

**DATE:** June 14, 2006  
**TO:** Salt Lake City Planning Commission  
**FROM:** Lex Traughber  
Principal Planner  
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**RE: STAFF REPORT FOR THE JUNE 14, 2006 MEETING**

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**CASE NUMBER:** 400-06-09  
**APPLICANT:** Chris Robinson  
Arimco Corporation  
**STATUS OF APPLICANT:** Owner  
**PROJECT LOCATION:** 99 East 700 North



**PROJECT/PROPERTY SIZE:** 0.28 acres (12,197 square feet) according to County tax records.

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

**REQUESTED ACTION:** The applicant is requesting a zoning change on the subject parcel from FR-2 (Foothills Residential District) to R-2 (Single and Two-Family Residential District).

**PROPOSED USE(S):** The applicant intends to build a two-family dwelling (duplex) on the site.

**SURROUNDING ZONING:**

North –	FR-2 (Foothills Residential District), FP (Foothills Protection District)
South –	R-2 (Single and Two-Family Residential District)
East –	R-1-7000 (Single-Family Residential District)
West –	FP (Foothills Protection District)

**SURROUNDING LAND USE:**

North –	Residential
South –	Residential
East –	Residential
West –	Vacant (Foothill Protection)

**FUTURE LAND USE:**

North –	Low Density Residential
South –	Low Density Residential
East –	Very Low Density Residential
West –	Foothill Preservation Residential

**APPLICABLE LAND USE REGULATIONS:** The proposed zone change is subject to the Salt Lake City Code, Chapter 21A.50 – Amendments and Special Approvals.

**MASTER PLAN SPECIFICATIONS:** The property is located in the area subject to the Capitol Hill Community Master Plan. In addition, the Salt Lake City Housing Plan has applicable planning policies.

**SUBJECT PROPERTY HISTORY:** The subject lot is currently vacant.

**ACCESS:** The subject property has access from 700 North.

**PROJECT DESCRIPTION:**

The applicant is proposing to rezone the subject property to build a duplex. The property is currently zoned FR-2 (Foothills Residential District). The purpose of this zone is, *“to promote environmentally sensitive and visually compatible development of lots not less than twenty one thousand seven hundred eighty (21,780) square feet in size suitable for foothills locations. The District is intended to minimize flooding, erosion, and other environmental hazards; to protect the natural scenic character of foothill areas not suitable for development; to promote the safety and well being of present and future residents of foothill areas; and to ensure the efficient expenditure of public funds.”* This zoning district does not allow two-family residential development (duplex), and the subject parcel does not meet the minimum lot size requirement of the FR-2 District. The applicant proposes to rezone the subject property to R-2 (Single and Two-Family Residential District). The purpose of the R-2 District is, *“to preserve and protect for single-family dwellings the character of existing neighborhoods which exhibit a mix of single and two-family dwelling by controlling the concentration of two-family dwelling units.”*

Planning Staff notes that the subject parcel was created as Lot 3 of the Ensign Downs Plat “G” Subdivision recorded with the Salt Lake County Clerk and Recorder’s Office on May 24, 1982. Prior to 1995, these lots were all zoned R-2, which at the time allowed for two-family residential development as it does currently. It appears that there was a mapping error that resulted in the three lots of the Ensign Downs Plat “G” Subdivision being zoned FR-2 instead of R-2 during the 1995 Zoning Rewrite Project. Lots 1 and 2 of this Subdivision are presently developed and are zoned FR-2; each Lot with one two-family dwelling unit (duplex). Presently, these duplexes would be considered legal conforming uses as identified in Section 21A.38.120 of the Zoning Ordinance which allows for alterations, additions, and replacement of the duplex units on the lots. Should this rezone request be granted, Lot 3 would have a different zoning than Lots 1 and 2, however the final land use (duplex) would be identical.

The FR-2 Zoning District currently has a provision to restrict development on lots that exceed thirty percent (30%) slopes. Section 21A.24.030G of the Code reads, *“For lots subdivided after November 4, 1994, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope. All faces of buildings and structure shall be set back from any non-buildable area line, as shown on the plat if any, a minimum of ten feet (10’) and an average of twenty feet (20’).”* Because the three Lots of the Ensign Downs Plat “G” Subdivision were created prior to November 4, 1994, the subject Lot 3 is not subject to this Section of the Code. In addition, the regulation in the R-2 District which states that no more than two lots may be used for two-family dwellings located adjacent to one another and no more than three such dwellings may be

located on the same block face, is also not applicable since the subdivision was approved prior to 1995.

The Capitol Hill Community Future Land Use Map identifies the subject parcel as “ Low Density Residential (5-15 dwelling units per acre), which is the same designation as all of the DeSoto/Cortez neighborhood located directly to the south. Lots 1 and 2 of the Ensign Downs Plat “G” Subdivision are designated the same. Given this development density, residential lot sizes under this particular future land use designation range in size from 2,904 to 8,712 square feet. The subject lot is approximately 12,197 square feet. Two dwelling units on the parcel would result in lot sizes of approximately 6,098 square feet per unit. In addition, the 12,197 square foot lot size is well below the required lot size of 21,780 square feet of the FR-2 District as noted previously. This proposed lot size and associated density are consistent with the future land use designation and would therefore not constitute “spot zoning”. Instead, Planning Staff is of the opinion that the current zoning on the subject property is a mapping error.

**DEPARTMENT/DIVISION COMMENTS:**

**Engineering**

Engineering does not have any comments or concerns with this rezone.

**Public Utilities**

Public Utilities has no objection to the proposed rezone of the property. There is a 12 inch water main and an 8 inch sanitary sewer main at the east edge of the property in 700 North that this property can connect to for services. A site utility plan is required for review before approval to check for compliance with appropriate codes and standards.

**Permits and Zoning**

No comments.

**Transportation**

The 700 North roadway is a residential local classification with curb and gutter and paved surface improvements. Future site development will require compliance with City standards for vehicular access with a new driveway approach and on-site parking.

**Property Management**

Did not respond.

**Fire**

The Fire Department has no objections overall to the request. Additional fire hydrants may be required prior to approval for future development.

**Police**

No significant impact on police services resulting from the requested rezone.

**Airport**

No observed impact to airport operations.

**PUBLIC COMMENTS:**

The applicant presented the proposal to the Capitol Hill Community Council on May 17, 2006. No significant comments or concerns were received at this meeting concerning the rezone request.

**ANALYSIS AND FINDINGS:**

**Chapter 21A.50 of the Salt Lake City Code**

Chapter 21A.50 of the Salt Lake City Code, entitled “Amendments and Special Approvals” addresses changes to the text of the zoning code and the associated maps. Section 21A.50.050 outlines standards for general amendments that the City Council should consider when making a decision regarding a rezone. There are 5 specific criteria to evaluate; they are as follows:

**A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.**

**Salt Lake City Community Housing Plan**

The following City Council policy regarding housing is outlined in this Plan and is relevant to the proposed rezone:

The City Council supports a citywide variety of residential housing units, including affordable housing and supports accommodating different types of developments and intensities of residential development.

**Capitol Hill Community Master Plan**

The Capitol Hill Community Master Plan addresses residential development in the various neighborhoods throughout the District. According to this Plan, the subject property is located on the fringe of the Ensign Downs Neighborhood, across 700 North from the DeSoto/Cortez Neighborhood. Both of these designated “Neighborhoods” list policies related to residential development. These policies are as follows:

1. Ensure the established very-low and low density residential character of the area is preserved.
2. Ensure that infill development is compatible with the existing character of the immediate neighborhood.

The Future Land Use Map of the Capitol Hill Community Master Plan identifies the subject property as “Low Density Residential”. The R-2 Zoning District is a low density residential zone.

**Discussion:** The proposed rezone is consistent with policy outlined in the Salt Lake City Housing Plan concerning the need for a variety of housing options. In addition, two policies outlined in the Capitol Hill Community Land Use Plan are relevant.

**Finding:** The proposed zoning map amendment is supported by policies found in both the Salt Lake City Community Housing Plan and the Capitol Hill Community Master Plan, and is consistent with the Future Land Use Map of the Capitol Hill Community Master Plan.

**B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.**

**Discussion:** As previously noted, Lots 1 and 2 of the Ensign Downs Plat “G” Subdivision are already developed with duplexes. These two Lots are adjacent and to the east of Lot 3. With the proposed rezone, Lot 3 could develop as a duplex as well. There are several properties located to the south of 700 North that are also developed as duplexes. All of the property in the neighborhood to the south is zoned R-2.

**Finding:** The proposed rezone would result in development that is harmonious with the existing development in the immediate vicinity.

**C. The extent to which the proposed amendment will adversely affect adjacent properties.**

**Discussion:** Should the proposed rezone be approved, a duplex could be built on the subject lot in conformance with the development standards of the R-2 Zoning District. This type of residential development would be consistent with the development of adjacent lots to the east and several of those to the south. Otherwise, if the rezone request fails, a single-family residence could be built on the subject lot. The net result of an approval of the rezone request would be one additional dwelling unit.

**Finding:** In general, the proposed rezone request will result in development that has little or no impact on adjacent properties.

**D. Whether the proposed amendment is consistent with the provision of any applicable overlay zoning districts which may impose additional standards.**

**Finding:** The subject property is within the Primary Recharge Area of the Groundwater Source Protection Overlay Zone. Any future development must meet the standards of this overlay and will be addressed at the time of issuance of a building permit in conformance with Section 21A.34.060 of the Zoning Ordinance.

**E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and wastewater and refuse collection.**

**Finding:** City Engineering, Public Utilities, Transportation, Fire and Police all responded with comments as noted above. No comments were received indicating that public facilities and services are inadequate to serve the subject property.

**RECOMMENDATION:**

Based on the comments, analysis, and findings of fact noted in this staff report, Planning Staff recommends that the Planning Commission forward a favorable recommendation to the City Council to rezone the property located at 99 East 700 North from FR-2 (Foothills Residential District) to R-2 (Single and Two-Family Residential District).

**Attachments:**

Exhibit 1 – Aerial Photo of the Subject Property

Exhibit 2 – Subdivision Plat Map

Exhibit 3 - Department/Division Comments