

DATE: June 7, 2007
TO: Salt Lake City Planning Commission
FROM: Nick Britton, Principal Planner
RE: Staff Report for the June 13, 2007 Planning Commission Meeting

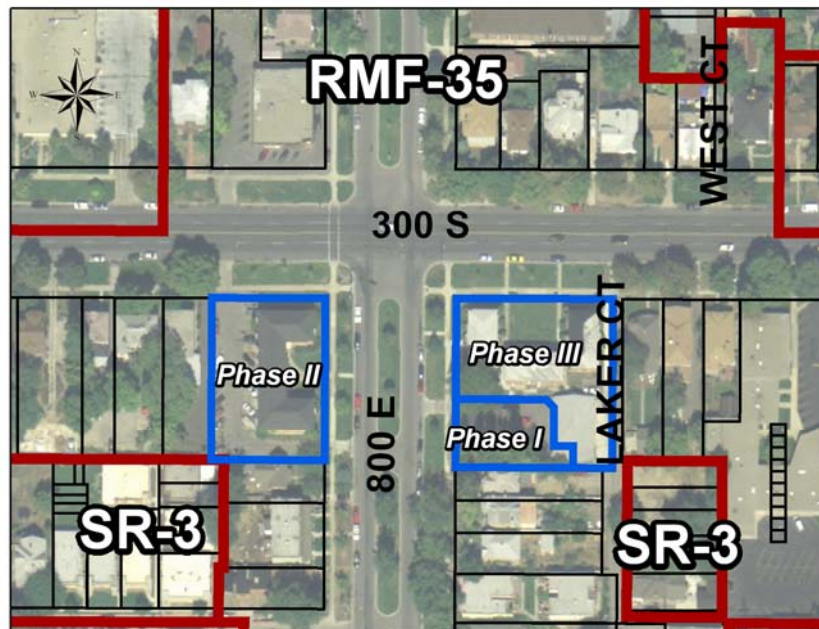
PETITION #: 480-07-07 (Phase III), 480-07-08 (Phase II), and 480-07-09 (Phase I), a condominium conversion request. These petitions were forwarded to the Planning Commission by the Administrative Hearing officer on April 19, 2007.

APPLICANT: MLRE, LLC

REQUESTED ACTION: The applicant requests minor subdivision approval to convert three apartment buildings located at 319 South 800 East, 310/320 South 800 East, and 804/808/818 East 300 South. The Planning Commission is the approval body for condominium conversions.

STATUS OF APPLICANT: Property owner

PROJECT LOCATION: Approximately 800 East and 300 South (note exact addresses above)



PROJECT/PROPERTY SIZE: Approximately 1.01 acres

COUNCIL DISTRICT: District 4, Councilmember Nancy Saxton

PROPOSED USE(S): Residential condominiums

SURROUNDING ZONING DISTRICTS:

North	RMF-35 (Moderate Density Multi-Family Residential District)
South	RMF-35 (Moderate Density Multi-Family Residential District)
East	RMF-35 (Moderate Density Multi-Family Residential District)
West	RMF-35 (Moderate Density Multi-Family Residential District)

SURROUNDING LAND USES:

North	Single Family Residential
South	Single Family Residential
East	Single Family Residential
West	Multi-Family Residential

PROJECT DESCRIPTION:

MLRE, LLC is proposing to convert five existing apartment buildings into condominiums. The proposed conversion is in three stages as follows:

- Phase I: A 6-unit apartment building located at 319 South 800 East.
- Phase II: A 16-unit apartment building located at 310/320 South 800 East.
- Phase III: Three apartment buildings with a total of 14 units located at 804, 808 and 818 East 300 South.

There are 36 total units in the project. There is no redevelopment of the buildings proposed as part of these petitions. The existing buildings have a total of 40 parking stalls, as documented by a field inspection conducted by the Transportation Division. The required number of spaces is 72 (two parking stalls per unit). However, because the buildings are existing structures and there is no intensification of the use, the existing parking is deemed adequate.

The three petitions were heard at an administrative hearing on April 19, 2007 (see Exhibit C for the minutes). Several current tenants and neighbors of the project voiced their objections at the hearing. Most of the objections were focused on the quality of the buildings, especially 319 South 800 East, and concerns that one of the buildings was used as a methamphetamine lab. Current residents of the apartment buildings that are being converted into condominiums also expressed concern with the lack of affordable housing for people who rent in Salt Lake City. As a result, the administrative hearing officer forwarded the petitions to the Planning Commission.

Section 21A.56.040A(5) notes that where conversion of an existing residential building is proposed, “proof of notice to occupants shall be required before final approval.” This notice shall provide the purchasing price of the units, scheduled improvements, and any financing incentives being offered to current tenants to assist in the purchase of their units. The notice must include the final date, no earlier than ninety (90) days after the notice date, of tenants’ action (vacation or purchase of the unit). Relocation information, including applicable agencies and services offered by the owner or developer, shall also be included in the notice.

APPLICABLE LAND USE REGULATIONS:

Chapter 20.20: Minor Subdivisions

Chapter 21A.56: Condominium Approval Procedure

MASTER PLAN SPECIFICATIONS:

The Central Community Master Plan, adopted in 2005, identifies the subject parcels on the Future Land Use Map as “Medium Density Residential (15-30 dwelling units/acre)”. The residential land use goals for the Central Community Master Plan are as follows:

- Encourage the creation and maintenance of a variety of housing opportunities that meet social needs and income levels of a diverse population.
- Ensure that new development is compatible with existing neighborhoods in terms of scale, character, and density.
- Encourage a variety of housing types for higher-density multi-family housing in appropriate areas such as East Downtown, the Central Business District, the Gateway area, and near downtown light rail stations to satisfy housing demand.
- Discourage any compromise to the livability, charm, and safety of the neighborhoods or to the sense of a healthy community.

COMMENTS:

The comments received from pertinent City Departments/Divisions and the Community Council are attached to this staff report for review. The following is a summary of the comment and concerns received.

City Department/Division Comments

A. Building Services

The Building Services Division is currently reviewing the property reports for each of the buildings. The property reports describe the condition of the structure and its electricity, plumbing, and mechanical systems.

B. Engineering (Randy Drummond):

Engineering remarked that there are multiple sidewalk repairs that need to be made and new corner curb cut accesses need to be installed in Phases II and III. The developer’s

consultant will need to submit detailed drawings to the Engineering Division showing how these will be taken care of before the final plat can be signed.

C. Fire (Ted Itchon)

The Fire Department asked for clarification regarding the number and location of fire hydrants for the project. This issue must be resolved before the final plat will be signed by Public Utilities.

D. Planning (Doug Wheelwright)

A final condominium plat will be required to complete this condominium project. Existing parking, landscaping and site improvements shall be determined by Planning Staff to be adequate and in good condition or repaired and upgraded before the final plat is signed.

E. Police (Dave Doepner)

The Salt Lake City Police Department provided staff with a data request for the property at 319 South 800 East in response to concerns that there may have been a Methamphetamine lab at this location. From 2002 to present, there were no reports of such activity. Mr. Doepner indicated that there is a possibility that such activity did take place but it was never reported. His letter and a table summarizes the calls and reports for this address is attached to this staff report.

F. Public Utilities (Jason Brown)

The applicant will need to work with the Fire Department to resolve any issues regarding fire hydrant spacing and access before Public Utilities approval. Public Utilities also noted that the Jordan and Salt Lake Canal runs through Phase II of this conversion and prior to final approval of the plat, this easement will need to be shown on the plat (with the book and page number). No buildings or any other structures can be located within the easement. Finally, if any water, fire, sewer, or drainage lines cross into a neighboring property, easements must be provided for the utility.

G. Transportation (Barry Walsh)

The proposed conversion presents no anticipated change in traffic generation for existing public way corridors. Transportation was concerned that condominium owners may expect that the complex is compliant with City standards of two stalls per unit. The Zoning Ordinance requires 72 parking spaces for 36 units but only 40 currently exist. The owners need to be informed that there is only one stall available per unit in the condominiums' declaration and bylaws.

Community Council Comments

A. East Central Community Council

Community Council review is not required under the subdivision ordinance. This request was not presented to any Community Council.

ANALYSIS AND FINDINGS:

STANDARDS FOR APPROVAL

Section 20.08.210 of the Salt Lake City Code defines condominiums as minor subdivisions. Section 20.20.020 of the Salt Lake City Code addresses “Required Conditions and Improvements” and indicates that a minor subdivision shall conform to the standards specified in Section 20.28.010, or its successor, of this Title, and shall meet all of 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;

Analysis: The existing structures are residential apartment buildings in the RMF-35 Zoning District. The proposed condominium conversion involves no new exterior physical redevelopment that would be out of character in a residential neighborhood. The subdivision proposal has no impact on the character of the surrounding area.

Finding: The minor subdivision conforms to the general character of the surrounding area.

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

Analysis: Phase I (319 South 800 East) consists of six units on a parcel that is approximately 7,409 square feet and the frontage consists of 140 feet. The RMF-35 Zoning District requires 9,000 square feet for the first 3 units and 2,000 square feet for each unit thereafter up to 11 units. Thus, Phase I is legally non-complying.

Phase II (310-320 South 800 East), 16 units, contains 19,065 square feet and its frontage along 800 South is approximately 330 feet. The zone would typically require 30,000 square feet for 16 units (26,000 square feet for 12 units and 1,000 square feet for each additional unit), and so Phase II is also legally non-complying.

Finally, Phase II (804, 808, and 818 East 300 South) has a total of 14 units. Its lot is 21,069 square feet and has frontage along 300 South of approximately 330 feet. The zone would typical require 28,000 square feet (26,000 square feet for 12 unit and 2,000 for the additional two units). Phase III is legally non-complying.

Finding: The three phases are legally non-complying as to lot size based on the number of units for each phase. However, because the proposals consist of existing structures and do not create any additional non-compliance, the proposals meet Standard B.

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

Analysis: An easement is necessary for Phase II of this project which contains a portion of the Jordan and Salt Lake Canal. This must be shown on the final plat along with a book and page number for the easement, according to Public Utilities.

Finding: All necessary utility easements will be dedicated as a condition of approval.

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

Analysis: As a condition of approval, water supply and sewage disposal will be adequate and found to be satisfactory to the City Engineer and the Public Utilities Department prior to final plat recording.

Finding: The proposed condominium conversion will require satisfactory water supply and sewage disposal before the final plat can be recorded.

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

Analysis: Public improvements will be addressed through the Building Permit process and the final plat process prior to recording.

Finding: Any public improvements necessary will be required prior to the recording of the final plat.

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 grant preliminary approval for the requested minor subdivision, a condominium conversion project entitled City Haven at approximately 300 South and 800 East. The recommendation for approval is based on the findings discussed in this Report and on the following findings:

1. The applicable City Departments have consented to the minor subdivision, subject to compliance with the departmental comments stated in this Staff Report.
2. The minor subdivision will be in the best interest of the City.
3. All necessary provisions for the construction of any required public improvements will be required pursuant to recording the final condominium plat.

CONDITIONS OF APPROVAL:

1. Approval is conditional upon compliance with departmental comments as outlined in this staff report. Any improvements required by the Building Official based on the property report must be completed prior to the recordation of the condominium plat.
2. Any necessary public improvements or modifications to the water supply and sewage disposal must be made prior to the recording of the final condominium plat.

3. The submittal of a final condominium plat is required and shall conform to the requirements of Chapter 21A.56 – Condominium Approval Procedure and the Utah Condominium Ownership Act of 1975.
4. Proof of notice to occupants, as outlined in Section 21A.56.040A(5) of the Zoning Ordinance, shall be provided by the applicant.
5. The bylaws for the condominium must state that each unit only has one off-street parking space and residents must be notified on the parking restriction.
6. Any future redevelopment activity associated with the properties will require that all inadequate or absent public improvements be installed in accordance with the departmental comments noted in this staff report. Additionally, any future redevelopment will be subject to the requirements of the zoning ordinance.

Nick Britton, Principal Planner
May 28, 2007

Attachments:

- Exhibit A – Department/Division Comments
- Exhibit B – Administrative Hearing Minutes (April 19, 2007)
- Exhibit C – Preliminary Condominium Plat (Phase I)
- Exhibit D – Preliminary Condominium Plat (Phase II)
- Exhibit E – Preliminary Condominium Plat (Phase III)

Exhibit B
Administrative Hearing Agenda
and Minutes (April 19, 2007)

Exhibit C
Preliminary Condominium Plat
(Phase I)

Exhibit D
Preliminary Condominium Plat
(Phase II)

Exhibit E
Preliminary Condominium Plat
(Phase III)