

PLANNING COMMISSION
STAFF REPORT



Planning and Zoning
Division
Community & Economic
Development Department

Reed Avenue Lofts Zoning Amendment

Petition 400-08-04

754 North 300 West Street in the Capitol Hill Historic District

June 25, 2008

Applicant:

Gerald Burt, developer

Staff:

Janice Lew
(801) 535-7625
janice.lew@slcgov.com

Tax ID:

08-25-455-002
08-25-455-035
08-25-455-001
08-25-455-034

Current Zone:

SR-1A (Special Development
Pattern Residential)
MU (Mixed Use)

Council District:

Three, Council Member Eric
Jergensen

Acres: 0.37 acres

Current Use:

Vacant

Applicable City Code Land

Use Regulations:

- Chapter 21A.50
- 21A.24.080 SR-1A
- 21A.32.130 MU

Attachments:

- A. Submittal
- B. Public Comment
- C. Departmental Comment
- D. Photographs

REQUEST

The Salt Lake City Redevelopment Agency (Agency) selected Gerald Burt to develop a 0.37 acre assemblage of four parcels located on the southeast corner of the intersection of 300 West Street and Reed Avenue. The property contains three (3) parcels which are zoned MU Mixed Use and one (1) that is zoned SR-1A Special Development Pattern Residential. The applicant proposes to construct three (3) attached single-family dwellings on the MU zoned property and a single-family residence with a detached garage on the SR-1A parcel. The applicant has requested approval of a zoning amendment to facilitate the construction of the proposed new residential development.

PUBLIC NOTICE

Public notice was mailed on June 10, 2008 to all property owners within four hundred and fifty feet (450') of the subject property and the chair of the Capitol Hill Community Council, which satisfies the Zoning Ordinance requirement for fourteen (14) day notice. The applicant met with the Capitol Hill Community Council on January 31 and March 19, 2008 regarding a rezone request. Attachment B includes a copy of the Community Council's comments. Notice was also sent to interested parties on the Planning Division list-serve and posted on the Planning Division's Web site. Signs were posted on the subject property on June 13, 2008, meeting the ten (10) day minimum posting requirement.

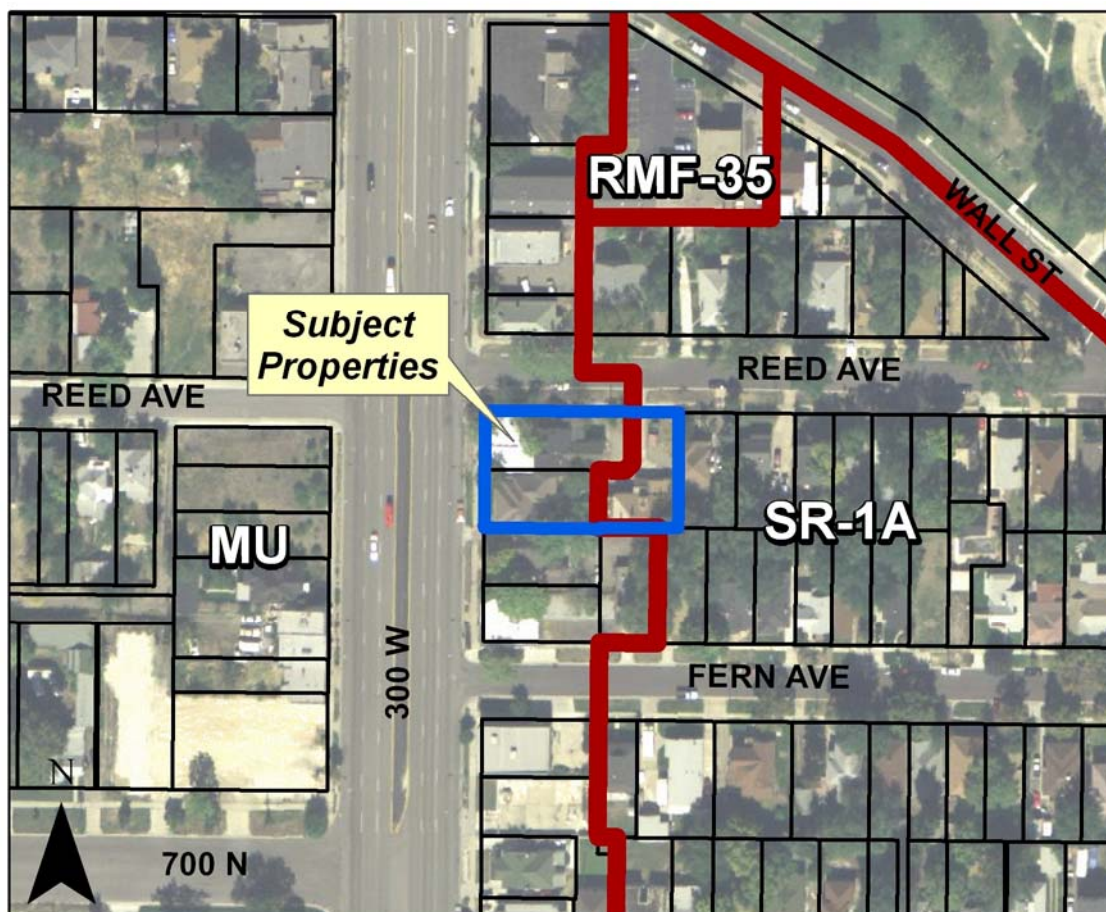
STAFF RECOMMENDATION:

Base upon the analysis and findings in this staff report, Planning staff recommends that the Planning Commission forward a favorable recommendation to the City Council to rezone the subject property as requested to facilitate the construction of a new residential development.

OPTIONS

1. The Planning Commission may forward a favorable recommendation to the City Council regarding the zoning amendment upon creating findings that indicate the amendment is consistent with the standards listed in the Zoning Ordinance.
2. The Planning Commission may determine that there are insufficient public policy reasons to justify the zoning amendment and forward an unfavorable recommendation to the City Council.
3. The Planning Commission may continue the request and require additional information of the applicant or staff.

VICINITY MAP



BACKGROUND, ANALYSIS AND FINDINGS:

BACKGROUND/DESCRIPTION

In November 2002, the Redevelopment Agency approved the purchase of the property located on the south east corner of 300 West Street and Reed Avenue. From 2003 to 2006, the Agency applied for and received approval to demolish two buildings determined to be non-contributing (754 North 300 West and 261 West Reed Avenue) and one contributing building (748-752 North 300 West) located on the subject property.

The building located at 261 West Reed Avenue was constructed to house the production facility for Morrison Meat Pies. The building located at 754 North 300 West Street originally consisted of an adobe house built by a prominent Hawaiian immigrant, John W. Kaulainamoku, between 1879 and 1884. Over the years, a number of alterations were made to the house. A second building was constructed in front of the house in the 1930's, and the two buildings were connected at a later date. In June of 2003, the Planning Division Director made a determination that these two buildings were non-contributing, and they were demolished in 2005.

The third building was a single-story duplex constructed between 1899 and 1910 located at 748 North 300 West. On January 4, 2006, the Historic Landmark Commission upheld an economic hardship determination by the Economic Review Panel regarding this property. Landscape plans were approved for all three sites as an interim reuse.

A request to construct a residential development including three (3) single-family attached dwellings and a single-family residence on the subject property was considered and approved by the Historic Landmark Commission on May 7, 2008. **The Historic Landmark Commission also passed a motion to forward a**

positive recommendation to the Planning Commission to rezone portions of the subject property to accommodate the new development.

The applicant’s proposal includes a rezone request (Petition 400-08-04) and preliminary minor subdivision request (Petition 490-08-06) to reconfigure the property for the proposed improvements. The preliminary subdivision request was approved by an administrative hearing officer on May 12, 2008 and the final plat is currently under City review. The existing parcels were reconfigured to accommodate multiple fault lines located within the property. The rezone request will be considered by the Planning Commission and City Council. The proposed zoning amendment would square-off the currently “ell” shaped SR-1A zoned parcel by exchanging approximately 600 square feet of the MU zoned property on the north end of the subject property with approximately 750 square feet of the SR-1A zoned property on the south end. The rezone would coordinate zoning boundary lines with the proposed new location of the property lines. The SR-1A zoned parcel would then meet the minimum lot width requirement of the Zoning Ordinance and accommodate a driveway to a garage located to the rear of the proposed home.

Since the entire property will be used for residential purposes, the proposed project would be allowed to obtain building permits once the subdivision and Historic Landmark Commission processes are complete.

COMMENTS

Public Comment:

RDA project manager, Matt Dahl presented the project to the Capitol Hill Community Council on January 31, 2008. No objections were voiced by those at the meeting to the applicant’s request to finalize a zoning amendment after building permits had been issued. Following their March 18, 2008 meeting, the community council provided a letter which is attached to this staff report as Attachment B indicating that the Community Council had voted unanimously to send a favorable recommendation to the Planning Commission and City Council regarding the proposed zoning change.

Division Comments:

The comments received from pertinent City Departments/Divisions are attached to this staff report as Attachment C. The applicant shall fulfill all departmental comments prior to final plat approval and recordation. The Planning Division has not received any departmental comments that cannot be reasonably fulfilled or that would warrant denial of the rezone petition.

STAFF ANALYSIS AND FINDINGS

Zoning Map Amendment Analysis and Findings

City Code 21A.509.050 (Standards for General Amendments) states that a decision to amend the zoning map is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard; however in making its decision concerning a proposed amendment, the City should consider the following factors:

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

Analysis: A description of the pertinent policy documents is provided below.

Master Plan Discussion

The subject property is located in the Capitol Hill Planning Community and is governed by the land use policies of the *Capitol Hill Master Plan* (2001). The MU zoned property is identified as “high density mixed use” and the SR-1A zoned property is identified as “low density residential.” The proposed single-family attached and single-family detached dwelling units are allowed in the respective zones as permitted uses. Furthermore, the master plan identifies the area between 600-900 North and 300-400 West as a “mixed use” area allowing both low-density residential and non-residential development as well as higher density residential uses. The following City Council policies regarding West Capitol Hill are outlined in the plan and are relevant to the proposed development:

1. Ensure the existence of low-density residential development as an important component of the residential land uses in the West Capitol Hill neighborhood.
2. Ensure infill development is compatible with neighborhood characteristics.
3. Incorporate adequate landscaping into all future development.

The Historic Preservation section of the master plan recommends a thorough application of historic preservation standards and design guidelines, especially relative to new construction, so that historic neighborhood fabric, character and livability are not compromised.

For determinations regarding certificates of appropriateness for new construction in the historic districts, the Historic Landmark Commission considers the Zoning Ordinance criteria (Section 21A.34.020H) and the *Design Guidelines for Residential Historic Districts*. The Commission has determined that the proposed project substantially complies with the general standards that pertain to the application. Furthermore, the proposed configuration of the lots conforms to the mix of commercial and residential uses that can be found on 300 West Street, as well as the small-scale single-family detached residential character located on Reed Avenue.

Salt Lake City Housing Plan

The following City Council policies regarding housing are outlined in the plan and are relevant to the proposed development:

1. The City Council supports a citywide variety of residential housing units, including affordable housing and supports accommodating different types of developments and intensities of residential development.
2. The City Council encourages architectural designs compatible with neighborhoods that:
 - Make good use of and incorporate open space, even minimal amounts;
 - Interface well with public space;
 - Address parking needs in the least obtrusive manner possible; and
 - Are creative, aesthetically pleasing and provide attractive public spaces, such as designated common areas, community centers, childcare, resident gathering places, resident gardens, etc.

The request supports the *Salt Lake City Housing Plan* policies in that it provides a diverse housing stock, and it addresses parking needs in a non-obtrusive manner by placing the required parking toward the rear of the properties.

Transportation Master Plan

300 West is a state highway operated and maintained by UDOT and functions as an arterial street. The Transportation Master Plan recognizes the benefits of maintaining the function of arterial streets while allowing them to feel as if they are a part of neighborhoods. Arterials typically have restrictions on the

number and location of driveways. In this case, access to the new residential development will be from Reed Avenue.

Finding: The proposed zoning amendment is supported by several policy elements of the *Capitol Hill Community Master Plan*, *Salt Lake City Housing Plan*, and *Transportation Master Plan*.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.

Analysis: The character of the surrounding area is a mix of residential, commercial and mixed uses which yield a variety of lot sizes. Thus, the configuration of the lots is compatible with the general character of the West Capitol Hill Neighborhood. As indicated in the master plan discussion above, the proposed development is compatible with and implements the applicable planning goals and objectives of the City.

Finding: The proposed residential development is harmonious with the existing development in the immediate vicinity of the subject property.

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

Analysis: The proposed development should have a positive impact on surrounding properties. The site is currently undeveloped and a sensitively designed high quality housing project would increase the residential population base, enhance the character of the area, and should have a positive affect on adjacent property.

Finding: The proposed zoning amendment will not have a negative impact on adjacent properties.

D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning district which may impose additional standards.

Analysis: The subject property is located in the Capitol Hill Historic District. The Historic Landmark Commission considered a request to construct a new residential development on the site on May 7, 2008 and approved the proposed design of the project. The subject property is also located within the Surface Fault Rupture Special Study Area. A geotechnical report discussing the identified fault lines including an engineer's determination of required setbacks and construction requirements is required.

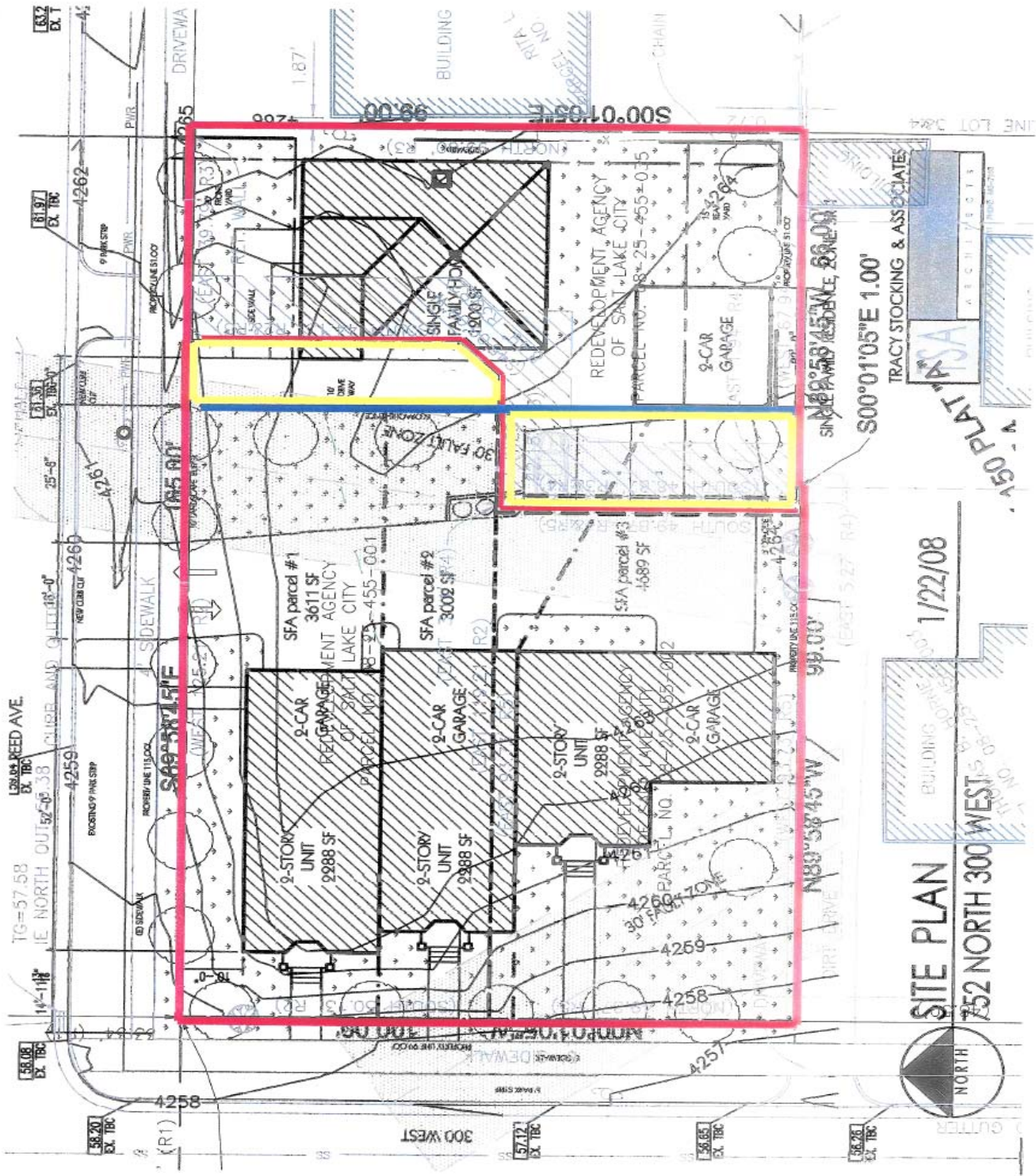
Finding: The proposed amendment is consistent with the provisions of the H Historic Preservation Overlay District. Any other requirements must be complied with prior to the issuance of a building permit.

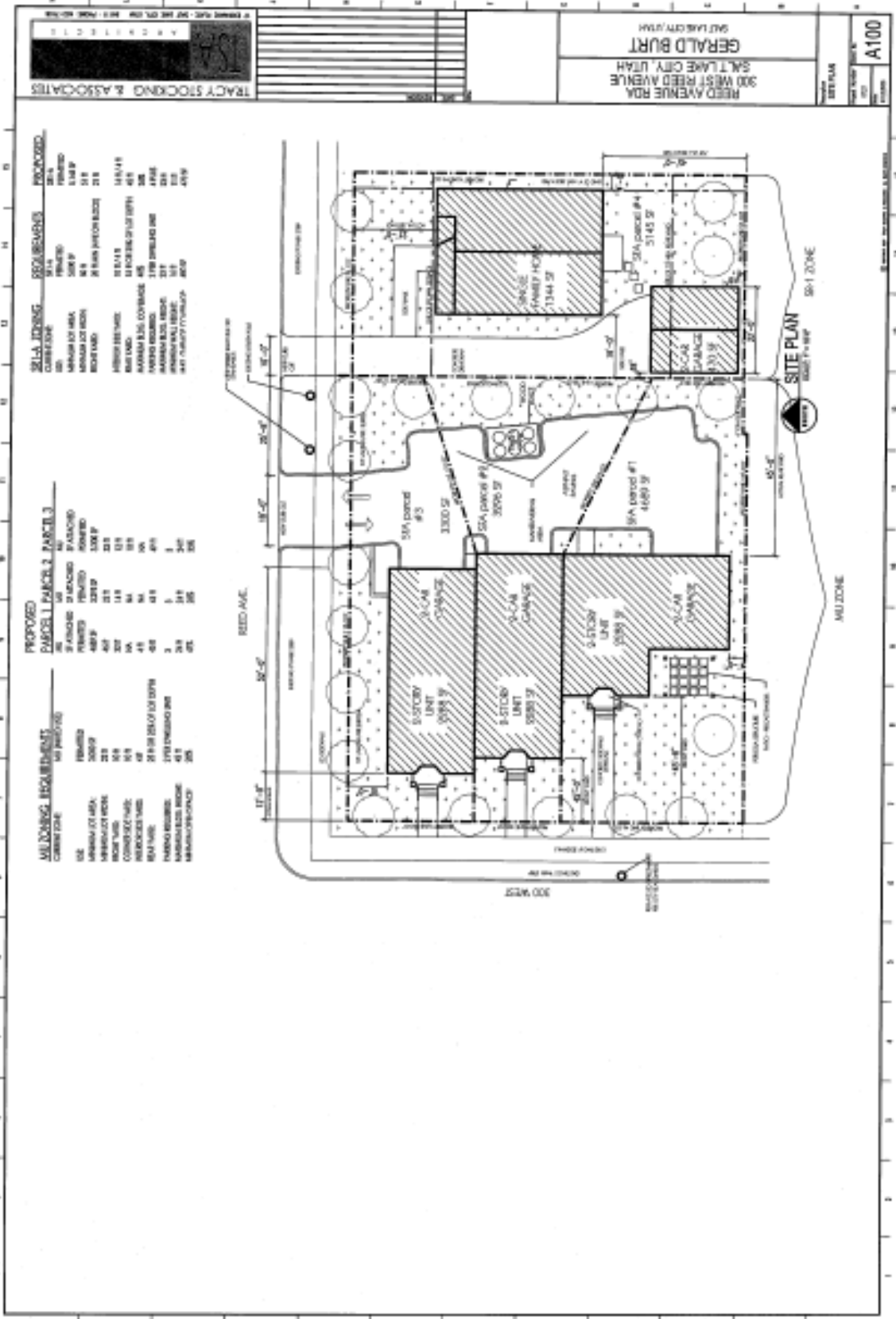
E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies and wastewater and refuse collection.

Analysis: City divisions and departments responded with comments as attached under Attachment C of this staff report. The applicant will be required to meet City standards for public utilities and services prior to issuance of a building permit.

Finding: The subject property is in a developed area of the City. No comments were received indicating that public facilities and services are completely inadequate to support the subject property and proposed project.

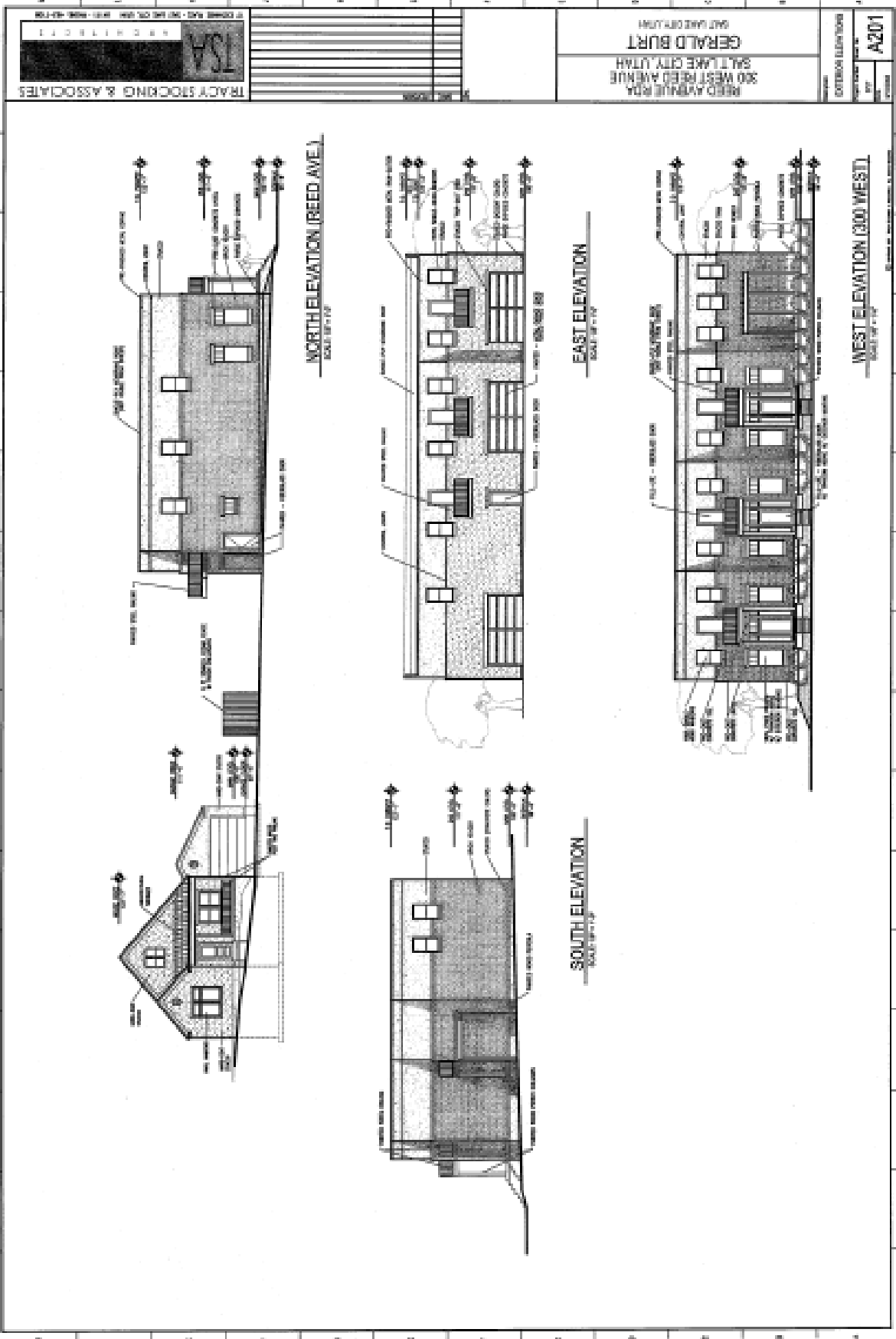
Attachment A Submittal





MUNICIPAL REQUIREMENTS		PROPOSED		PARCEL #1		PARCEL #2		PARCEL #3		REQUIREMENTS		PROPOSED	
CURRENT ZONE	USE	FRONT SETBACK	REAR SETBACK	FRONT SETBACK	REAR SETBACK	FRONT SETBACK	REAR SETBACK	FRONT SETBACK	REAR SETBACK	CURRENT ZONE	USE	FRONT SETBACK	REAR SETBACK
MU ZONE	RESIDENTIAL	15'-0"	10'-0"	15'-0"	10'-0"	15'-0"	10'-0"	15'-0"	10'-0"	MU ZONE	RESIDENTIAL	15'-0"	10'-0"
	MAXIMUM UNIT AREA	400 SF	400 SF	400 SF	400 SF	400 SF	400 SF	400 SF	400 SF		MAXIMUM UNIT AREA	400 SF	400 SF
	MINIMUM UNIT AREA	200 SF	200 SF	200 SF	200 SF	200 SF	200 SF	200 SF	200 SF		MINIMUM UNIT AREA	200 SF	200 SF
	MINIMUM UNIT PRICE	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000		MINIMUM UNIT PRICE	\$100,000	\$100,000
	MINIMUM UNIT VALUE	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000		MINIMUM UNIT VALUE	\$100,000	\$100,000
	MINIMUM UNIT RENT	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100		MINIMUM UNIT RENT	\$100	\$100
	MINIMUM UNIT INCOME	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100		MINIMUM UNIT INCOME	\$100	\$100
	MINIMUM UNIT FINANCIAL	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100		MINIMUM UNIT FINANCIAL	\$100	\$100

INFO AND IMPROVEMENTS BETWEEN THESE FEATURES IN THE FUTURE



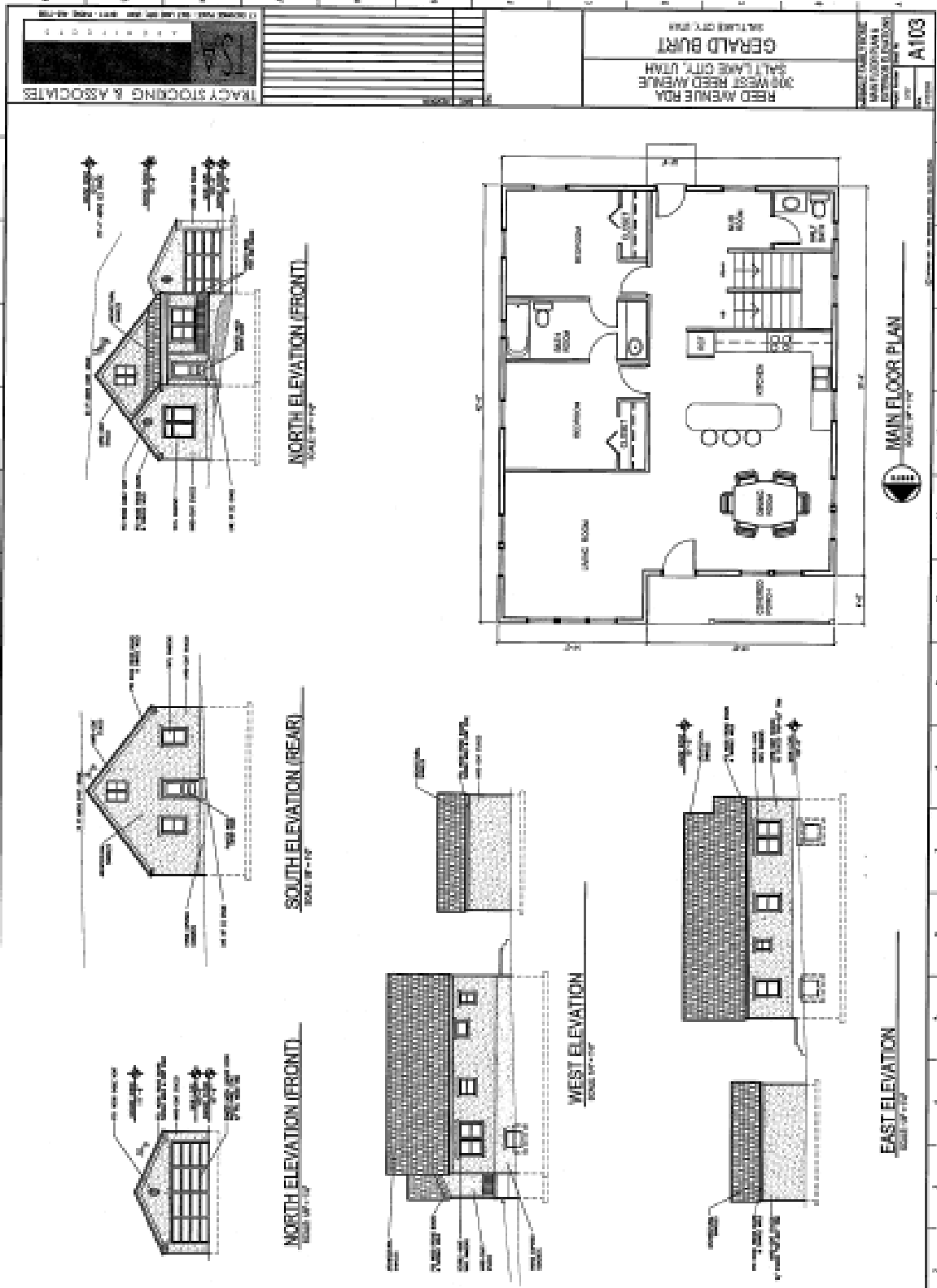


Exhibit B
Public Comment

Published Date: June 19, 2008

COMMUNITY COUNCIL

From: Dahl, Matthew
Sent: Tuesday, March 25, 2008 3:13 PM
To: Lew, Janice
Cc: De La Mare-Schaefer, Mary; 'Gerald Burt'
Subject: FW: Gerald Burt

Janice,

Below is an email I received from Polly Hart regarding the Capitol Hill Community Council's (the "Council") vote on Mr. Burt's zone change proposal. I assume she will send something more official to the City on this issue, but for now I think her email aptly documents the action taken by the Council.

Please let me know if you have any questions, comments, or concerns regarding the Capitol Hill Community Council's vote or any of Mr. Burt's Planning applications.

Thanks.

Matt Dahl, Project Manager
Redevelopment Agency of Salt Lake City
801-535-7239

-----Original Message-----

From: Polly Hart [mailto:polly@sisna.com]
Sent: Wednesday, March 19, 2008 10:37 PM
To: Dahl, Matthew
Subject: Gerald Burt

March 19th, 2008

Matt-

The Capitol Hill Community Council voted unanimously tonight to send a favorable recommendation to the Planning Commission and City Council for a zoning change on the RDA property at the southeast corner of Reed Avenue and 300 West, currently under negotiation with Gerald Burt. We understand that an earthquake fault has forced Mr. Burt to rearrange the layout of buildings on the two parcels and that an almost equal land swap will occur along the lot line that requires the swapped areas to also switch zoning. Please let me know if I can be of further service.

Yours sincerely,

Polly Hart, Chair
Capitol Hill Community Council

Attachment C
Department/Division Comments

BUILDING PERMITS COMMENTS

From: Walkingshaw, Nole
Sent: Thursday, April 10, 2008 11:14 AM
To: Lew, Janice
Cc: Butcher, Larry
Subject: Petition #400-08-004 and Petition #490-08-06, 750 North 300 West

Categories: Program/Policy
Janice,

Building Services has the following comments on these petitions:

400-08-004 (Rezoning)

- The proposed amendment cleans up a misshaped lot and the proposed development of a single family dwelling is consistent with the neighborhood and surrounding properties.

490-08-06 (Subdivision)

- SR1-A parcel meets the lot are and width requirements.
- Front yard set back of the Reed Ave parcel to be based upon average front yard setback of the block face. Information required with submission for the development permits and review.
- Parcels located in Historic Overlay
- 10' landscape buffer required for MU parcels when a non-residential use abuts a residential district. Subject to 21A.48.080D (Use of MU parcels not disclosed on plans).
- A geotechnical report discussing the identified fault lines including an engineers determination of required setbacks and construction requirements is required.

Thank you,
Nole

Nole Walkingshaw
Salt Lake City Planning and Zoning
Senior Planner
801-535-7128

ENGINEERING COMMENTS

TO: JANICE LEW, PLANNING DIVISION

FROM: RANDY DRUMMOND, P.E., ENGINEERING

DATE: APR. 9, 2008

SUBJECT: **Reed Avenue Lofts -
Preliminary Plat
750 North 300 West
#400-08-04**

SLC Engineering's review comments are as follows:

1. This is a RDA project to develop a 0.37 acre parcel on the south-east corner of 300 West and Reed Avenue into 4 lots with on-site parking. All of the required street right-of-way exists as needed. However the condition of the street improvements on both 300 West and Reed Avenue are such that some repair and replacement is necessary at this time. On 300 West, there are 10 panels of sidewalk that meet the criteria of APWA Std. Dwg. #291 (Defective Concrete) and must be replaced to meet APWA Std. Dwg. #231. On Reed Avenue, there are 6 panels of sidewalk that meet the same criteria and must be replaced. The existing drive approach must be removed and the curb and gutter in the approach replaced according to APWA Std. Dwg. #251 or 252. The 2 new drive approaches must be constructed according to APWA Std. Dwg. #225. All of this work shall be accomplished by a licensed, bonded and insured contractor who will obtain a Public Way Permit from our office, prior to the approval of this project.
2. The plat has been submitted for review, and any required changes will be made known to the developer's consultant after the review is complete.

cc: Craig Smith
George Ott
Scott Weiler
Brad Stewart
Barry Walsh
Vault

FIRE/PERMITS COMMENTS

From: Itchon, Edward
Sent: Friday, April 25, 2008 7:21 AM
To: Lew, Janice
Subject: RE: Petition 400-08-04

Categories: Program/Policy
[No Comments](#)

From: Lew, Janice
Sent: Wednesday, April 23, 2008 12:36 PM
To: Itchon, Edward
Cc: 'Gerald Burt'
Subject: Petition 400-08-04

Ted,

Do you have any comments regarding the rezone and preliminary minor subdivision requests for 754 North 300 West?
Thank you for your assistance.

Janice

*Janice Lew
Planning Division
PO Box 145480
451 South State Street, Room 406
Salt Lake City, UT 84114-5480*

PUBLIC UTILITIES COMMENTS

From: Brown, Jason

Sent: Thursday, April 10, 2008 4:03 PM

To: Lew, Janice

Cc: Garcia, Peggy

Subject: Petition 400-08-04 rezone of several separate parcels of property at approximately 750 North 300 West

Categories: Program/Policy

Janice,

Public Utilities has reviewed the above mentioned rezone and have no objections to the proposed lot line adjustment and rezoning, however the following comments apply to future development;

According to our records there are three meters and two sewer laterals. Each lot will be required to have individual meters and sewer laterals. Plans must be submitted to our office all appropriate fees and agreements must be paid and recorded before final plat approval.

If you have any questions please do not hesitate to contact me.

Jason Brown, PE

Development Review Engineer

Salt Lake City Public Utilities

1530 South West Temple

Salt Lake City, UT 84115

(801) 483-6729

(801) 483-6855 fax

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Low, Janice

From: Walsh, Barry
Sent: Monday, March 31, 2008 2:44 PM
To: Low, Janice
Cc: Young, Kevin; Drummond, Randy; Itchon, Edward; Garcia, Peggy; Butcher, Larry
Subject: Plat 400-08-04 rezone
Categories: Program/Policy

March 31, 2008

Janice Low, Planning

Re: petition 400-08-04, Rezone of several separate parcels of property located at @ 750 No. 300 West.

The division of transportation review comments and recommendations are for approval as follows:

The zoning revision proposal is to match the lot line revisions for petition 490-08-06. No measurable change is noted in the area or lots designated as SR-1A and MU zones.

The proposed lot revisions have been reviewed for their intended development and approved as submitted;
with required cross easements noted on the Plat and the updated site plan 3/31/08 for the parking and circulations requirements.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Randy Drummond, P.E.
Ted Itchon, Fire
Peggy Garcia, Public Utilities
Larry Butcher, permits
File

5/1/2008

PROPERTY MANAGEMENT COMMENTS

From: Lucas, Duran
Sent: Monday, April 07, 2008 2:38 PM
To: Lew, Janice
Subject: Petition 400-08-04
April 4, 2008

Janice Lew, Planning Division

Re: Petition 400-08-04 – Rezone of several separate parcels of property located at
- Approximately 750 North 300 West

Property Management has reviewed the above referenced petition. We have no objection to rezoning and will defer to the other City departments comments.

Sincerely,

Duran Lucas
Property Management

**Exhibit D
Photographs**



300 West



Reed Avenue