

**DATE:** August 22, 2006

**TO:** Salt Lake City Planning Commission

**FROM:** Sarah Carroll, Principal Planner

**RE:** Staff Report for the September 13, 2006 Planning Commission Meeting.  
(Issues Only Hearing held May 24, 2006)  
Petition #490-06-21, by Chris Robinson, is a request for a preliminary subdivision to create a plat for North Cove Estates Lot 601, located at approximately 299 East Oak Forest Road, in an FR-1/43,560 (Foothill Estate Residential) Zoning District.

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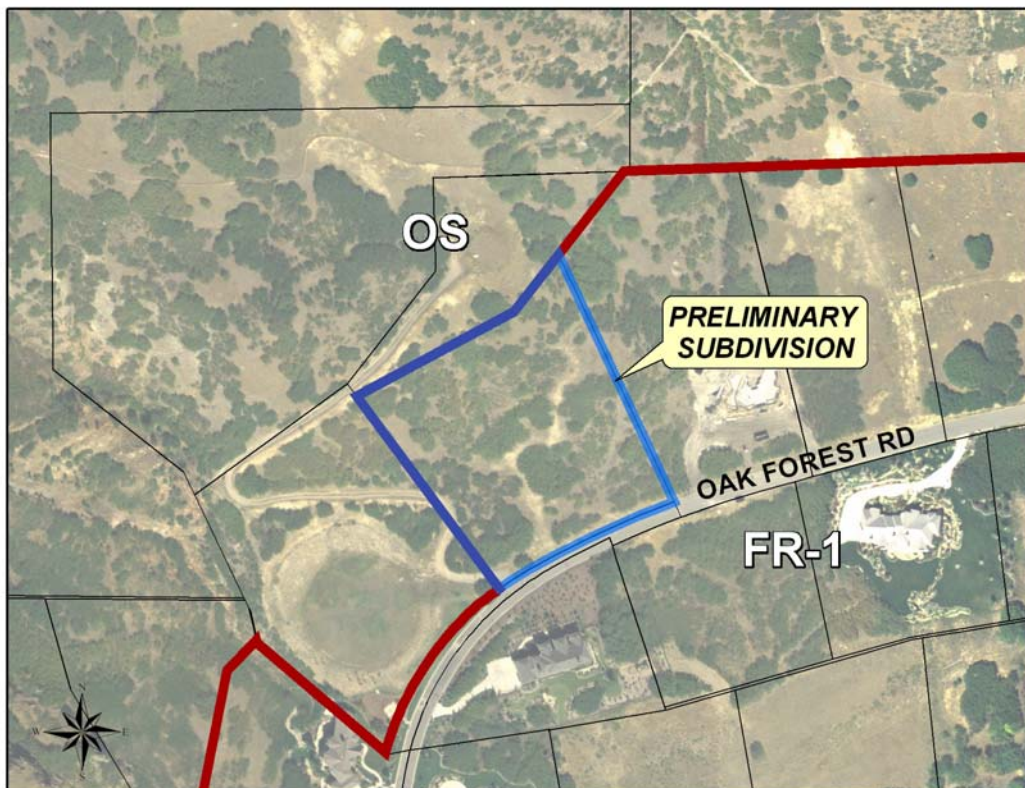
**PETITION NUMBER:** #490-06-21

**APPLICANT:** Arimo Corp./Chris Robinson

**STATUS OF APPLICANT:** Property Owner

**REQUESTED ACTION:** That Lot 601 be preliminarily approved for platting. The Planning Commission is the Decision Maker on Subdivisions.

**PROJECT LOCATION:** 299 E. Oak Forest Road (09-19-300-008)



**PROJECT/PROPERTY SIZE:** Entire Project Area: 3.332 Acres  
**COUNCIL DISTRICT:** District 3, Council Member Eric Jergensen

**SURROUNDING ZONING DISTRICTS:**  
North: OS, Open Space District (City owned)  
South: FR-1, Foothills Estate Residential District  
East: FR-1, Foothills Estate Residential District  
West: OS, Open Space District (City owned)

**SURROUNDING LAND USES:**  
North: Parks & Open Space  
South: Very Low Density Single-Family Residential  
East: Very Low Density Single-Family Residential  
West: Parks & Open Space

**PROPOSED USE(S):** One single-family dwelling

**APPLICABLE LAND USE REGULATIONS:**  
Salt Lake City Zoning Ordinance, Section 21A.24.020, Foothills Estate Residential District (FR-1/43,560 Zoning District regulations): Minimum 1 acre lot, minimum 140 feet wide, maximum 50% lot coverage, maximum 40% slope  
Salt Lake City Subdivision Ordinance, Chapter 20.16, Preliminary Plats

**MASTER PLAN SPECIFICATIONS:**  
The Capitol Hill Master Plan Future Land Use Designation is "Very Low Density Residential" (1 to 5 dwelling units per gross acre). The proposed density complies with the Master Plan Future Land Use Classification.

**SUBJECT PROPERTY HISTORY:**  
The subject property is an existing vacant, metes & bounds parcel with frontage on Oak Forest Road. A development agreement was created between the owner and the City on October 1, 1991 which vested the subject parcel and the neighboring North Cove Estates Plat D under the site development and zoning standards in effect at that time (Section 47-3-43, Site Development Regulations, 1981). These standards would permit construction within the buildable area of the lot on up to a 40% slope. The current slope requirement is 30% (Section 21A.24.020G).

This item was heard by the Planning Commission at an issues only hearing on May 24, 2006 (see minutes, Exhibit B). At the Issues Only hearing Doug Wheelwright, Deputy Planning Director, stated that the a Development Agreement exists between the City and Mr. Robinson, allowing the lot to be platted under the 40 percent slope restrictions instead of the 30 percent and concluded that upon subdivision approval, the Planning Commission will delineate the buildable versus non-buildable area. Commissioner Diamond requested a review of the full development agreement, which is attached (see Exhibit E).

At the issues only hearing George Fitzpatrick, owner of abutting Lot 411, expressed concerns about what he perceived as a change in the "no build" area of the lot. He was concerned that the proposed no build area did not line up with the no build area on his lot and created the potential

for a large home to be built in a location that would negatively affect his property/privacy. Since the issues only hearing, Planning staff reviewed a slope analysis map which was provided by the applicant's engineer, and suggested amendments to the preliminary plat. The revised preliminary plat is attached and has been forwarded to the concerned neighbor, George Fitzpatrick, who seemed satisfied with the changes as long as the lot is subject to the North Cove CC&R's. The revised preliminary plat designates the area that concerned George Fitzpatrick for Landscaping and Accessory buildings only so that a large dwelling will not be built in this location (see preliminary plat, Exhibit D).

**ACCESS:**

The subject property fronts Oak Forest Road, a private road, from which driveway access will be permitted according to City standards. The owner is also requesting approval of an access easement of the City's unimproved 20 foot wide access road (to water reservoir) west of the subject parcel for access to the buildable area of the proposed lot.

**DESCRIPTION:**

The applicant is requesting a preliminary subdivision plat to convert the existing metes & bounds parcel into a one lot, single family residential subdivision with a buildable area of 1.735 acres. A permanent open space easement will be dedicated to the City for areas included within the "Undevelopable Area Limit Line." The maximum final slope for the buildable area of the proposed lot must be less than 40%. Former zoning and site development standards in effect in 1981 are vested under the development agreement for the subject lot. The lot is also compatible in area, configuration and width with neighboring recorded lots. The lot owner will join the existing homeowners association and conform to the existing covenants and architectural review requirements.

**COMMENTS, ANALYSIS AND FINDINGS**

**OVERVIEW:**

Per Ordinance 20.16.095, preliminary subdivision requests within the FR or FP zoning districts require an issues only hearing before a final decision is made by the Planning Commission. An Issues Only Hearing was held on May 24, 2006 at which time the Commissioners asked for a copy of the full development agreement which is attached (see Exhibit E). Each of the applicable City Departments/Divisions has provided comments on the request which are outlined below followed by an evaluation of the Preliminary Subdivision standards.

**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:** A site utility plan will need to be submitted showing water, sewer and storm drainage connections for the proposed lot, for review and approval by Salt Lake City Public Utilities. All assessed fees will need to be paid before approved plans will be released. Public Utilities plans to approve the optional easement proposed by the applicant, under an amended easement agreement.

**Transportation:** Oak Forest Road is a private roadway. Site developments of lot 601 will require compliance to city design standards for vehicular and pedestrian access to meet minimum safety standards for grades, surface treatment, maneuverability, and visibility. The proposal to access the rear portion of this site by way of the Salt Lake City Right of Way to the west of this lot, a utility service road, will require the same design standards. The impact of the proposed development is subject to review and approval by the Salt Lake City, Public Utilities Division. Our expectation is that the service road would need to be re-graded and hard surfaced with possible re-alignment as needed. There is also the issue of secured access controls by the Public Utilities Division that would need to be addressed. Please defer the final acceptance of the use of the right of way to the Public Utilities Division.

**Engineering:** Salt Lake City Engineering stated that the plat meets all requirements and they can approve the final plat when it is submitted.

**Fire Department:** No comments were provided.

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

**Building Services:** No comments were provided.

**Community Council:** The Capitol Hill Community Council Chair was notified by mail of the Issues only hearing and the Public Hearing. Two members of the public submitted letters in opposition to the no build area that was presented at the Issues only hearing (see Exhibit C). However the applicant has amended the preliminary plat, which will remedy those concerns. The no build area has been modified and the area of concern has been designated for landscaping and accessory buildings only so that the main dwelling will not be permitted in the area that concerned the neighbors.

## ANALYSIS AND FINDINGS

### STANDARDS FOR APPROVAL:

A preliminary subdivision petition may be approved only if it meets the requirements specified in Section 20.20.070 of the Salt Lake City Code. The requirements are as follows:

#### **A. The minor subdivision will be in the best interests of the city.**

**Analysis:** The requested preliminary subdivision will allow for platting of an existing parcel which entails a review by applicable City Divisions/Departments to determine that the lot meets all City requirements.

**Finding:** Staff finds that the minor subdivision will be in the best interest of the city. The preliminary plat has been received preliminary approval by all applicable City Departments/Divisions.

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

**Analysis:** The proposed lot must comply with zoning regulations for the FR-1 zoning district, which are a minimum lot size of 1 acre, a minimum lot width of 140 feet wide, a maximum lot coverage of 50%, and a maximum slope of 40% (the buildable area does not exceed 40%).

**Finding:** Staff finds that the proposed lot complies with all the FR-1 zoning standards in regards to lot size and frontage.

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

**Analysis:** This is a condition of final plat approval.

**Finding:** Staff finds that all necessary dedications will be made.

**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.

**Finding:** Staff finds that the provisions for the construction of any required public improvement must be included.

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

**Analysis:** The proposed subdivision 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 subdivision otherwise complies with all applicable laws and regulations.

## **STAFF RECOMMENDATION**

That the Planning Commission grant preliminary approval for the requested one lot subdivision and allow the creation of North Cove Estates, Lot 601 at approximately 299 E. Oak Forest Road (09-19-300-008), based on the following findings:

1. All applicable City Departments have consented to the subdivision subject to final plans complying with applicable City codes and policies.
2. The proposed lot complies with all applicable zoning standards.
3. The subdivision will be in the best interest of the City.
4. The future single-family dwelling 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. Final subdivision approval and final plat recordation prior to the issuance of a certificate of occupancy.

Sarah Carroll  
Principal Planner

### **Exhibits:**

- A. Department/Division Comments
- B. Minutes from May 24, 2006, Issues Only Hearing
- C. Public Comments
- D. Preliminary Plat
- E. Development Agreement
- F. Rockfall Hazard Assessment
- G. Supplement No. 2 to North Cove CC&R's