

**DATE:** February 20, 2007  
**TO:** Salt Lake City Planning Commission  
**FROM:** Nick Norris, Principal Planner at 535-6173 or  
Nick.norris@slcgov.com  
**RE: STAFF REPORT FOR THE FEBRUARY 28 PLANNING  
COMMISSION MEETING**

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**CASE #:** 410-06-37 Conditional use approval of a flag lot  
490-06-43 Preliminary subdivision amendment

**APPLICANT:** Marion Barnhill - Salt Lake City Housing and  
Neighborhood Services Division - 451 South State  
Street, Room 425, Salt Lake City, Utah 84111

**REQUESTED ACTION:** **The applicant requests conditional use approval and preliminary subdivision plat amendment approval of a 2-lot residential flag lot subdivision located at approximately 1017 South 1400 West in the R-1-7,000 Zoning District. The Planning Commission is the approval body for conditional uses and preliminary subdivision amendments**

**STATUS OF APPLICANT:** Property owner

**PROJECT LOCATION:** 1017 South 1400 West



**PROJECT/PROPERTY SIZE:** .48 acres

**COUNCIL DISTRICT:** District 2, Councilmember Turner

**PROPOSED USE(S):** Single Family Dwelling

**SURROUNDING ZONING DISTRICTS:**

<b>North</b>	R-1-7,000 Single Family Residential
<b>South</b>	R-1-7,000 Single Family Residential
<b>East</b>	R-1-7,000 Single Family Residential
<b>West</b>	R-1-7,000 Single Family Residential

**SURROUNDING LAND USES:**

<b>North</b>	Single Family Dwellings
<b>South</b>	Single Family Dwellings
<b>West</b>	Single Family Dwellings
<b>East</b>	Single Family Dwellings

**APPLICABLE LAND USE REGULATIONS:** Title 20 Salt Lake City Code – Salt Lake City  
Subdivision Ordinance  
Section 21A.24.010 G – Flag lots in residential districts

**MASTER PLAN SPECIFICATIONS:** The West Salt Lake Generalized Future Land Use Map designates the subject property as low density residential land uses.

**ACCESS:** The subject parcel fronts on 1400 West Street.

**PROJECT DESCRIPTION:** The applicant is requesting conditional use and preliminary subdivision approval of a proposed flag lot. The applicant intends to demolish the existing home and build two new homes.

## COMMENTS, ANALYSIS AND FINDINGS:

### COMMENTS

#### City Department Comments:

**Transportation Division** - The Division of Transportation review comments and recommendations are as follows:

1400 West Street is a local residential class roadway with curb & gutter, sidewalk, and paved surface improvements. The new flag lot proposal will require a new driveway approach to maintain the 12 foot separation from the abutting drive to the north or coordinate with the property owner for a reduction in separation or a shared approach. Final site development is subject to plan review in compliance with Salt Lake City design standards.

**Engineering Division** – The Salt Lake City Engineering Division review comments are as follows:

1. The subdivision plat must conform to the requirements on the Engineering Division’s subdivision plat checklist.
2. An uneven sidewalk joint must be ground down or replaced. Prior to performing this work, a Permit to Work in the Public Way must be obtained from the Salt Lake City Engineering Division.

**Fire Department** – Preliminary approval by the Fire Department is tentative for a single family dwelling on the flag lot. A fire hydrant shall be required at the base of the entrance, and a hard surface drive to the home(s). Placement of the building and layout would be helpful in the Fire Department’s decision process.

**Police Department** – No comments were received from the Police Department.

**Public Utilities Department** – The Public Utilities Department has reviewed the preliminary subdivision at the above address and offers the following comments:

New sewer and water services will be required for the new flag lot. The water meter will be required to be located along the frontage of 1400 West street and must be located on the property of the flag lot. The sewer lateral will be required to be located within the same property of the flag lot. State separation standards must be met between sewer and water lines. All construction must adhere to Public Utilities standards and specifications. A grading plan and site utility plan must be submitted to the Public Utilities office for review and approval. Drainage can not sheet flow to the neighboring properties. The existing services can continue to serve the remaining lot.

**Department of Airports** – An avigation easement is required for the property as it is located in Salt Lake City airport influence zone H.

### Community Council Comments

An open house was held on December 5, 2006. The open house was held because the subject property is in close proximity to the boundary between the Glendale Community Council and the Poplar Grove Community Council. Two people attend the open house. The list of attendees did not include the applicant. One was the adjoining neighbor whose lot backs onto the proposed flag lot. His concerns were that the proposed flag lot will directly affect his privacy and will disrupt the development pattern in the area. Written comments were provided outlining his concerns and are attached to this report as Exhibit 5. The other person that attended was in favor of the proposal as she wished to do the same type of development on her lot in the future.

### Conditional Use Review

#### 21.54.080 Standards for Conditional Uses.

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

**Discussion:** According to Section 21A.24.010.G, Flag Lots In Residential Districts of the Zoning Ordinance, a residential flag lot requires Conditional Use approval by the Planning Commission.

**Finding:** Flag lots are allowed in the R-1-7000 zoning district as a conditional use.

- 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:**

**The West Salt Lake Community Master Plan (1995):** One of the purposes of the West Salt Lake Community Master Plan is the “protection and preservation of the existing residential land uses” (page 1).

One of the goals of the West Salt Lake Land Use Plan is to: Preserve the existing predominantly low density character and related land use patterns in the residential part of the West Salt Lake Community (page 2).

In the Residential Land Use section of the master plan, “one strategy to preserve and protect the predominantly single-family character of the Community’s residential area is to hold the density at between two and eight dwelling units per net acre” (page 16). The proposed development is 4.2 dwelling units per acre which is consistent with this policy.

The West Salt Lake Community Master plan identifies some of the advantages to infill development which include:

- An opportunity to protect, enhance, and revitalize older neighborhoods with new construction;
- Conservation of energy by using existing infrastructure; and
- In some instances, reduction of land costs for development.

**Salt Lake City Community Housing Plan:** The goal of this Plan is to enhance, maintain and sustain a livable community that includes a vibrant downtown integrated with surrounding neighborhoods that offer a wide range of housing choices, mixed uses, and transit oriented design. This Plan focuses on concepts for creating a wide variety of housing types across the City and encouraging mixed use and mixed income housing.

In regards to detached, single family dwellings this plan states that the City Council supports a variety of housing units and supports accommodating different types and intensities of residential development. One way to implement this policy statement is through identifying potential infill opportunities. Flag lots, when they meet the minimum requirements of city code, provide a way to increase the housing supply while minimizing the impacts on the adjacent neighborhoods.

**Finding:** The West Salt Lake Community Master Plan and Salt Lake City Community Housing Plan supports infill development and new construction within existing neighborhoods. Staff finds that the proposed flag lot conditional use subdivision is appropriate for this location and would comply with the goals of the Plans.

- 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 Salt Lake City Transportation Division does not have any concerns with the proposed request.

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

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

**Discussion:** The access strip for the proposed flag lot meets the minimum requirements of city code.

**Finding:** The access strip and driveways must be approved by the Salt Lake City Building Services and Licensing Division.

- 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 Public Utilities Department has reviewed the proposal and has indicated that the flag lot will need separate utility connections and meters. The existing lot can maintain their current utility connections.

**Finding:** Public Utilities Department approval is required as a condition of approval.

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

**Discussion:** One of the concerns raised during the public open house was the impact on adjacent properties. The regulations for flag lots require setbacks that minimize the impact, particularly on privacy related issues. For single story structures, the structure needs to meet the established setbacks in the zone. If the structure is more than one story, the side yards must equal the rear yard setback. The applicant has not indicated the height of the home that may be built on the flag lot. Placing a condition limiting the height to one story above grade will reduce the impact on the neighborhood. In addition, a 4 foot wide landscaping strip is required along the access strip.

The uses that surround the site are all single family dwellings. The uses allowed on flag lots are restricted to single family dwellings.

**Finding:** The height of the home that is to be built on the flag lot should be limited to one story to minimize the impact on the adjacent properties. The zoning ordinance requires buffering along the access strip and requires increased setbacks for structures that are taller than one story to minimize the light, noise and visual impacts.

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

**Discussion:** The applicant has indicated that the home built on the flag lot will be constructed using vinyl, brick, or cultured stone on the exterior. These materials are consistent with materials used on other homes in the neighborhood. The homes in the area are typically one story structures. The building elevations provided and attached to this report are examples of the typical home that the Housing and Neighborhood Services Division has built or is planning on building in the near future. The examples provided are single story structures that would be consistent with the type of housing that is in the neighborhood. The larger lot size will allow an adequate sized home to be placed on the flag lot.

**Finding:** The proposed building materials are consistent with building materials used in the neighborhood and the existing homes on adjacent parcels are single story structures.

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

**Discussion:** City ordinance requires a 4 foot landscaping strip on each side of the access strip. The rest of the property is required to be landscaped in a manner that is consistent with city ordinance. No specific landscaping plan has been submitted. It does appear that an existing mature tree will be removed where the access strip is proposed.

**Finding:** The proposed landscaping must meet the requirements of the zoning ordinance. Staff recommends that the Planning Commission delegates final landscape approval to the Planning Director.

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

**Discussion:** The property is not in a historic district and is not a designated historic site. An avigation easement is required.

**Finding:** An avigation easement is required to be recorded with the subdivision.

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

**Discussion:** The property is within a single family residential neighborhood and the proposed flag lot will be used as a single family dwelling.

**Finding:** Because this is a residential property, operating and delivering hours are not applicable.

K. The proposed conditional use or, in the case of a planned development, the permitted and conditional uses contained therein, are 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 impacts created by this development are mitigated through the site design, layout and building architecture. Limiting the height of the dwelling on the flag lot to one story will reduce the impacts on the adjacent neighborhood. Because the applicant intends to demolish the existing home, the replacement structure should face the street and shall meet the current requirements of the zoning ordinance. With this condition, the Planning Staff does not foresee that the proposed development will have a material net cumulative adverse impact on the neighborhood or the City as a whole.

**Finding:** 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 if the height of the home on the flag lot is limited to one story in height.

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

**Discussion:** The flag lot is required to meet the specific standards in the zoning ordinance and any other requirement that reduces the impact on the adjacent land uses. The Flag Lot is approximately 12,730 square feet including the access strip. The access strip on the flag lot is approximately 2,199 square feet and is excluded from the total lot area. The lot area with the access strip removed is 10,531 square feet. The maximum lot size in the R-1-7000 zone is 10,500 square feet. The Flag Lot standards require the lot to be a minimum of 1.5 times the minimum lot area, which in this case would be 10,500 square feet. In order to meet minimum standards for the maximum lot area and the minimum lot area for a flag lot, the size of the flag lot must be reduced. The depth for the flag lot is 101 feet, with a minimum of 100 feet required. If the Flag Lot is reduced by 100.71 feet, it would be exactly 10,500 square feet. The difference in land will be added to the parcel identified as the Remainder Lot.

**Finding:** The proposed flag lot exceeds the maximum lot size in the R-1-7000. The depth of the flag lot, excluding the access strip, should be reduced by 100.71 feet in order to meet the minimum lot size for a flag lot in the R-1-7000 zone and so that the lot does not exceed the maximum lot size in the R-1-700- zone.

## **Preliminary Subdivision Amendment Review**

An application for a subdivision amendment is required to meet the standards in ordinance 20.31.090 Standards for Approval of Amended Petition. In addition to the subdivision requirements, the zoning ordinance contains standards for flag lots in Residential zoning districts.

### **Standards for Approval of Amended Petition:**

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

**Analysis:** The minor subdivision will require the installation of a new drive approach, curb, and gutter within the public right of way. There is also an uneven section of sidewalk that must be repaired. All required public utilities must be installed to city standards. In order to protect the structure that will be built on the flag lot, a fire hydrant must be installed near the access strip. As discussed in section B on pages 4-5 of this report, the West Salt Lake Master Plan is supportive of this type of subdivision.

**Finding:** Staff finds that the minor subdivision will be in the best interest of the City provided that all applicable city ordinances, policies, and procedures are adhered to.



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

*Analysis:* The flag lot standards require that the flag lot be a minimum size of 1 ½ times the minimum lot size in the zoning district. In the R-1-7000 zone, the minimum lot size is 7,000 square feet, so the flag lot must be a minimum of 10,500 square feet. The maximum lot size in the R-1-7000 zone is 10,500 square feet.

*Finding:* Staff finds that all lots shall comply with all applicable zoning standards.

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

*Analysis:* The Airport will require that an aviation easements be recorded to support continued Airport over-flight activities. All easements for utilities on each parcel must be indicated on the final recording document.

*Finding:* Staff finds that the applicant must comply with the recommendations and requirements of the various city departments to insure all necessary and required dedications and easements are made.

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

*Analysis:* The transportation division identified several improvements that must be made to provide access to the flag lot. The Engineering Division has indicated that civil drawings are required for all changes to the public infrastructure.

*Finding:* Staff finds that the applicant must comply with the recommendations and requirements of the various city departments to insure required public improvements are made.

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

*Analysis:* The proposed subdivision has been reviewed by pertinent City Departments as to applicable laws and regulations. Each of these Departments has given preliminary approval of the preliminary subdivision request. The issue of lot size has been discussed under section L of the conditional use review section of this report (page 7).

*Finding:* Staff finds that the subdivision complies with all applicable laws and regulations.

**Standards for Flag Lots in Residential Zoning Districts**

The zoning ordinance lists the following standards for flag lots:

**1. In residential districts other than new subdivisions in the FP, FR-1, FR-2, FR-3 districts, flag lots shall be approved only when one flag lot is proposed at the rear of an existing lot, unless being approved through the planned development process;**

**Finding:** The proposed flag lot is located at the rear of the subject property.

**2. Flag lots shall be used exclusively to provide lots for single-family residential dwellings;**

**Finding:** The proposed use is a single family dwelling.

**3. All lot and yard requirements applicable to flag lots shall apply to the main body of the flag lot. For flag lots, the front yard shall begin at the point where the access strip joins the main body of the lot;**

**Finding:** The proposed home on the flag lot must meet all applicable lot and yard requirements.

**4. Except for the special provisions contained in this subsection G, the creation of a flag lot shall not result in a violation of required lot area, lot width, yards or other applicable provisions of this title;**

**Finding:** The creation of the flag lot will not violate any applicable provisions of the zoning ordinance.

**5. Flag lots shall have a minimum lot depth of one hundred feet (100') measured from the point where the access strip joins the main body of the lot;**

**Finding:** The depth of the flag lot is a minimum of 100 feet.

**6. The flag lot access strip shall have minimum of twenty four feet (24') of frontage on a public street. No portion of the flag lot access strip shall measure less than twenty four feet (24') in width between the street right of way line and main body of the lot. A minimum sixteen foot (16') wide hard surfaced driveway shall be provided along the entire length of the access strip. A four foot (4') minimum landscape yard shall be provided on each side of the driveway (see illustration in part VI, chapter [21A.62](#) of this title);**

**Finding:** The proposed access strip meets the minimum requirements in terms of width. The access strip must include a minimum 4 foot landscaping strip on each side and include a minimum 16 feet hard surfaced driveway.

**7. Flag lots, including the access strip, shall be held in fee simple ownership;**

**Finding:** The flag lot will be held in fee simple ownership and reflected in the title report.

**8. The minimum lot area of a flag lot shall not be less than 1.5 times the minimum lot area of the applicable district. The lot area calculation excludes the lot access strip;**

**Finding:** The proposed flag lot is a minimum of 1.5 times the minimum lot size in the R-1-7000 zone.

**9. The minimum required side yard for a single story building on a flag lot is ten feet (10'). If any portion of the structure exceeds one story in height, all side yard setbacks shall meet the required rear yard setback of the underlying zoning district. The planning commission may increase the side or rear yard setback where there is a topographic change between lots;**

**Finding:** The setbacks for the primary structure must meet the minimum setbacks in the zoning district.

**10. Both the flag lot and any remnant property resulting from the creation of a flag lot (including existing buildings and structures) shall meet the minimum lot area, width, frontage, setback, parking and all other applicable zoning requirements of the underlying zoning district;**

**Finding:** The flag lot and the remnant lot meet the minimum lot area, width, frontage, setback, parking and all other applicable zoning requirements in the R-1-7000 Zoning District.

**11. Any garage, whether attached to or detached from the main building, shall be located in the buildable area of the lot;**

**Finding:** Any garage shall be located in the buildable area of the lot.

**12. Accessory buildings other than garages may be located in the rear yard area, however, planning commission approval is required for any accessory building that requires a building permit;**

**Finding:** No accessory structures are proposed at this time. Any future accessory structure must meet the requirements of this standard.

**13. A four foot (4') wide landscaped strip is required along both side property lines from the front to rear lot lines;**

**Findings:** This standard must be indicated on a landscaping plan that must be approved prior to a building permit being issued.

**14. Reflective house numbers shall be posted at the front of the access strip;**

**Finding:** House numbers must be clearly visible at the front of the access strip.

**15. In addition to any other provisions that may apply, the creation of a flag lot is considered a subdivision and shall be subject to applicable subdivision regulations and processes.**

**Finding:** The flag lot is subject to all applicable subdivision regulations and processes.

**RECOMMENDATION:**

The Planning Commission is reviewing two items, the approval of a flag lot and the associated minor subdivision associated with the flag lot located at 1017 South 1400 West.

Based on the comments, analysis and findings noted above, staff recommends that the Planning Commission approve petition 410-06-37, a conditional use for a flag lot and petition 490-06-43 preliminary approval for a minor subdivision, with the following conditions:

1. That the proposed flag lot meets all applicable city ordinances and regulations and that the size of the flag lot be 10,500 square feet, excluding the access strip;
2. That the applicant must address and comply with the department comments outlined in this report;
3. That the home that is to be built on the flag lot be limited to a single story in height;
4. That the final building plans and landscaping plan be approved by the Planning Director.
5. That the subdivision documents are recorded in the Salt Lake County Recorders Office and that they comply with all requirements of the Salt Lake County Recorder.

**Nick Norris, AICP**

**Principal Planner**

- Exhibit 1: Application
- Exhibit 2: Department Comments
- Exhibit 3: Open House Comments
- Exhibit 4: Site Plan and Preliminary subdivision plan
- Exhibit 5: Sample Elevations

# **EXHIBIT 1 APPLICATION**

## **EXHIBIT 2**

# **DEPARTMENT COMMENTS**

**EXHIBIT 3  
OPEN HOUSE  
COMMENTS**

**EXHIBIT 4  
SITE PLAN AND  
SUBDIVISION PLANS**



## **EXHIBIT 5**

### **SAMPLE ELEVATIONS**