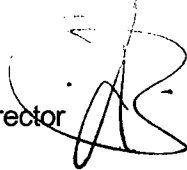


Memo



Department of Community Development
Office of the Director

To: George Shaw, Planning Director

From: Louis Zunguze, Community Development Director 

Date: October 19, 2007

CC: Mary De La Mare-Schaefer, Community Development Deputy Director
Joel Patterson, Planning Programs Supervisor

Re: Watts Enterprises Development Agreement

As you are aware, Salt Lake City has received a request from Watts Enterprises to amend a 1997 development agreement between the City and the company for the Almond Street Townhouse Condominium project. The development company is seeking changes to the agreement to make it consistent with its current development proposal. The City Attorney's Office has determined that the Community Development Director, with the consent of the developer, has the authority to amend the development agreement. Before making a determination on this amendment request, I am asking that you seek formal input from the Planning Commission regarding the impact and compatibility of the amendments proposed by the developer.

The area in which the property for the proposed development is located is zoned RMF-45 (Moderate/High Density Multi-Family Residential). While this zoning allows a maximum of 60 residential units to be developed on the site, the 1997 development agreement limits this development to 34 residential units with a minimum of 80 parking stalls. Despite the allowance of up to 34 units through the agreement, the developer, because of cost issues, sought and obtained approval in 1999 through the Historic Landmark Commission for a 17-unit project. This change was not reflected through an amended development agreement. To date, the developer has only constructed four of the 17 units.

The developer is now seeking to expand the project from a 17-unit project to a 22-unit development with 74 parking stalls (44 required stalls and 30 guest stalls). In addition to an amended development agreement, this proposed change in the development will require approval from the Historic Landmark Commission (HLC). While the HLC will have final design approval authority on the proposed project change, I would like input from the Planning Commission on issues that include the following:

- Compatibility of the proposed density to surrounding development patterns
- Appropriateness of proposed number of parking stalls in relation to the traffic and circulation in the area
- Specific requirements of the RMF-45 zoning district

Please contact me with any questions. Thank you for your attention to this matter.

Communication to the Planning Commission



Department of Community Development
Division of Planning & Zoning Enforcement

To: Members, Salt Lake City Planning Commission

From: Joel Paterson, AICP, Planning Programs Supervisor

Date: October 19, 2007

CC: Louis Zunguze, Community Development Director
Mary De La Mare Schaffer, Community Development Deputy Director
George Shaw, Planning Director
Cheri Coffey, Deputy Planning Director
Doug Wheelwright, Deputy Planning Director
Members, Salt Lake City Historic Landmark Commission
Russ Watts, Watts Enterprises
Polly Hart, Capitol Hill Community Council Chair

Re: Proposed Amendment to a Development Agreement between Watts Corporation and Salt Lake City Corporation regarding the Almond Street Condominium project located at approximately 289 North Almond Street and 286 North West Temple.

REQUEST

Louis Zunguze, Community Development Director, is requesting the Planning Commission to review the proposed amendments to a 1997 Development Agreement affecting the Almond Street Townhouse Condominium project, located at approximately 289 North Almond Street and 286 North West Temple. The purpose of the October 24, 2007 Issues Only public hearing is to allow the Planning Commission to hear public comment and to forward a recommendation to the Community Development Director indicating whether the amended development agreement represents an appropriate development density for this site.

INTRODUCTION

The applicant, Watts Enterprises (Watts) has requested, as part of a proposed amendment to the Almond Street Townhouse Condominiums, to amend a 1997 development agreement between the applicant and Salt Lake City. The original development agreement limited development on the site to thirty-four (34) residential units with a minimum of eighty (80) parking stalls. The site is approximately 1.39 acres and is zoned RMF-45 Moderate/High Density Multi-family Residential. The purpose of this district is to, “provide an environment suitable for multi-family dwellings of a moderate/high density.” The proposed development is subject to the Salt Lake City Zoning

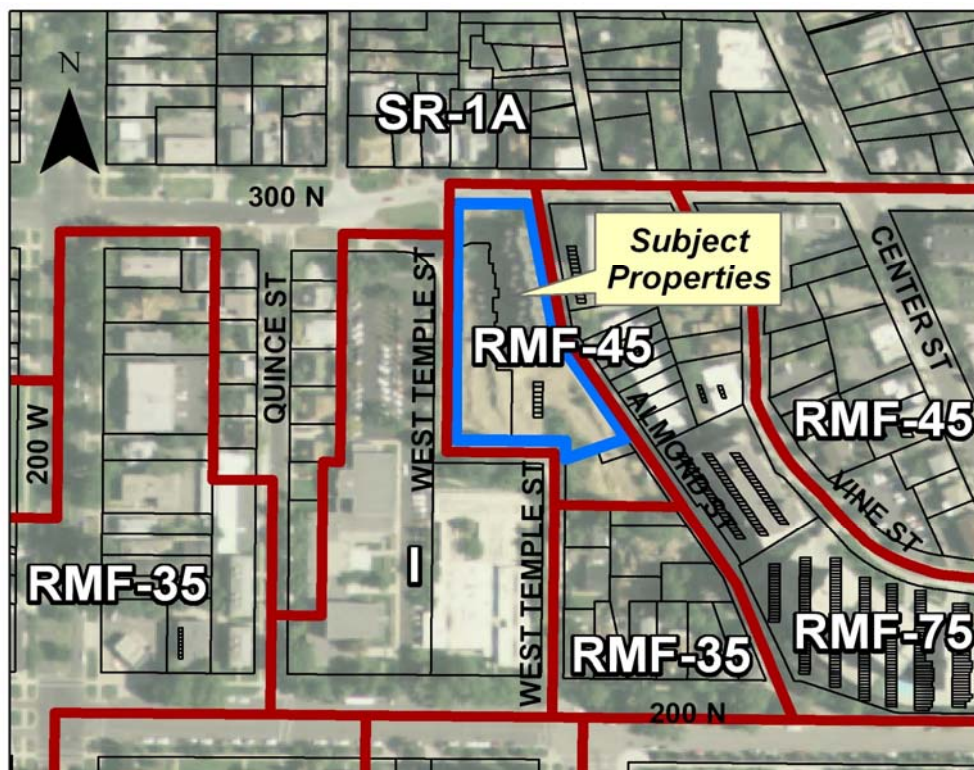
Ordinance and the *Design Guidelines for Residential Historic Districts in Salt Lake City*. The existing zoning would allow up to a maximum of 60 residential units to be developed on the site (Zoning Ordinance section 21A.24.140.C – Qualifying Provision allows developments of greater than 1 acre to have one (1) dwelling unit per one thousand (1,000) square feet of lot area).

According to the City Attorney’s Office, the Community Development Director has the authority to amend the development agreement with the consent of the developer. Louis Zunguze, Community Development Director, has requested input from the Planning Commission prior to considering an amendment to the existing development agreement. Mr. Zunguze has requested that the proposed amendment to the development agreement be reviewed by the Planning Commission for the purpose of receiving input from the Commission regarding the appropriateness of the proposed density and parking arrangements for this site.

This site is located within the Capitol Hill Historic District and any new construction requires approval from the Historic Landmark Commission. Furthermore, because the residential units are proposed to be developed as condominiums, Salt Lake City must approve an amendment to the Almond Street Townhouse Condominium plat.

The current development proposal includes the construction of eighteen (18) new residential condominium units that in conjunction with the four (4) existing condominiums will result in a project with a total of twenty-two (22) units.

VICINITY MAP



BACKGROUND

This site has a long history of development requests submitted by Watts that were reviewed by the Planning Commission and/or the Historic Landmark Commission between 1995 and 1999. The proposals consisted of a variety of design styles and site plans that ranged in size from seventeen (17) to fifty-two (52) residential units. In October 1996, the Historic Landmark Commission considered a fifty-two (52) unit proposal that was contained in a single building. In response, the Salt Lake City Council approved a six-month moratorium on December 10, 1996 that included temporary zoning regulations limiting development approvals on the subject property to projects consistent with the SR-1 Special Development Pattern Residential zoning district standards. Watts then filed a lawsuit against the City, claiming that his application was vested with the City. Subsequently, Watts and the City negotiated a development agreement that resolved the dispute; the lawsuit was withdrawn in exchange for the moratorium being terminated.

Following the execution of the development agreement, the Historic Landmark Commission granted design approval for a project with thirty-four (34) units in July 1997. Watts eventually determined that this project was not economically feasible, in part because of the cost of constructing underground parking. The project design was modified the once again. Finally, the Historic Landmark Commission approved the design of a seventeen (17) unit condominium project in January 1999. When the Historic Landmark Commission approved the design of the seventeen (17) unit project, the development agreement was not amended to reflect the approved project. To date, only four (4) of the seventeen (17) units have been built.

Proposed Amendments to the Development Agreement

Attachment B includes a copy of the development agreement between Watts and Salt Lake City executed in May of 1997 and also an agreement between Watts and both the Neighborhood Council and the Neighborhood Association. The following is a summary of the existing development agreement:

- The number of allowable dwelling units will be capped at 34.
- The project will include 80 parking stalls, with 18 designated for visitor parking.
- Owners and residents of the Watts project will not be allowed to participate in any City “neighborhood parking permit” program, unless the City determines otherwise.

In response to current market conditions, the applicant has reconfigured the project and is proposing to increase the number of residential units from seventeen (17) to twenty-two (22) (this total includes the four existing units and an additional 18 units yet to be constructed) with a total of 44 required parking stalls and thirty (30) guest parking stalls. Watts is requesting that the development agreement be amended to reflect the current development proposal. Watts has recently reduced the total number of units being requested from a total of twenty-four (24) to twenty-two units (inclusive of the four (4) units already existing on site.

The proposed modifications will require design approval from the Historic Landmark Commission and an amendment of the Almond Street Townhomes condominium plat, which was approved for the seven (7) units, originally approved fronting on Almond Street. Under the current proposal, the existing four (4) units would be considered Phase 1 of the Almond Street Townhomes Condominium. Phase two would include a second building fronting on Almond Street that would include six (6) units. Phase 3 would include twelve (12) units fronting on West Temple. The total number of units in all three phases would be twenty-two (22). As such, the current proposal includes five (5) units more than the seventeen (17) units approved by the Historic Landmark Commission in 1999; but a reduction of twelve (12) units from the thirty-four (34) units allowed by the existing development agreement.

Mr. Greg Schelenker of Agra Earth and Environment conducted a geotechnical study for Watts in December of 1995. After trenching the site, the study concluded that the site is free of fault rupture hazards, that the site soils are not susceptible to movements resulting from liquefaction or landsliding, and that strong ground shaking is the only earthquake hazard that needs to be considered in the siting of future development.

STAFF RECOMMENDATION

This item is listed on the agenda as an **Issues Only Hearing** and no final approvals will be granted at this meeting. The purpose of this Issues Only public hearing is to provide an opportunity for the public to comment on the proposed amendment to the existing development agreement and to allow the Planning Commission to forward a recommendation to the Community Development Director. The Historic Landmark Commission has final design approval authority for this project that is being proposed a permitted use. The Planning Commission has final approval authority for the condominium approval that will be presented to the Planning Commission at a later date.

PUBLIC COMMENTS: Watts presented the proposed project to the Capitol Hill Community Council in July 2007 but the Planning Division has not received any correspondence as follow-up to the presentation. Requests for permitted uses, new construction within a local historic district and condominium approvals are not required by the City Code to be presented to the local community council. Attachment E includes the written public comments received regarding this project. Generally, the comments received express the following issues:

- Density of the development considering the surrounding development patterns and topography of the site;
- Provision of adequate parking, including the need for off-street visitor parking because of the narrow streets and lack of parking available in the neighborhood;
- Geotechnical issues;
- Compatibility with the scale and character of the surrounding area; and
- That the existing development agreement is no longer valid because the Historic Landmark Commission granted approval of a seventeen (17) unit project in 1999. *Note, the Salt Lake City Attorney's Office does not agree with this concern and indicates that the existing development agreement limiting development on this site to thirty-four (34) is still valid.*

ZONING DISTRICT CONSIDERATIONS

All proposed work must comply with height, yard and bulk requirements of the RMF-45 zoning district which includes:

RMF-45 Moderate/High Density Multi-Family Residential Zoning District

- **Maximum Building Height:** The maximum building height in this district is forty-five feet (45') measured to the mid-point of the roof.
- **Front yard:** Twenty percent (20%) of lot depth, but need not to exceed twenty-five feet (25').
- **Corner Side Yard:** Twenty feet (20').
- **Interior Side Yard:** The minimum yard shall be eight feet (8'); provided that no principal building is erected within ten feet (10') of a building on an adjacent lot.
- **Rear Yard:** The rear yard shall be twenty-five percent (25%) of the lot depth, but need not exceed thirty feet (30').
- **Required Landscape Yards:** The front yard, corner side and, for interior lots, one of the interior side yards shall be maintained as a landscape yard.
- **Building coverage:** The surface coverage of all principal and accessory buildings shall not exceed sixty percent (60%) of the lot area.

General Provisions

- Lots in the RMF-45 district may have more than one principal building on a lot, subject to all of the principal nonresidential buildings being occupied by one use, or all principal residential and nonresidential buildings having frontage on a public street and subject to site plan review approval, pursuant to part V, chapter 21A.58 of this title.
- **Grade Changes:** The established grade of any lot shall not be raised or lowered more than four feet (4') at any point for the construction of any structure or improvement. (*The applicant may seek an exception to modify this requirement.*)

General Off-Street Parking Requirements

- **Parking Requirement:** The number of off-street parking spaces provided shall be in accordance with Table 21A.44.060F of this Section: 2 parking spaces for each dwelling unit.

Discussion: At this time no public hearing date has been set by the Historic Landmark Commission. The Historic Landmark Commission does have final design approval authority for all new construction within the Capitol Hill Historic District and regulates design to ensure that new development, redevelopment and the subdivision of lots in historic districts is compatible with the character of existing development of the historic district and other individual landmarks sites within the general vicinity.

The final site and building designs must comply with all code requirements of the Zoning Ordinance which will be verified prior to building permit issuance. The Historic Landmark Commission does not set the density (units/acre) for development projects. Density is set by the underlying base zoning district. In some instances, such as with the Almond Street project, the City and a property owner may negotiate a development agreement that limits density below that allowed by the underlying zoning district.

The Compatible Residential Infill Development zoning standards do not apply to this property because it is located within an RMF-45 zoning district. It is also important to note that both Almond and West Temple Streets, one-way streets heading south, are posted so that no on-street parking is allowed.

Attachments:

- A. Photographs**
- B. Development Agreement**
- C. Plans**
- D. January 6, 1999 Historic Landmark Commission Approval**
- E. Public Comment**

Attachment A
Photographs

Attachment B
Development Agreement

Attachment C
Preliminary Plans

Attachment D
January 6, 1999 Historic Landmark
Commission Approval

Attachment E
Public Comment

