

# PLANNING COMMISSION STAFF REPORT

## Deville Cliff Preliminary Condominium Conversion/Minor Subdivision 480-07-28 at approximately 633 East Fourth Avenue November 28, 2007



Planning and Zoning  
Division  
Department of Community  
Development

**Applicant:**

Drew Neidert

**Staff:**

Ana Valdemoros,  
Associate Planner  
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**Tax ID:**

0932310023

**Current Zone:**

SR-1A Special Development  
Pattern Residential District

**Master Plan Designation:**

Low Density Residential Uses

**Council District:**

District 3, Councilmember Eric  
Jergensen

**Acreage:**

0.34 acres

**Current Use:**

Multi-family Residential

**Applicable City Code Land Use  
Regulations:**

- Section 20.08.210
- Section 20.20.020
- Section 20.20.070
- Section 20.28.010
- Section 21A.56.060

**Attachments:**

- A. Department Comments
- B. Preliminary Plat
- C. Minutes

**REQUEST**

Drew Neidert requests preliminary approval to convert the existing fourteen (14) unit apartment building into fourteen (14) condominium units. This petition was forwarded to the Planning Commission by the Administrative Hearing Officer on October 18, 2007.

**PUBLIC NOTICE**

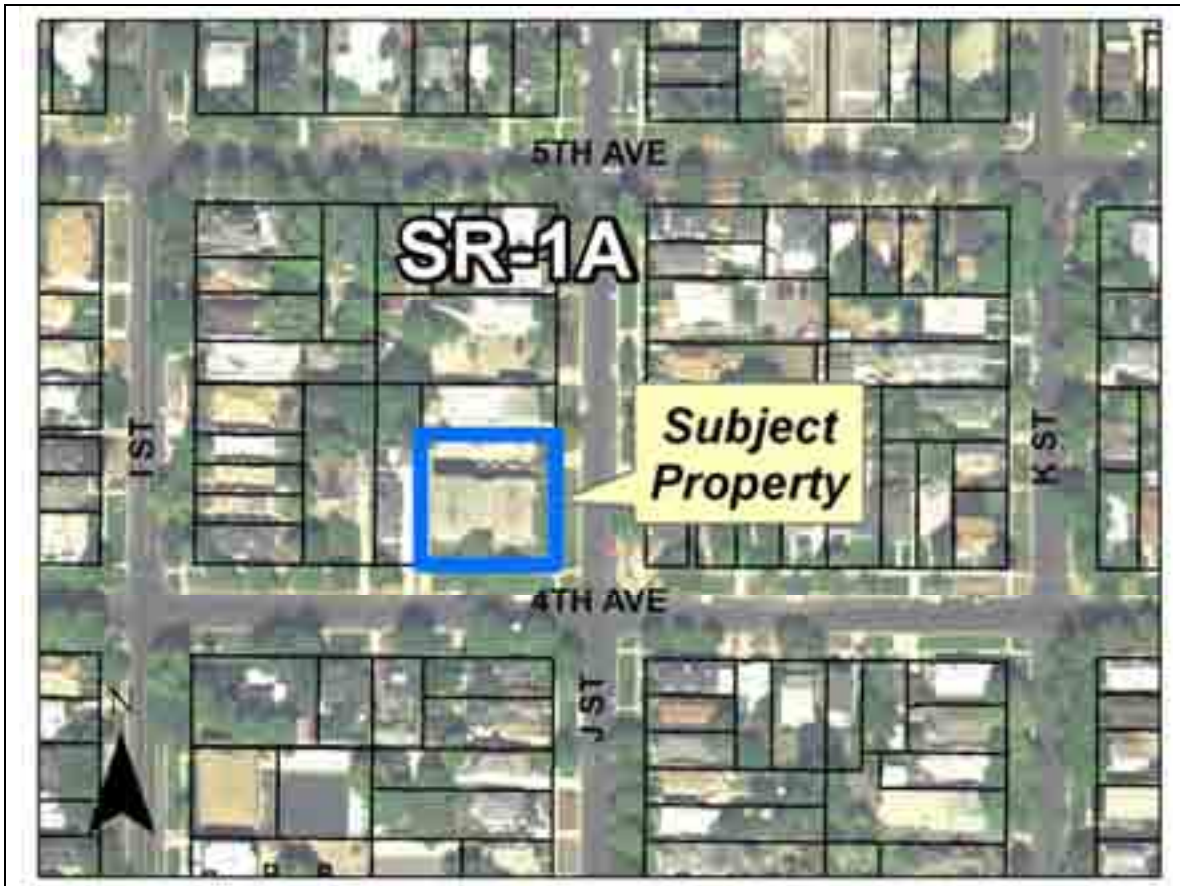
Notice of the proposed preliminary condominium conversion/ minor subdivision was mailed to all property owners within four-hundred fifty feet (450') of the subject property at least fourteen (14) days prior to the scheduled administrative consideration. The subject property was posted by planning staff with a notice of the public hearing on a sign at least fourteen (14) days in advance of the public hearing. Community Council review is not required under the subdivision ordinance. As of November 21, 2007 no comments have been received.

**STAFF RECOMMENDATION**

Planning Staff finds the request consistent with Section 20.20.070 of the Subdivision Ordinance and Section 21A.56.060 (Condominium Approval and Procedure of the Zoning Ordinance) and recommends that the Planning commission grant preliminary condominium conversion and minor subdivision approval subject to the following conditions:

1. Approval is conditioned upon compliance with all departmental comments as outlined in this staff report. If during the building permit review process, additional requirements are stipulated by the Building Department, the applicant shall satisfy said requirements prior to the recording of any approved final condominium plat.
2. Upon preliminary approval, the Petitioner shall submit for Final Plat approval with the Salt Lake City Planning Division, which is necessary to prepare a final plat to be recorded in the Salt Lake County Recorder's Office. The final condominium plat submittal shall conform to the requirements of Chapter 21A.56 of the Zoning Ordinance – Condominium Approval Procedure.
3. Any future development activity associated with the properties will require that all substandard or absent public improvements be installed in accordance with the departmental comments noted in this staff report. Any future redevelopment shall be subject to the requirements of the zoning ordinance.
5. 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.
6. No condominium shall have final approval, or shall said units be sold, until the Final Plat Mylar has been recorded with the Salt Lake County Recorder.

## VICINITY MAP



### **Project description and background:**

Drew Neidert is proposing to convert fourteen existing apartment units into condominiums. There are 14 two-bedroom units in the building. There is no major alteration of the building proposed as part of these petitions. The existing building has a total of 14 parking stalls, as documented by the site plan and the property report. The current off-street parking requirement is 28 (two parking stalls per two-bedroom unit, according to table 21A.44.060F). However, because the buildings are existing structures and there is no intensification of the use, the existing off-street parking requirement is not required to be increased.

The petition was heard at an Administrative Hearing on October 18, 2007 (see Exhibit C for the minutes). Current tenants and interested citizens voiced their objections at the hearing. Most of the objections were focused on the property owner-tenant relationship and noticing of the conversion. Also current residents of the apartment building expressed concern with the lack of affordable housing for people who rent in Salt Lake City. Additionally, citizens expressed that the existing parking stalls were not sufficient, that by converting to condominium the land use was being changed and that because the Planning Commission had previously decided to redefine the condominium conversion standards, this petition should be reviewed by that body. As a result, the Administrative Hearing Officer forwarded the request 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.

## **COMMENTS**

### **City Department Comments**

The comments received from pertinent City Departments/Divisions are attached to this staff report. The following is a summary of the comments received (see Exhibit A for the full review).

#### **Building Services:**

Mr. Butcher commented that the structure was constructed in 1942 and the property is recognized as a 14 (fourteen) unit apartment building. Mr. Butcher also noted that the property report site plans showed only 13 parking stalls. Moreover, he mentioned that the property report was incomplete and that he was unable to forward the report to Building Official Mr. Goff until the report was complete. Staff was notified by the building Official that he had contacted the applicant and arranged to address the property report issues. The Building Official gave a positive recommendation on this proposal upon the completeness of the property report (this includes correcting the site plan showing the current 14 parking stalls, instead of the 13 stalls that Mr. Butcher had seen before in the original report site plan). The building Official said that the plat will not be signed until the Code upgrades receive the proper permits, inspections and final approvals. (See exhibit A for the full review).

#### **City Engineering:**

Mr. Drummond from the Engineering Division recommended that on-site improvements be addressed in replacing the rear driveway with new concrete or asphalt. To accomplish this, an improvement drawing should be provided showing the extent of the improvements to be installed. After the drawing has been approved, all necessary improvements will be completed via a Public Way Permit that the applicant's contractor will obtain from the Engineering Division Office. Please see the attachments for a full description of improvements recommended.

#### **Fire Department:**

Mr. Itchon reviewed this request and requested additional information on local smoke detection in each of the units, heat detection be provided in the laundry/storage room, show the location of the fire extinguishers and its ratings, and fire suppression systems and its capabilities. A full description of the comments can be read in the attachments.

#### **Police:**

The Police Department did not submit any comments.

#### **Public Utilities:**

Mr. Brown from the Salt Lake City Public Utilities Department has reviewed the above-mentioned petition and finds that before signing the plat the applicant needs to submit construction plans for any site or exterior work for review and approval. Also, since the building has never paid sewer impact fees, the applicant needs to pay a sewer impact fee of \$545 per unit or a total fee of \$7,630 for 14 units.

**Planning Division:**

This proposal is located in the Greater Avenues Community Council. The property is zoned SR-1A (Special Development Pattern Residential District). The 14-unit building was constructed in 1942 and in 2003 it received a Zoning Certificate authorizing its use as a 14 unit apartment building. The two bedroom 14 unit apartment building provides 14 parking stalls as shown in the property report as well as in the site plan the applicant submitted. Eventhough, current standards require one parking stall per room, therefore requiring 28 parking stalls, the building was built in 1942 previously to any off-street parking regulations by the zoning ordinance. A final condominium plat shall be required to complete this condominium project. All rights-of-way and easements shall be shown on the final plat.

**Transportation:**

Mr. Walsh from the Transportation Department commented that Fourth Avenue and “J” Street are residential class roadways and that the conversion to individual condominium status ownership will not impact the public transportation corridors by increasing traffic generation. He also recommended that notification be given to future owners that only one parking stall is available for each of the existing 14 units. In addition, Mr. Walsh requested that Public Way improvements (street lighting upgrades) and repairs as needed are subject to Engineering reviews.

**Staff Analysis and Findings**

Section 20.08.210 of the Salt Lake City Code defines condominiums as a minor subdivision, and Section 21A.56.060 provides standards for the condominium conversion process. 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.**

*Finding:* The proposal is compatible with the general character of the surrounding area and surrounding uses. The property’s use has been an apartment building since 1942 and has also received a zoning certificate authorizing the use as a 14 unit apartment building in 2003. The conversion does not affect the property or the surrounding area since it will remain the same use. The property is zoned SR-1A (Special Development Pattern Residential District)

- B. Lots created shall conform to the applicable requirements of the zoning ordinances of the City.**

*Finding:* No new lots will be created. However, the proposed condominium conversion must satisfy the provisions of 21A.56.060 condominium approval procedures.

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

*Finding:* No utility easements are required for dedication.

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

*Finding:* Water supply and sewage disposal exist. Prior to the issuance of a final plat, the applicant must ensure that these facilities will be adequate and found to be satisfactory to the City Engineer and the Public Utilities Department.

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

*Finding:* Public improvements will be addressed through the Building Permit process and final plat process prior to recordation of the Final Plat.

In addition, if no objection is received, the Planning Commission must find that request is consistent with the standards outlined in Section 20.20.70:

**A. The subdivision will be in the best interest of the City.**

*Finding:* The proposal is to convert an existing 14 unit apartment building into a 14 condominium units. Staff finds that the subdivision will be in the best interest of the City because the conversion does not affect the property or the surrounding area since it will remain the same use. The only change is the ownership.

**B. All lots comply with all applicable zoning standards.**

*Finding:* The apartment building is located in the SR-1A zoning district where multifamily dwellings are not a permitted use. The building is currently non-compliant with yard and height requirements. Nonetheless, a Zoning Certificate Case Number 3004926 issued on May 4, 2003 determined that the authorized use was a 14-unit apartment building, making the use legal non-conforming. The use shall be allowed to continue as long as it does not result in change of use or increase or create any new non-compliance.

**C. All necessary and required dedications are made.**

*Finding:* No necessary or required dedications are asked of the applicant.

**D. Provisions for the construction of any required public improvements are included.**

*Finding:* No public improvements have been required of the applicant. In addition, if any Public Way improvements (street lighting upgrades) and repairs are scheduled by the applicant, all of these are subject to Engineering reviews.

**E. The subdivision otherwise complies with all applicable laws and regulations.**

*Finding:* Staff finds that the condominium conversion and minor subdivision request complies with all applicable laws and regulations.

**F. The minor subdivision does not materially injure the public or any person and there is good cause for the subdivision.**

***Finding:*** Staff finds that the proposal to convert an existing 14-unit apartment building into 14 condominium units does not materially injure the public or any person and there is good cause for the subdivision.

# **Exhibit A**

## **Department Comments**

# **Exhibit B Preliminary Plat**



# **Exhibit C Minutes**