

DATE: February 28, 2007

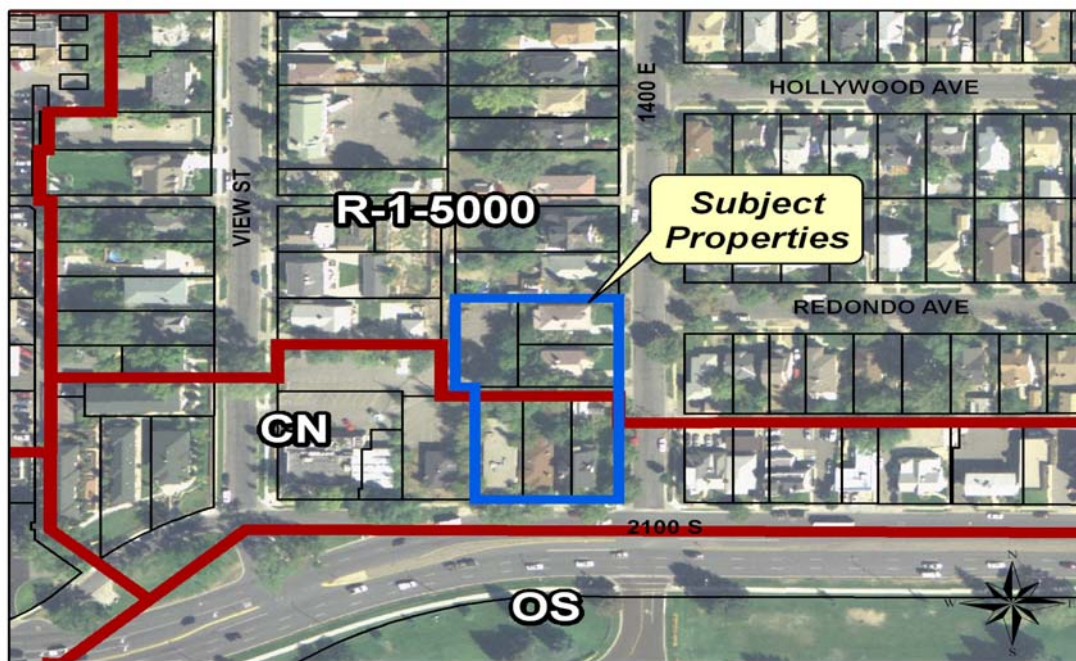
TO: Salt Lake City Planning Commission

FROM: Marilyn Lewis, Principal Planner

RE: Planning Commission Hearing for Petition 400-06-41 Zoning Map Amendment to Rezone 6 Properties, Petition 400-06-40 Sugar Mill Master Plan Amendment and Petition 400-06-42 Alley Vacation or Closure within the Proposed Sugar Mill Condominiums at approx. 1400 East and 2100 South Streets

ACTION:

The Planning Commission must transmit a recommendation to the City Council on whether or not to rezone the subject property as requested (thereby creating a zoning map amendment), to amend the Sugar House Community Master Plan and to vacate a portion of the existing alley based on the Analysis and Findings as stated below:



CASE #:

Petition 400-06-41 Sugar Mill Zoning Map Amendment

Requesting parcels to be rezoned from CN and R-1/5,000 to RMF-35
1381 E. 2100 South, 1385 E. 2100 South, 1391 E. 2100 South,
1998 S. 1400 East and 2006 S. 1400 East

Petition 400-06-40 Sugar House Master Plan Amendment

In the northwest quadrant of the intersection of 2100 South and 1400 East
Streets, Low Density Residential (5-10 dwelling units per acre)

Petition 400-06-42 Alley Vacation Closure

Located south of 2006 South 1400 East Street

COUNCIL DISTRICT: District 6

APPLICANT: Sugar Mill L.L.C.

STATUS OF APPLICANT: Property Owner(s)

PROJECT LOCATION: Approx. 1400 East and 2100 South Streets

PROJECT/PROPERTY SIZE:

As submitted by applicant (see Exhibit 1)

Proposed parcel #1			= 0.465 acres
1385 East 2100 South St.	16-16-354-032-0000	CN	
1391 East 2100 South St.	16-16-354-033-0000	CN	
1381 East 2100 South St.	16-16-354-031-0000	CN	
Proposed parcel #2			= 0.447 acres
1381 East 2100 South St.	16-16-354-026-0000	R-1/5,000 (parking lot)	
1998 South 1400 East St.	16-16-354-027-0000	R-1/5,000	
2006 South 1400 East St.	16-16-354-028-0000	R-1/5,000	
<u>Portion of Alley Vacation</u>			= 0.047 acres
Total			0.959 acres

SURROUNDING ZONING DISTRICTS:

North R-1/7000 (single- family)
South OS (open space)
East R-1/7000 (single- family) and CN (neighborhood commercial)
West R-1/5000 (single-family) and CN (neighborhood commercial)

SURROUNDING LAND USES:

North Residential
South Sugar House Park
East Residential and commercial
West Residential and commercial

REQUESTED ACTION:

Petition 400-06-41 is a request by the Sugar Mill LLC for a zoning map amendment to the adopted Sugar House Zoning Map to change properties currently zoned R-1/5,000 (single-family residential) and CN (neighborhood commercial) to RMF-35 (moderate density multi-family residential). In order to develop the six adjacent parcels the applicant is requesting that a portion of the adjacent alley (running east to west) be vacated under **Petition 400-06-42**. This request also requires an amendment to the adopted Sugar House Master Plan, which has also been filed with the City under **Petition 400-06-40**.

PROPOSED USE(S):

The applicant wishes to rezone the listed properties, in order to develop a 27 unit multiple-family structure with underground parking, to be sold as condominiums.

**APPLICABLE LAND
USE REGULATIONS:**

Section 14.52.02 Salt Lake City Council Policy Consideration for Closure, Vacation or Abandonment of City Owned Alleys

The City will not consider disposing of its interest in an alley, in whole or in part, unless it receives a petition in writing which demonstrates that the disposition satisfies at least one of the following policy considerations: Lack of Use, Public Safety, Urban Design and Community Purpose.

Section 21A.24.070 R-1/5,000 Single-Family Residential District

This district provides for conventional single-family residential neighborhoods on lots not less than five thousand (5,000) square feet in size.

Section 21A.24.130 RMF-35 Moderate Density Multi-Family Residential

The purpose of this district is to provide an environment suitable for a variety of moderate density housing types, including multi-family dwellings.

Section 21A.26.020 CN Neighborhood Commercial District

The CN neighborhood commercial district is intended to provide for small scale commercial uses that can be located within residential neighborhoods without having significant impact upon residential uses. The design guidelines are intended to reinforce the historical scale and ambiance of traditional neighborhood retail that is designed with the pedestrian as the primary user while ensuring adequate transit and automobile access.

Section 21A.34.060 Groundwater Source Protection Overlay District

The subject property is located within the Secondary Recharge Area of the Groundwater Source Protection Overlay District. There are no restrictions listed in Appendix B of the Zoning Ordinance for residential dwellings.

MASTER PLAN SPECIFICATIONS:

The Sugar House Generalized Future Land Use Map identifies the area of the subject property for Low-Density Residential and Neighborhood Business.

Low-density makes up the majority of the residential land use within the Sugar House community (with a desired 5-10 dwelling units per acre). While these areas are interspersed with some existing duplexes and a few multi-family dwellings, the desire is to preserve and protect the dominant, single-family character of the neighborhoods by

holding the density between five and ten dwelling units per acre.

The “Neighborhood Business” land use designations provide services, products and attractions on a small scale within close proximity to residential neighborhoods. This land use allows both residential and small business uses. Proposed development and land uses within the neighborhood business area must be compatible with the land uses and architectural features surrounding each site. These objectives are reflected in the current Zoning Map, which shows the subject area as R-1/5,000 (single-family residential) and CN (Neighborhood Commercial).

SUBJECT PROPERTY HISTORY:

The subject site contains two residential dwellings located in the R-1/5,000 zoning district that would be demolished based on this request, 2006 South 1400 East Street (built in 1910) and 1998 South 1400 East Street (built in 1924).

The subject site also contains three commercial properties located in the CN zoning district that would be demolished based on this request; 1391 East 2100 South Street (built in 1906 originally as a home), 1385 East 2100 South Street (built in 1916, originally as a home) and 1381 East 2100 South Street (originally built in 1950’s for commercial use). The property located at 1381 East 2100 South Street has received variances to allow the rear lot, located in the R-1/5,000 zoning district to be used for required parking for 1381 East 2100 South commercial property.

1381 East 2100 South Street

Case # 2769, in **1953** the applicant/property owner requested a variance from the Board of Adjustment to build a retail/office structure at 1381-1383 East on 2100 South Street. The applicant was requesting relief (15’ instead of 20’) from the residential setback of the then B-3 zoning district. The variance was granted by the Board.

Case # 3556, in **1957** the Electrical Workers Union #57 requested a dual variance from the Board of Adjustment to: a.) to construct an office building and small auditorium without providing the required off-street parking in the B-3 zoning district. The applicant would only be able to provide 9 parking spaces as opposed to the 14 required, and/or b.) to permit parking on a vacant (37’x55’) lot behind the address at 1381 East that was located in the R-6 zoning district.

The Board only ruled on the parking arrangements. They denied the request to reduce the number of required parking spaces, but approved the use of the 37’x55’ lot in R-6 zoning district to provide the additional spaces required.

Case #6641, in **1974**, Cecil Christensen submitted an appeal to the Board of Adjustment for a change of use, to convert a business building into an office building without the required 15 off-street parking spaces in the B-3 zoning district. (In the B-3 zoning district Business/retail building required 1 space per 300 sq. ft. and an office building required 1

space per 200 sq. ft.) The variance request was denied for the change of use, based on the applicant's inability to provide sufficient parking.

ACCESS:

Access to the subject property is proposed from 1400 East Street. This would take occupants, garbage removal and emergency vehicles into the underground garage. The applicant has stated that certain delivery vehicles and moving vans would not be able to access the garage. The applicant has also stated that they would consider access to the site and the underground garage entrance from 2100 South Street.

PROJECT DESCRIPTION:

The Sugar Mill LLC is proposing a 27 unit condominium development. The site would have two structures above ground with a connected underground parking facility. The site would also contain landscaping and connecting pedestrian pathways.

COMMENTS, ANALYSIS AND FINDINGS:

COMMENTS

1.) SUGAR HOUSE COMMUNITY COMMENTS

The applicant attended the November 1, 2006 meeting of the Sugar House Community Council and presented their proposal requesting that the subject properties be rezoned to RMF-35. Members of the Community also provided a presentation in opposition of the project. At that meeting residents were encouraged to come forward and give comments to the Sugar House Board. One resident spoke in favor and thirty spoke in opposition to the project. Once all of those present had spoken, the majority of the Board voted to not provide community support for the project.

Concerns and Comments from Residential Community

Some of the comments that were repeated by numerous residents from the community, at the Sugar House Community Council meeting, were as follows

- The proposed development is out of scale for the existing community,
- They were not opposed to development within the CN zoning,
- This will add to the vehicular traffic congestion in the area,
- The alley is used by vehicular and pedestrian traffic, a neighborhood connector,
- The residents took exception when the applicant stated that the community had numerous properties suffering from “deferred maintenance”,
- Residents were concerned with the potential number of units that would not be owner occupied.

Staff has received numerous letters and emails from members of the community. They are included in Exhibit 5.

Sugar House Community Council

The Sugar House Community Council (SHCC) submitted a letter expressing opposition to the proposed Master Plan Amendment, Zoning Amendment and Alley Closure (see Exhibit 4). The Sugar House community, through the master plan, intended for this

neighborhood to remain lower in density adjacent to small scale neighborhood commercial establishments providing a buffer from 2100 South Street. Higher density development will have a significant impact and alter the neighborhood. The SHCC recognizes that the entire alley as a positive design element. It provides a significant and safe pedestrian connection for the neighborhood.

2.) CITY DEPARTMENT /DIVISION COMMENTS

Plans were sent to the pertinent City departments and divisions for comment. The project was also reviewed at a Development Review Team meeting on November 20, 2006. All of the comments are included in Exhibit 4.

a. Transportation

The Division of Transportation review comments and recommendations are as follows:

- 2100 South is an arterial class roadway, there are two lanes west bound with curb side parallel parking, three lanes east bound with no on street parking and center turn lanes. 1400 East is a residential local roadway two way access with on street parallel parking. The intersection is “stop sign” regulated for the north and south legs. Curb & gutter, street lighting and sidewalks are existing. Future development will require up grades and repairs as needed.
- The proposed alley vacation and closure will require approval of all abutting property owners of the full alley to the north and access agreements across the parking lot to View St. in coordination with the property owner at 1371 East. We suggest closure of the alley to the north be included.
- As a preliminary review of the proposed development the parking structure layout and ramps, etc. need to comply with Salt Lake City design standards. The ramp indicates a 12.5% slope with no transitions shown. The parking stalls and column spacing does not indicate the one foot stall buffers. The new 20 foot wide driveway access needs to be reviewed for its location and function with regards to the alignment with Redondo Avenue street "T" intersection.
- It is recommended that a Traffic Impact Report be submitted to show any and all vehicular and pedestrian circulation patterns within the area as existing and future for evaluation of the proposed development.

The Transportation Division has also reviewed the Traffic Impact Study submitted by the applicant. The Traffic Impact Study was based on two different types of land uses. Transportation determined that while any new development will normally create an increase in traffic in the area, with either of the two land use options being considered, there is no decrease in the existing intersection capacity or the level of service.

b. Public Utilities

Public Utilities reviewed the three petitions and provided the following comments:

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

- Water and sewer services can be connected to the existing facilities along 2100 South or 1400 East Street. Plans must be submitted showing how the new water and sewer services will be connecting to the existing mains. The plans must show all proposed pipe routings, sizes, types, boxes, meters, detector checks, fire lines and hydrant locations. Culinary and fire connection must be separate connections at the main. For all culinary services larger than 3-inches, the water meter size must be justified by submitting AWWA M-22 method calculations or by an approved equivalent method. The engineer must provide calculations for expected peak sewer flows from this development. With this information Public Utilities will verify if the sanitary sewer system downstream for this development can handle these additional flows. If not, the developer will be responsible to provide offsite improvements as necessary to accommodate these additional flows. All existing water services not used must be shut down at the main and all existing sewer services that are not used must be capped at the property line per Salt Lake City Public Utilities standards.
- A grading and drainage plan must be submitted for this development. Storm water flows are not allowed to sheet flow onto adjacent lots. The development will not be required to provide on-site detention of the storm water. All finished floor elevations must be above the highest expected groundwater elevation.
- Fire Department approval will be required. Fire flow requirements, hydrant spacing and access issues will need to be resolved with the Fire Department.
- All existing easements must be provided before final plat recordation. If an existing sewer lateral or a water lateral service crosses through the property, an easement for that utility must be provided.
- All sewer, water and storm drain connection agreements must be completed and fees paid in full prior to any approvals from our Department. A \$343 per quarter acre drainage impact fee will be assessed for any new impervious surface added to this property. If offsite improvements are required, all construction must be bonded for by the developer.

c. Police

The Police Department reviewed the three petitions and commented that they were not able to find any significant issues or concerns.

d. Fire

The Fire Department did not have any major objections to the proposed project. According to the adopted codes the buildings would need fire sprinklers, and may require a dry standpipe system in the parking garage to aid firefighters in the event of a car fire because of minor fire access concerns. These issues would be addressed during building and fire plan review.

e. City Surveyor

The Surveyor stated that the alley is still a 12 foot wide dedicated public right of way. The dimensions and information shown on the survey for what portion of this alley is to be vacated is consistent with what we have on file.

f. Engineering

The Engineering Department has reviewed the project and comments are as follows:

- The alley they want to vacate might be used by residents in the neighborhood to navigate to 1400 East Street to access 2100 South Street. Typically, in an alley vacation request, I would recommend all residents impacted by a vacation be notified of the request and be allowed to comment.
- As for the public way inventory, all drive approaches considered “dead” be removed and type “A” curb and gutter be installed. The remaining curb and gutter should be inspected for defects in a pre-inventory carried out by our department, as well as any sidewalk not called out for replacement.
- At this point in time, I am not sure what civil improvements have been proposed, but Engineering will expect all public way improvements or existing conditions not replaced meet City Standards upon completion of the development.
- Finally, a Certificate of House Number shall be obtained from SLC Engineering prior to logging in any plans.

The Engineering Department also reviewed the Traffic Impact Study submitted by the applicant and determined that they had no additional comments.

g. Permits Office

The Permits Office provided comment based on review of the plans and a DRT meeting held on November 20, 2006.

1. The six lots associated with this development should be consolidated into one new lot as approved by the Planning Division.
2. A new certified address and a new tax parcel ID number need to be obtained for the new lot.
3. Planning Division approval required for Master Plan Amendment Petition #400-06-40.
4. Planning Division approval required for Zoning Map Amendment Petition #410-06-41.
5. Planning Division approval required for Alley Vacation Petition #400-06-42.
6. The project appears to exceed the density requirement of 9,000 square feet of lot area for the first 3 units and 2,000 square feet for each additional dwelling unit. This requirement applies to each building independently. You must start the density count for each building at the 9,000 square foot number.
7. For buildings whose principal means of entry is located along an interior side yard, the side yard must not be less than 12 feet, of which 8 feet must be devoted to landscape area per 21A.24.010.H.
8. The two exit stairs from the parking garage on the west side must meet the required 10 foot side yard setback requirement or receive approval for a variance.

9. The grade changes in the required rear yard setback for the parking garage entrance exceed the 2 foot maximum allowed and must receive approval for a variance.
10. A Landscape Plan is required meeting the landscaping requirements of 21A.48. Summary data tables and calculations should be provided.
11. A 10 foot wide landscape buffer will be required along the west property line where the project abuts single-family residential districts across the alley.
12. The surface coverage of the buildings may not exceed 60% of the lot. Please provide calculations.
13. Public Utilities approval required.
14. Fire Department approval required.
15. Transportation Division approval required for parking lot layout, vehicle circulation, access from public streets, driveway slope, etc.
16. Engineering Division approval required for all public way improvements, which would include street lighting upgrades, removing abandoned driveway approaches, installing new driveway approach, replacing defective public sidewalks, curb and gutters, etc.
17. Separate demolition permits will be required for each building to be demolished.
18. Impact fees in the amount of \$1,300.00 per unit will be assessed for the increased number of apartments.

h. Zoning Enforcement

Zoning Enforcement reviewed the petitions and determined that inspections are required by business licensing for the proposed multi-family residential structure.

i. Public Services – Streets Division

Public Services reviewed the plans and did not see any impact to their operations at Streets Division.

j. Property Management

Property Management reviewed the plans and determined that they do not object to the alley vacation. The alley must be closed by ordinance subject to any utility easements, and the Petitioner pay fair market value before title is transferred. In order to make a determination of the value, the Petitioner must provide an appraisal to Property Management for review.

k. Planning Staff Comments

Demolition – Demolition of the two existing residential units (2006 S.1400 East St. and 1998 S.1400 East St.) would be contingent upon approval of the Zoning Amendment and Master Plan Amendment that are associated with these petitions.

Subdivision Issues - If the project is approved the applicant must file for a Subdivision Amendment to combine all of the lots. The applicant must also file for a Preliminary Condominium for approval, after which they would be able to pull a building permit and file for Final Plat.

Driveway - Grade changes and retaining walls exceeding 2 feet in the required yards which are in keeping with the character of the neighborhood or essential for property development require approval from the Board of Adjustment. If a project is uncontested the Zoning Administrator may grant approval as a Routine & Uncontested Matter.

Landscape Buffer – If the project is approved the applicant must adjust the site plan to accommodate the following:

A 10 foot wide landscape buffer will be required along the west property line where the project abuts single-family residential districts across the alley. For buildings whose principal means of entry is located along an interior side yard, the side yard must not be less than 12 feet, of which 8 feet must be devoted to landscape area per 21A.24.010.H. The two exit stairs from the parking garage on the west side must meet the required 10 foot side yard setback requirement or receive approval for a variance. Relief for all of these issues will require filing a Variance with the Board of Adjustment.

Multiple Buildings on a Site - If the project is approved the applicant must file Planned Development Conditional Use. The aforementioned variances could be reviewed by the Planning Commission.

ANALYSIS AND FINDINGS

The Planning Commission must transmit a recommendation to the City Council on whether or not to rezone the subject property as requested (thereby creating a zoning map amendment), to amend the Sugar House Community Master Plan and to vacate a portion of the existing alley based on the Analysis and Findings as stated below:

I. MASTER PLAN AMENDMENT ANALYSIS

Review of Proposed Amendment in Relation to the policies listed in the Sugar House Community Master Plan in Low-Density Residential Areas

A. Support and enhance the dominant, single-family character of the existing low-density residential neighborhoods.

Finding: The applicant proposes to rezone the subject parcels and develop two multi-family condominium structures containing 27 dwelling units on a 41,774.04 square foot (0.959 acre) site, which is approximately 20,887 sq. ft. per building. The existing residential zoning is R-1/5,000 a low-density single-family zoning district. The Low-Density land use designation supports 5 to 10 dwelling units per acre. While a few other structures may exist, new development must adhere to the requirements of the Zoning Ordinance.

The applicant is proposing to rezone all of the subject parcels to RMF-35, moderate density multi-family residential zoning district. The Permits Division stated in their comments that the project appears to exceed the density requirement of 9,000 square feet of lot area for the first 3 units and 2,000 square feet for each additional dwelling unit. This requirement applies to each building independently. The density count for each building starts at the 9,000 square foot number. This does not take into account the area need to meet required setbacks.

Therefore, this proposal does not support or enhance the dominant, single-family character of the existing low-density residential neighborhoods.

B. Maintain the unique character of older predominantly low-density neighborhoods.

Finding: The applicant is proposing to develop two 35 foot tall multi-family structures. These buildings will over power all of the existing bungalow style single-family residential structures in the neighborhood. While the applicant is intending to use materials and design elements that would be similar to some of the existing single-family homes, the size and scale of the new structures is totally out of character with the older predominantly low-density neighborhood. The request is also contrary to the intent of the City's residential infill ordinance.

C. Prohibit the expansion of non-residential land uses into areas of primarily low-density dwelling units.

Finding: The applicant is proposing to develop a residential land use. Therefore, there will be no expansion of non-residential land uses into an area of primarily low-density dwellings.

Overall Finding of consistency with Sugar House Community Master Plan:

The proposed development is greater than the intended density set forth in the Low-Density land use designation, which supports 5 to 10 dwelling units per acre. The applicant is hoping to increase the local density to a moderate-density multiple-family land use designation. However, they have overshot the density of the RMF-35 zoning district. With approximately 20,887 sq. ft. per building, the first 9,000 going for the first 3 units and the remaining 11,888 divided by 2,000 square feet for each additional dwelling unit (resulting in 5.943 units). The approximate density is closer to 9 units per structure, or a total 18 units for the entire site.

The proposal to amend the Master Plan and rezone the parcels along 2100 South Street would also permanently eliminate the commercial uses. The proposed structures are out of scale and character with all of the surrounding existing structures. Therefore, this proposal is inconsistent with the Sugar House Community Master Plan.

II. ZONING MAP AMENDMENT ANALYSIS

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

Discussion: The Sugar House Master Plan identifies a need for businesses that provide basic necessities to be located adjacent to low-density residential communities. The commercial entities located on 2100 South Street, in the vicinity of the subject site, provide a buffer to the residences from the noise, light

and traffic. The master plan specifically recognizes the important role the neighborhood commercial uses play on 2100 South Street.

“Spot Zoning” is an issue that is constantly faced with regards to all of the City’s adopted master plans. Frequently property owners wish to utilize the space available to produce the highest yield. Communities work very closely with the Planning Division and the City Council to develop master plans that work to benefit the entire community, reduce impacts and provide development opportunities in appropriate locations. The change of zoning would require that the Sugar House Master Plan and Future Land Use Map be amended.

Findings: Rezoning the subject properties goes against the adopted Sugar House Master Plan because it allows development that is not compatible with the existing surroundings. It increases vehicular traffic congestion in and out of the Garfield neighborhood, while instigating a trend to dismantle the low impact commercial buffer along portions of 2100 South Street that protect the low-density residential area to the north.

The applicant has filed for a Master Plan Amendment, which the analysis is included as part of this staff report. The rezoning would pull higher-density residential uses away from the areas that would justify the extension of light-rail service to Sugar House. It further sets a precedent in Sugar House, as well as other communities, to allow “spot zoning”. Therefore, the proposed amendment is inconsistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.

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 character in the Garfield neighborhood of the Sugar House community is a combination of low density single-family residential dwellings and neighborhood commercial uses. The CN (neighborhood commercial) zoning district is a less intensive commercial zone. It allows commercial uses such as offices and retail service establishments that are more compatible next to low density residential land uses.

As previously stated, the CN zoning along 2100 South Street provides a buffer or transition for the low density residential neighborhood. A new neighborhood commercial use could be developed on the parcels in the existing CN zoning district in a manner that is functional and harmonious with the neighborhood character.

Finding: The CN zoning district allows for business that provide services to a residential neighborhood or do not carry negative impacts due to noise, traffic, lighting and visual aesthetics to the neighborhood. The adopted Sugar House

Master Plan clearly states that “Proposed development and land uses within the neighborhood business areas must be compatible with the land uses and architectural features surrounding each site.

The applicant is proposing to develop two 35 foot high structures adjacent to the existing neighborhood commercial and low-density residential structures. While the architect has made an attempt to mimic some of the materials in the neighborhood, the proposed buildings are larger and taller than any that currently exist. Therefore, the proposed amendment is not harmonious with the overall character of existing development in the immediate vicinity of the subject property.

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

Discussion: The majority of the properties in the vicinity of the subject site are low-density residential. They are predominantly single-family with neighborhood commercial located on much of 2100 South Street. On the south side of 2100 South Street is the very active Sugar House Park. Currently, those parcels zoned neighborhood commercial act as a buffer to the noise, traffic and visual impacts on the 2100 South Street corridor. Multiple-family dwellings are permitted in the CN zoning district, but at a lower density than what the applicant has proposed.

Findings: The Master Plan calls for these higher density projects to be located closer to the Sugar House Business District. If the zoning is changed to RMF-35 the density will be extremely intensified for the three parcels located in the R-1/5,000, as well as for any multiple-family development on the three parcels located in the CN district. This allows a more intense land use to encroach into the low-density single-family area, which goes against the Sugar House Community Master Plan. Therefore, the proposed amendment will 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: This site is located within the Secondary Recharge Area of the Groundwater Source Protection Overlay District. There are no restrictions listed in Appendix B for the Groundwater Source Protection Overlay District pertaining to residential dwellings.

Findings: All finished floor elevations must be above the highest expected groundwater elevation. Due to the proposed depth to construct the underground parking structure, Public Utilities will require the applicant to provide information on the ground water elevation.

Public Utilities will verify if the sanitary sewer system downstream for this development can handle the additional flow from post-development conditions. If not, the developer will be responsible to provide off-site improvements as necessary to accommodate these additional flows. Public Utilities will require oil separator devices for the underground parking garage. The applicant will need to provide additional information to Public Utilities before the proposed amendment can be determined to be consistent with the provisions of any applicable overlay zoning districts, and additional standards may be imposed.

Therefore, at this time it cannot be determined that the amendment is consistent with the provisions of any applicable overlay zoning districts, which may impose additional standards

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 input from pertinent City Departments and/or Divisions. Comments were received from the departments of City Surveyor, Transportation, Fire, Police, Public Utilities, Engineering, Zoning Enforcement, Public Services and Permits.

Comments from all of these departments and divisions are expressed in section 2.) *CITY DEPARTMENT /DIVISION COMMENTS* of this staff report, and included in Exhibit 3. Public Services and the Police Department were the only departments that did not have objections based on their services to the area. All others have determined that specific requirements have been identified and must be met, or that further detailed information/studies would be required if the City Council approves the project.

Findings: Comments have been provided by the pertinent City departments and divisions to identify issues that would need to be addressed if approval for the Master Plan Amendment, Zoning Map Amendment and Alley Vacation/ Closure is given by the City Council.

The Transportation Division determined that the proposed alley vacation/ closure requires approval of all abutting property owners of the full alley to the north and that closure of the alley to the north is also included. The Traffic Impact Study was based on two different types of land uses. Transportation determined that while any new development will normally create an increase in traffic in the area, with either of the two land use options being considered, there is no decrease in the intersection capacity or the level of service.

Public Utilities will require that all finished floor elevations are above the highest expected groundwater elevation. The applicant must provide information on the ground water elevation.

The City Surveyor determined that the alley is a City owned right-of-way. Property Management has determined the alley must be closed by ordinance subject to any utility easements, and the Petitioner pay fair market value before title is transferred.

Specific recommendations on the proposed development from these departments are typically made during the Preliminary Condominium application process. Therefore, a complete analysis of impacts on the adequacy of certain public facilities and services will require actual construction documents and additional studies be submitted.

III. ALLEY VACATION/ CLOSURE ANALYSIS

Section 14.52.02 of Salt Lake City Code: The City Council has final decision authority with respect to alley vacations and closures. A positive recommendation from the Planning Commission requires an analysis and positive determination of the factors below. The City will not consider disposing of its interest in an alley, in whole or in part, unless it receives a petition in writing which demonstrates that the disposition satisfies at least one of the following policy considerations:

- A. **Lack of Use.** The City's legal interest in the property appears of record or is reflected on an applicable plat; however, it is evident from an on-site inspection that the alley does not physically exist or has been materially blocked in a way that renders it unusable as a public right-of-way.

Discussion: The subject alley is part of the public right-of-way. The alley is not blocked or obstructed from use.

Finding: The alley is currently used by the residents for vehicular and pedestrian traffic. The alley also provides direct separation between the existing commercial and residential uses. The Transportation Division determined that they will require the entire alley be vacated, and that all of the property owners adjacent to the alley give their consent. Therefore, it is evident from an on-site inspection that the alley physically exists and is usable as a public right-of-way.

- B. **Public Safety.** The existence of the alley is substantially contributing to crime, unlawful activity or unsafe conditions, public health problems or blight in the surrounding area.

Discussion: The pertinent City departments and divisions submitted comments and concerns on the proposed project. Those comments are located in section 2.) ***CITY DEPARTMENT /DIVISION COMMENTS*** of this staff report, and included in Exhibit 3. The residents of the community stated that they were

concerned that the new development and absentee owners would provide new opportunities for crime in their neighborhood.

Finding: None of the City departments or divisions identified issues relating to the current function of the alley. In particular, the Police did not state any specific issues relating to crime or public safety. Therefore, the existence of the alley does not substantially contribute to crime, unlawful activity or unsafe conditions, public health problems or blight in the surrounding area.

- C. **Urban Design.** The continuation of the alley does not serve as a positive urban design element.

Discussion: the existing alley allows vehicles and pedestrians to maneuver through the network of community mid-block connections

Finding: The continuation of the alley provides a positive urban design element as mid-block access for the residents of the neighborhood.

- D. **Community Purpose.** The petitioners are proposing to restrict the general public from use of the alley in favor of a community use, such as a neighborhood play area or garden.

Discussion: The petitioners are proposing to restrict the use of the alley for personal use. The closure of the alley will allow the petitioner a contiguous site for the proposed development. Property Management determined that the petitioner must pay fair market value for the right of way if the alley closure is approved by the City Council.

Finding: The community is concerned that the closing of the alley and subsequent development will put numerous additional vehicles on 1400 East Street and encourage the use of other interior neighborhood streets as by-pass corridors for 2100 South Street. The Transportation Division recommends that a Traffic Impact Report be submitted to show any and all vehicular and pedestrian circulation patterns within the area as existing and future for evaluation of the proposed development. Therefore, the petitioners are not proposing to restrict the general public from use of the alley in favor of a community use, such as a neighborhood play area or garden.

Overall Summary Pertaining to Section 14.52.02 of Salt Lake City Code:

The Sugar House community is concerned about the increase to current traffic levels on the existing neighborhood streets with the closure of the alley. The Transportation Division has expressed the need for a Traffic Impact Study. The applicant submitted a Traffic Impact Study. The Transportation Division commented that the Traffic Impact Study submitted by the applicant did show evidence of increased traffic due to the proposed project, but would not cause failure of the intersection.

The closure of the alley will provide benefit to the current adjacent property owners (Sugar Mill LLC) by allowing them to develop on a contiguous parcel of land. This

proposed alley closure will not provide any substantial benefit to the existing residential or commercial users in the vicinity. The applicant would be required to pay the fair market value for the alley right of way.

Section 14.52.040 of Salt Lake City Code: Method of Disposition

If the City Council grants the petition, the city owned alley property will be disposed of as follows:

B. High Density Residential Properties And Other Nonresidential Properties: If the alley abuts properties which are zoned for high density residential use or other non-residential uses, the alley will be closed and abandoned, subject to payment to the city of the fair market value of that alley property, based upon the value added to the abutting properties.

RECOMMENDATION:

Based on the findings of fact identified in this report, staff recommends that the Planning Commission make the following recommendations to the City Council:

Petition 400-06-40 Master Plan Amendment: Policies as stated in the Sugar House Master Plan (A - C). The Planning Commission recommends denial based on the policies below:

- A. The proposal does not support or enhance the dominant, single-family character of the existing low-density residential neighborhoods.
- B. The proposal does not maintain the unique character of older predominantly low-density neighborhoods.

Petition 400-06-41 Zoning Map Amendment: Standards listed in the Zoning Ordinance (A - E). The Planning Commission recommends denial based on the standards below:

- A. The proposed amendment is inconsistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.
- B. The proposed amendment is not harmonious with the overall character of existing development in the immediate vicinity of the subject property.
- C. The proposed amendment will adversely affect adjacent properties.

Petition 400-06-42 Alley Vacation/Closure: Criteria listed in the Salt Lake City Code (A - D). The Planning Commission recommends denial based on the criteria below:

- A. The existing alley does not suffer from Lack of Use.
- B. The existing alley does not pose a threat to Public Safety.
- C. The existing alley serves as an Urban Design element.
- D. The proposed alley closure will not serve a Community Purpose.

Marilynn Lewis, Principal Planner
Planning Division

Attachments:

- Exhibit 1 – Copies of the Applications Submitted
- Exhibit 2 – Proposed Future Land Use Map
- Exhibit 3 – Comments from City Departments
- Exhibit 4 – Letter from Sugar House Community Council
- Exhibit 5 – Correspondence and Petition from Residents
- Exhibit 6 – Site Plans and Facades
- Exhibit 7 – Traffic Impact Study