

**DATE:** August 15, 2006

**TO:** Salt Lake City Planning Commission

**FROM:** Sarah Carroll, Principal Planner

**RE:** Staff Report for the August 23, 2006 Planning Commission Meeting.  
(Tabled at the August 9, 2006 Planning Commission Meeting)  
Petition #490-06-26, by Gary Nordhoff, is a request for a Subdivision Amendment to subdivide the property located at 1455 East Perry Avenue into two lots in order to facilitate the demolition of the existing structure and the construction of two new homes, in a Single Family Residential (R-1/5000) zoning district.

---

**PETITION NUMBER:** #490-06-26

**APPLICANT:** Gary Nordhoff

**STATUS OF APPLICANT:** Property Owner

**PROJECT LOCATION:** 1455 East Perry Avenue (09-33-356-019)

**PROJECT/PROPERTY SIZE:** 11,980 sq. ft. (0.275 acres)

**COUNCIL DISTRICT:** District 3, Council Member Eric Jergensen

**SURROUNDING ZONING DISTRICTS:** Single Family Residential (R-1/5000)



**SURROUNDING LAND USES:** Single Family Residences

**REQUESTED ACTION:** That the property be subdivided into two lots

**PROPOSED USE(S):** Two single-family dwellings on two lots

**APPLICABLE LAND USE REGULATIONS:**

Salt Lake City Zoning Ordinance: Title 20 - Subdivisions; Chapter 21A.24 - Residential Districts

**MASTER PLAN SPECIFICATIONS:**

The adopted land use policy document that guides development in this area is the Avenues Master Plan. Adopted in July of 1987, this document identifies the subject property for very low density residential uses with 1-4 units per gross acre. However, Ordinance 26 of 1995 states that the new zoning maps amend the land use and zoning policies of all previously adopted master plans of the City. The proposed lots comply with the zoning ordinance in terms of size and street frontage and will be 0.14 and 0.13 acres and will be developed with two single-family dwellings.

**SUBJECT PROPERTY HISTORY:**

The applicant is requesting to subdivide the property in order to facilitate the demolition of the existing dwelling and the construction of two new single-family homes. An administrative hearing was held on June 29, 2006 to review this proposal. Many members of the public attended the administrative hearing and expressed their opposition to the requested Subdivision Amendment. The concerns expressed by the public are outlined below and attached (Exhibit C):

- Concern about an additional driveway at this location because there is an existing turn-around in front of the subject property.
- Concern about the loss of view corridors if two tall homes are constructed.
- Concern about whether or not the design of the new homes would fit in with surrounding architecture.
- Concern that the lots were too small and the new dwellings would crowd the proposed lots.

Due to the opposition that was expressed, the Administrative Hearing Officer has deferred this request to the Planning Commission for a decision. Although members of the community have expressed a desire to see the building elevations of the two new dwellings that are being proposed, that is not required by this petition as this is a review only of the subdivision requirements. The lots being proposed are a “triangular” shape and are approximately 0.14 and 0.13 acres in size. The attached map displays that there are several lots of similar shape in the neighborhood and many lots of similar size (see Exhibit D).

**ACCESS:**

The subject property is currently accessed from Perry Avenue via an existing driveway. If the Subdivision is approved two new drive approaches will be created for access from Perry Avenue. This would result in a net increase of one new drive approach.

**DESCRIPTION:**

The property is in a Single Family Residential (R-1/5000) zone and is approximately 11,980 sq. ft. (0.275 acres) in size. The proposed lots will be 0.14 and 0.13 acres (see Exhibit B).

**AUGUST 9, 2006 PLANNING COMMISSION HEARING SUMMARY:**

After preparation of the Planning Staff report for the August 9, 2006 meeting numerous comments were submitted for the Planning Commissioners to review and were delivered at the beginning of the meeting. The Commissioners were presented with an additional 28 pages of comments and did not have adequate time to review these comments and thus tabled this petition in order to review the additional information (see Draft Minutes, Exhibit F). All of the neighbor's comments that were submitted for this item, prior to August 15, 2006, are attached and are also summarized in a table in Exhibit E. The neighbors concerns are also outlined and addressed below:

Summary of Neighbors Concerns and Planning Staff Response:

1. The neighbors are concerned over additional traffic and density that will result from the addition of one dwelling unit.

*Staff Response: This subdivision request was referred to the City's Transportation Division for review. 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 Amendment. This is an indication that the proposed development would not have any significant traffic impacts that would warrant mitigation by the applicant. One additional driveway and one additional home will not significantly impact the traffic or density of this neighborhood.*

2. The neighbors are concerned that the new homes will not be compatible with their neighborhood and will diminish their property values.

*Staff Response: After the August 9, 2006 Planning Commission meeting the City Staff encouraged the property owner to supply conceptual building plans, although this is not required when reviewing a Subdivision Amendment request. Although an architectural review is not required for new homes in the Federal Heights area, the future building plans must comply with the recently adopted compatible infill ordinance, as outlined on page 7 of this report. It is important to note that the issue of "character" or "compatibility" of future structures is not a criterion by which Subdivision Amendment decisions are made. Subdivision Amendment 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 in the Salt Lake City Code.*

3. The neighbors are concerned that the proposed lots are not compatible with other lots in the neighborhood.

*Staff Response: The map provided in Exhibit D clearly indicates that there are several lots of similar shape and size in the neighborhood. The lots are not out of character with other lots*

*found throughout the Federal Heights Subdivision Plat. The lots meet the recently adopted compatible infill standards in that they meet the minimum lot size and frontage requirements, yet do not exceed one and a half times the minimum lot size, as noted in Standard B (pg. 7).*

4. The neighbors are concerned that a precedent will be set for subdividing larger lots.

*Staff Response: This area was zoned R-1/5000 when the City wide rezoning occurred in 1995. The reason an R-1/5000 zone was chosen rather than a lower-density zone is because there are many lots in the neighborhood that would become nonconforming if a greater lot size were required. There are 14 lots on the map that have double the required square footage and double the required street frontage. Of those 14 lots approximately three could be subdivided without tearing down the existing building; the remaining 11 would require demolition of the existing structure if a Subdivision Amendment were requested.*

5. One abutting neighbor has cause to be concerned that the use of heavy construction equipment on the property may cause damage to his home.

*Staff Response: Abutting property owners, Richard Rieke and Mary Louise Willbrand, owners of 1485 Sigsbee Avenue, purport to have experienced damage to their home when the roads were re-constructed and compacted in 2000 and are now concerned that any mechanical fill or compaction that may occur during the construction of new dwellings may further damage their home or other homes.*

*Property owners are civilly liable for damage to neighboring properties resulting from new construction activity. Staff suggests that the petitioner conduct a geotechnical assessment prior to construction to obtain recommendations on how to minimize potential damage to neighboring properties. However, there are no documents within the City which indicate that this area of the City is susceptible to surface instability.*

6. The neighbors are concerned about the loss of vegetation that will occur.

*Staff Response: Staff has encouraged the property owner not to remove any trees from the site until finalization of the future building permits. However, trees on private property are not regulated by the City and can be cut down at any time. All of the trees could be cut down today if the owner decided to do so. The loss of trees on private property is not, and cannot be, a determining factor in this Subdivision Amendment request.*

#### Additional Information Requested by Commissioners:

After tabling this item the Commissioners requested that Planning staff research the following information:

1. Research the Master Plan requirements.
2. Add burying the Utilities as a condition of approval since the property owner said he will do this.
3. Assess the health, status, age and environmental effect of the trees on the lot.

4. Obtain more specific information on the removal of vegetation from the applicant.
5. Request the Urban Forester's recommendation for the park strip trees.

In response to these requests the following data is being provided:

Cheri Coffey stated at the August 9, 2006 meeting: Although the Avenues Master Plan (Adopted July 1978) designates this area for "Very Low Density, 1-4 units per gross acre," Ordinance 26 of 1995 declares that the zoning map is the current Future Land Use Map and amends the Master Plan in relation to land use.

The burying of utility lines cannot legally be added as a condition of approval. The condition of the trees has not been assessed. Because the trees are on private property and can be cut down at any time by the property owner, without permission or consent from any neighbors, it has been determined that the status of the trees is not relevant to this review. The Salt Lake City zoning ordinance requires one park strip tree for every 30 feet of frontage. Because the subject property has approximately 190 feet of street frontage, six park street trees will be required, to be reviewed and approved by the Urban Forester.

## **COMMENTS, ANALYSIS AND FINDINGS**

### **OVERVIEW:**

The Planning Director, or designee, may at an administrative hearing, approve a Subdivision Amendment if it meets the requirements specified in Section 20.31.090 of the Salt Lake City Code. Planning Staff elected to defer this Subdivision Amendment request to the Planning Commission due to the amount of opposition that was expressed at the Administrative hearing, held on June 29, 2006.

### **COMMENTS:**

The comments received from pertinent City Departments/Divisions are attached to this staff report. The following is a summary of the comments and concerns received (see Exhibit A for full comments):

**Public Utilities:** All design and construction must conform to State, County, City and Public Utilities standards and ordinances. Design and construction must conform to Salt Lake City Public Utilities General Notes. Two water services are currently connected to this property. These meters may remain and provide water service to the new homes. This property has one sewer lateral service. A new sewer lateral will be required to serve the new home. Use of the existing sewer laterals and water services are subject to the condition and capacity of each. If they are not used, it is the responsibility of the developer to insure that a licensed and bonded plumbing contractor disconnect each water service at the main line and cap each sewer lateral at the property line. All of the above-mentioned work must be inspected and approved by Public Utilities. Fire Department approval will be required. Fire flow requirements, hydrant spacing and access issues will need to be resolved with the Fire Department. All existing easements must be provided before final plat recordation. If a sewer lateral or a water lateral service crosses through an adjacent property, an easement for that utility must be provided. All sewer, water and storm drain connection agreements must be completed and fees paid in full prior to any

approvals from our Department. A \$343 per quarter acre drainage impact fee will be accessed for any new impervious surface added to this property. If offsite improvements are required, all construction must be bonded by the developer.

**Transportation:** The Division of Transportation has stated the required public way improvements include an extension of the pedestrian sidewalk along the full frontage of this lot. Any revisions to the driveway and the new driveway(s) must comply with City standards.

**Engineering:** Salt Lake City Engineering stated that are three sidewalk joints that must be ground down to prevent tripping and that the sidewalk does not extend the full frontage of the lot. Engineering does not object to an extension of the sidewalk if that is required by Transportation.

**Fire Department:** The Fire Department does not have any objections as long as the nearest fire hydrant is within 250 feet of the proposed lots. A site plan showing the location of the nearest hydrant must be submitted to the Fire Department for review.

**Police Department (CPTED):** The Police Department has no objections to the proposal.

**Building Services:** Building Services recommends that the buildable area of the lot be designated on the plat to avoid future requests for variances.

**Community Council:** The Greater Avenues Community Council Chair was notified by mail on June 14, 2006 and he has asked that the neighborhood concerns be addressed. (See Exhibit C for Summary of Concerns).

## **ANALYSIS AND FINDINGS:**

### **STANDARDS FOR APPROVAL:**

A Subdivision Amendment petition may be approved only if it meets the requirements specified in Section 20.31.090 of the Salt Lake City Code. The requirements are as follows:

#### **A. The amendment will be in the best interest of the City.**

**Analysis:** The proposed amendment complies with the R-1/5000 zoning standards for lot size and frontage and will add an additional single family housing unit to the City. This request has been reviewed by applicable City Divisions/Departments and has received preliminary approval. The proposed lots are compatible in size and shape with lots in the surrounding neighborhood, as can be seen on the attached map (Exhibit D). The sizes of the proposed lots are compatible with other lots on the same block face. The configurations of the lots are compatible with other lots in the neighborhood. The relationship of the lot(s) width to the lot(s) depth is compatible with other lots in the neighborhood. It is in the best interest of the City to have vacant structures repaired or replaced, so that the neighborhood does not suffer from the negative effects of vacant buildings and unkempt properties. (See also the Analysis and Findings under Standard "F").

**Finding:** Staff finds that the amendment is in the best interest of the City because the proposed lots are compatible in terms of size, shape and configuration, with other lots found throughout the neighborhood and on the block face. Staff also finds that the request has been reviewed by applicable City Divisions/Departments and has received preliminary approval. Staff also finds that it is in the best interest of the City to have vacant structures repaired or replaced.

**B. All lots comply with all applicable zoning standards**

**Analysis:** The existing lot is approximately 11,980 square feet (0.275 acres) in size and the applicant is requesting to subdivide this lot into two lots that will be 5,837 sq. ft. and 6,143 sq. ft. in size. The minimum lot size in this zone is 5000 square feet and the new infill compatibility ordinance states that the maximum size of a new lot in the R-1/5000 zoning district shall not exceed 7,500 square feet. The proposed lots comply with the zoning ordinance lot size and street frontage requirements. The applicant has not yet submitted building plans for the proposed lots; however, the future buildings must meet all zoning requirements as outlined below:

<b>R-1/5000 Zoning Requirements</b>	
Minimum Lot Size	5000 sq. ft.
Maximum Lot Size	7500 sq. ft.
Maximum Building Height	28' to the ridge of a pitched roof
Maximum Exterior Wall Height	20' for walls placed at the setback
Yard Setbacks:	
Front	20'
Interior Side	4' on one side and 10' on the other
Rear Yard	20' or 25% of lot depth
Maximum Building Coverage	40% of the lot
Width of attached garages	May not exceed 50% of front facade

**Finding:** Staff finds that the proposed lots comply with the applicable lot size and frontage standards and must be developed to meet the standards of the zoning ordinance.

**C. All necessary and required dedications are made.**

**Analysis:** No dedications are required with this request.

**Finding:** Staff finds that no dedications are required with this request.

**D. Provisions for the construction of any required public improvements are included.**

**Analysis:** The public way improvements that are required with this request include the extension of the sidewalk and grinding down three sidewalk joints to prevent tripping.

**Finding:** Staff finds that the public way improvements listed above will be a condition of final plat approval.

**E. The amendment complies with applicable laws and regulations.**

**Analysis:** The proposed preliminary plat has been reviewed by the pertinent City Departments as to applicable laws and regulations. Each of these Departments has given preliminary approval of the Subdivision Amendment.

**Finding:** Staff finds that the proposed amendment complies with applicable laws and regulations.

**F. The amendment does not materially injure the public or any person and there is good cause for the amendment.**

**Analysis:** Staff can find no evidence that the amendment would injure the public or any person. Staff finds that there is good cause for the amendment because it is in the best interest of the City and is compatible with surrounding lot shapes, sizes and configurations (see Standard “A” above). The streets in the Federal Heights area are curvilinear and result in many lots that are non-rectangular. Due to the street configuration it is common to find “triangular” and other odd shaped lots in this area.

**Finding:** Staff finds that the amendment will not materially injure the public or any person and there is good cause for the amendment. Similar lot shapes, sizes and configurations are found throughout this area due to the curvilinear streets in the neighborhood. Planning staff has received many comments from members of the public that are opposed to this request (see Exhibit B).

**STAFF RECOMMENDATION**

That the Planning Commission grant preliminary approval for the requested two-lot Subdivision Amendment of the Federal Heights Subdivision Plat for property located at 1455 East Perry Avenue, based on the following findings:

1. All applicable City Departments have consented to the Subdivision Amendment subject to final plans complying with applicable City codes and policies.
2. The newly created lots will comply with all applicable zoning standards.
3. The Subdivision Amendment will be in the best interest of the City.
4. The proposed single-family dwellings must comply with all City standards.

**CONDITIONS OF APPROVAL**

Approval is conditioned upon:

1. Compliance with departmental comments as outlined in this staff report.



2. Repair of the damaged sidewalk panels as required by Engineering and extension of the sidewalk (if required), prior to recording of the final plat.
3. Final subdivision approval and final plat recordation prior to the issuance of a certificate of occupancy.

**Attachments:**

Exhibit A - Department/Division Comments

Exhibit B - Site Plan and Preliminary Plat

Exhibit C – Public Comments and Summary

Exhibit D – Map of Neighboring Lot Shapes and Sizes

Exhibit E – Handouts Provided by Applicant, August 9, 2006

Exhibit F – Draft Minutes from August 9, 2006 Planning Commission Meeting

Sarah Carroll  
Principal Planner