

DATE: January 5, 2006
TO: Salt Lake City Planning Commission
FROM: Jackie Gasparik - Principal Planner
RE: Emery Street Subdivision, an amendment of a portion of the J.H. Whalon's Addition Subdivision for the January 11, 2006 Planning Commission Meeting

CASE#: #490-05-48
TYPE: Subdivision Amendment
APPLICANT: Clayton Wolf
STATUS OF APPLICANT: Property Owner
PROPERTY OWNER: Clayton Wolf
PROJECT LOCATION: 809 South Emery Street



PROJECT/PROPERTY SIZE: Approximately .27 acres

COUNCIL DISTRICT: District 2, Council Member, Van Turner

REQUESTED ACTION:

Mr. Wolf is requesting subdivision amendment approval to amend one lot into two new lots. Lot #1 is proposed for a new single family home to be constructed in the future, and Lot #2 is for the existing home that will remain. The Planning Commission is the approval body for subdivision amendment requests that exclude public streets or alleys.

| SURROUNDING ZONING DISTRICTS | |
|-------------------------------------|----------|
| North- | R-1-5000 |
| South- | R-2 |
| East- | OS |
| West- | R-1-5000 |

| SURROUNDING LAND USES: | |
|-------------------------------|-----------------------------------|
| North- | Single family residential |
| South- | Single and two-family residential |
| East- | City Park – Poplar Grove Park |
| West- | Single family residential |

MASTER PLAN SPECIFICATIONS:

The subject property is located in the West Salt Lake Community Master Plan. This plan identifies the subject property as suitable for low density residential land uses. The proposal is in compliance with the master plan.

PROJECT DESCRIPTION/SUBJECT PROPERTY HISTORY:

The proposed subdivision amendment was scheduled for an Administrative Public Hearing on November 17, 2005. During the Administrative Hearing, it became evident to the Hearing Officer that the proposal was not uncontested. There were several neighbors in attendance at the hearing that did not want the subdivision amendment approved for various personal reasons. In general the neighbors do not want another house built in the area. They stated that there are many community and social problems in the area and that they believe that the proposed subdivision will bring more “undesirable people” into their neighborhood. The Administrative Hearing Officer then made the decision not to act on the proposal at the administrative hearing and to forward the subdivision consideration to the Planning Commission for a decision.

ACCESS:

The subject property has access from the existing two City streets Emery and 800 South streets, both publicly dedicated. The Salt Lake City Planning, Transportation and Engineering Divisions have all reviewed and approved subject to minor repair of existing public improvements (see attached departmental review letters).

PROJECT DESCRIPTION:

The existing single family dwelling is located at 809 South Emery Street (1170 West). Each of the proposed new lots has the following dimensions:

| Lot # | Width | Depth | Area (square feet) |
|--------------------|--------------|--------------|-----------------------------|
| Lot 1 | 66' | 82' | Approximately 5,412 sq. ft |
| Lot 2 (corner Lot) | 72' | 82' | Approximately 5,904 sq. ft. |

The project area is located in the R-1-5000 residential zoning district. The proposed subdivision exceeds the minimum zoning standards of the district, which require a minimum fifty feet of street frontage and a minimum of 5,000 square feet of lot area.

Currently the property exists as a large corner lot with over 11,000 sq. ft. that fronts onto Emery Street. This property consists of two and a half of the originally subdivided lots as currently platted, lots 9, 10 and half of lot 11 of the J. H. Whalon’s Addition Subdivision.

The proposal is to re-subdivide this property into two lots; one for the existing home that will remain which fronts onto Emery street. The other proposed lot will front onto 800 South (Johnston Street) and will accommodate a new single-family home at a future date. Both lots exceed the 5,000 sq. ft. minimum requirement and the minimum 50’ of frontage into a public street.

DEPARTMENTAL COMMENTS, ANALYSIS AND FINDINGS

City Engineering:

City engineering review comments are as follows: Curb, gutter and sidewalk exist along the frontage. There are some sidewalk joints that need to be ground down. The new drive approach must be installed in accordance with APWA Standard Plan 225. Prior to performing this work, a permit to work in the public way must be obtained from SLC Engineering.

Transportation:

Planning has worked with the applicant to modify their site plan since the October 20, 2005 Transportation Division review comments memo was sent. The attached plan eliminates the parking issues for the proposed lot 2 with the existing dwelling, which were initially identified in the attached review comments. Planning and the applicant will coordinate with the Transportation Division if the amendment is approved, to receive final plat approval.

Fire Department: Recommends approval.

Public Utilities:

Lot 2 would require extending the Water and Sewer Mains in 800 South Street East to the end of the property line on the east. Lot 1 could connect on Emery Street. The Subdivision Plat drawing shows water and sewer in 800 South Street which is wrong. They may have gotten confused with

800 South east of Glendale Street which has existing water and sewer mains. A Fire flow test is in the process of being done and should be ok.

The Watermain extension would require 8" Ductile Iron Class 52 Pipe and the Sewer would require 8" PVC SDR35 Pipe and entering into the contracts for the main extensions.

Police Department:

The Police Department recommends approval.

Planning Division:

Planning staff has analyzed the requested subdivision as to its compliance with the zoning requirements of the R-1-5000 zone. The two proposed lots meet the minimum requirements of 50 feet of frontage and 5,000 sq. ft. each. The existing home must meet all current zoning setbacks as well as the proposed home.

Planning Division: The developer is required to satisfy all conditions of the Planning Division, Transportation Division, Engineering Division, Public Utilities Division and the Fire Department in order to receive preliminary approval.

APPLICABLE LAND USE REGULATIONS

- Title 20 Subdivisions
- 21A.24.070 R-1/5,000 Single-Family Residential District

ANALYSIS AND FINDINGS

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: Staff finds that the request complies with this standard because: The proposed new use is in compliance with the City's West Salt Lake Community Master Plan, to have low density residential in the area. Although the amendment increases the density in the neighborhood by one lot, the proposed amendment complies with current zoning and the City's Master Plans.

Finding: The amendment will be in the best interest of the City, in that:

1. The proposed subdivision is in compliance with the City's Master Plans.
2. The proposed subdivision amendment will allow additional residential infill in the neighborhood.

B. All lots comply with all applicable zoning standards

Analysis: All lots comply with the R-1-5000 zoning regulations. These regulations require fifty feet of frontage onto a City street and a minimum of 5,000 square feet of lot area per lot. All applicable City Departments have consented to the subdivision as long as final plans comply with applicable City Codes and Policies.

Finding: *The proposed subdivision complies with all applicable zoning standards as identified in this report.*

C. All necessary and required dedication are made

Analysis: *All applicable City Departments have consented to the subdivision amendment as long as all required dedications are made by the final Plat. This is a condition of final plat approval. No new dedications are proposed or required as part of the proposed amendment. All required dedications were made with the original subdivision.*

Finding: *All necessary and required dedications have been previously made as a part of the original subdivision plat.*

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

Analysis: *All plans for required public improvements must be submitted and approved prior to approval of the final plat. Any required public way improvements will be constructed or bonded to be constructed at a future date (spring 2006) prior to the bond money being released as part of the subdivision improvements installation contract process.*

Finding: *Adequate provisions for the construction of required public improvements have been identified and provided for.*

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, subject to identified conditions and requirements (see attached department review and comments).*

Finding: *The proposed amendment will comply 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 (see requirement "A" above). The proposed amendment will change the existing large lot which is out of context with the neighborhood and the City's Master Plans, into two lots that are closer in conformity to the City's zoning which is R-1-5000. The addition of one new single family residence*

to the established neighborhood will help to stabilize the immediate area and may encourage neighborhood reinvestment.

Finding: *The amendment does not materially injure the public or any person, and there is a good cause for the amendment.*

STAFF RECOMMENDATION

Based on the comments, analysis and findings of fact noted in this report, Planning Staff recommends that the Planning Commission approve the requested amendment, subject to the following conditions:

1. Approval is conditioned upon compliance with departmental comments as outlined in this staff report.
2. Any future redevelopment will be subject to the requirements of the zoning ordinance.
3. Final subdivision amendment platting is required, including provisions for the abutting site public infrastructure improvements installation.

Jackie O. Gasparik
Principal Planner

Attachments:

- Exhibit 1 - Aerial map, preliminary plat
- Exhibit 2 - Department comments