

DATE: September 27, 2006
TO: Salt Lake City Planning Commission
FROM: Kevin LoPiccolo, Zoning Administrator
Email: kevin.lopiccolo@slcgov.com
RE: A request for conditional use approval to allow for the construction of a single-family dwelling in the General Commercial (CG) District at located 950 West 100 South

CASE#: 410-06-34
APPLICANT: George Mattena
STATUS OF APPLICANT: Property Owner
PROJECT LOCATION: 950 West 100 South
PROJECT/PROPERTY SIZE: .29 Acres
COUNCIL DISTRICT: District 2, Council Member Van Turner
SURROUNDING ZONING DISTRICTS:
North – General Commercial
South - Multi-family residential
East - General Commercial
West - General Commercial
SURROUNDING LAND USES:
North – Commercial/Residential
South – Multi-Family
East - Single Family
West - Vacant Commercial

REQUESTED ACTION:
The applicant is requesting conditional use approval to construct a new single-family dwelling.

PROPOSED USE(S):
The applicant is requesting to construct a single-family dwelling on a 12,632 square foot lot located in the General Commercial (CN) District. The property owner demolished a legal conforming single-family dwelling last year and is requesting to construct a new 2,280 square foot single-family dwelling. The replacement dwelling exceeds the original

building footprint by more than 25%, therefore, requiring a conditional use. The CG Zoning District does not permit single-family dwellings, but since the subject property (dwelling) is considered legal conforming, the property owner is entitled to continue that said use, provided that the proposed use complies with the provisions of the conditional use standards found in Salt Lake City Zoning Ordinance, Section 21A.54.

The replacement structure shall not project into a required yard beyond any encroachment established by the structure being replaced. All replacement structures in nonresidential zones are subject to the provisions of Section 21A.36.190, Residential Building Standards for legal conforming single-family detached dwellings.

When replacing a legal conforming single-family dwelling, the number of new parking stalls provided shall be equal to or more than the numbered of parking stalls being replaced. The proposed dwelling meets the required two off-street parking stalls.

APPLICABLE LAND USE REGULATIONS:

The proposed use is subject to Salt Lake City Zoning Ordinance, Section 21A.54.080, Standards for Conditional Uses, Section 21A.26.070 General Commercial (CG) District, Section 21A. 36.190, Residential Building Standards and Section 21A.38.120, Legal Conforming Single-Family Detached Dwellings.

MASTER PLAN SPECIFICATIONS:

The West Salt Lake Community Master Plan (1995) identifies this area as General Commercial. The proposed construction may be inconsistent with the city's master plan, but the request does comply with the Salt Lake City Zoning Ordinance, Section 21A.38.120.

ACCESS:

The property located at 950 West 100 South has ingress/egress from 100 South.

SUBJECT PROPERTY HISTORY:

The property owner demolished an existing single-family dwelling back in 2005, and has since then subdivided the property to meet the General Commercial minimum lot area of at least 10,000 square feet and a lot width of at least 60 feet. The subject property meets both standards.

COMMENTS, ANALYSIS AND FINDINGS:

COMMENTS

The Development Review Team (DRT) reviewed this application on September 13, 2006. The following is a summary of the comments/recommendations received:

- a) **Transportation:** The Division of Transportation has no objections to the proposed single-family dwelling.
- b) **Public Utilities:** Salt Lake City Public Utilities has no objections to the proposed use.

- c) **City Engineering:** The Engineering Department requested that if any work is required on 100 South behind the curb line, a permit to work in the right-of-way is required.
- d) **Fire:** The Fire Department has no objections to the request provided all Fire Code requirements are met.
- e) **Police:** The Police Department has no objections to the proposed use.
- f) **Building Services:** Building Services has no zoning concerns regarding this request.
- g) **Community Council:** Popular Grove has not provided any comments to the Planning Division.

ANALYSIS AND FINDINGS

The Planning Commission has final decision authority with respect to this request. In order to make its decision, the Commission must use the following standards.

21.54.080 Standards for Conditional Uses.

- A. The proposed development is one of the conditional uses specifically listed in this Title.**

Discussion: Table 21A.26.080 of the Zoning Ordinance does not allow single single-family dwellings in the General Commercial (CG) District. Since this use is considered legal conforming, the Planning Commission is reviewing the replacement dwelling in the context of expansion, yard encroachments and compliance with the city's parking regulations.

Finding: The proposed development meets the underlying zoning requirements for minimum lot area, lot width and parking as specified in Section 21A.26.070.

- B. The proposed development is in harmony with the general purposes and intent of this Title and is compatible with and implements the planning goals and objectives of the City, including applicable City master plans.**

Discussion: West Salt Lake Community Master Plan identifies this area as General Commercial.

Finding: The proposed development is consistent with Salt Lake City Zoning Ordinance, Section 21A.38.120, Legal conforming single-family detached dwellings, subject to meeting the standards for a conditional use.

- C. Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets.**

Discussion: The Division of Transportation reviewed this request as part of the Development Review Team meeting. The Transportation Division did not have any concerns about the development of a single-family dwelling.

Finding: The proposed single-family dwelling has ingress and egress to the subject property from 100 South. 100 South is adequate to carry the traffic demand created by a one single-family dwelling and will not materially degrade the service level.

D. The internal circulation system of the proposed development is properly designed.

Discussion: The internal circulation system for this project will be provided by a driveway off 100 South. The Development Review Team did not identify any issues that would jeopardize the proposal in terms of the proposed design of the internal circulation system.

Finding: The internal circulation proposed for the dwelling is properly designed.

E. Existing or proposed utility services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources.

Discussion: The existing structure is provided with all municipal utility services.

Finding: Existing utility services are adequate for the proposed development and designed in a manner that will not have an adverse impact on adjacent land uses or resources.

F. Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts.

Discussion: The proposal does not propose any external lighting other than a porch light. The proposed single family dwelling will not impact the adjacent properties.

Finding: Appropriate measures have been taken to protect adjacent uses from light, noise and visual impact.

G. Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood.

Discussion: The proposed architecture will compliment the existing streetscape. The dwelling is a single-story and the exterior of the dwelling will be stucco with an asphalt shingle roof.

Finding: The architectural style of the proposed dwelling is compatible with the surrounding area.

H. Landscaping is appropriate for the scale of the development.

Discussion: The applicant proposes to provide front, side and rear yard landscaping.

Finding: Landscaping is consistent with the development pattern and complies with Salt Lake City Zoning Ordinance, Section 21A.48, Landscaping & Buffers.

I. The proposed development preserves historical, architectural and environmental features of the property.

Discussion: The site is not located within a historic district and there are no significant architectural or environmental features on the property.

Finding: No unique historical, architectural or environmental features have been identified in association with this property.

J. Operating and delivery hours are compatible with adjacent land uses.

Finding: This is for a residential use.

K. The proposed conditional use is compatible with the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood or the City as a whole.

Discussion: The proposed single-family dwelling meets the objectives of the Zoning Ordinance and other uses in the general area.

Finding: The proposed single-family dwelling is compatible with the surrounding area and will not have a material net cumulative adverse impact on the area or the City as a whole.

L. The proposed development complies with all other applicable codes and ordinances.

Discussion: Approval of the conditional use will be subject to meeting all applicable City departmental requirements. Final plans will be reviewed during the building permit process for compliance with all applicable City codes and ordinances.

Finding: The proposal will be required to meet all pertinent and applicable City codes and ordinances prior to the issuance of building permits.

RECOMMENDATION:

Based upon the comments, analysis and findings of fact noted above, Planning Staff recommends that the Planning Commission approve the conditional use request, subject to the following conditions:

1. Any grade change that exceeds two feet shall require a special exception.
2. Approval of the conditional use will be subject to meeting all applicable City departmental requirements. Final plans will be reviewed during the building permit process for compliance with all applicable City codes and ordinances.

Exhibits:

Exhibit 1 – Application

Exhibit 2 – Proposed Site Plan

Exhibit 3 – Streetscape

Exhibit 4 – Floor Plan

Exhibit 5 – Elevation

Exhibit 6 – Applicant’s Letter

Kevin LoPiccolo

Zoning Administrator

September 27, 2006

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