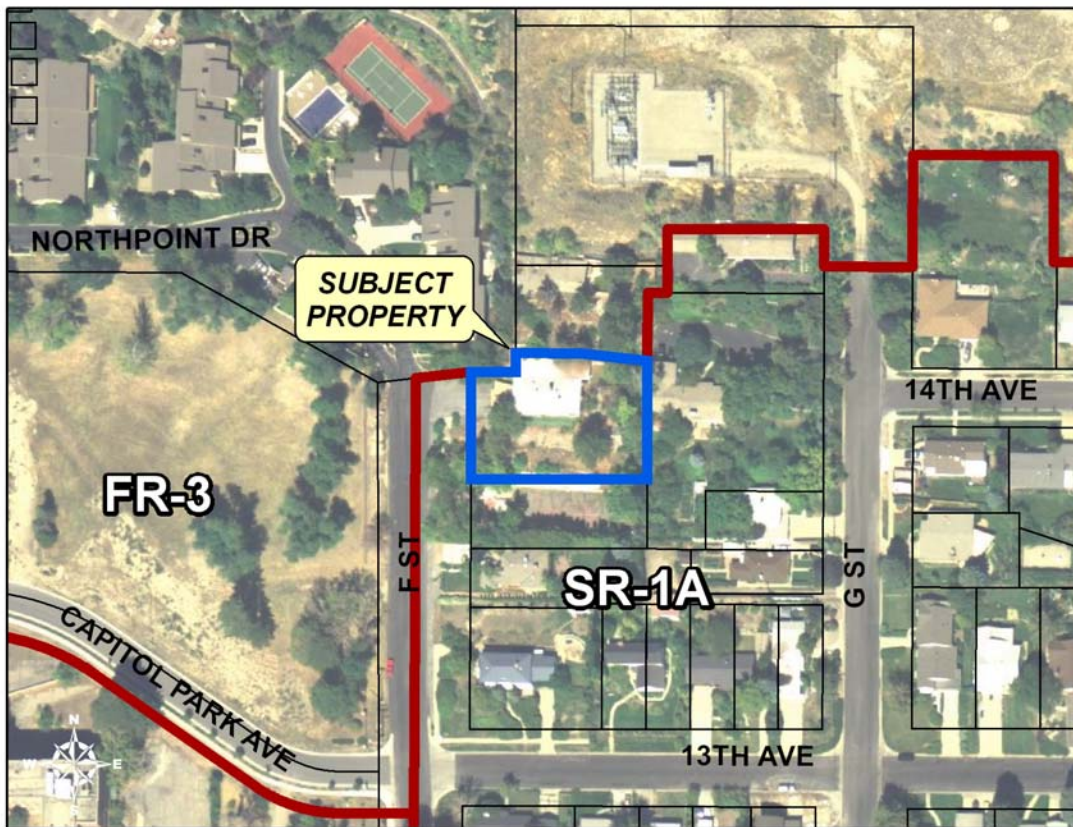


**DATE:** August 23, 2006  
**TO:** Salt Lake City Planning Commission  
**FROM:** Lex Traughber  
Principal Planner  
Telephone: (801) 535-6184  
Email: lex.traughber@slcgov.com  
**RE: STAFF REPORT FOR THE AUGUST 23, 2006 MEETING**

---

**CASE NUMBER:** 490-06-22  
**APPLICANT:** Fergus Martin LLC  
**STATUS OF APPLICANT:** Owner  
**PROJECT LOCATION:** 688 N. "F" Street



**PROJECT/PROPERTY SIZE:** 0.42 acres (18,295 square feet) according to County tax records.

**COUNCIL DISTRICT:** District 3, Councilmember Eric Jergensen

**REQUESTED ACTION:** Approval of a two (2) lot subdivision.

**PROPOSED USE(S):** The applicant intends to build a single-family residence on each proposed lot.

**SURROUNDING ZONING:**

North –	FR-3 (Foothills Residential District)
South –	SR-1A (Special Development Pattern Residential)
East –	SR-1A (Special Development Pattern Residential)
West –	FR-3 (Foothills Residential District)

**SURROUNDING LAND USE:**

North –	Residential
South –	Residential
East –	Residential
West –	Residential

**FUTURE LAND USE:**

North –	Very Low Density Residential (1-4 Units Per Gross Acre)
South –	Very Low Density Residential (1-4 Units Per Gross Acre)
East –	Very Low Density Residential (1-4 Units Per Gross Acre)
West –	Very Low Density Residential (1-4 Units Per Gross Acre)

**APPLICABLE LAND USE REGULATIONS:** The proposed subdivision is subject to the Salt Lake City Code, Title 20 – Subdivisions.

**MASTER PLAN SPECIFICATIONS:** The property is located in the area subject to the Avenues Master Plan.

**SUBJECT PROPERTY HISTORY:** Proposed Lot 1 has an existing home that the applicant proposes to demolish. Proposed Lot 2 is vacant.

**ACCESS:** The subject property has access from “F” Street.

**PROJECT DESCRIPTION:**

Request for approval of a two (2) lot subdivision. The subject property is approximately .42 acres in size and is zoned SR-1A (Special Development Pattern Residential District). The purpose of this district is to maintain the unique character of older predominantly low density neighborhoods that display a variety of yards, lot sizes and bulk characteristics. The applicant proposes Lot 1 to be .23 acres and Lot 2 to be .19 acres in size (Exhibit 1 – Survey). Both lots will have the required fifty feet (50’) of frontage on “F” Street.

**DEPARTMENT/DIVISION COMMENTS:**

**City Engineering:**

Comments dated 5/3/06:

City Engineering review comments are as follows:

No curb and gutter or sidewalk exists along the frontage of the subject property on either side of “F” Street. However, the property immediately south of this has completed a design for curb, gutter and sidewalk, which includes the frontage of the proposed Lot 2. Curb, gutter, sidewalk and a drive approach are required along both of the proposed lots for this project. A plan & profile sheet must be submitted and approved for the design of the new curb, gutter and drive approaches. Prior to installing any public way improvements, a Permit to Work in the Public Way must be obtained from SLC Engineering.

**Transportation:**

Comments dated 5/2/06:

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

“F” Street is a residential local with asphalt pavement surfacing, public way improvements are required for curb, gutter and driveway definition. Site development is subject to plan review for compliance to City design standards for vehicular access and maneuvering.

**Public Utilities:**

Comments dated 5/3/06:

Salt Lake City Public Utilities has no objection to the proposed lot split for two residential units. There is an eight inch water line and an eight inch sewer line in “F”

Street to service these properties. As the site plans are developed we will offer more detailed comments on connections.

**Building Permits:**

**Comments dated 5/9/06:**

Section 21A.24.080G (Compatible Infill Ord.) states: "Lots in excess of the maximum lot size may be created through the subdivision process subject to the following standards: 1. The size of the new lot is compatible with other lots on the same block face; 2. The configuration of the lot is compatible with other lots on the same block face; and 3. The relationship of the lot width to the lot depth is compatible with other lots on the same block face."

The plan notes that the existing home on Lot 1 is to be removed. This will require a demolition permit. A demolition permit may not be issued until the replacement use is approved or the Housing Advisory and Appeals Board has granted demolition approval. In addition, please note that once the property line is created the existing home becomes non-complying with respect to side yard. This presents a bit of a timing problem for the applicant due to the requirements of demolition. Please refer the applicant to Larry Butcher – Permits Counter Supervisor for specific requirements. Also, both lots are over the maximum lot size limitation for single family dwellings in the SR-1A Zone.

It is also important that the applicant accurately document the existing grades on site. Although grading is shown on the plan, some of the grade lines are not complete. This will ensure that any building permit application for a new structure will be reviewed for height with respect to the existing grades as required.

Planning Staff Note: Should this subdivision receive approval, the resulting two lots will be over the maximum lot size permitted in the SR-1A Zone for a single-family residential dwelling. The lots will be more than one and a half times larger than the 5,000 square foot minimum lot size requirement in the SR-1A Zone for single-family residential development. The resulting lots will not be greater than one and a half times the minimum lot size (8,000 square feet) in the SR-1A Zone for two-family dwellings, and therefore because both types of dwelling are allowed by this Zone, it can be argued that the proposed subdivision conforms to this maximum lot size limitation. Further, the existing lot (.42 acres or 18,295 square feet) is non-conforming in terms of maximum lot size in this particular zone currently. The proposed subdivision, should it be approved, would result in lots that conform to the current zoning in the SR-1A Zone for two-family dwellings.

It is also important to note that due to the width of the existing lot of one hundred feet (100'), further subdivision of this lot is not possible due to the fifty foot (50') minimum street frontage requirement. While a three lot subdivision of the existing parcel would result in average lot sizes of 6,098 square feet, and therefore conforming to the SR-1A Zone lot size requirements, the minimum street front requirement prohibits a three lot subdivision.

The maximum lot size limitation is a result of the adoption of the Compatible Residential Infill Ordinance which was adopted by the City Council in June 2006. When this Ordinance was adopted, the maximum lot size provision was enacted to address the assemblage of parcels that would potentially result in a “monster” home or a home that would be out of character in a given neighborhood due to its size. This provision was not enacted to limit subdivision of lots where the resultant lots would still be greater than the maximum lot size by zone.

**Fire Department:**

Comments dated 5/18/06:

The Fire Department has no objections to the subdivision proposal. No portion of any building shall be more than 150 feet from approved access roads for emergency response.

**Police Department:**

Comments dated 5/10/06:

No impact in terms of Police services.

**Property Management:**

No comments received.

**Airport:**

Comments dated 4/26/06:

This site is not in an Airport Influence Zone. This subdivision proposal does not have adverse affects to airport operations.

**PUBLIC COMMENTS:**

Community Council review is not required under the subdivision ordinance. This request was not presented to any Community Council.

On June 8, 2006, this subdivision request was considered at an Administrative Hearing. Due to the interest in the proposal and attendance by various members of the general public, the Administrative Hearing Office deferred action on this request to the Planning Commission.

On August 9, 2006, an “Issues Only” hearing was held before the Planning Commission. Public comment was heard, however no decision was made regarding the proposal. The minutes from this meeting are attached for review (Exhibit 2). The following is a summary of the comments received regarding the proposal followed by a response from Planning Staff:

1. The determination of appropriate land use is unavailable because of a lack of a site plan.

**Staff response:** A survey was submitted by the applicant as part of the required application materials. This survey shows the dimensions and sizes of the

proposed lots. Planning Staff's review is based on this submitted survey. The "appropriate" land use is determined by zone. In this case, the property is zoned SR-1A which limits development to the residential variety.

2. Increasing the lower density character of the neighborhood.

**Staff response:** It is true that should this subdivision request receive approval, the density of the neighborhood could increase (a minimum of one dwelling unit to a maximum of three dwelling units). The Avenues Master Plan Future Land Use Map designates the subject lot and those surrounding, as "Low Density Residential" with a density range of four (4) to eight (8) units per gross acre. The subject lot is .42 acres. Given this gross acreage, under the Avenues Master Plan, the applicant could potentially realize 3 dwelling units and meet the overall density outlined in the Master Plan. The applicant is proposing two lots which is less dense than the density envisioned in the Plan if used for single family residential development.

As stated in the "Issues Only" Planning Commission hearing on August 9, 2006, the issue of "character" or "compatibility" is not a criteria by which subdivision decisions are made. In essence, the subjects of character or lot size compatibility are not relevant to subdivision requests. Subdivision decisions are based on the criteria as noted in "Title 20 - Subdivisions" and the development standards outlined in "Title 21A - Zoning" for any given zone as found in the Salt Lake City Code.

On the other hand, the City has adopted a Residential Compatible Infill Ordinance that is applicable in this area, and any residential construction on the proposed lots will be subject to this Ordinance. The purpose of this Ordinance is to ensure compatible residential infill development in Salt Lake City neighborhoods, and addresses such items as building setbacks, building height, and maximum lot coverage.

3. The potential of two twin homes in the area would surpass the density of the area.

**Staff response:** Having addressed the subject of increased density above, one other issue warrants note. The potential of twin or two family dwellings is a property right enjoyed by all owners of property zoned for such use, given that minimum development standards as outlined by zone are met. In this case, the properties in this area that are zoned SR-1A have the potential to develop twin or two-family homes should the minimum development standards outlined in this Zone be met. There is no special property right being granted to the applicant as a result of this subdivision request, yet the right to twin or two-family residential development is a property right potentially enjoyed by all those properties in the vicinity that are zoned SR-1A.

4. Lack of communication.

**Staff response:** In terms of Planning Staff's role in this process, any application for development submitted to the Salt Lake City Planning Office is public record and available during business hours for public view. In addition, Planning Staff makes every effort to speak with those that contact our Office. Planning Staff is available to answer questions from the public during normal business hours and welcomes such contact.

For the proposed subdivision, notices were mailed announcing public hearings in accordance with noticing requirements as outlined in City Code. In addition, the property has been posted with notices of public hearing, and notices have been posted on the City's website giving public hearing information including Planning Staff contact information. Further, one of the primary purposes of public hearings is to relay information regarding a proposed development to members of the general public. In terms of this subdivision, an Administrative Hearing was held on June 8, 2006, and an "Issues Only" hearing was held before the Planning Commission on August 9, 2006.

5. Distrust in the neighborhood because of the Millo home.

**Staff response:** "Distrust" on behalf of residents in the area resulting from a permitted development is not an issue that Planning Staff can reasonably address. Planning and Building Permit Staff Members can certainly convey information regarding the Millo home from a permitting perspective, however distrust is something over which City Staff has no control.

It is important to note that the Millo home was approved before the City adopted the Residential Compatible Infill Ordinance. When Mr. Millo submitted his building permit application, his project was reviewed under the existing ordinance at that time. The use and structure proposed were in compliance with the SR-1 Zoning District regulations, and he received an "Over the Counter" permit for his construction.

6. Depreciation of value of lifestyle.

**Staff response:** This again is another issue over which City Staff has no control as "depreciation of value of lifestyle" is truly subjective. Further, there is no "proof" that the proposed subdivision will have a negative impact on "value of lifestyle."

7. Traffic on "F" Street.

**Staff response:** This subdivision request was referred to the City's Transportation Division for review as noted above. Part of the review conducted by the Transportation Division is an analysis of traffic impacts associated with a

given development. The comments noted by the Transportation Division do not include any reference to increased impacts due to the proposed subdivision. This is an indication that the proposed development would not have any significant traffic impacts that would warrant mitigation by the applicant.

Finally, all written correspondence received from the public have been attached to this staff report for review (Exhibit 4).

#### **ANALYSIS AND FINDINGS:**

A minor subdivision shall conform to the standards as specified in Section 20.28.010, or its successor, of this Title, and shall also meet the following standards:

**A. The general character of the surrounding area shall be well defined, and the minor subdivision shall conform to this general character;**

**Analysis:** As noted previously, the subject property is zoned SR-1A (Special Development Pattern Residential District). This zone allows for single family residential development as well as two-family and twin home dwellings. The minimum lot area for a two-family dwelling is 8,000 square feet while the minimum lot area for a twin home is 4,000 square feet per dwelling unit. The maximum lot size permitted through the subdivision process that would comply with the Compatible Residential Infill Ordinance would be 12,000 square feet or 1.5 times the size of the minimum lot size for the zone. The applicant's proposed lot sizes are 10,124 square feet for Lot 1 and 8,284 square feet for Lot 2. These proposed lot sizes are consistent with the lot size standards outlined in the Zoning Ordinance for the SR-1A Zone for two-family or twin home development. In terms of lot dimensions, the minimum lot width in the SR-1A zone is fifty feet (50'). Both of the proposed lots meet this minimum standard according to the survey submitted by the applicant.

Attached is a map of the surrounding area showing adjacent lot sizes (Exhibit 3). This map demonstrates that the proposed lot sizes of .23 and .19 acres are consistent and compatible with the lot sizes adjacent to and surrounding the subject lot.

**Finding:** The general character of the surrounding area in this case is residential. Both proposed lots would be used for residential purposes and therefore in conformance with the general character of the area. In addition, the proposed lot sizes are compatible with adjacent and surrounding lot sizes.

**B. Lots created shall conform to the applicable requirements of the zoning ordinances of the City;**



**Finding:** Both proposed Lots meet the applicable requirements of the zoning ordinance, specifically the development standards for the SR-1A zone (Special Development Pattern Residential District) as previously discussed.

**C. Utility easements shall be offered for dedication as necessary;**

**Finding:** No utility easements were identified by City Departments/Divisions as noted in this report, therefore it is not necessary to dedicate any utility easements as a condition of this proposed subdivision.

**D. Water supply and sewage disposal shall be satisfactory to the City Engineer;**

**Finding:** Public utilities reviewed this proposal and provided comments above. It was noted that water and sewer are available in “F” Street to service these proposed properties.

**E. Public improvements shall be satisfactory to the Planning Director and City Engineer (Ord. 71-94 § 1, 1994: prior code § 42-5-5).**

**Finding:** The City Engineer is requiring curb, gutter, sidewalk and a drive approach along both of the proposed Lots.

**RECOMMENDATION:**

Planning Staff recommends that the Planning Commission grant approval for the requested preliminary subdivision, 688 F Street Subdivision, based on the findings as noted in this Staff Report, subject to the following Conditions of Approval:

1. Approval is based upon compliance with Departmental comments as outlined in this staff report.
2. Curb, gutter, sidewalk and a drive approach are required along both of the proposed lots for this project. A plan & profile sheet must be submitted and approved for the design of the new curb, gutter and drive approaches.
3. Prior to installing any public way improvements, a Permit to Work in the Public Way must be obtained from SLC Engineering.
4. A “Notice of Minor Subdivision” shall be recorded prior to deeds creating the proposed lots. The applicant shall provide legal descriptions for both lots prior to recording the “Notice of Minor Subdivision.”
5. Prior to recording, the applicant shall apply for a Demolition Permit with City Building Services and receive approval for the proposed demolition. A Demolition Permit can only be issued if there is a replacement use approved on the subject property. Because there are no plans that Planning Staff is aware of at

this time for a replacement use on the property, the applicant will be required to go before the HAAB (Housing Advisory & Appeals Board) to receive demolition approval.

6. Any future redevelopment activity associated with the properties will require that all inadequate or absent public improvements be installed in accordance with the departmental comments noted in this staff report. Additionally, any future redevelopment will be subject to the requirements of the zoning ordinance.

Exhibits:

Exhibit 1 – Survey

Exhibit 2 – Planning Commission Minutes of August 9, 2006

Exhibit 3 – Lot Sizes within 450 Feet of 688 F Street

Exhibit 4 – Public Comment