



CITY COUNCIL STAFF REPORT

MEETING DATE:	13 May 2015
APPLICANT:	Maack Enterprises
ADDRESS:	570 East Garden Avenue
REQUEST:	Plat Amendment for the Nibley Garden PUD – A 9-Lot Planned Unit Development/Adoption of a PUD overlay
ZONE:	Single-Family Residential (R1), Planned Unit Development
PREPARED BY:	Alexandra White, City Planner

SYNOPSIS: Maack Enterprises is petitioning the planning commission seeking a second plat and rezone amendment to the Nibley Garden Planned Unit Development. The Nibley Gardens Amended Plat currently consists of five (5) residences that are accessed by Adams Garden Cove. The property located at 570 East Garden Avenue is bounded to the West of Adams Garden Cove and developer proposes the addition of four (4) additional single family homes to the Nibley Gardens Planned Unit Development. The Planning Commission will forward a recommendation to the City Council on a rezone and final plat approval for this PUD.

SUMMARY:

- The proposed subdivision will have a combined total of nine (9) single family homes - five (5) existing single family homes and four (4) proposed single family homes.
- The proposal meets the minimum lot sizes and lot widths required by ordinance.

PLANNING COMMISSION RECOMMENDATION:

At a public hearing held on 7 May 2015, the Planning Commission unanimously recommended adoption of a PUD overlay zone and approval of a proposed subdivision plat amendment, adding four (4) new lots to the existing Nibley Gardens Planned Unit Development, located at 570 East Garden Avenue, for the following reasons:

1. The purpose of the Planned Unit Development (PUD) District is to provide for additional flexibility in designing new single family, townhome and condominium neighborhoods.
2. To encourage home ownership
3. To encourage efficient use of available land within an urban setting
4. To encourage innovative and sustainable building design and site improvements
5. All items of the staff report.

The recommendation was conditioned on the following:

1. The applicant is required to continue to work with City Staff to make all corrections necessary for recording.

2. The applicant will work with the City Engineer and Fire Marshall to ensure emergency vehicles have sufficient access to the proposed residences.
3. Bonds for all common and public improvements will be submitted to the City prior to any development.
4. The applicant will complete a CPTED review prior to obtaining building permits.
5. The applicant will stripe available parallel parking stalls along the private roadway, and will place no-parking signs where parking will be prohibited. Striping and signage will be subject to approval by the Fire Marshal and City Engineer.
6. All items of the staff report.



CITY COUNCIL STAFF REPORT

General Information:

Location: 570 East Garden Avenue

Surrounding Zoning and Land Uses:

North: Single Family Residential
South: Single-Family Residential
East: Single Family Residential
West: Single Family Residential

General Plan: The Future Land Use Map designates this neighborhood as single-family residential. There is a market for small-lot infill projects, and this subdivision is likely to contribute to the neighborhood's strength and vitality.

Size: The proposed 2nd Amendment to the PUD will be approximately 0.5 acres in size. The total project size will be approximately 1.3 acres. The minimum lot size will meet the requirements outlined in 17.13.010 of the South Salt Lake Municipal Code.

Access: Three (3) of the four (4) proposed dwellings will front Adams Garden Cove. One (1) of the dwellings, the northern most home on the site plan, will front Garden Ave. This front home will incorporate a side loading garage accessed from Adams Garden Cove which will benefit the community by harmonizing the aesthetic frontage of both Garden Avenue and Adams Garden Cove. The private road (Adams Garden Cove) will be twenty four (24) feet in width the entire length of the lane. This has been reduced one (1) foot from the required pavement minimum width outlined in 15.12.840 of the South Salt Lake Municipal Code. This reduction allows for the lot size minimums to be achieved in the proposed subdivision. In addition, this will allow for parking on only one side of the private road. The Planning Commission may vary road standards as defined in Section 15.20.820 Part C as long as there is substantial compliance with zoning regulations as defined in Section 15.20.810 of the South Salt Lake Municipal Code.

Water, Sewer, and Other Public Utilities: The developer is working with South Salt Lake's Public Works Department to meet requirements. The City Engineer will review the subdivision plat prior to recording. In addition, the developer has a signed agreement from Mt. Olympus Improvement District for additional sanitary sewer service.

Design Standards: The house plans as submitted meet the City's residential design standards and will contribute to the neighborhood. The intent of the developer is to build four (4) single family homes that are consistent both architecturally and cosmetically with the existing homes in the Nibley Garden PUD.

Unit Design/Exterior: The typical homes on the property may include single story, story and a half, and two story single family homes placed on the lots as defined in the site plan. Homes will feature exteriors with building materials including brick, stone, stucco, siding, and painted fiber cement (Hardy Board). Exterior color options will be offered, but will remain consistent with the earth tones currently in place on the home in the existing plat.

Parking: Each home will have a two car garage and driveways that can accommodate two additional vehicles. The Planning Commission recommended that additional on-street parking on the private lane be marked, subject to approval by the City Engineer and Fire Marshal.

Fence: Limited vinyl fencing will be provided by the developer. The fence will be six (6) feet in height and will encompass the southern and western most boundaries of the proposed four lot amendment. All fencing installed by the developer, will, as closely as possible, match the existing earthen tone vinyl fencing already present in the existing plat.

Garbage: The developer will need to contract with a private company for garbage collection. Each unit will be individually serviced with garbage cans.

Bonding: The developer will be required to provide a bond guaranteeing the completion of the development of all public infrastructures.

Open space: Each home will have private yards. Landscaping in the front yard of the homes will be provided by the developer. The front yards will be consistent with the current landscaping of existing homes and will consist of grass, a flower bed, and a tree. Automatic irrigation systems will be incorporated into these front yards as required by South Salt Lake City. In addition, the PUD ordinance requires 20 percent common usable open space as part of the development, which can be waived if the development offers a more compatible design. The pattern of development in this neighborhood includes single-family homes with private rear yards, and this development continues in that pattern. Staff supports a waiver, because the minimum lot sizes and house designs meet the residential design standards and the requirements of the single-family land use district. In addition, Chapter 15.12 of the South Salt Lake Municipal Code states that the Planning Commission and the City Council may grant an exception or reduction to the twenty (20) percent open space requirement if the development is within one-quarter mile of a city or county Park. This development is within one-quarter mile of Fitts Parks.

Public Works: The developer has submitted preliminary construction drawings but will need to continue to work with the public works inspector to review and approve final civil drawings.

CC&R's and Estimated HOA Fees: An existing road maintenance agreement is in place and will be amended to include the four additional proposed homes. Section 15.12.410 of the South Salt Lake Municipal Code states: *When a development contains land which are reserved in private ownership for common use, including common "areas" such as parking lots, landscaping, and access routes, the developer shall submit, with the final plat, the name, proposed articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas and any access easements which may be required by the city.* Staff believes that the existing roadway agreement as amended meets this section of the code. There is nothing in South Salt Lake City Ordinances that mandates the establishment of an HOA. In addition, there is no desire by the developer or by the residents to establish an HOA.

Compatibility with the General Plan: The General Plan calls for single-family housing in this neighborhood and for enhanced housing opportunities in general. The applicant's proposal is in keeping with the General Plan, specifically **Goal HE-2. Improve the overall quality of existing housing stock, Goal HE-3. Infill housing should be encouraged,** and **Goal HE-4. Improve the overall homeownership ratio.**

Requirements:

Title 17 Chapter 13 – Land Use Districts

17.13.030 – Planned Unit Development Overlay (PUD) District

A. Purpose.

6. The purpose of the Planned Unit Development (PUD) District is to provide for additional flexibility in designing new single family, townhome and condominium neighborhoods.
7. To encourage home ownership
8. To encourage efficient use of available land within an urban setting
9. To encourage innovative and sustainable building design and site improvements

B. Uses. In the PUD district, uses, buildings, structures or land shall not be used or developed except in accordance with the adopted land use matrix as found in Chapter 15 of this title.

C. Regulations.

1. **Compatibility.** PUD developments shall be compatible in lot size, density, height and site amenities with the district wherein the development is proposed. PUD developments must be compatible with surrounding uses. All development is intended to complement and strengthen neighborhoods as a compatible component of the City's housing stock. See PUD subdivision regulations.
2. **Buildings and Site Development.** Buildings, sites and structures shall comply with the requirements for design review found in Chapter 21 of this title and any other building, fire, or other relevant codes in effect within the City.
3. **Approval Process.** The City Council is the land use authority for all PUD applications. See Title 17.08.040.
4. **Minimum Area.** See Title 15.12 for minimum subdivision requirements
5. **Lot width and area requirements.** Established in the in the underlying base district

Title 15 Article VIII – Planned Unit Development (PUD)

15.12.810 - Purpose and intent.

- A. Planned unit development (PUD) is intended to permit flexibility, to encourage new and imaginative concepts in the design of neighborhood and single-family housing projects and to provide a means of encouraging preservation and enhancement of housing ownership in the city. To this end, the PUD developments should be planned as one complex land use rather than an aggregation of individual unrelated buildings located on separate unrelated lots.

B. Substantial compliance with the zone regulations and other provisions of the zoning ordinance in requiring adequate standards related to the public health, safety, and general welfare shall be observed, without unduly inhibiting the advantages of unified site planning.

C. PUD developments are intended to be flexible yet the development must be compatible with surrounding uses. On parcels greater than five acres, PUD regulations allow for some flexibility in density and housing character; however PUD developments are not intended to promote housing that substantially alters the neighborhood in which it is to be located. PUD regulations are not intended to allow for circumvention of zoning requirements in such a way as to result in significantly higher densities in size of development in otherwise low density residential neighborhoods. All development is intended to complement and strengthen neighborhoods as a compatible component of the city's housing stock. The planning commission and city council shall determine if a PUD is deemed compatible and may deny approval if the proposal is determined to be incompatible.

15.12.820 - Use and zoning regulations.

A. Notwithstanding any other provisions of city ordinances to the contrary, PUD developments shall be permitted in all districts of the city except the LI light industrial zone. The provisions as herein set forth shall be applicable if any conflict exists.

B. An overall development plan for a PUD showing building types, location, size, heights, expected uses, number of residential units, access roads, open spaces, parking, landscaping and all other appropriate items may be approved by the planning commission and city council. If approved, building permits may be issued in accordance with such plan, even though the uses, housing types, development specifications and the location of the buildings proposed differ from the uses, housing types, and regulations governing such items in effect in the zone in which the development is proposed, provided the provisions of this chapter are complied with and a specific development plan is approved.

C. The planning commission and city council may vary all yard, setback, and similar zoning regulations, as well as vary the city's development specifications, within PUD developments approved under this chapter provided the provisions of this chapter are complied with and a specific development plan is approved for each development. The planning commission and city council may approve PUD developments with use variations provided all provisions of this chapter are complied with and the following restrictions are followed:

1. Use variations in residential districts may be for residential uses only. No commercial or industrial use variations allowed.

2. Use variations in commercial districts shall be limited to commercial and residential uses only. No industrial use variations allowed.

15.12.840 - General requirements.

- A. The development shall be in single or corporate ownership or the application filed jointly by the owners of the property.
- B. The properties adjacent to the PUD shall not be adversely affected, and to this end, the planning commission may require, in the absence of appropriate physical boundaries or installed buffers, that uses of least intensity and greatest compatibility be arranged around the boundaries of the project. Yard and height conditions of the adjacent properties should be closely matched on the periphery of the project.
- C. Site development specifications and sign regulations shall be determined when approving the site development plan.
- D. **Minimum Scale of Projects.** No subdivisions may be considered planned unit developments unless consisting of at least three lots.
- E. **Density.** In R-1, A-1 and R-M zones, the number of dwelling units shall be based upon the lot area requirements of the zone in which the PUD is located. In commercial or overlay zones, the city shall determine a density based upon the general plan as well as other area specific master plans and the proximity to mass transit. In commercial and business zones, density shall be determined by the parking and open space requirements. In a PUD that is five or more acres, a density increase may be granted by the planning commission and city council. The minimum lot size the planning commission and city council can approve in PUD's five or more acres in area is four thousand five hundred (4,500) square feet. To qualify for a density increase and smaller lot sizes, the city shall require higher quality design standards with additional architectural and site amenities.
- F. As part of the preliminary and final plat applications, and in addition to all other required drawings, all PUD developments shall be required to provide a project design guidebook. At a minimum, this guide book will illustrate and provide the following design standards and amenities to ensure that a unique identity is created for each neighborhood. The city council and planning commission may require additional building and site related features as deemed necessary to ensure that the PUD development is compatible with the surrounding neighborhood and the development results in more desirable, modern and attractive housing.
 - 1. Building Design Standards: the guidebook shall provide and demonstrate architectural renderings of each type of proposed building, the inclusion of additional architectural details to the exterior façades, the exterior front facades of the buildings shall have at a minimum two different types of exterior materials. Where feasible, buildings should include the use of porches and alternative placement of garages. Buildings on contiguous lots that share a lot line shall not have the same exterior front elevation.
 - 2. Site amenities: The guidebook shall provide and demonstrate design and dimensional layout of the development, roadway widths, pedestrian lighting plan unique to the neighborhood, sidewalk or trails, open space, landscape plan and street tree plantings species that will be installed in the park strip areas or in front of individual homes.
- G. **Sustainable Practices.** The use of renewable energy strategies is encouraged in all new developments. In order to positively contribute to the human and environmental footprint of

new neighborhoods buildings shall, where feasible, incorporate sustainable design practices by providing solar panels and other renewable energy strategies into the design of residential buildings. In the event that renewable energy is not being implemented in the project, the developer and architect are to anticipate the introduction of solar technologies in the future. The building design is to be "solar ready" so that renewable energy systems can be easily installed.

- H. **Setbacks.** In R-1, A-1 and R-M zones, the planning commission may vary rear and side yard setbacks. The minimum front yard setbacks in R-1, A-1 and R-M zones shall be eighteen (18) feet if the home has a front loading garage. If a home has a rear loading garage, the front setback may be reduced to eight feet as long as the yard area where the driveway is located has an eighteen-foot setback from the property line. The planning commission may vary all setbacks in all other zones.
- I. **Roads.** Road widths shall be based upon the number of dwelling units.
1. Three to Four units twenty-foot minimum pavement width, no parking on road;
 2. Five to ten units twenty-five-foot minimum pavement width, parking one side only;
 3. Ten to fifteen units thirty-foot minimum pavement width sidewalk one side;
 4. Fifteen (15) units and up, adopted road and sidewalk standards must be followed with the following exceptions.
 - a. A reduction in the adopted standard roadway pavement width to a minimum thirty (30) feet may be approved by the planning commission and city council upon a favorable recommendation from the public works director. The director will evaluate such items as traffic patterns, design of the development, traffic counts and other information provided by the developer that will be necessary to ensure a proper evaluation.
 - b. A reduction in the standard roadway width to thirty (30) feet of pavement may be considered if alleys are used to access rear loading garages on a majority of the units. An alley is required to be a minimum of twenty (20) feet in width.
 5. Private roads, driveways and alleys may be calculated as part of the lot area but must be limited to fifteen (15) percent of each total lot area.
 6. Dedication of private roads and lanes. Where it can be demonstrated that such acceptance would be of benefit to the city, and the construction standards of such lanes meet city standards or some compensation arrangements are made to the satisfaction of the city council, the city council may consider accepting private lanes as a dedicated public right-of-way.
- J. **Building Height.** In R-1 and R-M zones, new construction may have a greater height than existing dwellings but may only be forty (40) percent taller than the tallest existing adjacent dwelling unit(s) as measured from the grade of the nearest public right-of-way, up to a

maximum of thirty-five (35) feet in height. In A-1 zones, the maximum height is thirty-five (35) feet.

1. Commercial and Business Zones. The maximum normal height is forty-five (45) feet except as allowed in the following section.
2. Heights Greater Than Forty-Five (45) Feet. For all locations where buildings and/or developments have proposed heights of forty-five (45) feet or greater, the following additional standards shall apply:

- a. Planning Commission and City Council Approval Required. All proposed heights greater than forty-five (45) feet shall require design review approval by the planning commission following procedures as set forth in this chapter.
- b. Mitigation of Impacts to Scale. Where greater heights are proposed, the city may require the provision of amenities intended to mitigate the effects of the greater height with regard to providing a human scale at the street level on the site. The city may require the inclusion of plazas, appropriate landscaping, and street-oriented objects such as benches, planters, street lights and lamp posts, and other such items as deemed appropriate considering the particular development.
- c. Mitigation of Impacts to Infrastructure. Where greater heights are proposed, the city may require the provision of additional measures to mitigate impacts directly related to the increased density of such a building. These may include underground or other structured parking, traffic control devices, street and capital facilities improvements, and other such items as deemed appropriate by the city.
- d. Architectural Features Required. Where greater heights are proposed, the city may require the provision of architectural features at the street level, which are sufficient in detail to be compatible with and enhance the pedestrian and vehicle traffic at the scale of the street on which the building is located.
- e. Mitigation of Height if Adjacent to an R-1 Zone. If a building in a commercial or business zone is proposed to be a height of greater than forty-five (45) feet and is adjacent to an R-1 zone, the building shall be setback from the property line(s) contiguous to the R-1 zone a distance equal to half the height of the proposed building unless the planning commission determines that a lesser setback is appropriate.

K. **Open Space.** All planned unit developments shall include twenty (20) percent common usable open space as part of the development

1. Exceptions or Reductions. If it can be shown that open space or the required twenty (20) percent open space is implausible or undesirable, the planning commission and city council may consider granting an exception or reduction to that requirement upon finding any of the following:

a. A more effective design and one more compatible with the surrounding neighborhood will be obtained;

b. The location is in close proximity to a light rail station;

c. The location is within one-quarter mile of a city or county park.

2. Common use open space shall be in usable size segments not in small scattered pieces as determined by the city. Open space shall not include yard areas, required landscaping or required setback areas but shall be in addition to such areas.

3. Common use open space areas shall be landscaped and shall include amenities such as lighting, benches, walkways, playgrounds, pavilions and other gathering areas, play courts, playground equipment, tot lots and other items. The amount, size and layout of amenities shall be determined by the city as part of the approval of the development plan and shall be based on the size and configuration of the common use open space.

4. The city council, upon recommendation of the planning commission, shall require the preservation, maintenance, and ownership of common use open space and common use facilities utilizing at the city's option one of the following methods:

a. Dedication of the land as a public park or parkway system or public facility;

b. Granting to the city a permanent open space easement on and over said private open spaces to guarantee that the open space remain perpetually in recreation use, with ownership and maintenance being the responsibility of a homeowners' association established with articles of association and bylaws which are satisfactory to the city; and recording an agreement with the city for assumption of facilities in the event of failure to maintain and/or dissolution of the homeowners' association; or

c. Complying with the provisions of the Condominium Ownership Act of the state of Utah, which provides for the payment of common expenses for the upkeep of common areas and facilities. Recreation uses and facilities may be developed within the common space areas in compliance with a recreation and landscaping plan approved as part of the approved final development plan of the PUD.

d. If the second or third method, as set forth above, is utilized to maintain the open spaces and facilities, but the organization established fails to maintain said in reasonable order and condition the city may, at its option, do or contract to have the required maintenance completed and shall invoice the individually owned properties within the PUD the cost of the property maintenance. If the maintenance costs are not paid, the assessment shall be a lien against property and shall be filed with the county recorder, or the city may bring suit to collect the maintenance fees together with a reasonable attorney's fees and costs.

5. The developer shall submit plans for landscaping and improving the common open space. The developer shall also explain the intended use of the open space and provide detailed provisions of how the improvements thereon are to be financed and the area maintained.
 6. A project must generally meet the intent of the requirements of the zoning ordinances, must insure proper use, construction and maintenance of common use open space and common use facilities, and must demonstrate that the development will benefit the future residents of the project, surrounding residents, and the general public.
- L. If the project contains private infrastructure, amenities and roadways prior to recordation of a subdivision plat and associated documents, the developer shall submit to the city a plan describing the following:
1. The actual installation costs of all common area improvements;
 2. The anticipated functional life of roads or common driveways;
 3. The anticipated functional life span of all common sewer, storm sewer and water systems;
 4. The anticipated functional lifespan of all common area amenities;
 5. A plan showing a maintenance or replacement schedule for common area roads or common driveways and amenities;
 6. A reserve study estimating the amount of fees that will need to be annually collected to maintain and replace common improvements.
- M. The developer shall be required to provide a bond in an amount determined by the city engineer guaranteeing the completion of the development of all common facilities or areas, including access and open space or facilities, or any phase thereof. When completed in accordance with the approved plan, the bond shall be released. If uncompleted at the end of two years, the city will review the progress and may proceed to use the bond funds to make the improvements in accordance with the approved plan. The bond shall be approved by the community development department and shall be accompanied by a bond agreement acceptable to the department and shall be filed with the city recorder.
- N. Once the overall development plan has been approved by the city council after recommendations from the planning commission, no changes or alterations to such development plans or uses shall be made without first obtaining approval of the planning commission and city council.
- O. The design of the preliminary and final plans and plats in relation to streets, access, blocks, lots, common open spaces, and other design factors shall be in harmony with the intent of the city's general plan, development specifications, zoning ordinances and all applicable ordinances, laws and regulations. Streets and access shall be so designed as to take advantage of open space vistas and create drives with an open space character.

- P. The city may place whatever additional conditions or restrictions it may deem necessary to insure development and maintenance of the desired residential character. Such conditions may include plans for disposition or reuse of property if common use open space and common use facilities are not maintained in the manner agreed upon or such is abandoned by the owners and may include requirements for recorded provisions which would allow the city to perform maintenance to access and infrastructure (roads and utility facilities) in the event of failure of the property owners to perform needed maintenance or repairs.

15.12.850 - Review Considerations.

- A. In considering a proposed PUD, the city shall consider the following as well as other items of the zoning ordinances, this chapter, the city's development specifications and any applicable considerations. Design review criteria shall also apply.
1. Resultant Design. In any use of the planned unit development standards for subdivisions, it should be shown that the resultant design is better in terms of livability, appearance, function and contribution to the city's housing stock, while still allowing for alternative housing styles and economic viability of the project, than could be achieved by means of regular subdivision standards for the zone in which the project is to be located.
 2. Porches. To encourage front porches, and their use, porches shall be allowed to extend into the required front yard by a maximum of five feet, provided that the porch will cover the width of at least fifty (50) percent of the home's front face.
 3. Parking. All planned unit developments must provide appropriate off-street parking for each lot and/or unit in the development. Except for those projects containing multiple-unit buildings and other exceptions, spaces for two vehicles side by side per unit shall be the normal condition.
 4. Individual Lot PUDs. In primarily individual lot PUD developments, garages, either attached or detached, are required for each unit. In order to mitigate impacts of the generally small lot, higher density nature of PUD developments, the city shall encourage alternative garage systems wherever possible. To that end, the city may consider the following when reviewing parking on a proposed project:
 - a. Shared Drives. Where side or rear entry garages are to be used, shared drives (meaning driveways which are directly abutting) may be allowed. Such drives shall not be greater than thirty (30) feet in width (total together). All other driveways must be separated by a minimum of six feet.
 - b. Capacity. All front loading garage designs shall have a minimum capacity of two vehicles, side by side.
 - c. Exception. Alternative garage designs (other than front loading) may be eligible for an exception to the above standard, if it can be shown that the off-street parking in the project would not be negatively impacted.

5. Multiple-Unit PUD. In primarily multiple-unit PUD subdivisions (meaning those with primarily buildings containing multiple units), two parking spaces per unit shall be provided with one space being covered by an approved carport. Additional parking stalls (guest or RV parking) may be required by the city based on review of the site amenities, access conditions and other factors appropriate to the project.
 6. Relationships. The design of buildings and their relationship on the site and their relationship to development beyond the boundaries of the project shall be a factor for consideration.
 7. Site Issues. Some of the site issues for consideration shall include the following:
 - a. The landscaping and screening as related to the several uses within the development and as a means of its integration into its surroundings;
 - b. The size, location, design, and nature of signs if any, and the intensity and direction of area or flood lighting.
 8. Completion. The demonstrated ability of the proponents of the planned unit development to financially carry out the proposed project under total or phase development proposals within the time limit established shall be a consideration.
- B. Twin Homes. In order to avoid any increase in the already high rental housing stock of the city, and yet to allow for alternative housing styles and economy of development and design, twin homes may be allowed only as found herein.
1. In individual lot, noncondominium PUDs located in primarily individual lot residential areas, twin home structures may be allowed as a portion of the development. In determining their allowance, the planning commission shall apply the following criteria:
 - a. Allowance. Twin homes may be allowed as a maximum ratio of the units in the project of one set of twin homes (meaning one building) for every four single-family buildings in the project.
 - b. Lot Size. Lots designated for twin homes (meaning the combination of the two abutting lots which will house one twin home building) shall be a minimum of twenty (20) percent larger in area than the average of the lots for the single-family residences in the same project.
 - c. Flag Lot. No twin homes shall be allowed on a flag lot.
 - d. Appearance. Twin homes shall be designed to have the appearance of a single-family residence. Factors such as differing drive approaches, placement on corners in the subdivision, offsetting entries, differing porches and other architectural features should be used to achieve compliance with this standard.
 - e. Location in Project. Except under special circumstances demonstrated to the city, any lots designed for twin homes in a planned unit development shall not be

located in a manner that disrupts the continuity of the neighborhood character in the area where the project is being designed. Except in special circumstances as determined by the city, twin home lots (meaning the combination of two abutting lots intended to house one building) shall not be located contiguous to another twin home lot.

2. In primarily nonresidential areas, those along the light rail corridor, and for condominium PUD developments in both nonresidential and residential areas, twin homes may be allowed as determined by the planning commission based on project design, density, compatibility with the surrounding neighborhood, consistency with the intent of subsection B of this section, and other factors deemed appropriate to the project.

15.12.860 - Procedures and submittals.

- A. PUD development shall be approved by the city using the procedures contained in this chapter for concept plan, preliminary plan and final plat.
- B. All plan, documents, plats and applications as required by this chapter shall be provided by the developer. The community development department shall determine any special items needed for PUD development review, including any as may be necessary to determine that the contemplated arrangement of uses make it desirable to apply regulations and requirements differing from those ordinarily applicable under the zoning ordinances, other regulations and specifications of the city.

Recommendation

The Planning Commission recommends adoption of a PUD overlay zone and approval of a proposed subdivision plat amendment, adding four (4) new lots to the existing Nibley Gardens Planned Unit Development, located at 570 East Garden Avenue, for the following reasons:

1. The purpose of the Planned Unit Development (PUD) District is to provide for additional flexibility in designing new single family, townhome and condominium neighborhoods.
2. To encourage home ownership
3. To encourage efficient use of available land within an urban setting
4. To encourage innovative and sustainable building design and site improvements
5. All items of the staff report.

The proposed plat meets the City's minimum PUD standards. Staff recommends approval of the proposed PUD, condition on the following:

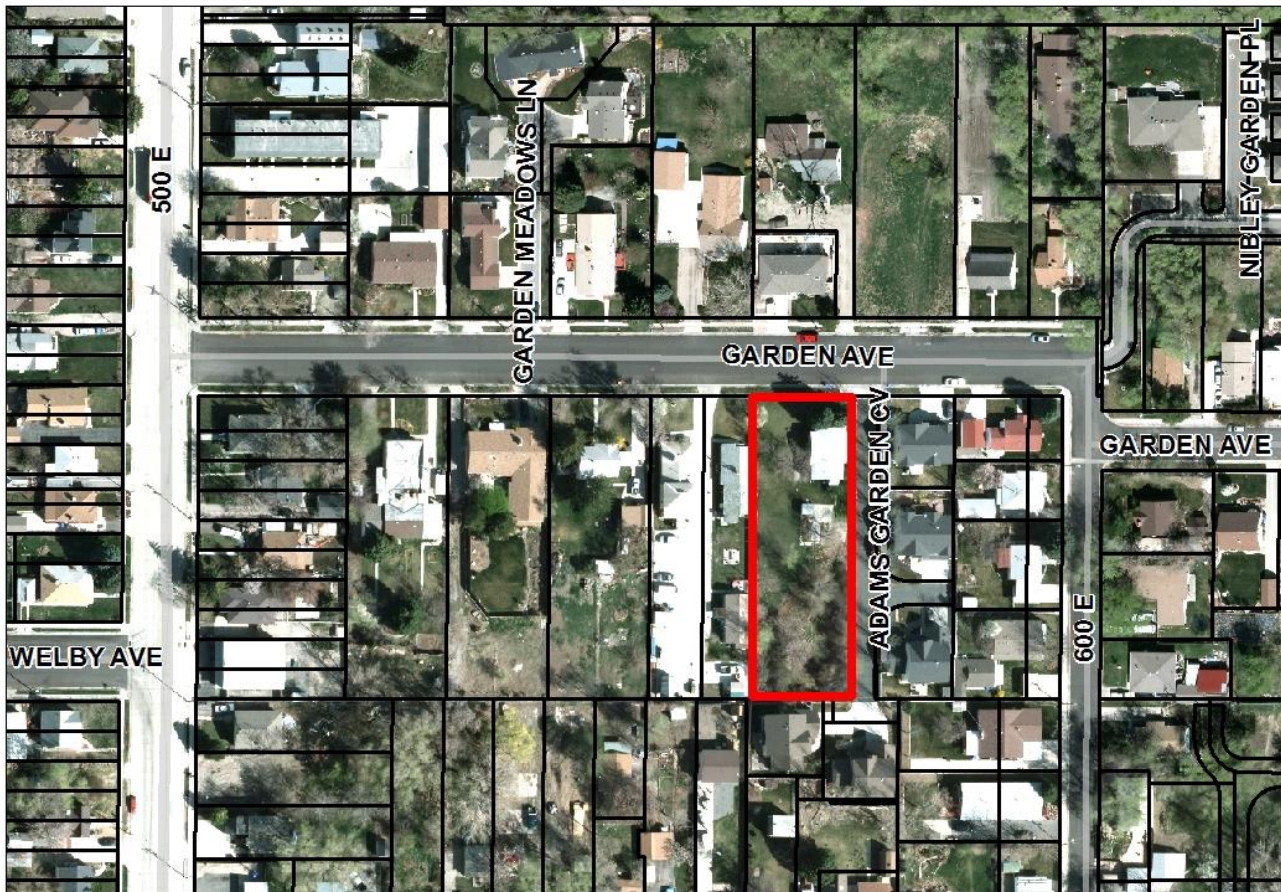
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5. The applicant will stripe available parallel parking stalls along the private roadway, and will place no-parking signs where parking will be prohibited. Striping and signage will be subject to approval by the Fire Marshal and City Engineer.
6. All items of the staff report.

Attachments:

1. Project Location
2. Proposed Final Plat
3. Proposed Site Utility & Grading Plan
4. Landscape Plan
5. Proposed floor plans and Elevations
6. Applicant Letter
7. Planning Commission Meeting Minutes – 7 May 2015

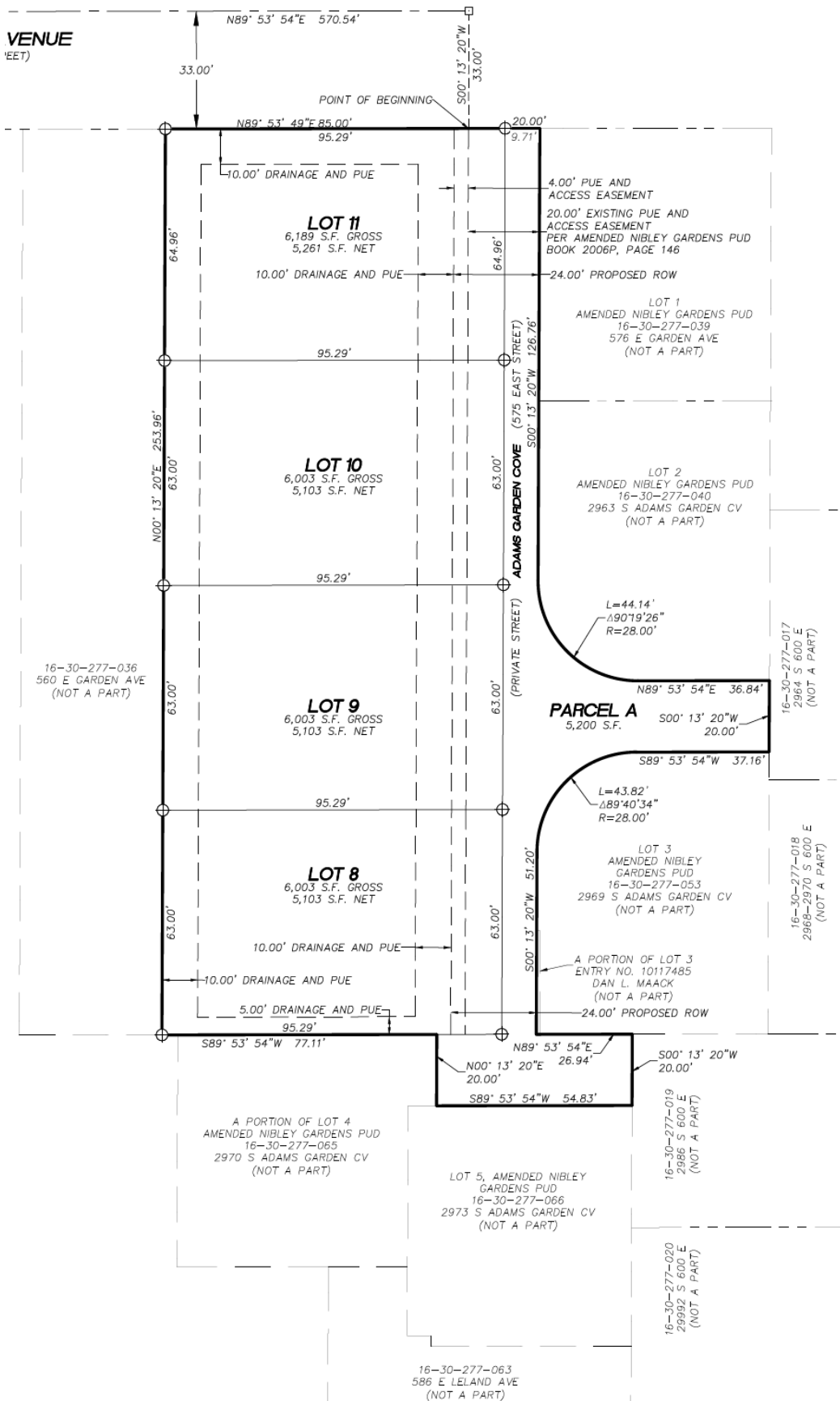
Attachment 1: Project Location



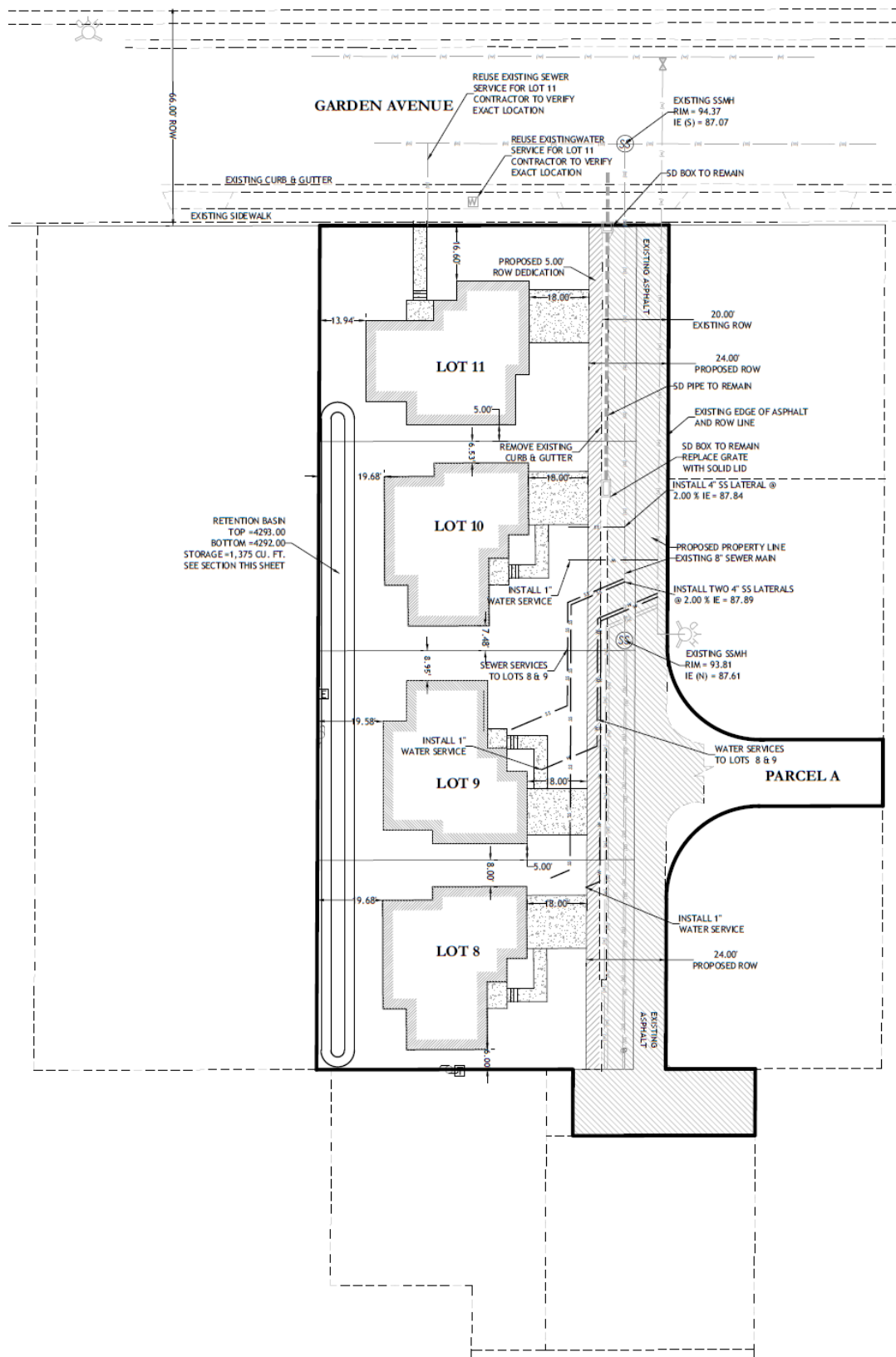
**S-15-003 - Adams Garden PUD Plat Amendment
570 East Garden Avenue**



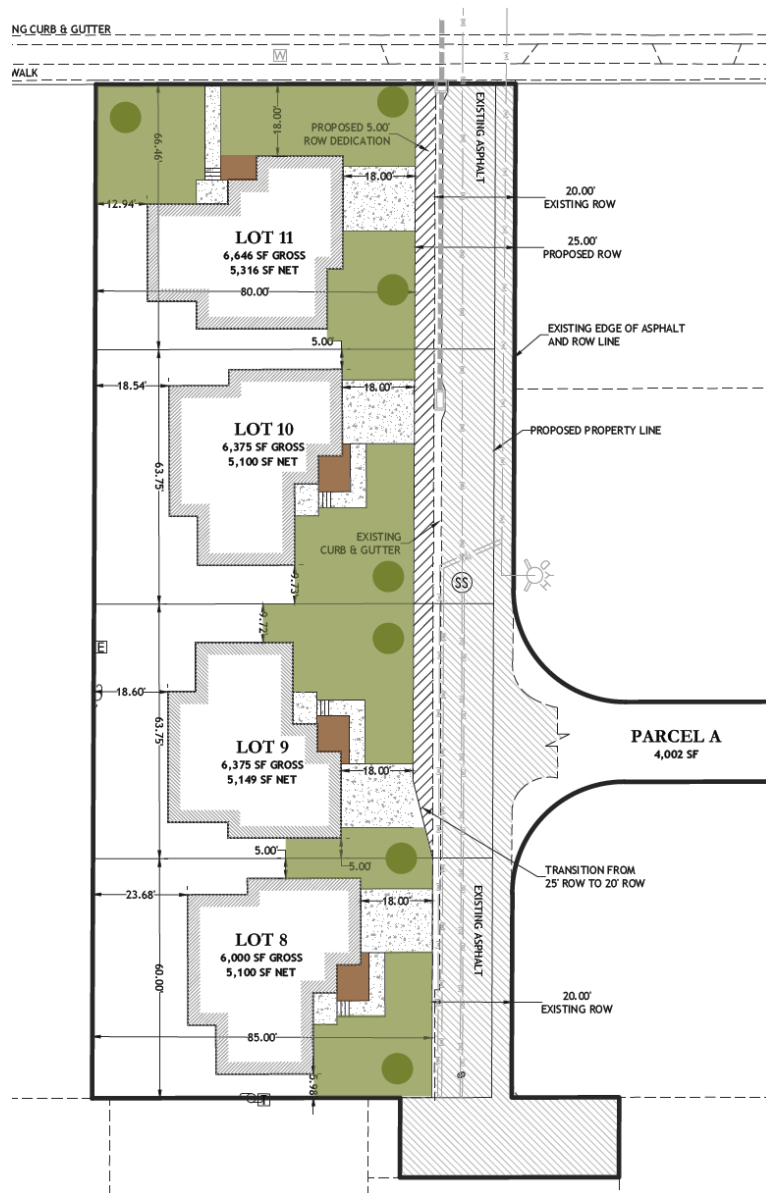
VENUE
(EET)



Attachment 3: Proposed Site Utility & Grading Plan



Attachment 4: Landscape Plan



Attachment 5: Proposed Elevations



Attachment 6: Applicant Letter



April 03, 2015

Mr. Michael Florence
Director of Community Development
South Salt Lake City
220 East Morris Avenue
South Salt Lake, UT 84115

In Re: 2nd Amendment of the Nibley Gardens PUD Plat.

Dear Mr. Florence:

This letter serves to describe the overall project known as the 2nd Amendment to the Nibley Gardens PUD Plat. The Nibley Gardens Amended Plat currently consists of five (5) residences that are accessed by Adams Garden Cove, a private road (the “Road”). The property located at 570 East Garden Avenue is a .50 acre parcel bounded to the East by the Road (the “Property”). The developer intends to subdivide and build four (4) single family residential dwellings on the Property utilizing the Road for access. This project incorporates two phases as follows: (1) The plat and zoning amendment of the Nibley Gardens PUD Amended Plat (the “Plat”); and (2) The Residential Development of four (4) single family detached residential dwellings at 570 East Garden Avenue, South Salt Lake City, Utah 84106 (the “New Residences”).

Plat & Zoning Amendment

South Salt Lake City requested we amend the Plat and zoning to incorporate the New Residences into the Nibley Gardens PUD Amended subdivision. To satisfy this request we will first subdivide the property located at 570 East Garden Avenue into four (4) buildable lots. Second, we will amend the Plat to incorporate the New Residences which will then be known as the 2nd Amended Nibley Gardens PUD. Third, during the Plat amendment process, the zoning of all residences on the Plat will be modified to bring the zoning into conformance with the new zoning requirements of South Salt Lake City. Historically, in South Salt Lake City, properties located in planned unit developments (“PUD”), were classified under the R-1 Municipal Zone. However, in 2012 the City of South Salt Lake modified the South Salt Lake Land Development Code (the “New Code”). The New Code changed the criteria of the various Municipal Zones. One requirement of the New Code is that properties in Planned Unit

Dan Maack

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Developments (“PUD”) must now be classified under the PUD Municipal Zone which is an overlay to the R-1 Municipal Zone. Accordingly, properties on the Plats classified under the R-1 Municipal Zone, are in non-compliance under the New Code. This zoning and Plat amendment will modify the property designation of all homes located on the Plat from the “R-1 Municipal Zone” to the “PUD Municipal Zone.” Therefore, this zoning and Plat amendment will bring the properties on the Plat into compliance with the New Code. The result of these modifications will be the creation of the 2nd Amended Nibley Gardens PUD Plat incorporating the four (4) new buildable lots and modifying the zoning of all lots to conforming standards.

Residential Development

The 2nd Amended Nibley Gardens PUD incorporates a four (4) lot development of Single Family Detached Residential Dwellings. Bounded by Garden Avenue to the North and Adams Garden Cove to the East the Property totals .50 acres in total area. The Property is to be made part of the larger Nibley Gardens PUD Amended Plat that currently consists of five (5) Single Family Detached Residential Dwellings. Once the Property is joined with the existing plat, the project will comprise a total of nine (9) Single Family Detached Residential Dwellings and a total area of approximately 1.3 acres. The five (5) existing dwellings are part of a Roadway Easement and Maintenance Agreement. At this time, it is the intent of the developer to maintain ownership of the road and amend the Roadway Easement and Maintenance Agreement to include the four (4) new dwellings.

It is the intent of the developer to build four Single Family Homes on the Property that are consistent both architecturally and cosmetically with the present homes. Three (3) of the four (4) dwellings will front Adams Garden Cove. One (1) of the dwellings, the northern most home on the Site Plan, will front Garden Avenue. This front home will incorporate a side loading garage accessed from Adams Garden Cove which will benefit the community by harmonizing the aesthetic frontage of both Garden Avenue and Adams Garden Cove.

All homes are subject to the ordinances of the City of South Salt Lake, except those provisions and exceptions as granted by the City of South Salt Lake from time to time. Typical homes on the Property may include single story, story and a half, and two story single family homes placed on the lots as identified in the Site Plan. An effort will be made to maintain an attractive and homogenous theme between the homes on the Property and among the existing homes. Homes will feature exteriors with building materials including brick, stone, stucco, siding, and painted fiber cement (Hardy Board). Exterior color options will be offered, but will remain consistent with the earth tones currently in place on the homes in the Existing Plat. Homes will feature two car garages. Materials for the same or similar elevation will be combined in different configurations and will differ in style and/or differ in locations.

Landscaping in the front yard of the homes built on the Property will be provided by the developer. Consistent with the current landscape architecture in the existing homes yards, the front yards will consist of grass, a flower bed, and one small tasteful tree. Automatic irrigation systems will be incorporated into these front yards as required by the City of South Salt Lake, and in an effort to maintain the overall beauty of the Master Plan.

We look forward to beginning this exciting new chapter for Adams Garden Cove with you. If you have questions, comments, or concerns at any time regarding this matter, or throughout the development process please do not hesitate to make contact. Thank you for your time and attention to this matter, we look forward to working with you and anticipate a positive outcome.

Sincerely,

Dan L. Maack
Maack Enterprises, LLC.

Planning Commission Regular Meeting Minutes

Thursday, May 7, 2015

City Council Chambers

220 East Morris Avenue

Time 7:00 p.m.

Commission Members Present:

Mark Kindred, Presiding
Lynda Brown
Jeremy Carter
Holly Carson
Carly Klein
Jonathan Meakin
Portia Mila

Staff Members Present:

Michael Florence, Community Development Director
Francis Lilly, Deputy Director/Housing Administrator
Alexandra White, City Planner

New Business

- **Public Hearing
S-15-003**
- 1. **A recommendation to the City Council to adopt a PUD overlay zone and approve a subdivision plat amendment, adding 4 new lots to the existing Nibley Gardens PUD. The overlay zone will be applied to all lots in the original and amended Nibley Gardens PUD**

Action Item

Applicant: Maack Enterprises

City Planner Alexandra White presented the application. Maack Enterprises is petitioning the planning commission seeking a second plat and rezone amendment to the Nibley Garden Planned Unit Development. The Nibley Gardens Amended Plat currently consists of five (5) residences that are accessed by Adams Garden Cove. The property located at 570 East Garden Avenue is bounded to the West of Adams Garden Cove and developer proposes the addition of four (4) additional single family homes to the Nibley Gardens Planned Unit Development. The Planning Commission will forward a recommendation to the City Council on a rezone and final plat approval for this PUD. The entire project will be 1.3 acres.

Ms. White reviewed the general plan considerations for the site, and noted that the minimum lot sizes will be met. The northernmost unit will face Garden Avenue.

Ms. White explained that the applicant requested a one-foot reduction in the required roadway width, which would allow for the lot size minimums to be achieved while allowing parking on one side of the road. The Planning Commission can vary development standards as long as there is substantial compliance with the zoning regulations. Ms. White then reviewed the fencing, open space, parking, and bonding requirements.

Ms. White noted that an existing roadway maintenance agreement is in place, and will be amended to include the additional homes. South Salt Lake City's ordinance requires that common areas be maintained, but it does not require the establishment of a homeowners' association.

Ms. White discussed the open space standard, noting that the ordinance allows for a waiver of the open space requirement for projects that are within ¼ mile of a park. The applicant's project is within ¼ mile of Fitts Park.

The proposed plat meets the City's minimum PUD standards. Staff recommends approval of the proposed PUD, condition on the following:

1. The applicant is required to continue to work with City Staff to make all corrections necessary for recording.
2. The applicant will work with the City Engineer and Fire Marshall to ensure emergency vehicles have sufficient access to the proposed residences.
3. Bonds for all common and public improvements will be submitted to the City prior to any development.
4. The applicant will complete a CPTED review prior to obtaining building permits.
5. All items of the staff report.

Staff recommends adoption of a PUD overlay zone and approval of a proposed subdivision plat amendment, adding four (4) new lots to the existing Nibley Gardens Planned Unit Development, located at 570 East Garden Avenue, for the following reasons:

1. The purpose of the Planned Unit Development (PUD) District is to provide for additional flexibility in designing new single family, townhome and condominium neighborhoods.
2. To encourage home ownership
3. To encourage efficient use of available land within an urban setting
4. To encourage innovative and sustainable building design and site improvements
5. All items of the staff report.

Commissioner Kindred asked if the proposed houses will look the same as those to the east. Ms. White noted the homes were built by the same developer. Mr. Florence noted that the proposed homes will look more like the newer homes approved at the north end of the existing lane.

Commissioner Carter inquired about fencing, asking what is on the west side of the property. Mr. Florence noted that there is an existing fence on the existing boundary. Commissioner Carter noted a discrepancy in the setbacks on the applicant's proposed plat. Mr. Florence mentioned that the setback needs to be 18 feet and that the applicant can discuss the discrepancy.

Commissioner Kindred asked if the width of the road meets fire code. Ms. White replied that the Fire Department needs 20 feet.

Mr. Florence reviewed the Google Street View of the proposed plat amendment, indicating that the four new homes will match the existing ones at the terminus of the private road.

Commissioner Kindred invited the applicant to present.

Adam Von Maack, 579 E Leland Avenue, presented on behalf of the applicant. He noted that the proposal meets the intent of the general plan to promote infill development and homeownership, and will increase property values and the beauty of the neighborhood. Commissioner Kindred asked the applicant to speak on the setback discrepancy. Mr. Von Maack noted that he believes the discrepancy to be a typographical error and that the setback is intended to be 18 feet. Dan Maack, Maack Enterprises, noted that the City recommended that the house face Garden Avenue.

Mr. Von Maack mentioned that there is a mixture of fence materials on the west side of the property and that the proposed fence will bound the west side of the new development.

Chair Kindred opened the public Hearing 7:26 pm.

Ed Winter, 2992 S 600 E, mentioned that he watched Mr. Maack develop the site and noted that he would take good care of the area. He is concerned about traffic on 600 East.

Commissioner Carly Klein joined the meeting at 7:29 pm

Nolan Curtis, 580 Leland Avenue, stated that he is pleased that the homes will be owner-occupied. He requested that the Planning Commission be sensitive to building heights. Homes that are too tall infringe on the privacy rights of adjacent existing homeowners.

Thomas Eckfeld – 2963 S Adams Garden Cove, expressed that the new lot should be maintained the same as the existing one. He stated that four driveways on the new road would be too many, and recommended that the lots be reduced to three, with one facing Garden Avenue.

Don Conroy – 2970 S Adams Garden Cove, concurred with Mr. Eckfeld, and recommended that the north home be accessed off Garden Avenue. He inquired about the status of the roadway maintenance agreement and how the new homes will participate.

Michaela Oktay – 2973 S Adams Garden Cove, mentioned that the roadway should not be approved with reductions. She requested that the Planning Commission condition approval on the addition of parking striping and signage. She mentioned that the owners requested that the roadway maintenance agreement remain in place, and that the fees not increase substantially. The homeowners have not received a copy of the amended agreement. She requested that the north lot front Garden Avenue, or that the developer eliminate the lot. Ms. Oktay requested that the developer screen garbage cans for the new residents, and install Utah-native trees. She recommended that the roadway maintenance agreement be noted on the plat.

Thor Verdonk – 2969 S Adams Garden Cove, stated that he is the executor of the roadway maintenance agreement and inquired about how the roadway agreement be executed. He expressed concern that the lot sizes are too small.

Cari Conroy – 2970 S Adams Garden Cove, shared her concern that three houses would be more appropriate. She mentioned that the dip between Garden Avenue and Adams Garden Cove should be fixed. Mr. Florence clarified the location of the dip.

Commissioner Kindred closes the public hearing.

Mr. Florence noted that the minimum lot size is 6,000 square feet, and the PUD ordinance allows for a 15% reduction. Mr. Florence noted that the applicant meets the minimum required by ordinance. The side-loaded driveway for the home on Garden Avenue is driven by the City's residential design standards. Ms. White added that the side-loaded garage also allows the home to meet the setback requirements.

Francis Lilly, Deputy Director stated that the applicant is seeking to amend four additional lots into the roadway maintenance agreement. Additional homes will be paying into the agreement. Staff will review a cost estimate of the road maintenance plan. The agreement will be recorded and referenced on the plat.

It was clarified that all lots participate in the roadway maintenance agreement. Mr. Florence noted that the trees would have to be from the list of approved trees in the city's Landscape Handbook.

Commissioner Kindred invited Mr. Maack to speak. Mr. Maack discussed parking, striping, and trees. He agreed to the striping.

Mr. Von Maack stated that he discussed striping and signage with the Fire Department. Mr. Florence confirmed that the applicant is willing to mark stalls, and that the Planning Commission can add that as a condition. He added that the City does not require trash screening.

Commissioner Brown asked how the developer will access the site during construction. Mr. Von Maack stated that they will access the site from Garden Avenue.

Commissioner Kindred stated that, with the amendments discussed this evening, it is a good project.

Commissioner Carter noted that he encourages developers and community members to continue talking as the project commences.

Commissioner Kindred requested a motion, adding striping and no-parking sign.

Motion:

Recommendation of adoption of a PUD overlay zone and approval of a proposed subdivision plat amendment, adding four (4) new lots to the existing Nibley Gardens Planned Unit Development, located at 570 East Garden Avenue, for the following reasons:

- 1. The purpose of the Planned Unit Development (PUD) District is to provide for additional flexibility in designing new single family, townhome and condominium neighborhoods.**
- 2. To encourage home ownership**
- 3. To encourage efficient use of available land within an urban setting**
- 4. To encourage innovative and sustainable building design and site improvements**
- 5. All items of the staff report.**

The recommendation is conditioned on the following:

- 1. The applicant is required to continue to work with City Staff to make all corrections necessary for recording.**
- 2. The applicant will work with the City Engineer and Fire Marshall to ensure emergency vehicles have sufficient access to the proposed residences.**
- 3. Bonds for all common and public improvements will be submitted to the City prior to any development.**
- 4. The applicant will complete a CPTED review prior to obtaining building permits.**
- 5. The applicant will stripe available parallel parking stalls along the private roadway, and will place no-parking signs where parking will be prohibited. Striping and signage will be subject to approval by the Fire Marshal and City Engineer.**
- 6. All items of the staff report.**

Commissioner Carter

Second on the motion:

Commissioner Mila

Vote:

Unanimous