

PLANNING COMMISSION STAFF REPORT

Belmont Downtown Phase II Planned Development Conditional Use 410-07-23 located at approximately 994 South 200 East September 26, 2007



Planning and Zoning Division
Department of Community
Development

Applicant: Brent Hilton

Staff: Nick Norris at 535-6173
or email at
nick.norris@slcgov.com

Tax ID: 16-07-307-017

Current Zone: Moderate
Density Multi-Family
Residential (RMF-35)

Master Plan Designation:
Medium High Density
Residential (30-50 units per
acre)

Council District: District 5
Jill Remington Love

Acreage: 1.08

Current Use: Vacant

**Applicable Land Use
Regulations:**

- 21A.24.130 RMF 35
Multi Family
Residential District
- 21A.54.080 Standards
for Conditional Uses
- 21A.54.150 Planned
Developments.

Attachments:

- A. Application
- B. Department Comments
- C. Site Plan

REQUEST

A request by Brent Hilton for approval of a 30 unit residential planned development located at approximately 994 South 200 East. The subject property is located in the Moderate Density Multi Family Residential (RMF-35) Zoning District.

PUBLIC NOTICE

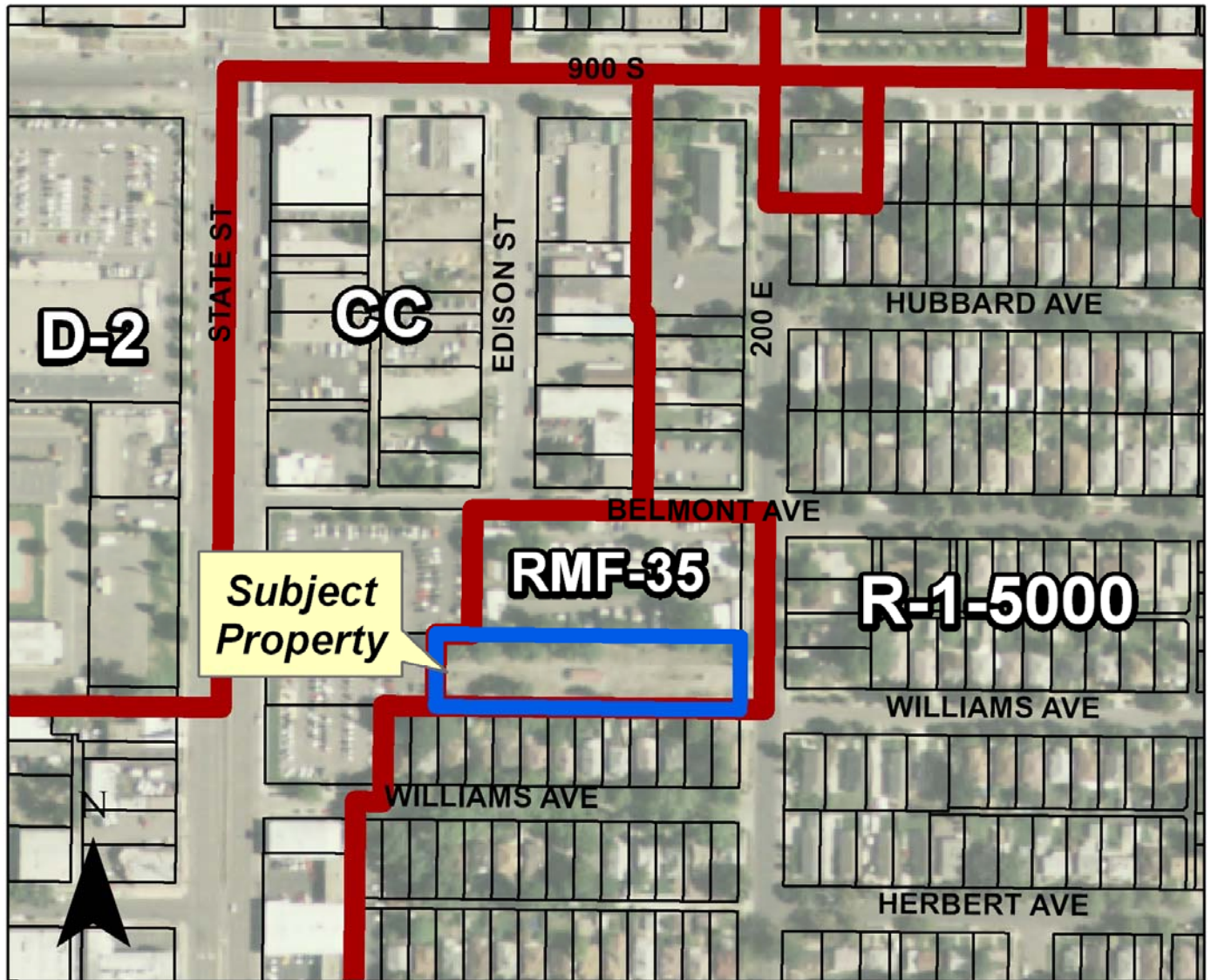
A public notice was delivered by mail on September 12, 2007. A public notice was posted on the site on September 12, 2007. The agenda for the September 26th Planning Commission Meeting was emailed to interested parties who have requested to receive Planning Commission agendas. The agenda was also posted on the Planning Division's website.

STAFF RECOMMENDATION:

Based on the analysis and findings in the staff report, staff recommends that the Planning Commission approves the Belmont Downtown Phase II Planned Development, petition 410-07-23, with the following condition:

1. That the seven foot landscaping buffer along the north property line be eliminated and seven feet of landscaping be added to the south side yard building setback resulting in a building setback from the south property line of 17 feet.
2. That a solid, visual barrier fence be installed along the south property line.

VICINITY MAP



COMMENTS

Public Comments

The Central City Neighborhood Council (CCNC) heard a presentation on this item at their August 1, 2007 monthly meeting. Comments from the CCNC have not been returned. The Liberty Wells Community Council heard the item on August 8, 2007. The Liberty Wells Community Council has not returned comments to city staff. Due to conflicts with the Historic Landmark Commission on August 1, 2007 and the Planning Commission meeting on August 8, 2007 staff was unable to attend either Community Council meeting.

City Department Comments:

The proposed planned development was reviewed by the applicable City departments and divisions. The review comments have been attached to this report. There were no issues raised by the City that would prevent the proposed planned development from proceeding. The applicant must comply with all City requirements.

Staff Analysis and Findings

Project History: The property is currently vacant. The previous use was a mobile home park. The mobile home park contained 40 dwelling units. Earlier this year, the mobile home park closed down and all structures were removed from the property. The applicants are proposing a condominium development that consists of 2 multi family residential building on one lot. One of the proposed buildings would consist of 12 one bedroom dwelling units. The other building would consist of 18 two bedroom dwelling units. The structures are approximately thirty five (35) feet in height. The project has 48 parking stalls. The zoning ordinance requires one parking stall for each one bedroom dwelling unit and two stalls for each two bedroom dwelling unit. Approximately 22% of the site is covered by buildings. A similar multi family condominium development (Belmont Downtown Phase I) is under construction to the north. To the south and east are detached single family dwellings. The property to the west is commercial and contains a automobile sales lot.

At the August 8, 2007 Planning Commission meeting, staff asked the members of the Planned Development Subcommittee if they felt the proposed project should go to the Planned Development Subcommittee. The members of the subcommittee felt that the project was straightforward enough to go to the Planning Commission without holding a subcommittee review of the project.

In addition to the planned development petition, the applicants have submitted a petition for preliminary condominium approval. The preliminary condominium petition was submitted on September 11, 2007. If the Planning Commission approves the Planned Development, the condominium plat would have to be consistent with the approved site plan. The preliminary condominium petition will likely be reviewed during an administrative hearing. It is possible that the Planning Commission could review the preliminary condominium petition if the administrative hearing officer determines that administrative approval can not be granted or if, for whatever reason, the Planning Commission continues the planned development petition and there is sufficient time for review of the preliminary condominium petition by the applicable City departments prior and for legal noticing of the project prior to the future Planning Commission meeting.

Master Plan Discussion

The property is located in the area covered by the Central Community Master Plan (CCMP, 2005). The CCMP breaks the Central City area into Neighborhood Planning Areas. The subject property is located within the Liberty Planning Neighborhood. The Future Land Use Map classifies the subject property as Medium High Density Residential (30-50 units per acre). This designation is intended for areas where townhouses and

apartments are the dominant land uses. One issue that was raised by the community during the creation of the plan is higher density housing replacing characteristic lower density structures. The previous land use was similar in density to the proposed use. Therefore, the proposed project would not be replacing lower density development. The Residential Land Use Goals of the CCMP include encouraging

- Encourage the creation and maintenance of a variety of housing opportunities that meet social needs and income levels of a diverse population;
- Ensure the preservation of low-density residential neighborhoods;
- Ensure that new development is compatible with the existing neighborhoods in terms of scale, character, and density; and
- Discourage any compromise to the livability, charm, and safety of the neighborhoods or to the sense of a healthy community.

To implement the above goals, the plan lists several policies for residential land uses. The land use policies are found on page 35-37 of the CCMP. These policies include a section on new construction. According to the CCMP, new construction should provide a variety of housing options that are compatible with the character of the neighborhoods of the Central Community. The plan recommends using the planned development process to encourage design flexibility for residential housing to insure compatibility with the neighborhood.

The Salt Lake City Community Housing Plan (SLCHP) adopted in 2000 lists several policies and implementation strategies regarding housing. The City Council Policy Statement on page 8 of the SLCHP states the City Council supports a different housing types and intensities of residential development. The City Council policy statement on housing design (pg. 16) states that the City Council encourages architectural designs that are compatible the neighborhood. This is done by making good use of and incorporating open spaces, insuring new development interfaces with public spaces, addressing parking needs in the least obtrusive manner and creating aesthetically pleasing and attractive public spaces such as common areas and other gathering spots.

Standards

A planned development is a specific type of conditional use. Therefore, it is subject to the standards for Conditional Uses. The conditional use standards are found in Zoning Ordinance Section 21A.54.080. Zoning Ordinance Section 21A.54.150 lists specific standards for planned developments.

The standards for a Conditional use are as follows:

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

Analysis: A planned development is a specific type of conditional use listed in Zoning Ordinance section 21A.54. The proposed use (multi family residential) is a permitted use in the RMF-35 Zoning District. The applicants are proposing a planned development because Zoning Ordinance 21A.36.010 (C) requires all primary buildings to have frontage on a public street. The applicants could develop the project as one building. Doing so would create a structure that would be approximately three hundred and ten (310) feet in depth. The property to the south is primarily single family detached housing. Having one building would result in inappropriate massing of the structure when compared to the existing structures in the area. To avoid this, the applicants are proposing two buildings to break up the mass. The second structure would not have frontage on a public street. Therefore, developing this property through the planned development process is appropriate.

Finding: A Planned Development is specific category of conditional use.

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 purpose of a planned development is to encourage the efficient use of land and resources, promote greater efficiency in public and utility services and encourage innovation in the planning and building of all types of development.

The subject property is 1.08 acres in size. The property is approximately one hundred and six (106) feet wide and four hundred and forty three (443) feet deep. The dimensions of the lot make it difficult to efficiently develop the property and provide street frontage for all residential units. Zoning Ordinance section 21A.36.010 B.2 allows for buildings to not have street frontage if processed as a planned development in certain zoning districts.

The Master Plan Discussion on page 3 of this report indicates that the proposed development is compatible and implements applicable planning goals and objectives of the Central City Master Plan.

Finding: The proposed development is consistent with the general purpose and intent of the Salt Lake City Zoning Ordinance and is compatible with and implements the planning goals and objectives of the applicable master plans.

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 Transportation Division has reviewed the proposed development and has found that the traffic generated by the proposed use is similar to that of the previous use.

Finding: The existing streets are suitable to carry the anticipated traffic generated by this proposal because the traffic generated by the 30 unit residential development is similar to the traffic generated by the previous land use, a 40 unit mobile home park.

D. The internal circulation system of the proposed development is properly designed;

Analysis: The internal circulation of the proposed development has been reviewed by the Development Review Team. The review included a representative from Transportation, Public Utilities, Building Services, Engineering, and Fire. The review team noted that the circulation system is adequate for normal vehicle movement. The Fire Plans Inspector specifically mentioned that the design provides adequate space for fire engines to maneuver within the site, including an approved fire apparatus turn around.

It may be possible to include a cross access agreement with the development to the north that is under construction. Doing so could improve the overall circulation system and connect the two developments.

Finding: The internal circulation system for the proposed development is properly designed and appropriate for pedestrian and vehicular circulation.

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: Public Utilities has reviewed the proposed development and has indicated that the property can be adequately served without having any adverse impact on adjacent land uses or resources.

Finding: Public Utility service for the proposed development is adequate and will not have an adverse impact on adjacent land uses or resources.

F. Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts;

Analysis: The proposed development is similar to a development that is under construction directly north of the subject property. Detached single family land uses are located to the south. A ten (10) foot landscaping buffer is provided between the proposed structures and the south property line. Zoning Ordinance section 21A.48.080 (D) (1) lists specific design criteria for landscaping buffers. The Building Services Division will perform a review of the landscaping plan to insure that it complies with the buffer requirements. The dumpsters are required to be located behind a fence or masonry wall. Further discussion on buffering on building setbacks can be found on pages 8-9 of this report under planned development standard number 5. Light from the proposed building could impact the adjacent residential uses. All lighting should include screens to reduce the light shining into adjacent properties.

Finding: The proposed site plan includes appropriate buffering to protect adjacent land uses from light, noise, and visual impacts.

G. Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood;

Analysis: The architecture of the buildings is typical for this type of development. While the surrounding residential neighborhood consists primarily of detached single family dwellings, there is a multi family development to the north that is of similar mass and scale. The proposed building includes an entrance along the east façade that faces 200 East. The proposed building materials consist of stucco and masonry. The single family homes in the area are a mix of masonry, wood and stucco.

Finding: The architecture and building materials are consistent and compatible with the adjacent neighborhood.

H. Landscaping is appropriate for the scale of the development;

Analysis: The proposed development would include landscaping thirty six (36) percent of the subject property. The landscaping includes a variety of tree species that would help buffer the adjacent land uses from the proposed use, provide shade and screen the parking area. If the size of the south building setback is increased, the increased area should be landscaped. To do this would require removing the landscaping buffer along the north property line. Because the development to the north includes a landscaping buffer along the shared property line with the subject property, the parking areas for the proposed development and the project to the north would be adjacent to each and the developments are similar, eliminating the landscaping buffer along the north property line of the proposed development is appropriate.

Finding: The landscaping for the proposed development is appropriate.

I. The proposed development preserves historical, architectural and environmental features of the property;

Analysis: The site is not in a local or national historic district and there are no known environmental features on the subject property.

Finding: There are no known historical, architectural, or environmental features on the subject property.

J. Operating and delivery hours are compatible with adjacent land uses;

Analysis: The proposed use is residential. Due to the location of the dumpsters, special attention should be given to City Ordinances that regulate the hours of trash pick up. Salt Lake City Ordinance 9.28.040 prohibits delivery and loading operation between the hours of 9:00 p.m. and 7:00 a.m.

Finding: In order for the operating and delivery hours of the proposed land use to be compatible with the adjacent use, all applicable City Ordinances regulating loading and unloading activities must be adhered to.

K. The proposed conditional use or, in the case of a planned development, the permitted and conditional uses contained therein, are 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 planned development is consistent with the purpose, intent, and standards for the RMF-35 Zoning District. As discussed under Planned Development Standard 5 on pages 8 and 9 of this staff report, the proposed development could have a visual impact on the single family dwellings to the south. The heights of the proposed buildings could reduce the privacy of the properties to the south. If the building setback was increased seven feet (the width of the landscaping buffer along the north property line) then the visual impacts could be reduced. If all applicable City Ordinances are adhered to and all adverse impacts can be reasonably mitigated, the proposed use will be compatible with the surrounding neighborhood. The proposed development is consistent with and implements the goals and objectives of the applicable master plans.

Finding: The proposed planned development is compatible with the surrounding neighborhood and will not have a material net cumulative adverse impact on the neighborhood or the city because it is consistent with the objectives of a planned development and is compatible with and implements the planning goals and objectives of applicable master plans.

L. The proposed development complies with all other applicable codes and ordinances.

Analysis: The proposed development has been reviewed by the Development Review Team and applicable City Divisions. The requirements of the applicable City Divisions shall be fulfilled by the applicant prior to building permits being issued by the City.

Finding: The proposed development shall comply with all applicable codes and ordinances.

In order to process a development as a planned development, a project must meet the intent of the purpose statement for planned developments. The purpose statement lists the objectives that the City seeks to achieve. Zoning Ordinance Section 21A.54.150 (A) discusses the objectives. Due to the shape of the lot and the given zoning, allowing a development to have multiple buildings without the required street frontage allows for a more efficient use of the subject property. It is possible to connect the two buildings and the project would not require planned development approval. To the south of the subject property is single family detached housing.

If the proposed development was one building, the scale of the building would not be visually compatible with the structures to the south. Breaking up the building will reduce the scale of the proposed development.

Zoning Ordinance Section 21A.54.150 (E) lists specific standards for planned developments.

1. Minimum Area: A planned development proposed for any parcel or tract of land under single ownership or control shall have a minimum net lot area for each zoning district as set forth in table [21A.54.150E2](#) of this section.

Analysis: The minimum lot area for a planned development located in an RMF-35 Zoning District is 9,000 square feet. The subject property is approximately 47,044 square feet.

Finding: The subject property exceeds the minimum net lot area for a planned development in the RMF-35 Zoning District.

2. Density Limitations: Residential planned developments shall not exceed the density limitation of the zoning district where the planned development is proposed. The calculation of planned development density may include open space that is provided as an amenity to the planned development. Public or private roadways located within or adjacent to a planned development shall not be included in the planned development area for the purpose of calculating density.

Analysis: According to Zoning Ordinance Section 21A.24.130 (C) developments greater than one acre require a minimum of 1,500 square feet of land per dwelling unit. The total land area which is over one acre (47,044 square feet) results in a gross density of 31 dwelling units. The proposed development includes 30 dwelling units.

Finding: The proposed planned development does not exceed the density limitations of the RMF-35 Zoning District.

3. Consideration Of Reduced Width Public Street Dedication.

Analysis: The proposed planned development does not include a reduced width public street. Therefore, this standard is not applicable.

Finding: The proposed planned development does not include any reduced width public street dedications.

4. Planned Developments: Planned developments within the TC-75, RB, R-MU, MU, CN, CB, and CSHBD zoning districts and the South State Street overlay. Also planned developments within the CS zoning district, when the district is adjacent to more than sixty percent (60%) residential zoning (within 300 feet, either on the same block or across the street).

Planned developments within these zoning districts 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,**
- b. The primary access shall be oriented to the pedestrian and mass transit,**
- c. The facade shall maintain detailing and glass in sufficient quantities to facilitate pedestrian interest and interaction,**

- d. Architectural detailing shall emphasize the pedestrian level of the building,**
- e. Parking lots shall be appropriately screened and landscaped to minimize their impact on the neighborhood,**
- f. Parking lot lighting shall be shielded to eliminate excessive glare or light into adjacent neighborhoods,**
- g. Dumpsters and loading docks shall be appropriately screened or located within the structure, and**
- h. Signage shall emphasize the pedestrian/mass transit orientation.**

Analysis: The RMF-35 Zoning District is not listed in this section. Therefore, these standards do not apply.

Finding: These standards do not apply to planned developments in the RMF-35 Zoning District.

5. 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.

Analysis: The RMF-35 Zoning District requires a minimum side yard setback of ten (10) feet. The rear yard setback is 25% of the lot depth, with a minimum of twenty (20) feet and a maximum of twenty-five (25) feet. The property is adjacent to a similar development to the north and commercial property to the west. To the south is an R-1-5,000 Zoning District. The rear yards of the properties to the south are adjacent to the side yard of the subject property. The site plan shows a minimum setback of 10 feet along the south property line, which meets the setback in the RMF-35 Zoning District. However, the rear yard setback in the R-1-5,000 Zoning District is 25% of the lot depth or a minimum of twenty feet, whichever is less. The lot depths are approximately 115 feet. Based on aerial photographs, the single family structures appear to be approximately 25-35 feet from the shared property line. The required rear yard of the adjacent properties to the south is twenty feet. According to the standard, the minimum perimeter setback on the south shall be the greater of the required setback of the lot or adjoining lot unless modified by the Planning Commission. In order to determine the appropriate setback, the potential impacts of the proposed development should be considered. The proposed development will be thirty five (35) feet tall. Having a larger side yard setback on the south of the property would reduce the impact of the building height on the single family dwellings to the south. There is no room on the site to accommodate an increased side yard on the south side of the property without modifying either the required seven foot landscaping buffer on the north property line, the minimum side entry landscaping requirement (including a minimum of eight feet of landscaping), or the south side yard setback.

One solution would be to “flip” the building and the parking area. Having the parking area on the south side would create a different type of impact on the properties to the south, including glare from headlights, increased air pollution from vehicles, increased heat island impacts, etc. These adverse impacts could be reasonably mitigated by installing an appropriate fence and landscaping to block the glare and provide shade to the parking areas. Zoning Ordinance Section 21A.44.050 would allow parking in the side yard provided it is at least 10 feet from the side property line. This would not increase the amount of landscaping along the south property line. This scenario would also place the proposed building adjacent to a parking lot that is part of the development to the north. The proposed building would have a parking lot on the south and north of it.

The Planning Commission could also reduce the width of the landscaping buffer along the north property line which would allow for an increased buffer along the south property line. The property to the north is being developed in a similar manner as the subject property. The parking for the adjacent development is

along the north property line of the subject property and includes a seven foot landscaping buffer. It is not necessary to buffer a parking lot from another parking lot. Doing this would increase the south side yard setback to 17 feet. Added to the required rear yard setback of the single family dwellings, there would be approximately 37 feet between the existing single family dwellings and the proposed structures.

The Planning Commission may find that the proposed buildings would not create an adverse impact. If the project were submitted as a permitted residential project, the building would not have to be more than 10 feet from the south property line even if the building was thirty five (35) feet tall. Provided a project could meet the standards for a permitted use (parking, lot coverage, etc) the resulting building could be over 300 feet long, up to 35 feet high, and as close as ten feet to the south property line. Under this scenario, the permitted building would create a larger impact on the properties to the south than the proposed buildings. The minimum side yard setback of 10 feet suggests that a ten (10) foot setback is sufficient to offset the impacts from permitted uses. In this case, the impact from the proposed development is less than the potential impact from a permitted use.

Finding: The perimeter front and rear yard setbacks are appropriate for the location of the proposed development because the proposed development creates less of an impact on the properties to the south than a similar project that could contain a single building with the same number of dwelling units and the same building height. Eliminating the seven foot landscaping buffer on the north property line and increasing the south building setback by an additional seven feet would further reduce the impacts the proposed building could have on the properties to the south.

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

Analysis: The subject property and the adjoining properties are relatively level to each other.

Finding: The lack of topographic change between lots does not warrant adjusting the side or rear yard setbacks.

Attachment A Application

Attachment B

Department Comments

Attachment C

Site Plan and Building Elevation