## PLANNING COMMISSION STAFF REPORT

# Merrimac PLNSUB2011-00374

Planned Development 38 West Merrimac November 9, 2011



#### 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 Moderate Density Multi-Family Residential District

#### **Master Plan Designation:**

Central Community Master Plan: medium density residential of 15-30 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.54 Conditional Uses

#### **Attachments:**

- A. Site Plan & Elevation Drawings.
- B. Three Story Model
- C. City Department Comments
- D. Previously approved design
- E. 2008 approved design
- F. Previously considered design w/o tandem parking

## Request

This is a request from City and Resort Properties, LLC for a Planned Development located at approximately 38 West Merrimac (including 1419 S Richards Street). The site is presently zoned RMF-35 medium density Residential Multi-Family. Two previous planned development were approved at this location in 2008; 410-0745, and 2009; PLNSUB2009-00417

The petitioner is proposing to construct five single family attached housing units on the site. The layout of the building requires some modification of lot size and street frontage requirement to make the project consistent with neighborhood.

#### 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 approve the request with the following conditions::

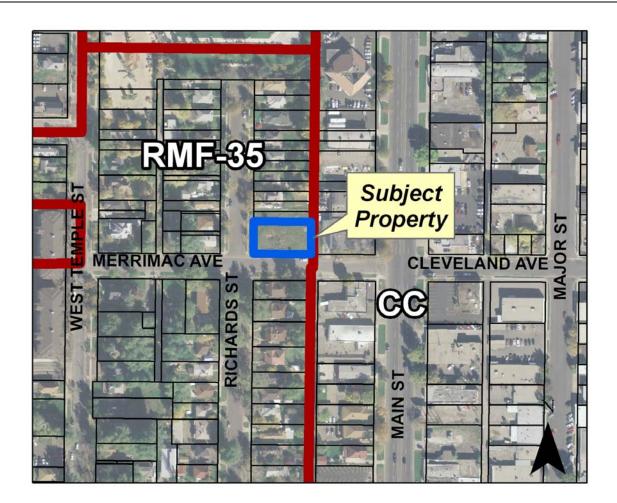
- 1. The setback on Richards Street be increased to 15 feet and three story units be allowed.
- 2. Tandem parking is allowed
- 3. The project will require modification of minimum lot sizes
- 4. Staff also recommends that the Planning Commission delegates final authority for the site plan, and landscaping to the Planning Director and specifically direct the petitioner to work with the Transportation Department to resolve any curb cut issues.

A subdivision will be required to finalize the project.

#### Recommended Motion

Based on the findings listed in the staff report and the testimony heard, I move that the Planning Commission approve the proposed conditional use with the following conditions:

- 1. The setback on Richards Street be increased to 15 feet
- 2. Three story units are allowed.
- 3. Tandem parking is allowed
- 4. Lot sizes may be varied and a subdivision required
- 5. The Planning Commission delegates final authority for the site plan, and landscaping to the Planning Director
- 6. The petitioner should work with the Transportation Department and Public Utilities to resolve any curb cut issues



**VICINITY MAP** 

## Background

## **Project Description**

The petitioner is proposing to build five single family attached housing units. The site is presently zoned RMF-35. The adjacent zoning districts are RMF-35 to the north and west and CC Corridor Commercial to the east. There was a previous Planned Development proposed for this site consisting of five townhomes (Planned Development Petition 410-07-45 and also PLNSUB2009-00417).

The townhomes are proposed to be two stories tall and all five units are connected. The previous planned development proposals were three stories tall and arranged in two clusters of three units and four units. The previous proposal had garages located off of a common drive in the rear of the property. The new proposal would have direct access to the garages from the front with tandem parking in the garages. The petitioner feels this would be a safer alternative because the garage is attached to the home and visible from the street, with no rear drive to function as an alley that is not visible from the street (as was approved in the first proposal).

The petitioner is asking for a 20 foot front yard setback, which is further back than other buildings on the street, Previous design were setback that far to accommodate the front stairs; this proposal does not have that issue. However the number of driveways makes on-street parking difficult and the 20 foot setback allows room for a car to be parked in the driveway. The petitioner is also asking for a reduction in the setback along Richards Street from 15 feet to 7.5 feet. This is to accommodate the width of all the units. The lot sizes also vary from zoning requirements in order to accommodate setbacks along Richards Street that are compatible with other buildings on the street. This results in varied lot with, with some lot widths and sizes being less than code requirements (overall square footage and frontage is being met). The petitioner is also requesting the approval of tandem parking.

#### **Comments**

#### **Public Comments**

The project was presented to the Ballpark Community Council on October 6, 2011. The Community Council was amenable to the project. (In 2009, The Community Council had requested that the previously approved planned development be limited to three stories)

## **City Department Comments**

The comments received from pertinent City Departments / Divisions are attached to this staff report in Attachment C. The Planning Division has not received comments from the applicable City Departments / Divisions that cannot reasonably be fulfilled or that warrant denial of the petition.

## Project Review

- The petitioner has a similar previously approved planned development
  - The first approval was for a 2 story (plus dormer on third) project with parking in the rear; the petition was approved but abandoned by the petitioner
  - o The second project was for three stories with parking from the street; a side by side parking concept was considered but ultimately a tandem parking design was approved because it had less devotion of the façade to a garage door and driveway.
  - The third present plan is proposed to have tandem parking to reduce the garage presence on the façade and is proposed to be two stories, but it does not meet setback requirements.
  - o Each reiteration has been reviewed by staff and the community.
- The present iteration has been reviewed by staff and community council

## Analysis and Findings

## **Options**

Failure to grant the planned development would still allow the petition to build five units on the site; however, it would make it more likely that the project would appear to be more like as a traditional apartment building than a collection of attached single family homes.

## **Findings**

21A.55.050: STANDARDS FOR PLANNED DEVELOPMENTS:

The Planning Commission may approve, approve with conditions, or deny a planned development based upon written findings of fact according to each of the following standards. It is the responsibility of the applicant to provide written and graphic evidence demonstrating compliance with the following standards:

**A. Planned Development Objectives:** The planned development shall meet the purpose statement for a planned development (section <u>21A.55.010</u> of this chapter) and will achieve at least one of the objectives stated in said section;

Analysis: The purpose statement is as follows: A planned development is intended to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services and encouraging innovation in the planning and building of all types of development. Further, a planned development implements the purpose statement of the zoning district in which the project is located, utilizing an alternative approach to the design of the property and related physical facilities. A planned development will result in a more enhanced product than would be achievable through strict application of land use regulations, while enabling the development to be compatible and congruous with adjacent and nearby land developments. Through the flexibility of the planned development regulations, the city seeks to achieve any of the following specific objectives:

- A. Combination and coordination of architectural styles, building forms, building materials, and building relationships;
- B. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;
- C. Preservation of buildings which are architecturally or historically significant or contribute to the character of the city;
- D. Use of design, landscape, or architectural features to create a pleasing environment;
- E. Inclusion of special development amenities that are in the interest of the general public;
- F. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation;
- G. Inclusion of affordable housing with market rate housing; or
- H. Utilization of "green" building techniques in development.

**Finding:** The project complies with criteria A and D because it allows for single family attached homes, which are more consistent with neighboring development, than a single apartment building.

### **B. Master Plan and Zoning Ordinance Compliance:** The proposed planned development shall be:

- 1. Consistent with any adopted policy set forth in the citywide, community, and/or small area master plan and future land use map applicable to the site where the planned development will be located, and
- 2. Allowed by the zone where the planned development will be located or by another applicable provision of this title.

**Analysis:** The Central Community Plan calls for moderate density housing in this area. Multi-family development is an allowed use in the RMF-35 zoning district. The future land use map recommends 15-30 units per acre and generally supports the residential stabilization of the neighborhood. The land use is consistent with the master plan and zoning. The proposed buildings generally meet the Central Community Master Plan by providing a variety of housing consistent with neighborhood densities.

The minimum lot size for a Planned Development is 9,000 square feet. This lot is over 15,810 (including portions of the alley) square feet and meets this standard. The reduced lot widths and frontages allow varied facades; however the overall frontage still meets the proposed zoning requirements.

The planned development allows for more efficient use of the site while still maintaining the medium density residential character of the neighborhood. The surrounding uses are single and multifamily units. The development is in scale with surrounding development and the proposed conditional use is compatible.

**Finding:** The proposed Planned Development complies with the Central Community Master Plan and is allowed in the RMF-35 zoning district.

- **C. Compatibility:** The proposed planned development shall be compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located. In determining compatibility, the planning commission shall consider:
  - 1. Whether the street or other means of access to the site provide the necessary ingress/egress without materially degrading the service level on such street/access or any adjacent street/access;
  - 2. Whether the planned development and its location will create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected, based on:
    - a. Orientation of driveways and whether they direct traffic to major or local streets, and, if directed to local streets, the impact on the safety, purpose, and character of these streets;
    - b. Parking area locations and size, and whether parking plans are likely to encourage street side parking for the planned development which will adversely impact the reasonable use of adjacent property;
    - c. Hours of peak traffic to the proposed planned development and whether such traffic will unreasonably impair the use and enjoyment of adjacent property.
  - 3. Whether the internal circulation system of the proposed planned development will be designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic;
  - 4. Whether existing or proposed utility and public services will be adequate to support the proposed planned development at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources;
  - 5. Whether appropriate buffering or other mitigation measures, such as, but not limited to, landscaping, setbacks, building location, sound attenuation, odor control, will be provided to protect adjacent land uses

from excessive light, noise, odor and visual impacts and other unusual disturbances from trash collection, deliveries, and mechanical equipment resulting from the proposed planned development; and

6. Whether the intensity, size, and scale of the proposed planned development is compatible with adjacent properties.

If a proposed conditional use will result in new construction or substantial remodeling of a commercial or mixed used development, the design of the premises where the use will be located shall conform to the conditional building and site design review standards set forth in chapter 21A.59 of this title.

**Analysis:** The use is an allowed use in the RMF-35 zoning district. Adjacent land uses consist of other single family homes and duplexes, however there are apartment and single family attached (row homes) in the larger neighborhood. Parking, internal circulation and access have been determined to be adequate by the Salt Lake City Transportation Division.

The site has adequate utility services.

The building setback requirements are requested to be modified. The petitioner is requesting a reduction in the building setback along Richards Street. The requirement is 15 feet and most homes on the street are setback that afar or further. The petitioner is requesting 7.5 feet in order to accommodate the width of the individual townhomes (there is a four foot setback from the alley on the east end of the project). The present proposal is for two story buildings. Previous proposals maintained the landscaped setback, but were three stories in height. The present proposal encroaches into the building setback on Richards Street because the height was lowered. Up to three stories can be built within the 35 foot height limit of the zoning district. Other homes in the area are 1.5 and 2 stories, however there are numerous apartments and row home in the neighborhood that are 3 and 4 stories and there are non residential building (Horizonte, Spring Mobile Ballpark) that are higher than 35 feet.

The petitioner is proposing a two story building that encroaches into the Richard street setback but a three story design that meets the setback requirements would be more consistent with the zoning district regulations. The petitioner has an example of a potential three story design (see attachments)

The buildings will face directly onto Merrimac Street. All units have doorways facing the street and driveways accessing the street. Parking access for each unit is from the street. Each unit has pedestrian access from the street.

The units are proposed to have tandem garages which are unusual for most developments and have routinely been denied in Salt Lake City, but have been approved on a similar project at 700 North and 300 West. Tandem parking was approved on the previous planned development at this site (and was preferred over designs that required large garage doors facing the street). The number of driveways makes on-street parking difficult, however, the increased setback allows for adequate space for a car to be parked in the driveway. Final details of the width of curb cuts and the spacing of drive approaches needs to be resolved to Transportation's satisfaction. The width of drive approaches must still be addressed with City Transportation and Public Utilities to not only allow proper access, but to allow space for fire hydrants, water meters and street trees (and is listed as a condition of approval).

The principal use is residential and the impacts related to the noise, light. Trash pickup, etc will b similar to adjacent residential uses. It is not anticipated that this will create any public nuisance.

The final landscape plan should be developed to insure compliance with the details of section 21A.48 landscaping; including landscaping in the public right-of-way, which is listed as a condition of approval.

The neighborhood has a mix of single family homes and multifamily apartments. The project overall is consistent with the character of the neighborhood and represents new investment into the neighborhood which will tend to stabilize its residential character.

**Finding:** The planned development is compatible with the site, adjacent properties, and existing development within the vicinity of the site where the use will be located. A three story development can be built within the zoning height limit and without modifying any building setback requirements

**D. Landscaping:** Existing mature vegetation on a given parcel for development shall be maintained. Additional or new landscaping shall be appropriate for the scale of the development, and shall primarily consist of drought tolerant species.

**Analysis:** The only vegetation existing on the site is naturalized grass. New vegetation and landscaping will be included as part of the new design. Additional street trees will be required in the public right-of-way. There is not planting plan included with the site plan. A condition of approval would be the development of a planting plan that meets ordinance requirements.

**Finding:** The Planning Director should be given final approval of the landscape design to insure compatibility with public way improvements and to insure that the new landscaping is appropriate in scale and is designed to group plant materials of differing watering needs together in order to minimize water use.

**E. Preservation:** The proposed planned development shall preserve any historical, architectural, and environmental features of the property;

**Analysis:** There are no historical, architectural, and environmental features on the property.

**Finding:** The planned development does not impact historical, architectural, and environmental features.

**F. Compliance With Other Applicable Regulations:** The proposed planned development shall comply with any other applicable code or ordinance requirement. (Ord. 23-10 § 21, 2010)

**Analysis**: Street lighting will need to be upgraded to City standard. Landscaping in the public right-of-way will need to be installed according to City requirements.

**Finding**: The proposed housing will be required to meet all requirements not specifically outlined in the planned development approval.

#### Notification

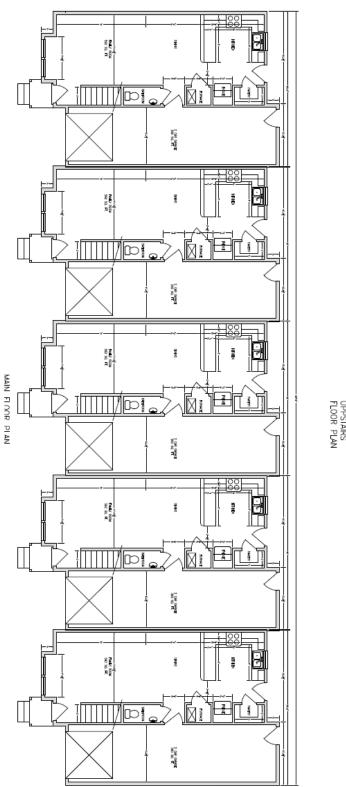
- Required notices mailed on October 28, 2011
- Sign posted on property on October 28, 2011
- Agenda posted on the Planning Division and State Website on October 28, 2011
- Agenda sent to Planning Division Listserve on October 28, 2011

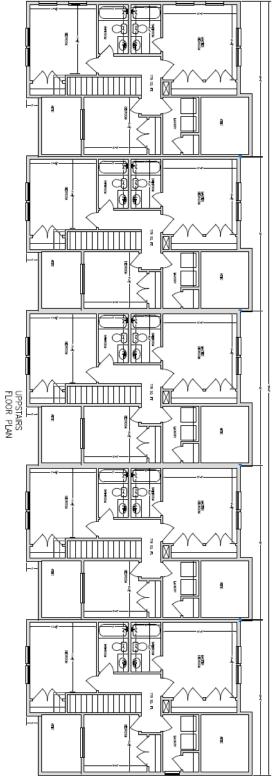
#### **Alternative Motion**

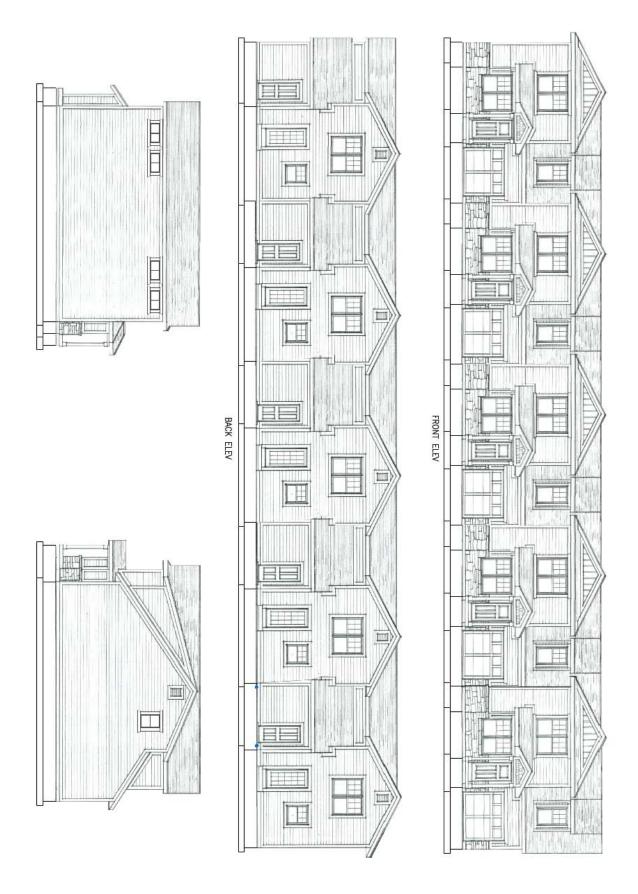
The petitioner has requested a reduced setback on Richards Street in exchange for lower heights. If the Planning Commission prefers this layout,t a motion may be made as follows:

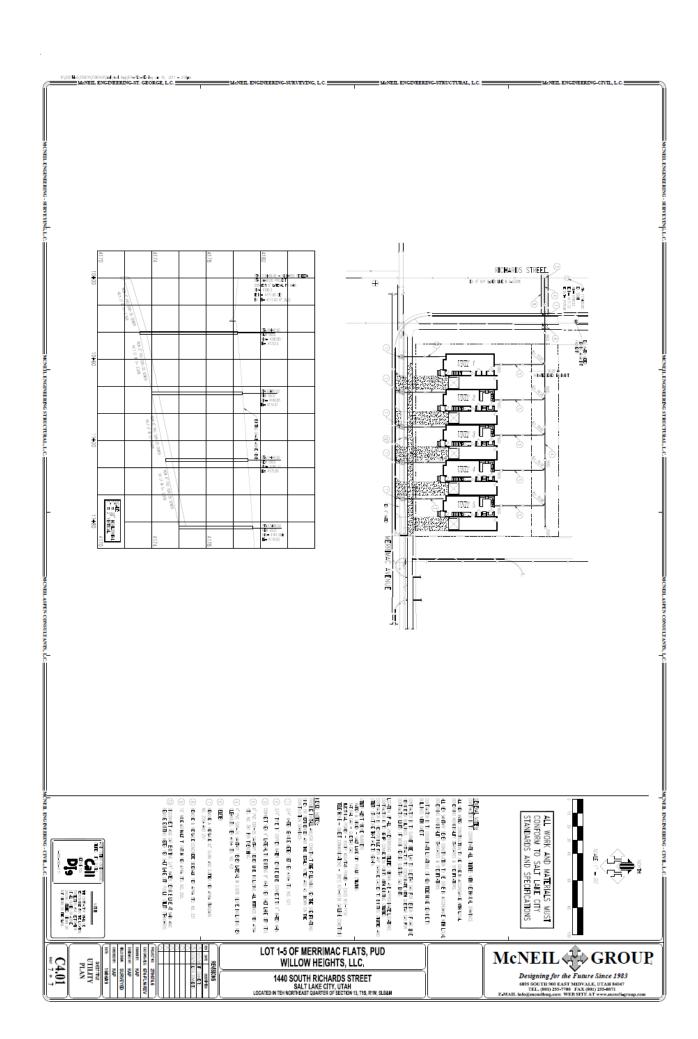
Based on the findings listed in the staff report and the testimony heard, I move that the Planning Commission approve the proposed conditional use with the following conditions:

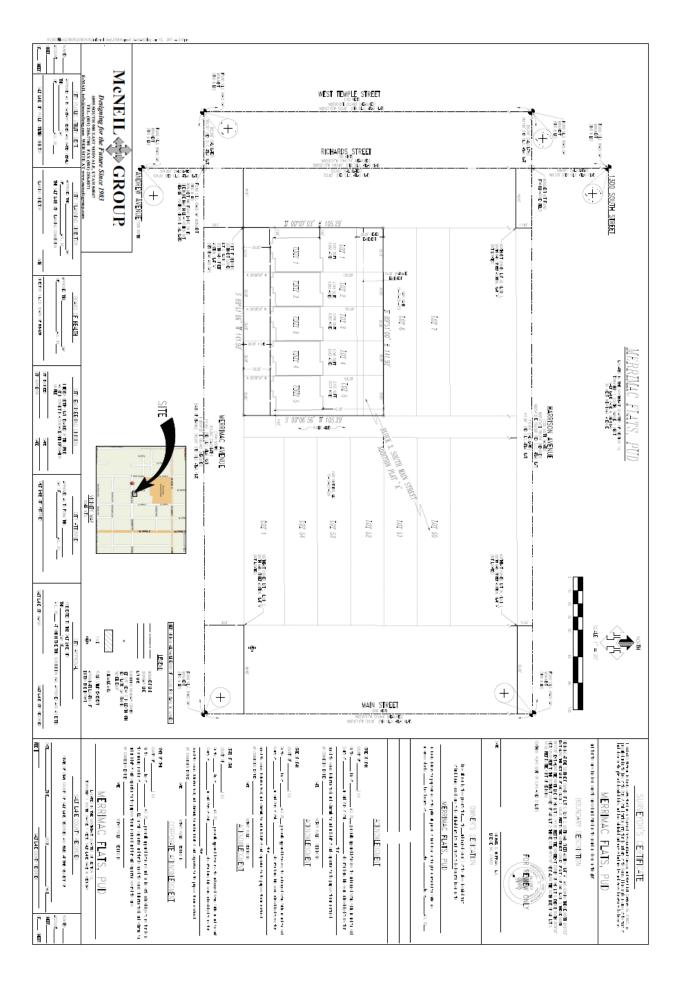
- 1. The setback on Richards Street be reduced to 7.5 feet
- 2. Two story maximum height units are required.
- 3. Tandem parking is allowed
- 4. Lot sizes may be varied and a subdivision required
- 5. The Planning Commission delegates final authority for the site plan, and landscaping to the Planning Director
- 6. The petitioner should work with the Transportation Department and Public Utilities to resolve any curb cut issues













#### Fire (Ed Itchon)

I have no issues for this project

### **Transportation** (Barry Walsh)

Re: PLNSUB2011-00374 - Planned Development proposal for five Townhome Units at 38 West Merrimac Avenue.

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

Per our past review dated, May 12, 2009 for PLNPCM2009-00417 the same issues are presented in this submittal.

(November 18, 2008 Re: PLNPCM2008-00679 Rezone: 38 West Merrimac.)

The site proposal has been changed from the August 18, 2010 transportation concept approval for five units with a two parallel parking stall garage for each unit with the access from Merrimac Avenue frontage.

The new proposal indicates five driveways off Merrimac Avenue that:

- maintain the required 12 foot pedestrian refuge separation between drive approaches, but only 6' from the Alley approach as a shared approach.
- maintain the minimum 12 foot wide driveway approaches.

The driveway spacing shown does allow for a five foot minimum buffer from the driveways for separate water meter service (not shown as 5'), fire hydrants, power poles, or street lighting. The multi drives also restrict any on street parking along the Merrimac Avenue frontage.

The site plan also proposes tandem parking for each unit, that has not been accepted to our knowledge. The stalls shown do not comply with stall widths (8'-3" with one foot buffers against each wall = 10'-3" wide garage and stall depths of 17'-6" each, without door swing conflict. (Petition 400-06-01 - Planning Commission request to amend the Zoning Ordinance adding regulations to permit tandem parking in residential zones, Draft December 8, 2006.) Our recent search of the City Ordinances, fines no reference to approved tandem parking. In reviewing our files, I found eight cases of tandem parking applications and all were denied except the 314 West 700 North Site, approved by the Planning Commission in coordination with the proposed ordnance revision petition 400-06-01. Not adopted to date.

## **Engineering** (Scott Weiler)

Engineering's comments on the Planned Development proposal are as follows:

- 1. The plat must conform to the requirements on the attached plat checklist.
- 2. The proposed new drive approaches and replacement of curb, gutter and sidewalk in Merrimac Avenue must be installed in accordance with APWA Standards. A Permit to Work in the Public Way must be obtained from SLC Engineering prior to installing these improvements.

3. The pavement restoration for the proposed sewer connection in Richards Street must be performed per APWA Std. Plan 255. A Permit to Work in the Public Way must be obtained from SLC Engineering prior to performing this work.

### **Police Department** (Sgt M. Ross)

The PD has no issues with this petition.

## Old comments (from previous approval that still have applicability)

#### **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.

## **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.

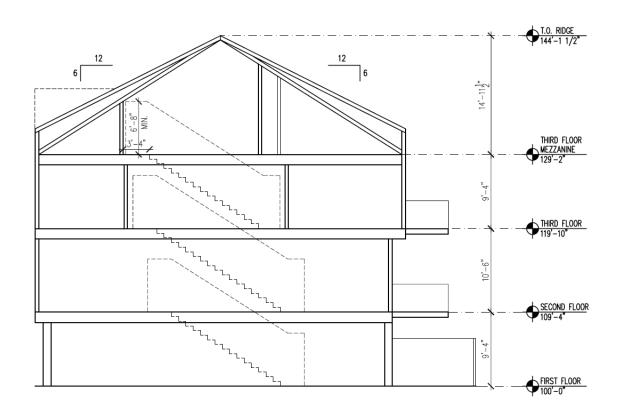
A new four-inch minimum PVC SDR-35 sewer lateral must be connected to the sewer main. Any existing sewer lateral connection must be capped per Public Utilities standards.

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.

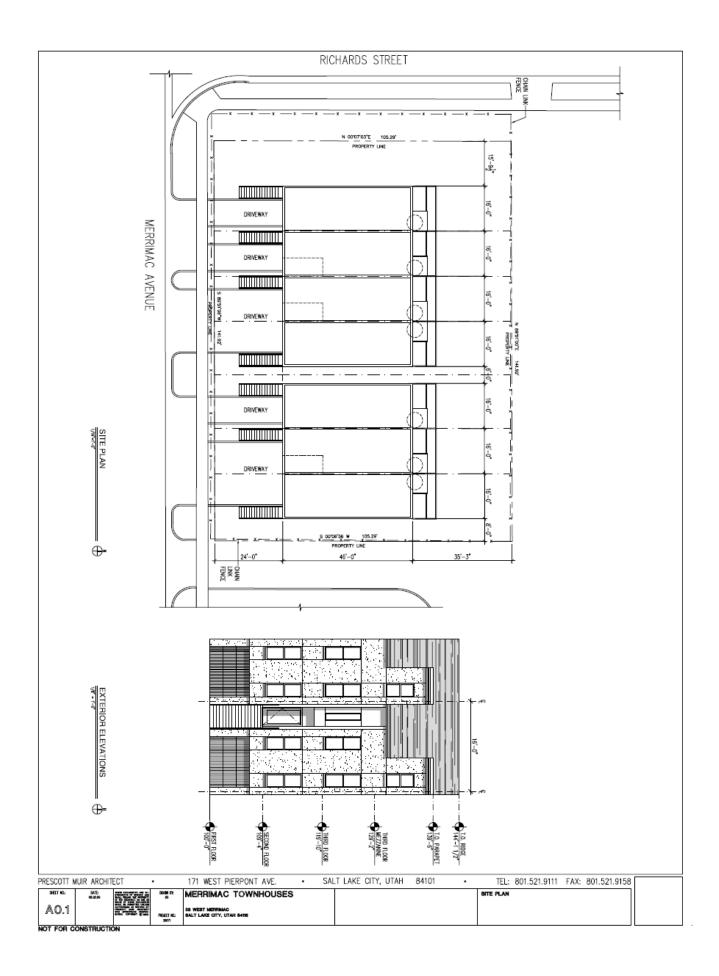
Fire flow requirements, hydrant spacing, and access issues will need to be resolved with the fire department.

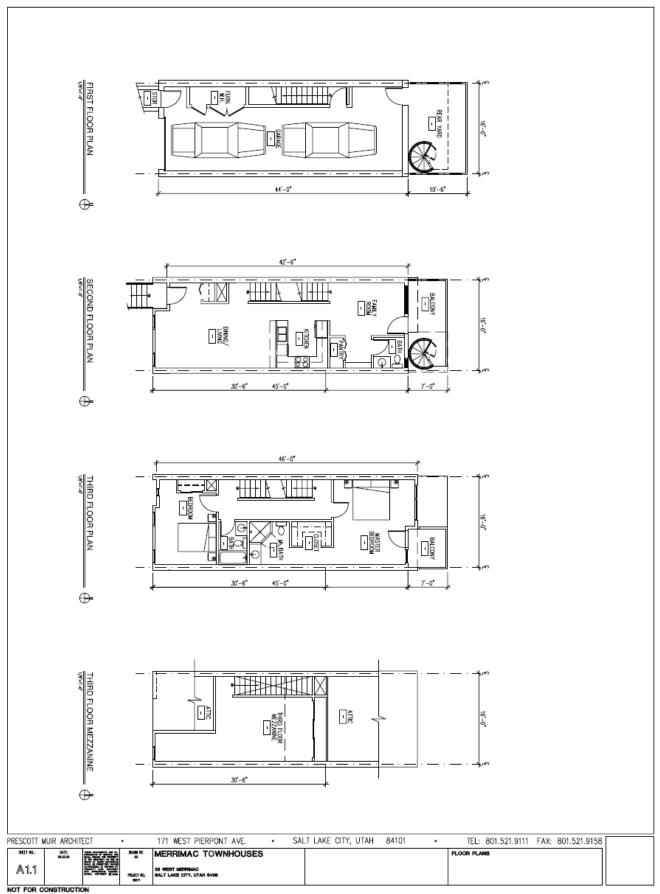
## **Attachment D**

Previously approved Planned Development



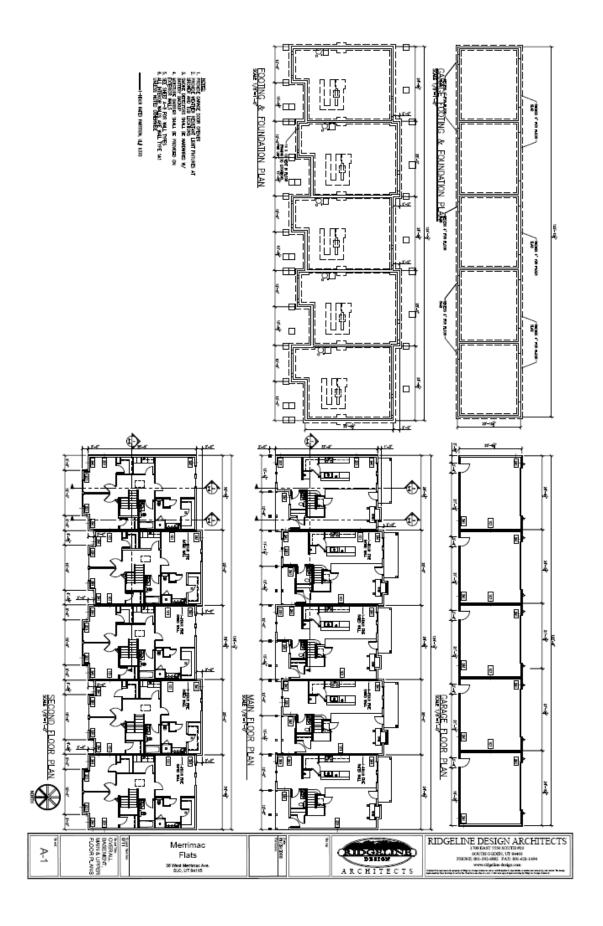
DATE: 05.29.09 1/8" = 1'-0"	MERRIMAC TOWNHOUSES	PRELIMINARY BUILDING SECTION	P.M.A. 171 WEST PIERPONT AVE.
1,0 = 1 0	38 WEST MERRIMAC SALT LAKE CITY, UTAH 84115		SALT LAKE CITY UTAH 84101 PH: 521-9111 FX: 521-9158 PRESCOTT MUIR ARCHITECT

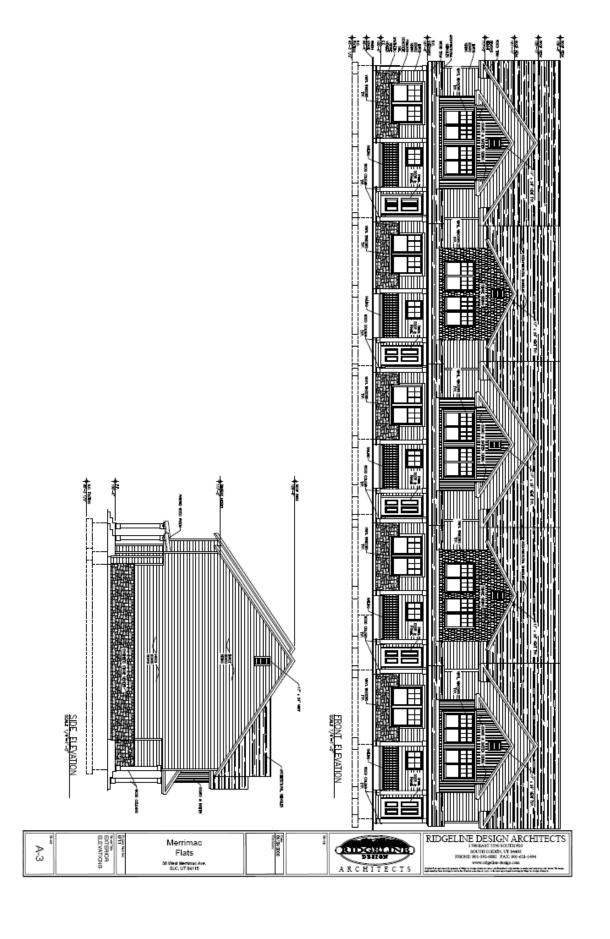




## **Attachment E**

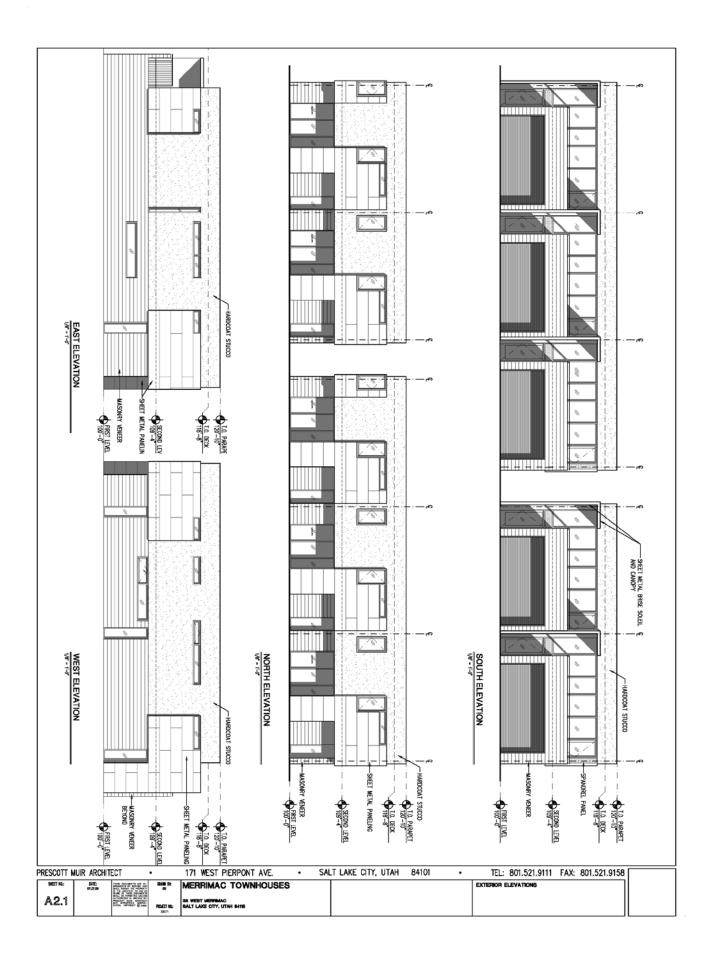
2008 approved Planned Development

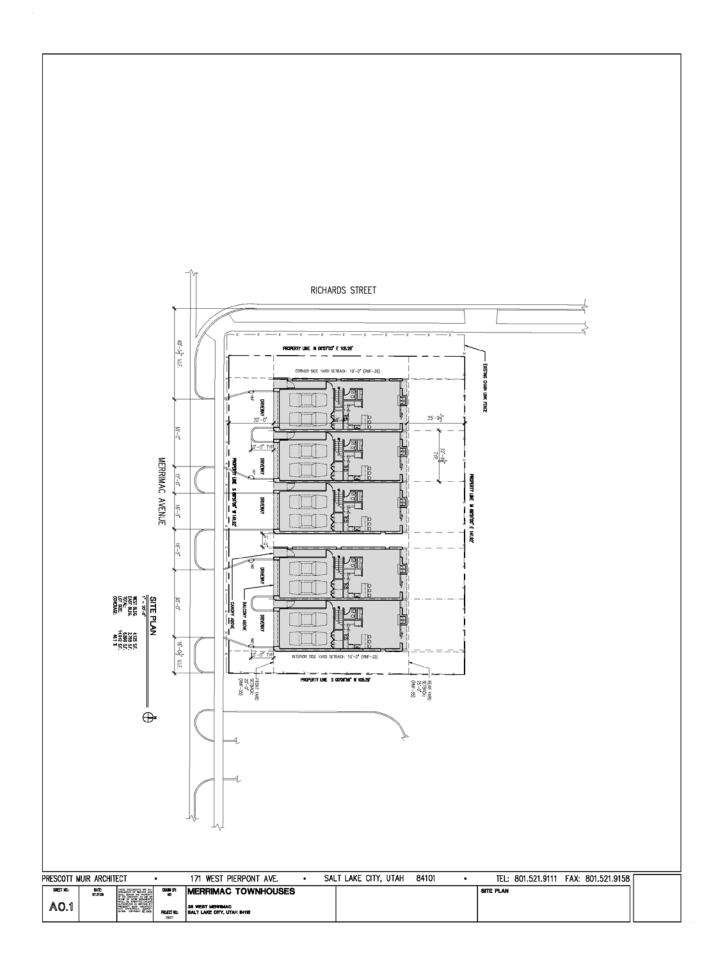




## **Attachment F**

Previously considered Planned Development w/o tandem parking





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