

# PLANNING COMMISSION STAFF REPORT



Planning and Zoning Division  
Department of Community and  
Economic Development

## Merrimac PLNPCM2008-00679

Rezone Petition from RMF-35 to RMF-75

38 West Merrimac

June 10, 2009

### Applicant:

Nathan Anderson of City and Resort  
Properties

### Staff:

Doug Dansie 535-6182  
Doug.Dansie@slcgov.com

### Tax ID:

15-13-231-015-0000  
15-13-231-014-0000

### Current Zone:

RMF-35

### Master Plan Designation:

Central City Master Plan: medium  
density residential of 15-30 units per  
acre.

### Council District:

District Five Jill Remington Love

### Lot Size:

0.343 acres

### Current Use:

Vacant

### Applicable Land Use

#### Regulations:

- 21A.24.130 RMF-35 Moderate  
Density Multi-Family  
Residential District:
- 21A.24.150 RMF-75 High  
Density Multi-Family  
Residential District:

### Notification

- Notice: May 26, 2009
- Sign: May 28, 2009
- Web: June 5, 2009

### Attachments:

- A. Photographs
- B. Additional Applicant  
Information

## ***Request***

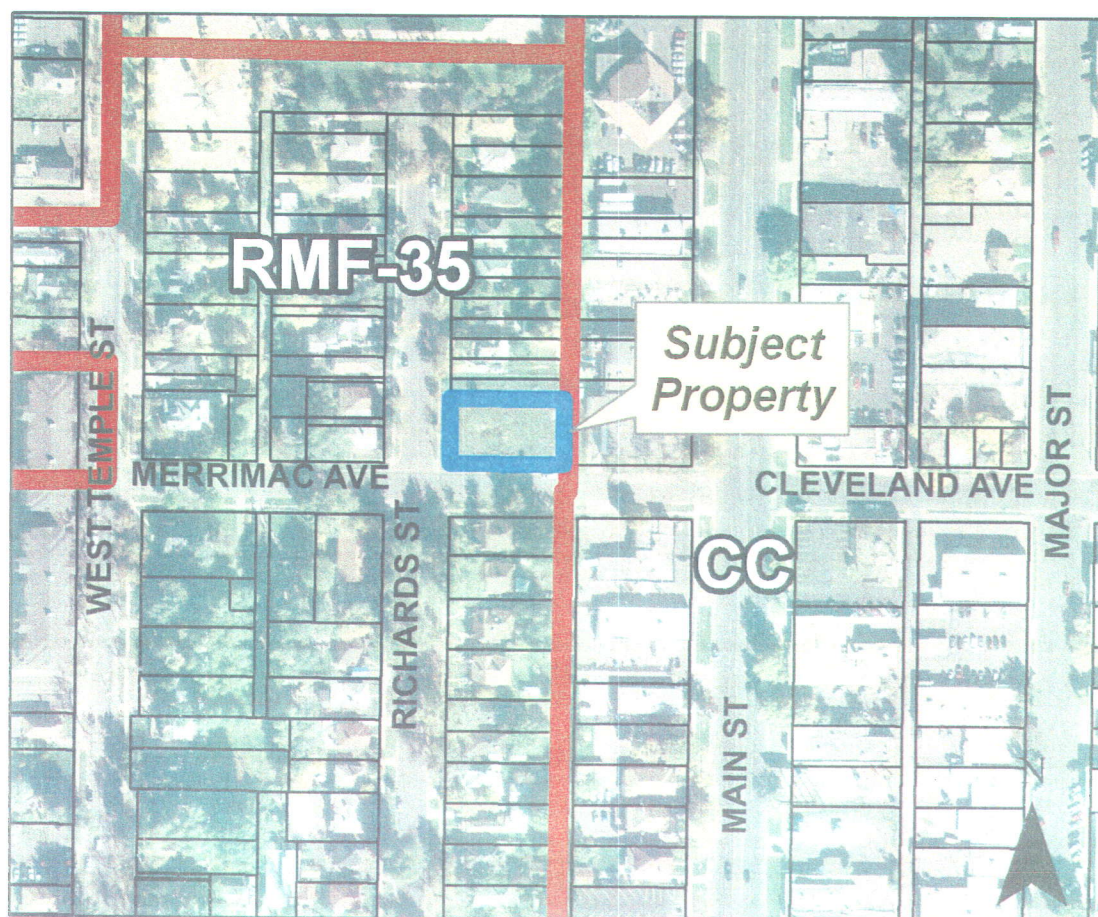
This is a request to rezone 38 West Merrimac (also known as 1429 South Richards) and 1419 S Richards Street from RMF-35 to RMF-75. The developer wishes to increase the potential density from five to seven units.

The developer is planning on constructing townhomes, although this petition is for the rezone, not the specific development proposal. There is a concurrent proposal; Petition PLNSUB2009-00417.

## ***Staff Recommendation***

Based on the findings listed in the staff report, it is the Planning Staff's opinion that overall the proposal generally meets the applicable standards and therefore, recommends the Planning Commission forward a positive recommendation to the City Council to approve the requested zoning map amendment.

## VICINITY MAP



### Background

#### Project Description

The site is presently zoned RMF-35. The petitioner is proposing RMF-75. There was a previous conditional use proposed for this site consisting of five townhomes (Planned Development Petition 410-07-45 Subdivision Petition 490-08-07). The developer wishes to increase the density to seven units. The new proposal would be in a townhome format. The previous proposal had garages located off of a common drive in the rear. The new proposal would have direct access to the garages from the front. The petitioner feels this would be a safer alternative because the garage is attached to the home. The developer has submitted petition PLNSUB2009-00417 as a Conditional Use/Planned Development to construct seven townhome on the site.



## **Comments**

### **Public Comments**

The project was presented to the Peoples Freeway Community Council on February 5, 2009. The Community Council was amenable to the change but wanted any new development limited to three stories. Eric Uquillas, a neighbor, expressed concern that 7 units was too much for the site.

### **City Department Comments**

(Some comment pertain to the specific development proposal – not merely the rezone request)

#### **Building Services (Alan Hardman)**

This preliminary zoning review is based on a DRT meeting held on December 17, 2007, and a review previously done by Alan Michelsen.

1. Obtain Address Certificates from the city's Engineering Division for each new dwelling unit.
2. The Subdivision or Condominium Plat, combining two lots, must be approved.
3. The rezone petition PLNPCM2008-00679 must be approved.
4. The five interior lots do not meet the minimum 2,000 square foot lot area. This must comply or be waived and/or approved by a Planned Development process.
5. The minimum rear yard setback is 25% of the lot depth. The setback shows 25 feet and it should show 26 feet.
6. Public Utilities approval required.
7. Fire Department approval required.
8. Engineering Division approval required for all street and public way improvements.
9. Transportation Division approval required for all parking and traffic-related issues, including tandem parking in the garages and the new curb cuts for the driveways.
10. Obtain separate demolition permit for the existing building.

### **Engineering**

The Engineering Division has no concerns regarding the proposed re-zone on this project or site.

#### **Fire (Ted Ichon)**

No comments

#### **Airport (David Miller)**

Thank you for the notice regarding request from Nathan Anderson of City and Resort Properties for a rezoning of 38 West Merrimac. This address is not in an established Salt Lake City airport influence zone. The project does not create any observed impacts to airport operations.

#### **Public Utilities (Justin Stoker)**

Public Utilities has reviewed the above mentioned request and offers the following comments that will need to be addressed to gain approval from our Department:

All design and construction must conform to State, County, City, and Public Utilities standards and ordinances. Water, sewer, and storm drain design and construction must conform to the Salt Lake City Public Utilities General Notes.

This project will be required to install a master meter to serve the condominiums with culinary water service. If required by the Fire Department, a new public fire hydrant can be connected to the existing public water main. If the location desired by the Fire Department for a new hydrant is on private property then the new hydrant must be routed through a detector check valve. Any other water services discovered during construction must be killed at the main per Salt Lake City Public Utilities standards. Plans must be submitted showing the routing of the culinary and fire services. The plan must also show all proposed pipe sizes, types, boxes, meters, detector checks, fire lines, and hydrant locations. All meters and hydrants must be located a minimum five-feet outside of any drive approaches.

A new four-inch minimum PVC SDR-35 sewer lateral must be connected to the sewer main. Any existing sewer lateral connection must be capped per Public Utilities standards.

A grading and drainage plan must be submitted for review and approval for this development. Fire Department approval will be required prior to Public Utilities approval.

Fire flow requirements, hydrant spacing, and access issues will need to be resolved with the fire department.

## ***Project Review***

The project was heard by the Planning Commission subcommittee on February 26, 2009. Concern was expressed regarding the amount of the façade that was occupied by garage doors, but the subcommittee felt the project was ready to go to the full Commission.

## ***Analysis and Findings***

### **Options**

There was a previous conditional use proposed for this site consisting of five townhomes (Planned Development Petition 410-07-45 / Subdivision Petition 490-08-07). Failure to grant this zoning change would still allow for the construction of the five unit attached single family home development.

### **Findings**

**Section 21A.50.050.** A decision to amend the text of this title or the zoning map by general amendment 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 council 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;**

**Finding:** Even though the proposed RMF-75 zoning district is labeled high-density, the density calculations within the zoning district increase on a logarithmic basis, based upon lot size: Smaller sites are not allowed to have great density. On a site of this size (0.34 acres) the allowed number of units would roughly translate into a density of 21 units per acre, which places the density within the medium-density range, defined as 15-30 units per acre, and would therefore be compatible with the Central Community master plan,

- b. **Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property;**

**Finding:** The neighboring residences are single family homes; however there is also a mix of apartments in the area. The land to the east is CC Corridor Commercial. RMU Residential Mixed-Use zoning (with unlimited density) exists one-half block to the west. This specific proposal is for single family attached homes and is in harmony with the general neighborhood. The townhomes proposed would need separate Planned Development approval; petition PLNSUB2009-00417.

- c. **The extent to which the proposed amendment will adversely affect adjacent properties;**

**Finding:** The introduction of single family attached units will continue to stabilize the residential neighborhood while allowing for slight increase in density.

- d. **Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards; and**

**Finding:** The proposed zone change is not within any overlay zone or historic district. The site is adjacent to the South State Street Corridor Overlay which is overlaid on top of CC Commercial Corridor zoning located to the east of this site.

- 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**

**Finding:** Public facilities and services are adequate.











