

DATE: November 29, 2006
TO: Salt Lake City Planning Commission
FROM: Ray McCandless, Principal Planner at 535-7282 or ray.mccandless@slcgov.com
RE: STAFF REPORT FOR THE NOVEMBER 29, 2006 PLANNING COMMISSION MEETING

CASE#: 490-03-32

APPLICANT: Mr. James Bean
372 East 7th Avenue, Salt Lake City, Utah
84103

REQUESTED ACTION: **The applicant requests preliminary minor subdivision approval to subdivide a single .13 acre parcel of land into two (2) residential lots. Subdivisions that are appealed at the Administrative Hearing level are forwarded to the Planning Commission for consideration and approval action.**

STATUS OF APPLICANT: Property owner

PROPERTY OWNER: Mr. James Bean

PROJECT LOCATION: 518 & 524 South Koneta Court
Sidwell Number(s) 16-05-454-026 & 16-05-452-027



PROJECT/PROPERTY SIZE: Current Lot and Size - 5,800 Sq. Ft.
Proposed Lots - 524 S. Koneta: 2,973 Sq. Ft.
518 S. Koneta: 2,827 Sq. Ft.

COUNCIL DISTRICT: District 4, Council Member Nancy Saxton

PROPOSED USE: Single-family dwellings for both 518 and 524 South Koneta Court

SURROUNDING ZONING DISTRICTS:

- North** – Special Development Residential District (SR-3)
- South** – Special Development Residential District (SR-3)
- East** – Special Development Residential District (SR-3)
- West** – RMF-75 High density Multi-family

SURROUNDING LAND USES:

- North** – Three unit residential dwelling
- South** – Single family dwelling
- East** – Single-family dwelling
- West** – 80-unit multi-family residential condominium

MASTER PLAN SPECIFICATIONS: The subject property is located in the East Central North Planning Area of the Central Community Master Plan which was updated on November 1, 2005. The Central Community Future Land Use Map designates the subject property as Low/Medium Density residential (10-20 dwelling units per acre).

PROJECT DESCRIPTION/ SUBJECT PROPERTY HISTORY: The subject property was originally two (2) separate lots in about 1925, when the dwelling at 524 South Koneta Court was constructed. In approximately 1965, the home on 524 South Koneta Court became vacant and remained so until 1974 when it was re-occupied. The adjoining parcel at 518 South Koneta Court was used as additional landscaped area for this home.

In about 1987, the home was purportedly converted into a duplex and the two parcels, which were under the same ownership, were combined by a deed recorded at the Salt Lake County Recorder's Office creating a single lot with 5,800 sq. ft. However, the lot did not meet the City Zoning requirements for a duplex which required a minimum lot size of 6,000 sq. ft. The previous owner then re-subdivided the property back into two parcels in 1998 by recording a deed at the County Recorder's Office without being approved through the City's subdivision approval process. On June 28, 2002, the current owner, Mr. Bean, purchased both properties and in July 2002, applied for a building

permit to construct a new single-family dwelling on the vacant 518 South Koneta Court parcel. On July 26, 2002, the Building Services Department issued a permit for the construction of the new dwelling. However, shortly after permits were issued a Stop Work Order was issued on the property (on September 30, 2002) as the Salt Lake City Attorney's Office determined that the Building Services Department may have issued the building permit in error because of the legality of the subdivision. The home on 518 Koneta Court was constructed but the building permits have not been finalized and are pending subdivision action.

Koneta Court is a private right-of-way with a private water line that services the homes on Koneta Court. The other property owners on Koneta Court challenged Mr. Bean's right in court to secure access to the private water line. However, on October 26, 2005, Mr. Bean won the right through Third District Court to construct a new water line to the 518 Koneta Court parcel.

On October 19, 2006, the proposed subdivision was approved at an Administrative Hearing. However, the City has received a number of letters opposing the proposed subdivision from adjacent property owners which are attached as Exhibit 7. Consistent with City ordinances and practices, the proposed subdivision has been forwarded to the Planning Commission for consideration and approval action. A copy of the minutes of the October 19, 2006 Administrative Hearing are attached as Exhibit 6.

ACCESS:

The subject property is accessed from Koneta Court, a private dead end right-of-way that is 20' wide and extends south of 500 South Street.

COMMENTS, ANALYSIS AND FINDINGS:

The applicant is requesting a preliminary minor subdivision approval to legalize the subdividing of an existing parcel into two lots for the purposes of completing construction of the new single-family dwelling at 518 South Koneta Court.

COMMENTS

The applicable City Departments/Divisions have provided the following comments regarding the proposed minor subdivision. The Planning Division's comments are italicized (the full text of the comment letters received are attached to the staff report as Exhibit 5):

- 1. Public Utilities Department:** The Public Utilities Department needs a current site plan submitted for review. The Fire Department is not requiring a new hydrant on Koneta Court for fire protection. There is a hydrant on 500 South that can be accessed for fire protection.

A new ¾" or 1" lateral may be run down Koneta Court to service the new residence at 518 Koneta Court with the meter set in the public right-of-way of 500 South. A new 4" sewer lateral will also need to be installed. Mr. Bean currently

has a ¾” meter that services 524 Koneta Court. All fees will need to be paid before approved plans will be released.

2. **Transportation Division:** All vehicular maneuvering areas (private road, parking lots etc.) must be paved including the replacement of the trench surface for the new water line. There should also be some form of traffic control and public safety requirement for the multiple users of this private roadway during construction.
3. **Fire Department:** The Fire Department has approved the drawings for the proposed subdivision.
4. **Engineering:** The Engineering Department commented that Koneta Court is an existing private street. Therefore, a "Permit to Work in the Public Way" is not applicable and Salt Lake City Engineering will not be performing any inspection work for the street restoration following the utility work. A certified address must be obtained prior to issuance of a building permit.

MINOR SUBDIVISION REVIEW AND APPROVAL PROCESS:

The Planning Commission shall find that the proposed subdivision meets the following standards:

20.20.020 Required Conditions and Improvements for Minor Subdivisions:

A Minor Subdivision shall conform to the following standards:

1. **The general character of the surrounding area shall be well defined, and the Minor Subdivision shall conform to this general character.**

Discussion: The proposed minor subdivision will create two (2) complying lots in an SR-3 zone. Four (4) other lots along Koneta Court have the same approximate lot frontage and area measurements. Subdividing the property will reconfigure the lots to their original configuration prior to the 1987 consolidation by deed, which are in scale with the character of development located within the interior portion of interior city blocks.

Finding: The general character of the surrounding area is well defined and the proposed minor subdivision will conform with the general character of existing lots along Koneta Court and that of the SR-3 Zoning District.

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

Discussion: The minimum lot area requirement for the SR-3 Zoning District is 2,000 square feet for a single-family dwelling. The minimum required lot width is 30 feet. As proposed, this subdivision will create two complying lots that meet these minimum lot area and frontage requirements of the SR-3 Zoning District. Both lots are over 2,800 square feet in area and are 39 and 41 feet wide.

According to Section 20.16.120 Compliance With All City Requirements of the Subdivision Ordinance "Approval of the preliminary plat shall in no way relieve the subdivider of his/her responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all city standards." In addition, section 20.20.020 Required Conditions And Improvements (for minor subdivisions) requires that lots created shall conform to the applicable requirements of the zoning ordinances of the City.

The new house at 518 South Koneta Court was recently surveyed on July 26, 2006. It was discovered that the dwelling encroaches 5 inches into the side yard and 9 inches into the rear yard and therefore does not meet the required rear yard and side yard setbacks of the Zoning Ordinance. Because of this, the applicant must either:

1. Alter the construction of the dwelling structure so that it meets the required zoning side yard and rear yard;
2. Seek an appeal of the City's Administrative decision that the structure located on 518 Koneta Court is in non-compliance with the applicable setback requirements of the City zoning regulations from the Salt Lake City Board of Adjustment; or
3. Apply for variances to the Board of Adjustment.

The applicant has submitted an Appeal Of An Administrative Decision application in response to item number 2 which is tentatively scheduled to be heard by the Board of Adjustment on December 18, 2006.

Finding: In order to comply with Section 20.16.120 of the Salt Lake City Zoning Ordinance the applicant must do one of the following:

1. Alter the construction of the dwelling structure so that it meets the required zoning side yard and rear yard;
2. Seek an appeal of the City's Administrative decision that the structure located on 518 Koneta Court is in non-compliance with the applicable setback requirements of the City zoning regulations from the Salt Lake City Board of Adjustment; or
3. Apply for variances to the Board of Adjustment.

3. Utility easements shall be offered for dedication as necessary.

Discussion: The Public Utilities Department is requiring a new water line with necessary access easements to be installed from 500 South Street to the 518 South Koneta Street parcel.

Finding: Any required utility easements shall be provided as a condition of approval.

4. Water supply and sewage disposal shall be satisfactory to the City Engineer.

Discussion: The Public Utilities Department as indicated that a new ¾" or 1" lateral may be run down Koneta Court to service the new residence at 518 Koneta Court with the meter set in the public right-of-way of 500 South. A new 4" sewer lateral will also need to be installed. Improvement drawings addressing water supply and sewage disposal must be submitted by the applicant showing how this is to be accomplished.

Finding: Approval for any sewer and water connections shall be obtained from the Salt Lake City Public Utilities Department.

5. Public improvements shall be satisfactory to the Planning Director and City Engineer.

Discussion: Koneta Court is an existing private street and no additional public improvements to the street are required by the City.

Finding: No public improvements to the private street are required by the City.

Section 20.20.070 Administrative Approval of the Salt Lake City Subdivision Ordinance requires that the following standards be addressed in approving a minor subdivision at the Administrative Hearing level. Although these standards are not required to be met for Planning Commission approval of the subdivision, they have been included with this Staff Report for the Planning Commission's benefit. The following standards discussions and findings were copied from the Staff Report for the October 19, 2006 Administrative Hearing.

A. The minor subdivision will be in the best interests of the City.

Discussion: The proposed minor subdivision is in the best interests of the City as these two lots that were created without benefit of a subdivision approval by the City will be recognized through a formal review process.

Finding: The proposed subdivision meets the minimum lot area and frontage requirements of the SR-3 Zoning District in which it is located. The proposed subdivision is in the best interests of the City.

B. All lots comply with all applicable zoning standards.

Discussion: This standard is addressed in the previous section, item 2 above entitled Lots created shall conform to the applicable requirements of the zoning ordinances of the City.

Finding: As previously noted, in order to comply with Section 20.16.120 of the Salt Lake City Zoning Ordinance, the applicant must do one of the following:

1. Alter the construction of the dwelling structure so that it meets the required zoning side yard and rear yard;
2. Seek an appeal of the City's Administrative decision that the structure located on 518 Koneta Court is in non-compliance with the applicable setback requirements of the City zoning regulations from the Salt Lake City Board of Adjustment; or
3. Apply for variances to the Board of Adjustment.

C. All necessary and required dedications are made.

Discussion: Koneta Court is a private street which currently has a private water main and a public sewer main in the right-of-way. The owner is required give proof to the City that the building located at 518 South Koneta Court has access to a permanent potable waterline connected to the City water supply at 500 South.

Finding: Proper utility easements must be recorded for utility access.

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

Discussion: Koneta Court is a private street with private utilities (except the sewer line). No additional public improvements are required.

Finding: City departmental approval is required for any required public improvements.

E. The subdivision otherwise complies with all applicable laws and regulations.

Discussion: As proposed, this subdivision will create two complying lots that meet the minimum lot area and frontage requirements of the SR-3 Zoning District. The minimum lot area requirement for the SR-3 Zoning District is 2,000 square feet for a single-family dwelling with a minimum lot width of 30 feet. The

proposed lots meet these standards. As noted above, approval from the Board of Adjustment is required for the encroachment into the required side and rear yards.

Finding: Board of Adjustment approval is required to allow the existing encroachment into the required rear and side yard setback.

RECOMMENDATION: Based on the noted findings, Planning Staff recommends that the Planning Commission grant preliminary subdivision approval to the James Bean Minor Subdivision for the properties located at 518 and 524 South Koneta Court subject to the following:

1. Compliance with *all* Salt Lake City departmental requirements including providing drawings to the Public Utilities Department showing water and sewer connections are adequate for the dwellings.
2. The applicant must do one of the following:
 - A. Alter the construction of the dwelling structure so that it meets the required zoning side yard and rear yard;
 - B. Seek an appeal of the City's Administrative decision that the structure located on 518 Koneta Court is in non-compliance with the applicable setback requirements of the City zoning regulations from the Salt Lake City Board of Adjustment; or
 - C. Apply for variances to the Board of Adjustment

Ray McCandless, Principal Planner
Jackie Gasparik, Principal Planner

EXHIBIT 1

- **Preliminary Subdivision Plat**
 - **Sidwell Map**
 - **Aerial Photograph**

EXHIBIT 2
Site Photographs

EXHIBIT 3

- **Certificate of Present Conditional Use**
 - **May 15, 2003 Notice & Order**
 - **June 30, 2003 Notice & Order**

EXHIBIT 4

- **Appeal to Staff Report to HAAB**
 - **Abstract of Findings & Order**

EXHIBIT 5
Salt Lake City Departmental Comments

EXHIBIT 6
Minutes and Staff Report for the October 19, 2006
Administrative Hearing

EXHIBIT 7
Letters From Property Owners