

PLANNING COMMISSION STAFF REPORT

Reese Enterprises
Master Plan Amendment PLNPCM2008-00149
250 East 800 South
April 22, 2009



Planning and Zoning Division
Department of Community and
Economic Development

Applicant: Reese Enterprises,
represented by David Weston

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

Tax ID: 16-05-159-027 and 16-
05-159-017

Current Zone: RMF-35
Moderate Density Multi-family
Residential and RMF-45
Moderate/High Density Multi-
family Residential

Master Plan Designation:
Central Community Master Plan:
Medium Density Residential and
Medium/High Density
Residential.

Council District: District 4
represented by Luke Garrett

Lot Size:
30,603 square feet

Current Use: Multi-family
residential

**Applicable Land Use
Regulations:**

- 21A.24.130
- 21A.24.140

Notification

- Notice mailed on April 7,
2009
- Sign posted on April 7, 2009
- Agenda posted on the
Planning Division and Utah
Public Meeting Notice
websites and in the
newspaper April 7, 2009

Attachments:

- A. Applicant Information
- B. Photographs
- C. Citizen Input

Request

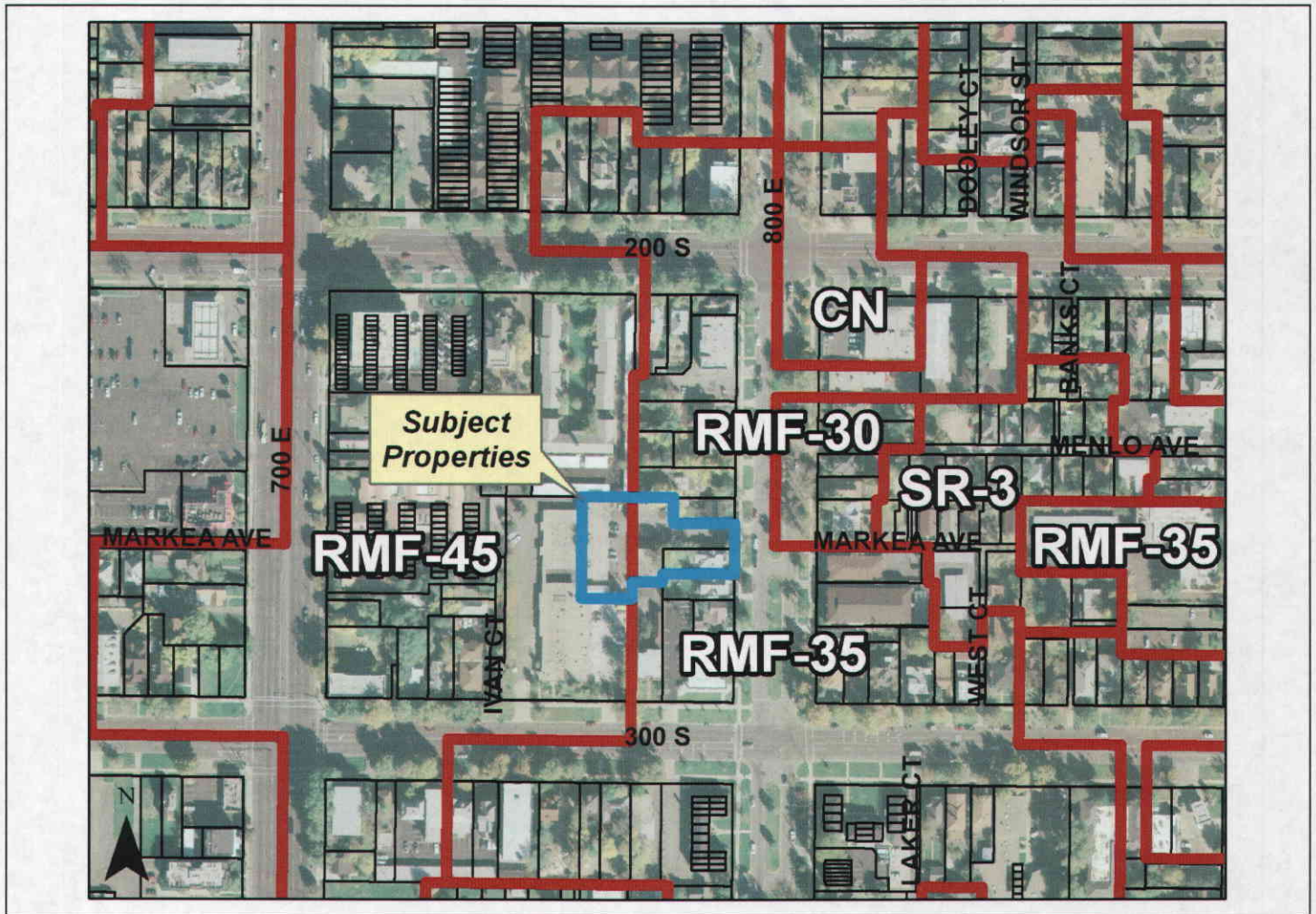
The applicant(s) are requesting a Master Plan Amendment for the properties located at 248 and 254 South 800 East. The proposal would amend the master plan for a portion of the 248 South 800 East property and the entire parcel located at 254 South 800 East property. The properties have a split designation on the Future Land Use Map: Medium Density Residential (15-30 dwelling units per acre) along the eastern half of the property and Medium/High Density Residential (30-50 units per acre) on the western half of the property. The proposal would amend the Future Land Use Map so that all of the subject properties are designated as Medium/High Density Residential. The purpose of the Master Plan Amendment is to accommodate a future zoning map amendment. The Planning Commission has the authority to make recommendations to the City Council on master plan amendments.

Staff Recommendation

Based on the analysis and findings listed in the staff report, it is the Planning Staff's opinion that the Planning Commission transmit an unfavorable recommendation to the City Council for the following reasons:

1. The Central Community Master Plan establishes the City's vision for this area and specifically does not support increasing residential densities in the East Central Neighborhood Planning Area; and
2. Changing the designation of the subject properties on the Future Land Use Map may allow for a zoning map amendment that could support development that is not compatible with the surrounding area in terms of scale and character, which conflicts with one of the goals of the Central Community Master Plan.
3. The Salt Lake Futures Commission Report recommends making land use decisions that are consistent with the adopted vision of the City
4. The Salt Lake City Community Housing Plan supports adding housing in areas of the City where it is supported by the Community Master Plans. In this case, the CCMP does not support increasing density in this area.

VICINITY MAP



Background

Project Description

The purpose of the proposed master plan amendment is to change the Future Land Use Map of the Central Community Master Plan so that it would support a zoning map amendment for the subject properties. The Future Land Use Map in the Central Community Master Plan designates places two separate designations on the subject property: Medium Density Residential (15-30 units per acre) on the eastern half of the property and Medium/High Density Residential on the western portion of the property. The proposed master plan amendment would change the designation so that all of the subject property is within the Medium/High Density Residential designation.

The Medium/High Density Residential would support a zoning map amendment up to RMF-45. The RMF-45 zoning district allows up to 43 dwelling units per acre. It also allows a maximum building height of 45 feet. If a zoning map amendment is approved in the future, the two parcels would be required to be joined together so that the parcel is one parcel and the applicant would be required to go through a conditional use process for a

planned development because there would be multiple buildings on a single lot that do not have the required frontage on a public street.

Comments

Public Comments

The proposal was presented to the East Central Community Council on March 12, 2009. There were approximately 30 people in attendance. The ECCC listed the following concerns with the proposal:

- The proposal is inconsistent with the Central Community Master Plan
- Pressure to develop or redevelop into higher densities has become one of the most significant issues confronting the area.
- The proposal is not harmonious with the overall character of the existing development on 800 East.
- It will potentially adversely affect adjacent properties

City Department Comments

The comments received from pertinent City Departments / Divisions are as follows:

Transportation (Barry Walsh): The Division of transportation review comments and recommendations are as follows:

The 800 East public transportation corridor is a special collector class roadway, conducive to the existing traffic generation needs per the current development shown.

There are no proposed changes indicated to the existing dwellings or the parking provisions per the proposed zoning amendment. There are two 6 plex buildings and one 12 plex for a total of 24 units with 27 parking stalls on the 248 South lot. The duplex at 254 South has two parking stalls.

Any future changes to the properties will require development compliance to current standards at that time.

Building Services (Alan Hardman): On March 30, 2009, the DRT reviewed the applications from Reese Enterprises for amendments to the master plan and zoning map for rezoning the front portion of the property located at 248-254 South 800 East from RMF-35 to RMF-45. The request for rezoning originates from an active zoning enforcement case whereby the owners have allegedly relocated a laundry facility from the basement of an existing 4-plex to a newly constructed storage shed without permits and then added two new dwelling units in the same basement of the existing 4-plex, thereby converting it to a six unit apartment building, also without permits. The current RMF-35 zoning and lot size prevent building permits from being issued for the two additional dwelling units. In total there 24 dwelling units on the property— 22 units are legal. It is our understanding that the applicant has acquired the additional land necessary to meet the density requirements provided the RMF-45 zoning is approved. The Building Services Division has the following issues.

1. The applicant will need to acquire building, permit conversion of the accessory building to a laundry facility.
2. The applicant will need to acquire building, plumbing, mechanical and electrical permits for the two additional dwelling units.
3. Planned development approval may be required before a building permit can be issued for the two additional dwelling units.

4. Parking calculations are required for the two additional dwelling units.
5. Additional parking shall be provided in the amount by which new amount of required parking exceeds the existing amount of required parking.

Police Department (Lt. Richard Brede): No Comments returned

Public Utilities (Brad Stewart): 2 units constructed without permit. Laundry put in "accessory" building without permit. Will likely require sand/oil separator. Fees owed to Public Utilities. Plumbing to "shed" not approved or inspected.

Additional Comments from Public Utilities: I have reviewed the proposed Master Plan Amendments and while Public Utilities has no objections at this time, the applicant must understand that actual changes in the density of the project will require a civil engineer review the site utilities and public mains (water and sewer) for capacity. Extensive utility upgrades may be required.

Fire Review (Ted Itchon): Fire hydrant within 400' of exterior walls. Fire access roads within 150' of the exterior walls.

The comments returned indicate that additional City requirements may not have been complied with during construction of the laundry facility and additional dwelling units. If the units end up being legalized through the required processes, then the property shall be subject to all applicable permit requirements listed in the above comments and any other requirement that may be discovered during the permit process.

Project Review

The subject property is located at 250 South 800 East. The property is located within the geographical boundaries of the Central Community Master Plan (CCMP). The CCMP has divided the Central Community into Neighborhoods. The subject property falls within the Bryant Neighborhood of the East Central North planning area. The site was developed in 1960. At that time, a Certificate of Occupancy was issued by the City for a 22 unit apartment house. A search of the Building Permit database indicates that the property has had numerous permits issued since it was constructed. According to the applicant, an additional single bedroom unit was added to the basement of building 252 in 2003. In 2006, a second unit was added to the basement of building 252 after a new laundry facility was constructed on the site. On October 29, 2007 the property was "flagged" by Building Services due to the addition of these two units that were added without approval or permits from the City. The original Certificate of Occupancy has not been amended since it was originally issued. A Zoning Certificate has not been issued for the property.

In January 2008, the applicants submitted a petition to amend the Central Community Master Plan. The purpose of the master plan amendment is to amend the master plan so that it would support a zoning map amendment. It does not appear as though the applicant met with the Planning Staff in a pre-submittal meeting prior to submitting this application. In February of 2007, the applicant was informed that the petition was incomplete because it did not include enough information regarding the master plan amendment. The Planning Division requested that the applicant submit to the City a zoning map amendment in order to provide the City with enough information to analyze the reason for the master plan amendment. At the time, the Planning Division policy was to process a master plan amendment and a zoning map amendment concurrently.

In June 2008, the applicant submitted a zoning map amendment petition to rezone the property located at 248 South 800 East from RMF-35 and RMF-45 to RMF-75. The planning staff began processing the petition and determined that the proposal could adversely impact the neighborhood due to the increase land use intensity.

When the Planning Division informed the applicant that the Division would not support the proposed master plan or zoning map amendment, the applicant indicated that they would make an effort to acquire additional land in order to fall under a less dense multi-family residential zoning district.

In February 2009 the applicant provided the City with evidence that they had purchased the property located at 254 South 800 East. An analysis performed by the applicant indicated that the additional land would provide enough of a lot area to accommodate all of the existing dwelling units on both properties if the entire project area was zoned RMF-45. The RMF-45 designation allows up to 43 units per acre, which is in excess of the 15-30 dwelling units per acre density recommended in the Central Community Master Plan. Therefore, a master plan amendment was still required.

The Development Review Team reviewed the petition on March 30, 2009. In attendance at the meeting were representatives from the Building Services Division, Engineering Division, Transportation Division and Public Utilities. During the meeting, it was determined that the building permit for the laundry facility only indicated that a shed was being built, and there was no indication that the structure including plumbing. A separate plumbing permit is required. Public Utilities also commented that they likely did not install the plumbing in a manner that is consistent with existing code and indicated that a sand separator is required for this kind of facility. There was also no sewer impact fee.

Analysis and Findings

Options

With regard to master plan amendments, the Planning Commission makes a recommendation to the City Council and the City Council has the decision making authority. If the City Council denies the request, then the Central Community Master Plan would not be amended and the plan would continue to support the existing recommended density.

If the City Council approves the request, then a zoning amendment to rezone the entire subject properties to RMF-45 would be processed. In addition, the applicant would have to combine the lot area through a subdivision process. The subdivision process requires the subdivision to meet the minimum zoning standards, a conditional use planned development would be required. This is because the zoning ordinance requires all buildings on a common lot to have frontage on a public street unless the buildings are approved through the planned development process. In addition, the laundry facility would have to go through a special exception process in order to allow a laundry facility to be located within an accessory structure. The facility would also have to be inspected in order to demonstrate all applicable building, plumbing, electrical and mechanical codes have been complied with.

Analysis

The City does not have specific standards for Master Plan Amendments. In reviewing this type of master plan amendment, the items to consider are the issues identified within the specific Community Master Plan, the associated goals and whether the current conditions warrant an amendment of the goals of the applicable master plan. Other applicable policy documents that are considered include the Salt Lake Futures Commissions Report and the Salt Lake Housing Plan.

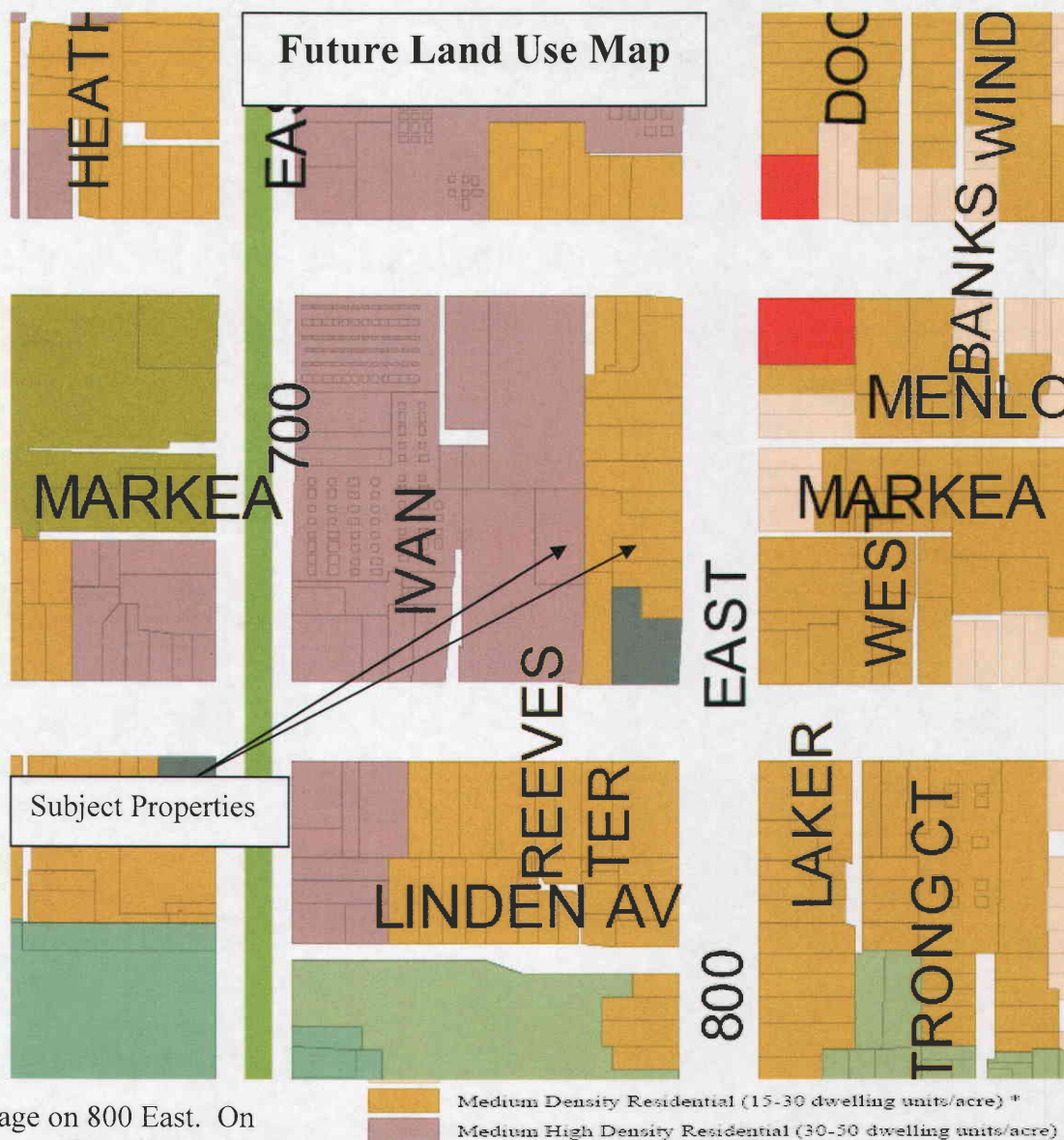
Central Community Master Plan

The subject property is located in an area that is covered by Central Community Master Plan (CCMP). The CCMP was updated and adopted in 2005. According to the future land use map in the CCMP, the property falls within two categories: Medium Density Residential and Medium/High Density Residential. The Medium Density Residential designation has a recommended density of 15-30 dwelling units per acre. All of the properties that have frontage along 800 East between 200 and 300 South have this designation. The Medium/High Density Residential designation has a recommended density of 30-50 dwelling units per acre. This designation is found on the western two thirds of the block. The proposed zoning designation would have a maximum density of 43 dwelling units per acre. This exceeds the recommended density of the Medium Density Residential designation but is within the recommended density of the Medium/High Density Residential designation. Residential Land Use

Policy RLU-1.6 encourages coordination between the Future Land Use Map, zoning ordinances, and the Salt Lake City Housing Plan. The proposed zoning designation is not consistent with the Future Land Use Map of the CCMP.

The CCMP includes multiple goals that are related to residential neighborhoods. On page 3 of the CCMP, goal 5 states "prevent inappropriate growth in specific parts of the community" and goal 6 states "encourage specific types of growth in designated parts of the community." The Future Land Use Map and the description of each designation found on the map indicate the appropriate type of growth for various areas. In this instance, the appropriate type of growth is Medium Density Residential on the portion of the properties that have frontage on 800 East. On

page 9 of the CCMP, it states "Dwelling unit increases should not exceed existing zoning densities or mast plan land use designation, and density increases should only be permitted as long as the structure and property do not exceed zoning designations."



The proposed zoning designation allows for a greater density in the area than the CCMP recommends. Excessive density is one of the issues that the CCMP identifies on page 6 that is specific to the Bryant neighborhood of the East Central North neighborhood planning area, in which the subject property is located. The plan also encourages higher densities in other areas within the geographical boundaries of the CCMP to relieve the pressures on the East Central North Neighborhood. This is reflected in land use policy RLU-1.4 that restricts high density residential growth to the Downtown, East Downtown, Transit Oriented Districts and Gateway areas of the CCMP.

The proposed zoning designation could also allow greater building heights that are not characteristic of the adjacent properties. The adjacent structures are all 1-2 stories in height and are likely less than 30 feet tall. The RMF-45 zoning district would allow a structure up to 45 feet in height. Therefore, the proposed zoning designation would create the potential for inappropriate growth on the subject parcel.

According to the CCMP, the desirable type of growth on and around the subject parcel is medium to medium/high density multifamily residential land uses. The RMF-35 and RMF-45 set standards for the number of units based on lot size and building height. The RMF-35 zoning district is consistent in terms of with the Medium Density residential designation in terms of dwelling units per acre while the RMF-45 zoning district is consistent with the Medium High density designation. However, placing RMF-45 in the area designated for medium density residential is not consistent with the Central Community Master Plan.

Salt Lake City Futures Commission Report

The Salt Lake City Futures Commission report is a city wide document that is general in nature. The document itself does not specifically address increasing density. The report does say in Assertion N (page 13) that "City Planners encourage private development but hold steadfast to an overall vision and reject proposals that may be economically attractive to the City but do not promote the City's vision." The City's vision for this area is reflected in the Central Community Master Plan.

Salt Lake City Housing Plan

The purpose of the Salt Lake City Housing Plan is to provide a set of policies that guide housing development in the City. The plan encourages a mix of housing types, including high and low density and owner and renter occupied. The plan, however, does not list increasing densities above what is called for in Community Master Plans as a policy. In fact, the plan refers to the policies provided in adopted community master plans (Implementation Strategy 2, page 32).

Zoning

The zoning ordinance provides minimum development standards for each zoning district. These include building setbacks, building height, lot coverage, maximum density, etc. The current zoning designations and their mapped locations on the block are consistent with the Central Community Master Plan. There are a number of legal, nonconforming land uses and legal, non-complying buildings on the block. The existing uses and buildings are considered legal because they existed prior to the current zoning regulations. If the zoning of the subject property were to be changed to RMF-45, then the site could be redeveloped with buildings up to 45 feet tall. Due to the amount of land involved, no new dwelling units could be added. The remainder of the block face would be zoned RMF-35.

Findings

Based upon the above analysis, staff finds that the goals of the Central Community Master Plan are relevant to the current land use issues associated with the subject property and to the properties and land uses in the vicinity. The goals of the Central Community Master Plan do not support increasing the residential density in the East Central North neighborhood, which includes the Bryant neighborhood. The Futures Vision Document establishes a policy of making land use decision consistent with the vision of the City. The Central Community Master Plan establishes the City's vision for this neighborhood. Finally, amending the Future Land Use Map of the Central Community Master Plan to support an increase in density could allow for a zoning designation that would support additional mass and scale that may have an adverse impact on adjacent properties.

Attachment A

Applicant Information

W. David Weston
218 W. Paxton Ave.
Salt Lake City, Utah 84101
Phone: 801-706-3462
email: dweston63@gmail.com

January 29, 2008

Wilf Sommerkorn
Planning Director
Salt Lake City, Corp.
451 So. State Street, Rm 406
Salt Lake City, Utah 84111

Re: Amended Petition RM45 Designation 248 & 254 So. 800 East
Petition No. 400-08-19

Dear Mr. Sommerkorn,

At Mr. Erickson's request, I am responding to your letter of January 16, 2009 addressed to Mr. Erickson. Unfortunately, the January 5, 2009 deadline was missed, in part because it fell just after the Holidays, a birthday cruise in early December, created by my children, and the necessity of attending to other pressing matters including an involved nursing home real estate transaction I was supervising in Kansas. I regret losing track of the imposed deadline and apologize for any inconvenience this may have caused.

I am submitting herewith a zoning map amendment and amended zoning application for the property parcels No. 159027 and 159017 as illustrated on Exhibit "A" to the Statement attached to the amended application. Exhibit "B" to the Statement which attaches recorded deeds, identifies that Mr. Erickson is the owner of both properties.

There appears to be some confusion, where your letter of January 16, states in the last paragraph that "The City cannot continue to process a petition that relates to property that is not under your ownership or control. Apparently, based on the erroneous assumption that Mr. Erickson did not own the properties - your letter went on to state, "Therefore, the Planning Division stands by our decision to close your petition." I made clear to Mr. Norris, before the November 5, 2008 letter, that Mr. Erickson had closed on the 254 So. 800 East property (see attachment to Mr. Erickson's letter and exhibit "B" to Statement showing the deed recording date of November 3, 2008) - but needed more time to attempt to acquire the property at 238 So. 800 East owned by Mr. Klukoske, - that if acquired would eliminate the need for the zoning change. Unfortunately Mr. Klukoske decided not to sell his property and these negotiations just terminated.

Letter Mr. Sommerkorn

January 29, 2009

Page 2

Additionally, at the time of my last visit with Mr. Norris, I observed in the file a plot plan I had provided that illustrated the existing parking and the number of dwelling units. It was my understanding the 60 days additional time was provided to allow Mr. Erickson to continue with his land purchasing efforts to eliminate his need to seek to have the zoning map changed for his location.

I submit that everything required to be submitted by Mr. Norris's letter of November 5, 2008 has now been submitted. In consideration of your statement in the last paragraph of your letter i.e. "However, we would reconsider opening your petition once you are the owner of the property..."., now that you are aware that Mr. Erickson is the owner of the property, I would respectfully request that you grant Mr. Erickson's request to "reopen the application and allow us an additional 30 days to bring all these matters to a conclusion." Thank you in advance for your consideration.

Kindest regards

A handwritten signature in blue ink, appearing to read "W. David Weston", with a large, stylized flourish at the end.

W. David Weston

Attachment

cc: Steven Erickson
Nick Norris
Cheri Coffey
Scott Mikkelsen

STATEMENT

ACCOMPANYING AMENDMENT TO MASTER PLAN AMENDMENT PETITION NO. 400-08-19

Subject Property Parcels No. 159027 and 159017 East Half Block 54

This amended application amends the Master Plan Amendment Petition No. 400-08-19 to change the zoning for the property, identified as parcels #159027 and #159017 located in the East half of Block 45, Salt Lake City, to RM45 (the original petition sought RM75). Parcel No. 159027 is split zoned with the west half zoned RM45 and the east half zoned RM35. The Master Plan amendment would eliminate the split zoning, by zoning the entire parcel RM45. Both of the above referenced parcels are owned by Mr. Steven Erickson (see ownership documents attached as Exhibit "B" and incorporated herein by this reference).

It is submitted that the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City. The subject property is designated on the future land use map as "medium high density residential." An appropriate high density residential designation (RM45) is located on one half of Parcel No. 159027 and 2/3rds of Block 45 which includes Parcel 159027. The blocks surrounding Block 45 and parcels 159027 and 159017 have a predominate RM45 zoning character. On the Block to the North of Block 45, 90% of the non commercial area is zoned RM45. On the Block to the North East of Block 45, 70% of the non commercial area is RM45. On the Block to the West of Block 45, 50% of the non commercial area is zoned RM45. On the Block to the South of Block 45 one half of the block is designated commercial and 50% of the remainder is RM45. Thus "medium high density residential" is the predominate designation in the area immediately surrounding the subject property. Thus the requested change fits within the requirements of the Future Land Use Map given the designations for RM45 found in areas adjacent and fits within the appropriate type of growth allowed for this area.

The 22 apartments originally on this site (parcels #159027) were constructed in 1960. The property existed prior to the 1995 Zoning Ordinance changes that created the RM45 and RM35 zoning that splits the property. In 2003 an apartment was added to the basement of building 252 and in 2006 an additional apartment was added to the basement of Building 252, in an area previously occupied by a laundry facility which, to augment security for residents, was removed to a new ground level location. Unfortunately, these two basement apartment units were added without city approval and have been occupied since 2003 and 2006 respectively. The original Certificate of Occupancy has not been amended since the property was originally built in 1960.

The purpose of this application is to bring the two basement apartments in Building 252 into compliance with the Salt Lake City Master Plan. Parcel 159027 along with parcel No. 159017, recently purchased by Mr. Erickson, together meet the Medium/High Density Residential designation of 30-50 dwelling units per acre. Attached hereto as Exhibit "A", and incorporated herein by this reference, is a plot of the East half of Block 45 showing the boundaries of the current RM45 designation, the proposed boundaries of the property now subject to petition No. 400-08-19. The plot plan entitled "Reece Apartment Complex" illustrates the proposed Master Plan Amendment to bring the entire property (#159027 and #159017) into one zoning classification (RM45) as opposed to the present property split designation (RM45+RM35) and to approve two additional apartment units constructed in the basement of Building 252. The Plot plan identifies that the combined properties have a total of 30,603 square feet. The combined properties have 26 residential units for which RM45 zoning would require 29,800 square feet (15 units 21,000 sq ft. + 11 units 8,800 sq ft.). Thus the residential units on the combined property exceeds the residential square footage for RM45 zoning by 803 square feet.

Attachments:

Exhibit "A" Plot Plan entitled "Reese Apartment Complex" illustrating combined lot area, present zoning, apartment units and square feet requirements.

Exhibit "B" Property description and ownership records for 248 S. 800 East and 254 S. 800 East.

Exhibit "C" Illustration of Existing Parking

EXHIBIT "A"

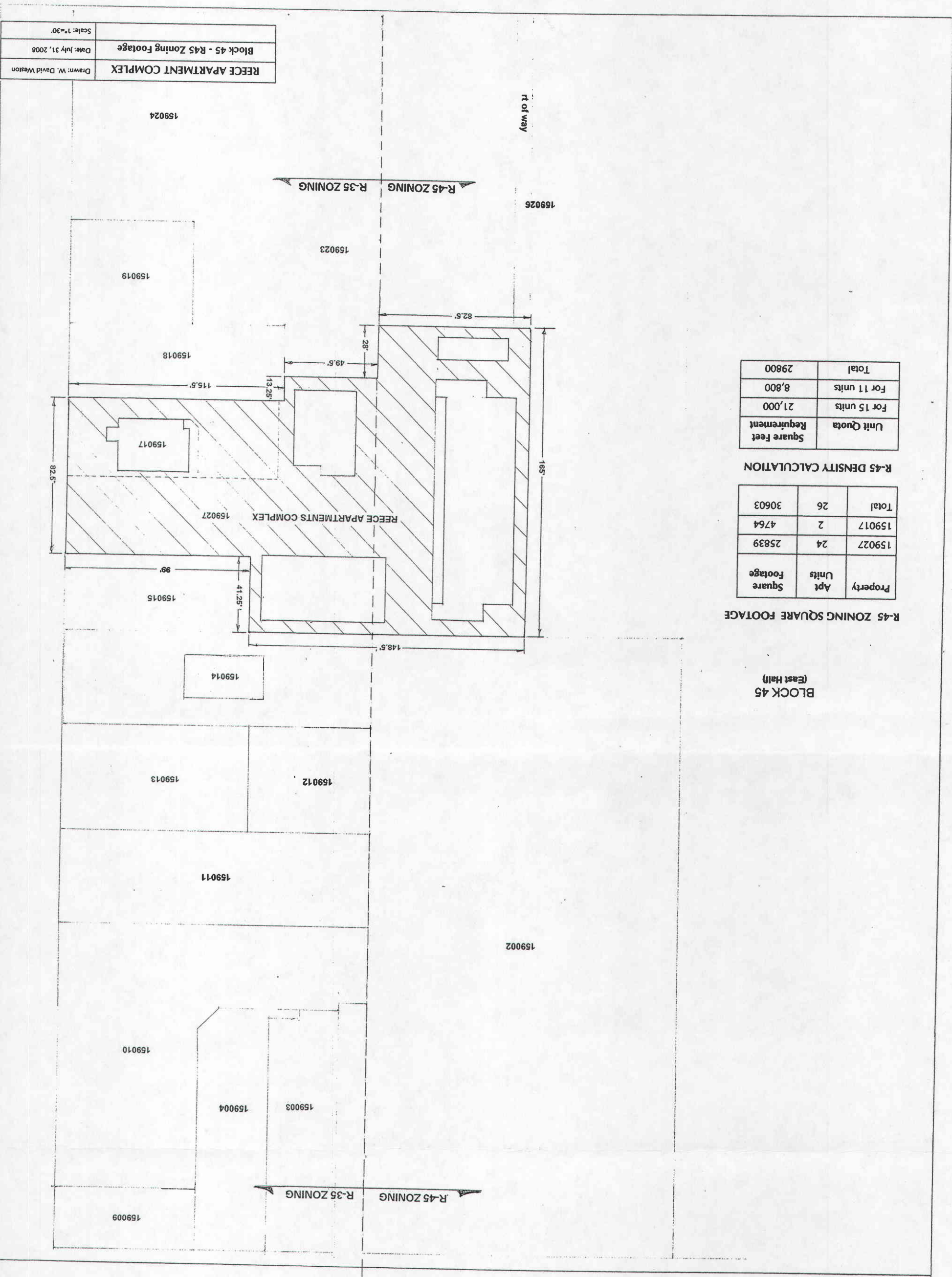
Unit Quota	Square Feet Requirement
For 15 units	21,000
For 11 units	8,800
Total	29800

R-45 DENSITY CALCULATION

Property	Apt Units	Square Footage
159027	24	25839
159017	2	4764
Total	26	30603

R-45 ZONING SQUARE FOOTAGE

BLOCK 45
(East Half)



REECE APARTMENT COMPLEX	Drawn: W. David Weston
Block 45 - R45 Zoning Footage	Date: July 31, 2008
	Scale: 1"=30'

EXHIBIT "B"

VTDI 16-05-159-027-0000	DIST 13		TOTAL ACRES	0.60
ERICKSON, STEVEN R &	TAX CLASS	UPDATE	REAL ESTATE	262700
RENEE C; TR		LEGAL	BUILDINGS	783500
		PRINT P	TOTAL VALUE	1046200
1216 E HAWBERRY CIR				
DRAPER UT	84020	EDIT 0	FACTOR BYPASS	
LOC: 248 S 800 E	EDIT 0	BOOK 8802	PAGE 9360	DATE 05/27/2003
SUB: UNKNOWN			TYPE UNKN	PLAT

01/22/2009 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY
BEG AT NE COR LOT 2, BLK 45, PLAT B, SLC SUR; W 5 RDS; S 10
RDS; E 5 RDS; N 28 FT; E 3 RDS; N 54.5 FT; E 7 RDS; N 2.5
RDS; W 6 RDS; N 2.5 RDS; W 4 RDS TO BEG. 5544-0742 6117-2057
7671-0480,0485 7671-0488 7965-2377

PFKEYS: 1=RXPH 2=VTOP 4=VTAU 6=NEXT 7=RTRN VTAS 8=RXMU 10=RXBK 11=RXPN 12=PREV

VTDI 16-05-159-017-0000 DIST 13

ERICKSON, STEVEN

TAX CLASS

UPDATE

LEGAL

PRINT P

TOTAL ACRES

REAL ESTATE

BUILDINGS

TOTAL VALUE

0.11

88200

124400

212600

254 S 800 E

SALT LAKE CITY UT

LOC: 254 S 800 E

SUB: BLK 045 PLAT B

84102220654 EDIT 1

EDIT 0

BOOK 9656

FACTOR BYPASS

PAGE 0637 DATE 11/03/2008

TYPE PLOT PLAT

01/22/2009 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY

BEG 5 RDS S FR NE COR LOT 1, BLK 45, PLAT B, SLC SUR; S 2

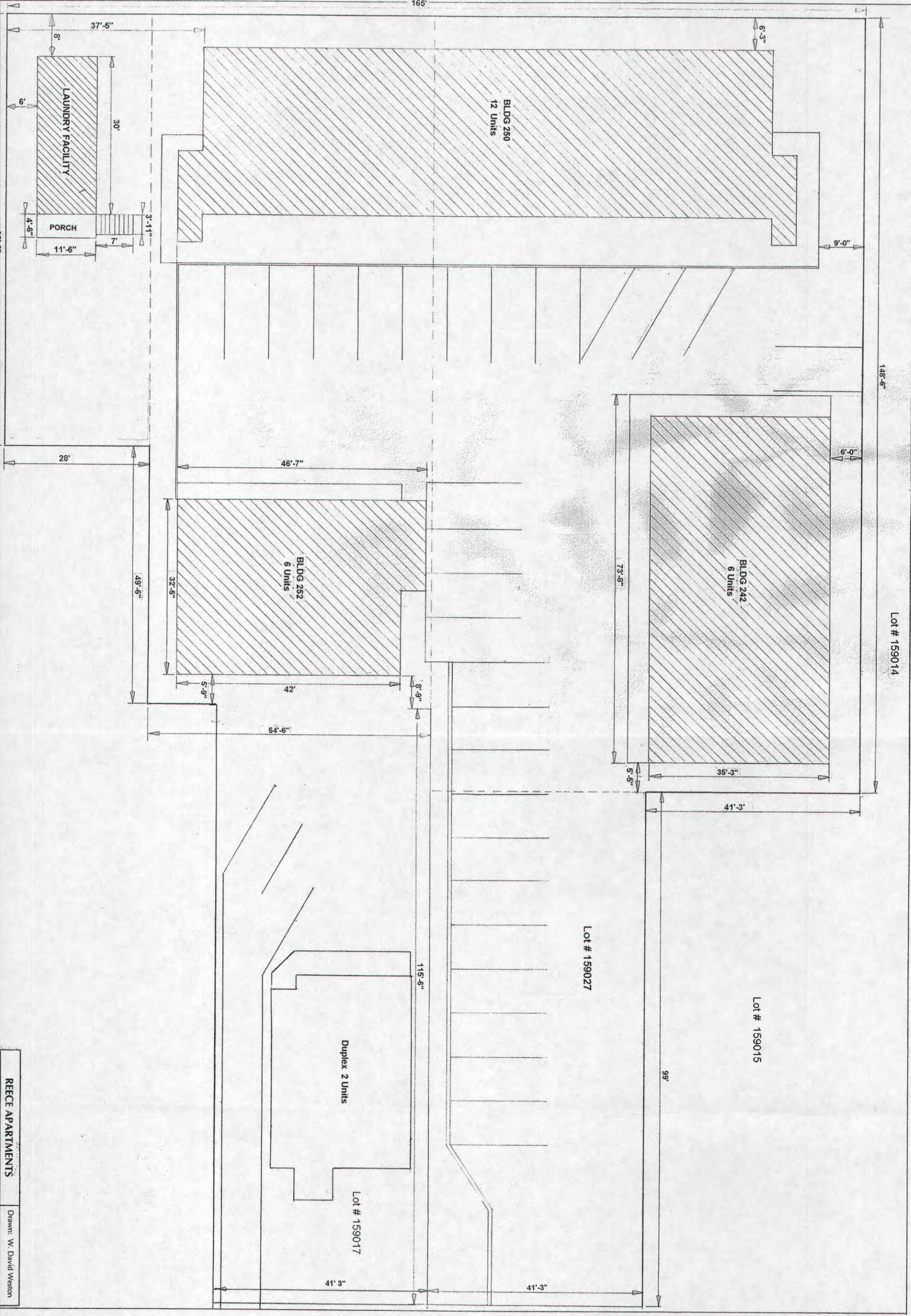
1/2 RDS; W 7 RDS; N 2 1/2 RDS; E 7 RDS TO BEG. 4897-735

4900-0204 5413-0229 5597-2970 5644-2148 8236-2828,2829

9155-5263

PFKEYS: 1=RXPH 2=VTOP 4=VTAU 6=NEXT 7=RTRN VTAS 8=RXMU 10=RXBK 11=RXPN 12=PREV

EXHIBIT "C"



REECE APARTMENTS

Drawn: W. David Weston

Attachment B

Photographs







13

14

Attachment C

Citizen Input

Norris, Nick

From: loggins merrill [loggins.merrill@gmail.com]
Sent: Friday, March 20, 2009 1:51 PM
To: Norris, Nick; Gray, Frank; Sommerkorn, Wilford; Council Comments
Subject: ECCC response to the Reese application
Attachments: ECCC response to Reese application.pdf

Nick,

We decided to do one letter to address both applications for the change to the masterplan and the request to up-zone the property from Reese Enterprises. I know that the top of the letter states only one of the issues but it was made and scanned in prior to us clearly understanding that we could combine both issues into one response. Please make sure this is clear for those who will be considering our comments. Thank you for coming to our meeting during the discussion and for all the help you have given during the process!

Loggins Merrill
Chair, East Central Community Council.

--

The problems that exist in the world today cannot be solved by the level of thinking that created them. - Einstein

3/31/2009

TO: Nick Norris, Planning Division Staff

FROM: Loggins Merrill, Chair East Central Community Council

DATE: March 18, 2009

RE: Petition PLNCPM2008-00141 Zoning Map Amendment for property located at 248 South and 254 South 800 East

Reese Enterprises, represented by Mr. David Weston, presented their proposal to the East Central Community general meeting on March 12, 2009. The concerned properties are located in the Bryant Neighborhood. The City should consider that this area is vulnerable to abuses of the zoning laws and ordinances, increased density pressures, and bad landlord practices. All residents within the boundaries of East Central Community Council (ECCC) have a vested interest in attempts to increase the housing density of properties within those boundaries.

It is the ECCC's position and recommendation that this application to up-zone to RMF-45 be denied. To address some of the criteria listed by the Planning Department in the request letter please see the following:

A. Whether the proposed amendment is consistent with the purposes and goals of the Central Community Master Plan.

The proposed amendment is inconsistent with the Central Community Master Plan.

The Central Community Master Plan adopted by the Salt Lake City Council on 11/1/05, regarding the Bryant Neighborhood, states:

Pressure to develop or redevelop into higher densities has become one of the most significant issues confronting the area.

About the issues within East Central North Neighborhood, of which Bryant is a part, it lists:

Residential

- *Reduce excessive density potential, stabilize the neighborhood, and conserve the neighborhood's residential character.*
- *Improve zoning enforcement, including illegal conversion to apartments, yard clean-up, "slum lords", etc.*

These statements are still true today. There is not sufficient argument in this proposal to start re-writing the document or the future land use map, which designates these properties as moderate-density.

B. Whether the proposed amendment is harmonious with the overall character of existing development.

It is not harmonious with the overall character of the existing development on 800 East.

RMF-35 is medium-density housing. RMF-45 is medium/high density housing. The entire west block face of 800 East between 200 and 300 South is currently zoned as RMF-35. The east block face is RMF-30 and RMF-35. Granting higher zoning in the middle creates an imbalance in rights compared to adjacent property owners. It sets a dangerous precedence towards increased density. It also avails these properties to many more potential conditional-uses, which the neighborhood is already over-burdened with.

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

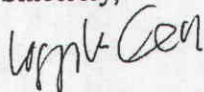
It will potentially adversely affect adjacent properties.

We are primarily focusing on the potential development of the RMF-45 zoning designation, not on the merits or demerits of the 3 illegal units located on the properties, as that is our community's main concern with the proposal. If this amendment were to be approved, Reese enterprises would automatically have a financial advantage over adjacent landlords by having an RMF-45 zoned property instead of a split zone, and this would be done by a minor fee of up zoning. This could be looked at as an incentive to other landlords to consequently illegally convert apartments and then just request an up-zone. The biggest adverse affect is the fact that the property could then be developed and built up to 45 feet high. This will most definitely affect adjacent properties.

The legalization of excess apartment units that were built without proper permits from the city is an inappropriate use of zoning change. The landowner, by his representative's own statements, has been in the rental property business for decades. It is certain that he would know it is illegal to make extensive additions to his property without permits. It is unfortunate that he is now in a position where he may have to make people move. His own actions have brought him to this position. He has profited from his illegal units for many years. If the City had properly inspected his properties, he may have been stopped at the first illegal unit, instead of arriving at three. Higher zoning instantly makes his properties more valuable. To grant an up-zone would reward and encourage such behavior. There are many, many landlords in the Bryant Neighborhood that would surely follow suit if Reese Enterprises were successful with this zoning change.

We ask that you consider the development potential and the precedent that will be set by granting this up-zone. We ask that you not reward the making of illegal units. We ask that you deny this application.

Sincerely,



Loggins Merrill