are not must be upgraded to meet the department of public utilities' requirements.
- F. Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts.
Analysis: The buildings to be used for the planned development already exist on site. Any impacts related to the existing buildings and their locations have existed since the late 1970's. Additional height will be added to the parking structure as part of modifying it to accommodate two levels of residential units. However, this increase in height will occur in the rear of the lot and any increase in visual impact will be minimal compared to what is already there.
- G. Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood.
Analysis: The proposed building materials and architectural design is compatible with the adjacent neighborhood and will serve to enhance the neighborhood. The façade will be broken up more to make it more appealing to the public traveling along 900 East.
- H. Landscaping is appropriate for the scale of the development.
Analysis: The existing landscaping in the parking strip and directly in front of the building is appropriate for the development. The applicant will be required to comply with applicable landscaping requirements as part of the building permit.
- I. The proposed development preserves historical architectural and environmental features of the property.
Analysis: There are no historical architectural or environmental features on the property that need preservation. The building was constructed in the 1970's, which is not sufficiently old to gain historical status.
- J. Operating and delivery hours are compatible with adjacent land uses.
Analysis: The proposed use is for residential purposes; no uses that would utilize delivery hours are proposed.
- K. The proposed conditional use 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.
Analysis: The proposed residential use is compatible with the other residential uses in the neighborhood and will likely add to the value and desirability of the neighborhood. No adverse impacts are anticipated.
- L. The proposed development complies with all other applicable codes and ordinances.

Analysis: The applicant continues to work with the appropriate City departments and has been able to comply, or demonstrated ability and commitment to comply, with all other applicable codes and ordinances.

Staff Analysis (condominium conversion)

A. Zoning Administrator Duties and Responsibility: The zoning administrator shall perform a zoning compliance review and report the findings to the building official and the planning official. The review shall document the site plan compliance under the zoning ordinance.

Analysis: The building is currently in compliance as an existing office building located in the CN (Neighborhood Commercial) zoning district. All requirements of the Zoning Ordinance must be complied with in the issuance of a building permit. The existing seven lots that are affected by this development must be combined into one lot.

B. Building Official Duties and Responsibility: The building official shall obtain the zoning compliance review from the zoning administrator. The building official shall review plans for new construction to determine if such plans conform to applicable building codes.

Analysis: The Building Services Department will receive a property report and structural condition appraisal report for the proposed condominium project and the applicant must complete required repairs as identified by the Building Officials review. All requirements stated in the Building Officials review must be complied with prior to the issuance of a building permit.

C. Planning Official Duties And Responsibility: The planning official shall review the application, the zoning compliance review and related documents to determine compliance with requirements of Utah Condominium Ownership Act of 1975 and applicable provisions of this part.

Analysis: Planning Staff has reviewed the proposed preliminary condominium plat, the preliminary declaration of covenants and the zoning compliance review and finds that the preliminary plat and declaration of covenants are substantially compliant with the Utah Condominium Ownership Act of 1975. The final plat and declaration of covenants must comply with all of the requirements of the Utah Condominium Ownership Act of 1975 as well as all City Department requirements stated in this Staff Report.

Summary

The proposed planned development and condominium conversion has demonstrated compliance with, or the ability to comply with, all of the standards required of them. The issues of building height, lot size maximum, number of principal buildings, rear yard requirements are proposed to be modified or waived with this application and the applicant has demonstrated valid reasons for doing so. Each of these is discussed in the preceding report. Planning Staff supports the request subject to the recommended conditions of approval shown on the first page of this report.

ATTACHMENT 'A'
APPLICATION FORM

ATTACHMENT 'B'

SITE AND BUILDING DRAWINGS

ATTACHMENT 'C'

DEPARTMENT COMMENTS AND DETERMINATIONS ON HEIGHT/LOT SIZE