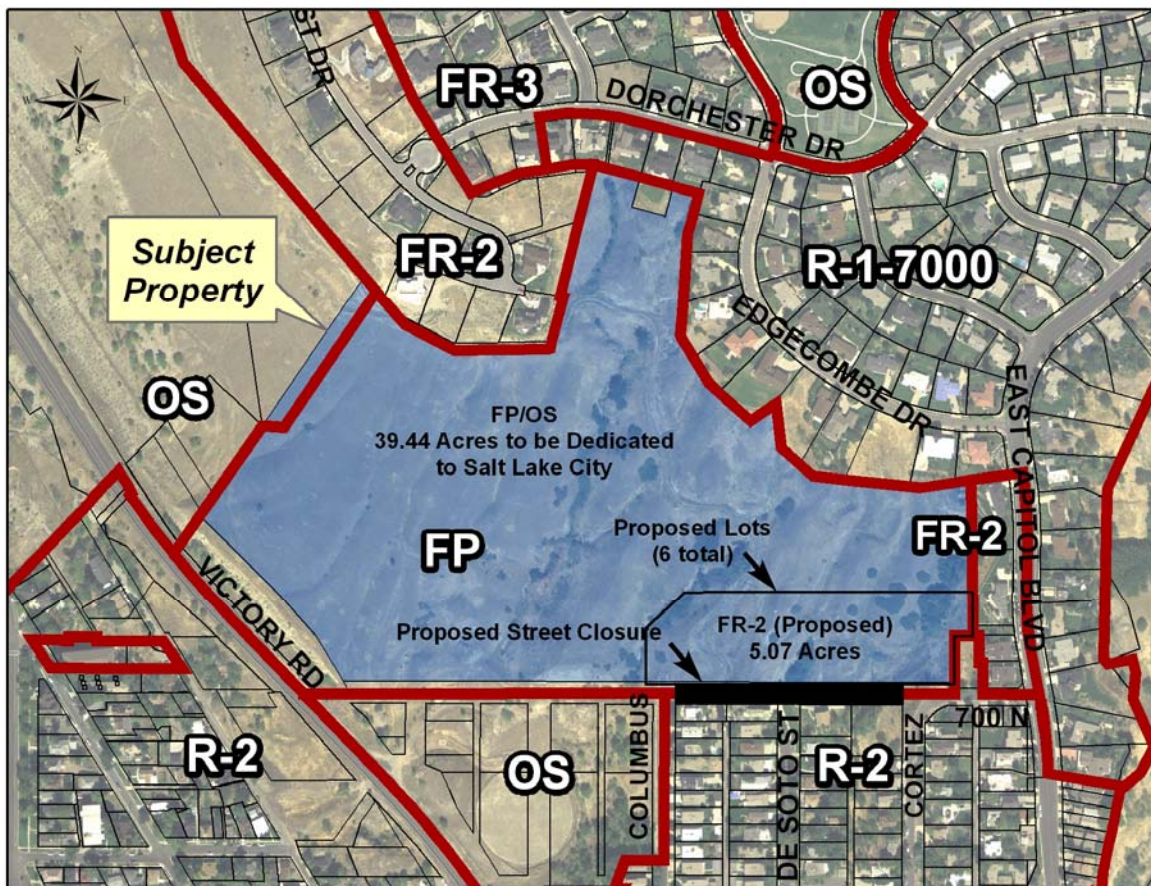


DATE: July 11, 2007
TO: Salt Lake City Planning Commission
FROM: Ray McCandless, Principal Planner at 535-7282 or ray.mccandless@slcgov.com
RE: **STAFF REPORT FOR THE JULY 11, 2007 PLANNING COMMISSION MEETING**

CASE NUMBERS: 400-06-46, 490-06-50, 410-06-39 and 400-07-08
APPLICANT: Christopher F. Robinson
STATUS OF APPLICANT: Property Owner / Developer
PROJECT LOCATION: Approximately 750 North DeSoto Street



PROJECT/PROPERTY SIZE:	Approximately 44.51 acres								
COUNCIL DISTRICT:	District 3, Councilmember Eric Jergensen								
REQUESTED ACTIONS:									
1. Petition 400-06-46	Request to rezone a portion (5.07 acres) of the property to be developed from FP to FR-2 and a portion (39.44 acres) from Foothill Preservation FP to Open Space (OS) or Natural Open Space (NOS) and to amend the Capitol Hill Community Future Land Use Map of the Capitol Hill Master Plan from Foothill Preservation Residential to Very Low Density Residential 1-5 Dwelling Units/Acre and Foothill Open Space.								
2. Petition 490-06-50	Preliminary subdivision approval of a proposed 6-lot single-family residential Planned Development subdivision.								
3. Petition 410-06-39	Planned Development approval for a private street and minimum lot size averaging consistent with the FR-2 Zoning District lot area requirements (cluster development).								
4. Petition 400-07-08	Request to close a portion of 700 North Street located generally between Columbus and Cortez Streets, and transfer property to abutting owners.								
PROPOSED USE:	The applicant proposes to develop a 6-lot single-family residential planned development subdivision.								
APPLICABLE LAND USE REGULATIONS:	Code sections being invoked by request are noted in the applicable section of this report.								
SURROUNDING ZONING DISTRICTS:	<table border="0"> <tr> <td>North</td> <td>R-1-7,000 Single Family Residential</td> </tr> <tr> <td></td> <td>FR-2 Foothills Residential</td> </tr> <tr> <td>South</td> <td>R-2 Single and Two-Family Residential</td> </tr> <tr> <td></td> <td>OS Open Space</td> </tr> </table>	North	R-1-7,000 Single Family Residential		FR-2 Foothills Residential	South	R-2 Single and Two-Family Residential		OS Open Space
North	R-1-7,000 Single Family Residential								
	FR-2 Foothills Residential								
South	R-2 Single and Two-Family Residential								
	OS Open Space								

East R-1-7,000 Single Family Residential
FR-2 Foothills Residential
West R-2 Single and Two-Family Residential

SURROUNDING LAND

USES:

North Residential
South Open Space and Residential
West Open Space
East Residential

MASTER PLAN SPECIFICATIONS: The proposed development is located in the Capitol Hill neighborhood and is subject to the 2001 Capitol Hill Master Plan. The master plan goals and policies that apply to the proposed development are detailed in the applicable sections of this report.

SUBJECT PROPERTY HISTORY: The property is currently vacant and is zoned FP, Foothills Protection with the exception of a small strip of Open Space zoning that exists along the westernmost edge of the property.

Most of the property is undisturbed foothills. However, portions of the property, particularly north of Columbus, DeSoto and Cortez Streets have been significantly altered by grading activities over time. Much of the grading in this area occurred when a Chevron pipeline was installed in the 700 North Street alignment and there are remnants of an old dirt road that traverses the lower portion of the property. There is an existing private sewer line that runs north and south through the property that serves the Dorchester Pointe Subdivision to the northwest of this property.

700 North Street runs east and west on the north end of Columbus, DeSoto and Cortez Streets. At this location, 700 North Street is a paper street that runs along the south side of the property. No improvements have been made to this street, except on Columbus Street, where there is an existing vehicle turn-around area.

ACCESS: The subject property will be accessed from a proposed private street extending from Columbus Street as shown on the preliminary plat drawing.

PROJECT DESCRIPTION:

Mr. Christopher F. Robinson is requesting approval of the Ensign Foreground P.U.D., a proposed 6 lot residential planned development subdivision located at approximately 750 North DeSoto Street. The subject property is located in the Capitol Hill Community and is zoned FP, Foothill Protection District and Open Space OS. The subject property is comprised of a single 44.51 acre parcel of vacant land, 5.07 acres of which, is proposed to be developed into six residential lots. The remaining 39.44 acres is proposed to be dedicated to Salt Lake City for natural open space preservation.

The 5.07 acre parcel is proposed to be rezoned from FP to a FR-2, Foothill Residential zoning district. The balance of the property is proposed to be rezoned to Open Space or Natural Open Space. A portion of 700 North Street between Columbus and Cortez Streets (which exists only on paper) is proposed to be closed and conveyed to abutting property owners. The proposed request also requires preliminary subdivision approval and planned development approval to allow the development of the six new lots.

The lots will front onto a private street extending from Columbus Street which will have a gate. However, pedestrian and bicycle access will be allowed. The private street will end at a hammerhead turn-around and at the turn around will be a driveway which will provide access to an existing parcel to the south of lots 3 and 4. This parcel will also be developed sometime in the future.

West of lots 1 and 6 at the west end of the 5.07 acre parcel is a proposed alpha parcel. The private street traverses this parcel. It is not independently developable but will be owned by a homeowners association that will be created as part of this development in order to maintain the private street.

This proposal was reviewed at a Planning Commission Subcommittee meeting on January 2, 2007 and at a Planning Commission Issues Only Hearing on May 9, 2007 (Exhibit 5).

COMMENTS, ANALYSIS AND FINDINGS:

1. COMMENTS

A request for comments was mailed to all applicable Salt Lake City departments. The responses received are included in Exhibit 3 in this report. There have been several plan revisions and reviews conducted by City Departments since the application was initially submitted. The following is a summary of the latest comments received: (Note – see additional requirements noted in the departmental comment letters).

- a) Public Utilities Department (Jason Brown) – The owner will need to enter into a water main extension agreement for the portion of the water main in 700 North Street. A detailed grading and drainage plan will need to be submitted showing how the existing run-off from above the site will be routed through the subdivision. All of the slopes must be stabilized during and after construction to minimize sediment from washing down stream and into the public storm drain system. The drawings show the existing private sewer main being re-graded from approximately 15% to 25%. The slope and routing of the existing sewer main should be re-evaluated to maintain a maximum slope of 15%. The connection to the existing sewer main from the new main must be evaluated to ensure that surcharging does not occur and back up the new sewer main.
- b) Transportation Division – (Barry Walsh) The Salt Lake City Transportation Division does not have any concerns with the proposed request. The closure of the

700 North Street right-of-way is in keeping with future roadway development in that area.

- c) Engineering Division (Randy Drummond) – The proposed street design involves a significant cut into the existing hillside (as much as 15’ vertically and 155’ horizontally). Significant scarring of the hillside is liable to concern the neighbors as well as cause erosion problems until the hillside can be revegetated.

The developer must enter into a subdivision improvement construction agreement. The proposed must be designed in accordance with Salt Lake City design standards, including curb & gutter. In addition to the plan & profile sheet, an erosion control plan and revegetation plan are required, with specific attention given to any requirements stated in the geotechnical report. The Salt Lake City Transportation Division must review and approve street geometrics and street lighting.

A geotechnical recommendation is required addressing the proposed fill (up to 19’) in the private hammerhead, the maximum cut and fill slopes, the erosive soils that will be exposed by the proposed cuts of the hillside and measures that must be taken to prevent erosion from these slopes and from the site. The geotechnical report must be referenced on the improvement plans and the slopes must comply with the geotechnical recommendations.

- b) Public Services (Rick Graham) No comments have been received to date.
- c) Police (Dave Askerlund) The Police Department does not have any concerns with the proposed request.
- d) Fire Department (Ted Itchon) - The plans are acceptable as submitted.
- e) Department of Airports (Allen McCandless) The Department of Airports has no concerns with the request.
- f) Building Permits (Larry Butcher) The buildable areas should be clearly marked and setback dimensions provided on the plat.
- g) Community Council (Polly Hart) - On May 17th 2007, the Capitol Hill Community Council voted to approve the proposed planned development with the provision that the remaining 39.49 acres of the entire 44.56 acre parcel be donated to Salt Lake City. The Community Council concurs with the proposed zoning changes but request that the property to be deeded to the City be re-zoned to Natural Open Space vs. Open Space.

The Community Council supports a locked gate at the top of Columbus Street but requests that pedestrian and bicycle access be maintained in perpetuity through the development to existing foothill trails. The Community Council also requested

that a sign be installed identifying trail access. The Community Council voted to continue discussions with the developer about trail access. The applicant's original plan would have cut off DeSoto Street access to the trails. However, he agreed to maintain that access. There was some concern about the impact of his trail design on the hillside, so the Community Council agreed to continue discussions with the applicant on lowering impact while maintaining access.

- h) Adjacent Property Owners - Letters received from property owners are included as Exhibit 7.

2. ANALYSIS AND FINDINGS

PETITION 400-06-46, ZONING MAP AMENDMENT AND MASTER PLAN AMENDMENT:

ZONING MAP AMENDMENT

The applicant is requesting to rezone the portion (5.07 acre) of the property to be developed from FP to FR-2 and a portion (39.44 acres) from Foothill Preservation FP to Open Space (OS) or Natural Open Space (NOS). This will require that the Future Land Use Map of the Capitol Hill Master Plan be amended to reflect the proposed zoning and use of the property.

In reviewing the proposed zoning map amendment, the Planning Commission will need to consider the following standards:

Section 21A.50.050 Standards for General Amendments.

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

Discussion: The Future Land Use Map of the 2001 Capitol Hill Master Plan designates the entire subject property as "Foothill Preservation Residential" which supports foothill residential development at 1 dwelling unit per 16 acres which would allow two dwelling units.

Applicable Policies of the Capitol Hill Community Master Plan (Page 3) relating to the DeSoto/Cortez area are as follows:

- Ensure the established low-density residential character of the neighborhood is preserved.

The proposed development density is six units or 1.18 dwelling units per acre on the 5.07 acre parcel which is considered "very low density residential". The proposed development is consistent with this policy.

- Continue the implementation of foothill regulations prohibiting development on land with slopes in excess of 30% and prohibit re-grading of natural slopes greater than 30% to slopes less than 30%.

There will be some grading on natural slopes in excess of 30% within the 5.07 acre subdivision boundary to facilitate the development of the proposed lots. However, the remaining 39.44 acres will remain in its existing state and will be zoned as Open Space or Natural Open Space. Given the slope and existing condition of this property, Staff recommends that the property to be deeded to the City be zoned to Natural Open Space versus Open Space.

Although the density of the proposed development is higher than what is allowed under the current zoning, the benefits of rezoning the property outweigh the reasons for not rezoning the property or amending the Master Plan. The proposed rezoning and Master Plan amendment will not only establish the limits of residential development but will define what areas of this foothill property should be preserved in perpetuity. The proposed rezoning and Master Plan amendment are consistent with these policies.

Findings: The 5.07 acre parcel should be rezoned from FP to FR-2 and the Capitol Hill Master Plan amended from Foothill Preservation to Very Low Density Residential and the remaining property to be dedicated to the City be rezoned Natural Open Space NOS and the Master Plan for this property be amended to Open Space to reflect the proposed use of the property .

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

Discussion: The proposed FR-2 zoning is consistent with the existing FR-2 zoning to the east of this property. Although the property to the south is zoned R-2, the proposed FR-2 zoning provides an appropriate transition to the open space area on the rest of the property.

Findings: The proposed amendment will be compatible in scale and character of the surrounding neighborhood.

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

Discussion: Adjoining land uses are predominantly one and two family residential dwellings. Although the proposed lots are larger than others directly to the south, the larger lots provide a better transition to the foothills and provide more buffering between the existing and proposed homes as larger set backs are required. The Planning Commission did not have an issue with the proposed lot sizes at the May 9, 2007 Issues Only Hearing. As such, the proposed amendment is compatible with surrounding development.

The adjoining properties most likely to be affected by the proposed amendment are the properties at the northern ends of Columbus DeSoto and Cortez Streets. The proposed lots will back onto the lots on these streets. In the FR-2 zone, a 40 foot rear yard is required which will provide adequate setback from the adjoining existing residences to the south.

Findings: The proposed amendment will not adversely affect adjacent properties.

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

Discussion: The subject property is within the Groundwater Source Protection Overlay District – Primary Recharge Area (Salt Lake City Zoning Ordinance, Section 21A.34.060). The Division of Building Services and Licensing will review all building permit applications for compliance with this section of the Zoning Ordinance.

Findings: The applicable standards will be reviewed by the Salt Lake City Building Services and Licensing Division when building permits are submitted for review.

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 waste water and refuse collection.

Discussion: Applicable City Departments have reviewed the development proposal and have provided comments on the adequacy of public facilities. The proposed development will need to comply with all Salt Lake City departmental requirements as a condition of approval.

Findings: The proposed development must comply with all Salt Lake City departmental requirements as a condition of approval

MASTER PLAN AMENDMENT

Discussion: The Planning Staff recommends amending the Future Land Use Map of the 2001 Capitol Hill Master Plan from “Foothill Preservation Residential” to Very Low Density Residential 1-5 dwelling units/acre and Foothill Open Space to make the Master Plan consistent with the proposed development and zoning designation.

Findings: Amending the Capitol Hill Community Master Plan Future Land Use Map from “Foothill Preservation Residential” to “Very Low density Residential

1-5 dwelling units/acre” and “Foothill Open Space” is needed to make the master plan, zoning designation and proposed land use consistent.

PETITION 490-06-50, PRELIMINARY SUBDIVISION APPROVAL OF A PROPOSED 6-LOT SINGLE-FAMILY RESIDENTIAL PLANNED DEVELOPMENT SUBDIVISION:

STANDARDS FOR APPROVAL

20.20.020 Required Conditions And Improvements:

A minor subdivision shall be approved only if it meets all of the following standards:

A. The general character of the surrounding area shall be well defined, and the minor subdivision shall conform to this general character.

Analysis: Staff finds that the request complies with this standard because the surrounding uses are one and two-family dwellings. The proposed development is for single-family dwellings and will conform to this general character.

Finding: Staff finds that the proposed subdivision conforms to the general character of the surrounding area.

B. Lots created shall conform to the applicable requirements of the zoning ordinances of the city.

Analysis: Planned development approval is required to allow development of lots on a private street, grading of the lot as proposed, and averaging of lot areas to meet FR-2 density requirements.

Finding: Planned development approval is required to modify several requirements of the Zoning Ordinance.

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

Analysis: All necessary and required dedications will be made with the recording of the final plat.

Finding: Staff finds that all necessary and required dedications will be made upon recordation of the final subdivision plat.

D. Water supply and sewage disposal shall be satisfactory to the city engineer.

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 as part of the final plat process.

E. Public improvements shall be satisfactory to the planning director and city engineer.

Analysis: The proposed subdivision has been forwarded to the pertinent City Departments for comment. All public improvements must comply with all applicable City Departmental standards.

Finding: Staff finds that the subdivision must comply with all applicable laws and regulations.

20.20.070 Administrative Approval:

A minor subdivision shall also meet the following standards:

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

Analysis: Staff finds that the request complies with this standard because it will formalize the limits of residential development and will allow the balance of the property to be preserved as open space in perpetuity.

Finding: Staff finds that the proposed subdivision will be in the best interest of the city.

B. All lots comply with all applicable zoning standards.

Analysis: Modification of the lot area on lots 1, 2, 3 and 4 must be approved through the Planned Development review process.

Finding: Modification of lots 1, 2, 3 and 4 is required through the Planned Development Review process.

C. All necessary and required dedications are made.

Analysis: All necessary and required dedications will be made with the recording of the final plat.

Finding: Staff finds that all necessary and required dedications will be made upon recordation of the final subdivision plat.

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 as part of the final plat process.

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

Analysis: The proposed subdivision has been forwarded to the pertinent City Departments for comment. All public improvements must comply with all applicable City Departmental standards.

A significant amount of site grading will occur including leveling areas for homesites and stabilizing the hillside to the east of lot 4. As required by the Salt Lake City Engineering Division, all cuts and fills will need to be revegetated to reduce erosion.

Finding: Staff finds that the subdivision must comply with all applicable laws and regulations.

PETITION 410-06-39 PLANNED DEVELOPMENT APPROVAL FOR A PRIVATE STREET AND MINIMUM LOT SIZE AVERAGING CONSISTENT WITH THE FR-2 ZONING DISTRICT LOT AREA REQUIREMENTS (CLUSTER DEVELOPMENT)

Planned Developments are a type of conditional use and as such are subject to the Conditional Use standards contained in Section 21.54.080 of the Salt Lake City Zoning Ordinance

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.54.150 of the Salt Lake City Zoning Ordinance, a Planned Development requires Conditional Use approval by the Planning Commission.

Finding: The proposed development requires conditional use approval by the Planning Commission.

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: This is addressed in Section A of the Analysis and Findings Section of this report.

Finding: The Capitol Hill Master Plan will need to be amended to reflect the proposed use and zoning of the property.

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: Access to the proposed development will be from Columbus Street as shown on the submitted drawings. The Salt Lake City Transportation Division does not have any concerns with the access to or traffic generated by the proposed subdivision.

Finding: Streets are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets.

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

Discussion: All lots will be accessed by a private street. When the request was initially submitted, street grades exceeded 10% grades which was not acceptable to the Salt Lake City Fire Department. However, the road has been redesigned so that road grades are less than 10% which has been approved by the Fire Department. In order for the road grades to be less than 10%, the private street must be serpentine as shown on the preliminary plat drawing.

Finding: The internal circulation system of the proposed development 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 Public Utilities Department has reviewed the proposed development and is working with the applicant to address their issues.

Finding: Public Utilities Department approval will be required as a condition of Planned Development approval.

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

Discussion: Adequate buffering is provided as the proposed lots will back onto existing developed lots. In the FR-2 Zoning District, the rear yard setback is 40

feet which will provide adequate separation between the existing and proposed homes.

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

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

Discussion: No buildings are proposed at this time. The property owner will either sell the lots to prospective buyers or develop the property himself in the future.

Finding: Architectural compatibility with the adjacent neighborhood cannot be determined at this time. However, all new buildings will need to comply with FR-2 zoning standards.

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

Discussion: No landscaping plan has been submitted to date. However, the applicant has indicated that drought tolerant landscaping will be used throughout the development. Final approval of a landscaping plan should be delegated to the Planning Director as a condition of approval.

Finding: The final landscaping plan should be approved by the Planning Director as a condition of approval.

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

Discussion: The property is not located in a historic district.

Finding: The proposed development is not in a historic district.

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

Discussion: This standard is not applicable.

Finding: This standard does not apply.

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 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. The Capitol Hill Community Council requested that the developer explore keeping the trail that extends north of DeSoto Street. The attached drawing shows how this will be accomplished (Exhibit 4). The trail will connect into the existing trail system through the property, west of Lot 1.

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.

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

Discussion: According to the Salt Lake City Surface-Fault Rupture And Liquefaction Potential Special Study Areas Map, the property is not located in a surface fault rupture special study area. A Geotechnical Report has been provided addressing soils and geotechnical issues. The proposed development's compliance with all other applicable codes and ordinances is discussed in the Planned Development Section below. Approval of the request should be subject to meeting all applicable City requirements and the recommendations contained in the Geotechnical Report.

Finding: The proposed development must meet all applicable City, County, State and Federal codes and ordinances prior to issuance of a building permit.

PLANNED DEVELOPMENT REVIEW

According to **Section 21A.54.150A Purpose Statement** of the Zoning Ordinance, a planned development is a distinct category of conditional use. As such, it is intended to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services and encouraging innovation in the planning and building of all types of development.

Section **21A.54.150C Authority To Modify Regulations** of the Zoning Ordinance, states that no such change, alteration, modification or waiver of the standards shall be approved unless the proposed planned development will achieve the purposes for which a planned development may be approved.

Discussion: Given that the proposed site plans are preliminary and because of the complexity of this request, the modifications listed below reflect the significant Zoning Ordinance modifications or waivers needed to approve this request.

In order to approve the proposed planned development, some of the zoning requirements of the Zoning Ordinance will need to be modified by the Planning Commission. The proposed development requires Planned Development approval

by the Planning Commission as lots 2 through 5 do not meet the lot area requirements of the FR-2 Zoning Ordinance. Significant on site grading will occur and the homes will be accessed from a private street. The zoning standards requiring modification are reflected below. As the measurements are approximate, please refer to proposed site development plans for specific dimensions.

ZONING ORDINANCE MODIFICATIONS:

LOT AREA

Four of the six proposed lots either do not meet or exceed the minimum and maximum lot area requirements of the FR-2 Zoning District. However, the average of all lots combined is 26,731 square feet which is consistent overall density allowed by the FR-2 Zoning District. This modification will need to be approved through the Planned Development process.

21A.24.030 C. Minimum Lot Area And Lot Width (Includes Street Closure Property)

21A.24.030 J. Maximum Lot Area

	<u>Minimum Lot Area</u>	<u>Maximum Lot Area</u>	<u>Provided</u>	<u>Requirements Met</u>
<u>Lot 1</u>	21,780	32,670	21,869.84	Yes
<u>Lot 2</u>	21,780	32,670	17,619.84	No
<u>Lot 3</u>	21,780	32,670	17,601.84	No
<u>Lot 4</u>	21,780	32,670	58,935	No
<u>Lot 5</u>	21,780	32,670	21,230	No
<u>Lot 6</u>	21,780	32,670	23,134	Yes

GRADING

As mentioned in this report, much of the existing topography on the 5.07 acre parcel has been significantly altered over time. A significant amount of grading will occur on the property not only for home sites but to stabilize existing slopes as shown on the submitted slope map (Exhibit 4) and site drawings (Exhibit 5). In reviewing this request, the Planning Commission will need to modify the following zoning requirements to allow the proposed development.

21A.24.030.G. Slope Restrictions – Section 21A.24.030.G. Slope Restrictions of the Zoning Ordinance states that “No building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope”. There are areas within this portion of the property where slopes exceed 30%. However, many of these slopes are man made. Because of this, Staff recommends that any grading

activities be limited to the areas to the cut and fill areas shown on the proposed preliminary drawings.

21A.24.010.O.6. Grade Changes – Section 21A.24.010.O.6 Grade Changes of the Zoning Ordinance states that the established grade of any lot shall not be raised or lowered more than four feet (4') at any point for the construction of any structure or improvement except within the buildable area, established grade may raised or lowered a maximum of six feet (6') by grading or retaining walls As there will be significant grading to accommodate the proposed development and much of the area has been previously disturbed, the Planning Staff is recommending that the final grading plan be approved by the Building Permits and Licensing Division, Engineering Division and Public Utilities Departments consistent with the grading shown on the preliminary development plan drawings.

STREET FRONTAGE

21A.36.010.C. Frontage Of Lot On Public Street – Section 21A.36.010.C. Frontage Of Lot On Public Street requires that “All lots shall front on a public street unless specifically exempted from this requirement by other provisions of this title.” As the proposed street is private, the Planning Commission will need to waive this requirement.

Finding:

Planning Commission modifications to the Zoning Ordinance are as follows:

1. Lot averaging be used to establish the overall density of the proposed development and that the required lot area of lots 2, 3 4 and 5 be modified as shown on the site plan.
2. The final grading plan be approved by the Building Permits and Licensing Division, Engineering Division and Public Utilities Departments consistent with the grading shown on the preliminary development plan drawings and that grading be limited to the cut and fill areas shown on the submitted drawings.
3. The requirement for lots fronting onto a public street will need to be waived.

Through the final site review process, other modifications to the Zoning Ordinance may be needed. However, it is staff's recommendation that the proposed development be approved as reflected on the submitted drawings.

Section **21A.54.150C Authority To Modify Regulations** of the Zoning Ordinance also states that the Planning Commission must find that the proposed development will not violate the general purposes, goals and objectives of this Title and of any plans adopted by the Planning Commission or the City Council.

Discussion: The standards for a Planned Development are listed in Section. 21A.54.150A of the Zoning Ordinance and are listed below. **The bolded objectives apply to this proposal.**

1. **Creation of a more desirable environment than would be possible through strict application of other City land use regulations;**
2. **Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities;**
3. Combination and coordination of architectural styles, building forms and building relationships;
4. **Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;**
5. Preservation of buildings which are architecturally or historically significant or contribute to the character of the City;
6. Use of design, landscape or architectural features to create a pleasing environment;
7. Inclusion of special development amenities; and
8. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.

Items 1, 2, and 4 apply to the proposed planned development. A more desirable environment and better use of land is achieved as homes are clustered near the southeast corner of the parcel in a low lying area. The homes will not be highly visible from the City nor from the adjoining neighborhoods. Clustering the homes makes more efficient use of utility services and land resources. The request for Planned Development approval is supported by standards 1, 2, and 4 above.

Finding: As the Planning Commission has the authority to modify zoning standards through the Planned Development process, the proposed development will not violate the general purposes, goals and objectives of the Zoning Ordinance.

PETITION 400-07-08 REQUEST TO CLOSE A PORTION OF 700 NORTH STREET LOCATED GENERALLY BETWEEN COLUMBUS AND CORTEZ STREETS, AND TRANSFER PROPERTY TO ABUTTING OWNERS.

700 North Street between Cortez and Columbus Streets has never been developed and exists only on paper. The applicant is requesting that this street be vacated to facilitate development of this property.

Salt Lake City Council Policy Guidelines for Street Closures and Findings:

1. **It is the policy of the City Council to close public streets and sell the underlying property. The Council does not close streets when the action would deny all access to other property.**

Discussion: The street will be closed and deeded to abutting property owners as shown on the preliminary plat drawing. The property will either be sold at fair market value or exchanged for the property to be dedicated to the City. Closing the subject street will not deny access to any adjacent property.

Finding: The proposed street closure will not deny access to adjacent properties.

2. The general policy when closing a street is to obtain fair market value for the land, whether the abutting property is residential, commercial or industrial.

Discussion: As noted in Policy 1, the street will either be sold at fair market value or exchanged for the property to be deeded to the City.

Finding: The street will either be sold at fair market value or exchanged for the property to be deeded to the City.

3. There should be sufficient public policy reasons that justify the sale and/or closure of a public street, and it should be sufficiently demonstrated by the applicant that the sale and/or closure of the street will accomplish the stated public policy reasons.

Discussion: The street exists only on paper and will not be needed in the future to provide access to properties. The Salt Lake City Transportation Master Plan, Major Street Plan that was adopted July 7, 2006, does not show this street. The proposed street closure will facilitate the development of the subject property and will increase the size of the proposed lots resulting in more setback and buffering for existing homes. In addition, the street closure will place an undeveloped and unneeded street on the tax rolls.

Finding: There are sufficient policy reasons for justifying the closure of the street.

4. The City Council should determine whether the stated public policy reasons outweigh alternatives to the closure of the street.

Discussion: There are several compelling reasons for closing the street. Closing the street will facilitate the development of the property add additional buffering for existing homes and will place the property on the tax rolls. Closure of the street outweighs the reasons for keeping it open.

Finding: The policy reasons supporting the street closure outweigh the reasons for keeping the street open.

RECOMMENDATION: Based on the discussions and findings of fact in this report, the Salt Lake City Planning Division recommends the following:

1. Regarding Petition 400-06-46: That the Planning Commission forward a favorable recommendation to the City Council to rezone a portion (5.07 acres) of the property to be developed from FP to FR-2 and a portion (39.44 acres) from Foothill Preservation (FP) to Natural Open Space (NOS) and to amend the Capitol Hill Community Future Land Use Map of the Capitol Hill Master Plan from Foothill Preservation Residential to Very Low density Residential 1-5 dwelling units/acre on the 5.07 acre parcel and Foothill Open Space on the 39.44 acre parcel.
2. Regarding Petition 490-06-50: That the Planning Commission grant preliminary subdivision approval of a proposed 6-lot single-family residential planned development subdivision subject to:
 - A. Recordation of a final subdivision plat.
 - B. That the balance of the property (approximately 39 acres) be deeded to Salt Lake City as proposed by the applicant.
 - C. Meeting all applicable Salt Lake City departmental requirements including compliance to the recommendations contained in the Geotechnical Report.
3. Regarding Petition 410-06-39: That the Salt Lake City Planning Commission grant Planned Development approval for a private street and minimum lot size averaging consistent with the FR-2 zoning district lot area requirements (cluster development) and modification of zoning requirements as necessary to implement the development as proposed subject to:
 - A. Providing unrestricted pedestrian and bicycle trail from Columbus and DeSoto Streets and that signage identifying trail access be placed at the entrance gate on Columbus Street and at the top of DeSoto Street.
 - B. Lot averaging be used to establish the overall density of the proposed development and that the required lot area of lots 2, 3 4 and 5 be modified as shown on the site plan.
 - C. The final grading plan be approved by the Building Permits and Licensing Division, Engineering Division and Public Utilities Departments consistent with the grading shown on the preliminary development plan drawings. Grading be limited to the areas to the cuts and fill areas shown on the submitted drawings.
 - D. The requirement for lots fronting onto a public street will need to be waived.
 - E. Final approval of the landscaping plan by the Planning Director.
 - F. Final approval of the grading plan by the Salt Lake City Engineering Division, Public Utilities Department and Building Services and Licensing Division.
4. Regarding Petition 400-07-08: That the Salt Lake City Planning Commission forward a positive recommendation to the Salt Lake City Council to close a portion of 700 North Street located generally between Columbus and Cortez Streets, and transfer property to abutting owners as shown on the proposed site plan.

Ray McCandless
Principal Planner

- Exhibit 1: Applications**
- Exhibit 2: Site Drawings**
- Exhibit 3: Salt Lake City Departmental Comments**
- Exhibit 4: Slope Map**
- Exhibit 5: May 9, 2007 Issues Only Hearing Minutes**
- Exhibit 6: Proposed Trail Map**
- Exhibit 7: Letters from property owners**

Exhibit 1: Applications

Planning Commission Staff Report
Petitions Petition 400-06-46, 490-06-50, 410-06-39, 400-07-08
July 11, 2007

Exhibit 2: Site Drawings

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Exhibit 3: Salt Lake City Departmental Comments

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Exhibit 4: Slope Map

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Exhibit 5: May 9, 2007 Issues Only Hearing Minutes

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Exhibit 6: Proposed Trail Map

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Exhibit 7: Letters From Property Owners

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