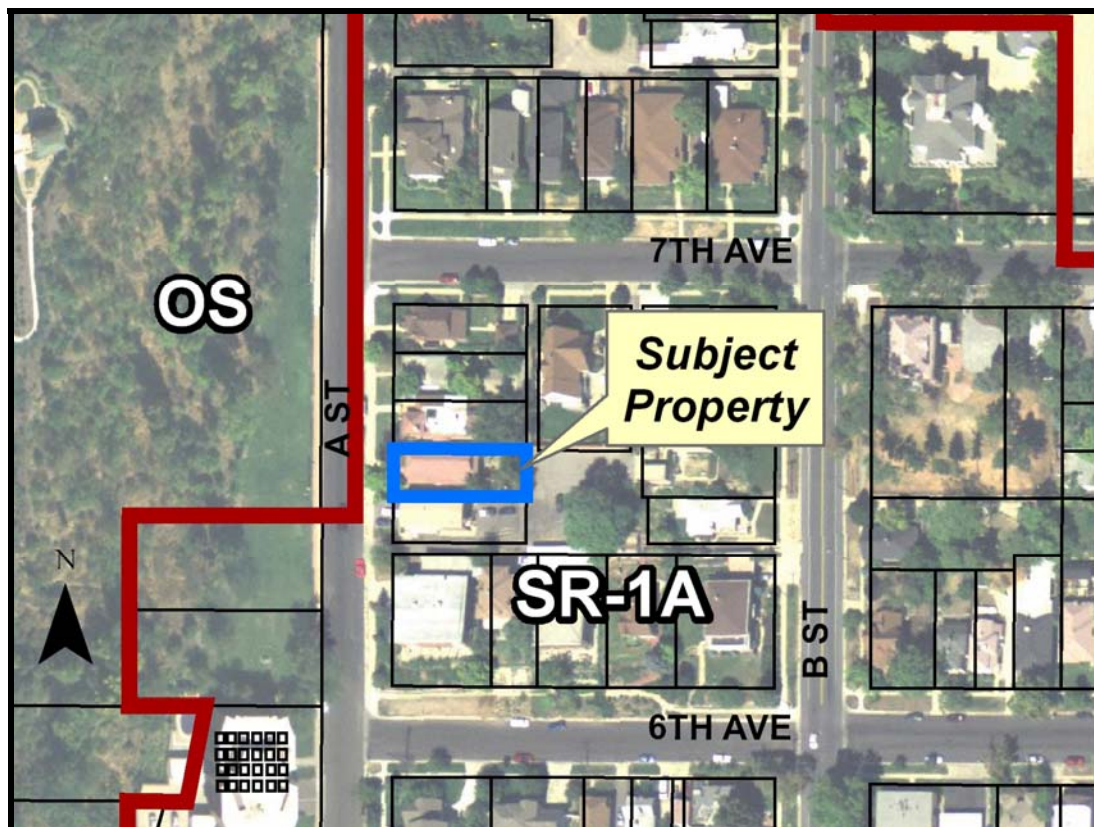


DATE: June 6, 2007
TO: Salt Lake City Planning Commission
FROM: Michael Maloy, AICP, Principal Planner
RE: Staff Report for the June 13, 2007 Planning Commission Meeting

CASE #: Petition 410-07-10
APPLICANT: Steven Lowe
STATUS OF APPLICANT: Property owner
REQUESTED ACTION: Applicant has requested approval of a Conditional Use to construct an accessory structure as an accessory use on an accessory lot in SR-1A Special Development Pattern Residential District. An accessory use on an accessory lot is a Conditional Use in the SR-1A District. The Planning Commission is the Decision Making Body for Conditional Uses.



COUNCIL DISTRICT: District 3, Eric Jergensen

PROJECT LOCATION: 324 A Street

PROJECT/PROPERTY SIZE: .11 acres (4,791 square feet)

SURROUNDING ZONING DISTRICTS:

North: SR-1A Special Dev. Pattern Res. District

South: SR-1A Special Dev. Pattern Res. District

East: SR-1A Special Dev. Pattern Res. District

West: OS Open Space District

SURROUNDING LAND

USES:

North: Single-Family Residential

South: Multi-Family Residential

East: Single-Family Residential

West: Open Space

PROPOSED USE(S):

Accessory use on an accessory lot to permit construction of a detached covered patio with attached trellises (i.e. cabana).

MASTER PLAN SPECIFICATIONS:

The Avenues Master Plan designates this area for “Low Density 4-8 units per Gross Acre. The requested use is a detached accessory structure for an adjacent single-family residential dwelling, which land use is consistent with the Avenues Master Plan.

SUBJECT PROPERTY HISTORY:

According to Salt Lake City building permit records, a permit to construct a residential dwelling was issued to “Rhoda B. Cook” on May 4, 1922. Subsequently, numerous electrical, mechanical, plumbing, and other remodeling permits have been issued by the City for the subject property. The dwelling is currently vacant.

On January 29, 2007 the current property owner, Steven Lowe, submitted a pre-demolition application to the City. The pre-demolition application was reviewed by the Housing Advisory and Appeal Board (HAAB) on March 19, 2007, which granted approval subject to a 90 day waiting period as per City Ordinance 18.64.050.F.

ACCESS:

The existing primary vehicular ingress/egress for the subject property is from a rear alley that extends eastward from 7th Avenue. However, the proposed land use will not require any off-street vehicular parking.

PROJECT DESCRIPTION:

The applicant intends to demolish the existing residential dwelling on the subject property, and desires to construct a covered “cabana” measuring approximately 434 square feet. The accessory structure will also have two attached “arbors” – one extending westward from the cabana toward the front of the lot and the other extending eastward toward the rear of the lot. Total square footage of the proposed structure is approximately 748 square feet.

The proposed site plan indicates that the front yard setback of the cabana will be 15 feet, which is equal to the Lowe’s adjacent residence located at 330 A Street. The site plan also provides a preliminary landscape plan for the entire yard, however the proposed “tool shed” will not be constructed as shown and is no longer part of the applicant’s petition.

COMMUNITY COUNCIL:

The applicant attended the Greater Avenues Community Council (GACC) meeting on May 2, 2007 to present the proposal. Planning staff was also present at the meeting. During the meeting residents were encouraged to ask questions or state concerns regarding the proposal.

Although the applicant provided staff with a list of signatures representing adjoining property owners that are supportive of the petition, there were a number of comments, questions, and concerns from meeting attendees regarding the demolition of the existing bungalow style dwelling.

No vote was taken by the GACC board members regarding the petition.

DEPARTMENTAL 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 departmental comments – Exhibit 2):

Building Services

Building Services reviewed the proposal and did not report any significant issues or concerns with the petition.

Public Utilities

Public Utilities reviewed the proposal and provided the following comments and recommendations for approval:

- Currently the property at 324 North A Street is serviced by a ¾-inch water meter and a four-inch sewer lateral.
- The water service may remain to provide irrigation service only.
- The water services can not be cross connected between the two lots.
- The existing sewer lateral must be capped at the property line per Public Utilities standards.

- If these items are addressed to our satisfaction, Public Utilities will not object to the accessory structure.

Police Department

The Police Department reviewed the proposal and did not report any significant issues or concerns with the petition.

Engineering

Engineering Services reviewed the proposal and did not report any significant issues or concerns with the petition.

Fire

Building Services provided a preliminary fire code analysis for the proposal and reported the following comments:

- The plans are acceptable as submitted.

Transportation Division

The Division of Transportation reviewed the enclosed proposal and offers the following comments and recommendations for approval:

- The existing residential unit has no on-site parking and the proposed development will not require parking in that it is associated with the single-family dwelling located at 330 A Street.
- The proposed site plan indicates a wall or fence structure within the public right of way that will need to be addressed by property management for a revocable lease agreement review process.

Property Management

Property Management reviewed the proposal and did not report any significant issues or concerns with the petition.

ANALYSIS AND FINDINGS:

The Planning Commission must make a determination on whether or not the overall concept of the Conditional Use request for an accessory use on an accessory lot meets the criteria listed in the Zoning Ordinance as stated below.

21.54.080 Standards for Conditional Uses:

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

Discussion: City Ordinance 21A.24.190 (Table Of Permitted And Conditional Uses For Residential Districts) specifically lists “accessory uses on accessory lots” as a conditional use in the SR-1A District.

Finding: The proposed land use is specifically listed as a conditional use in the zoning corresponding district.

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: An accessory use on an accessory lot is a regulated land use within City Ordinance subject to compliance with Ordinance 21A.40.052. City Ordinance 21A.40.010 recognizes accessory structures as “customarily incidental and subordinate to the principal use.”

Finding: The proposed conditional use for an accessory structure on an accessory lot is unique to this area. However, accessory uses may be located on all residential zoned accessory lots as outlined in Section 21A.40.052 of the Salt Lake City Zoning Ordinance.

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 and indicated that there are no transportation issues related to an accessory structure on an accessory lot.

Finding: The proposed use is for an accessory structure and does not affect or degrade the service level.

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

Discussion: The preliminary site plan does not contain an internal circulation system; however the proposed land use does not require vehicular access.

Finding: The Transportation Division has reviewed the proposed site plan and determined that an internal circulation plan was not required by the proposed land use.

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 subject property has already been provided all municipal utility services. Salt Lake City Public Utilities has no objection to the proposed conditional use for an accessory structure at this location; however some comments relative to design requirements for the proposed use have been

included within this staff report and have been recommended as conditions of approval.

Finding: Existing utilities 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.

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

Discussion: The proposed development is consistent with existing surrounding land uses and development density. To address privacy concerns, the applicant intends to install a hedge and other landscape features around portions of the perimeter of the property that will protect adjacent land uses from light, noise and visual impacts.

Finding: The preliminary site plan indicates a landscape buffer to provide protection from light, noise and visual impacts.

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

Discussion: The proposed accessory structure is architecturally consistent with the primary residence located on the adjacent lot at 330 A Street. The proposed accessory structure incorporates building materials, architectural features, and spatial relationships found within the adjacent primary residence. Furthermore, the applicant proposes to locate the accessory structure in-line with the front yard setback of the primary residence in order to maintain continuity within the block-face.

Finding: The architecture and building materials are consistent with the proposed residential land use and compatible with the adjacent neighborhood.

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

Discussion: The preliminary site plan indicates that the entire parcel will be landscaped (see preliminary site plan – Exhibit 3). The applicant has retained the services of a professional interior designer, Aubrey Conner, who will prepare a final landscape plan for City review and approval.

Finding: The preliminary site plan indicates landscaping that is appropriate for the scale of the proposed residential land use.

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

Discussion: There are no existing structures in the vicinity listed as historical resources, nor are there any that are designated as an individual landmark site. The site does not contain any specific historic or environmental features that will require preservation or mitigation.

Finding: The proposed development has no affect on historical architectural or environmental features of the property.

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

Discussion: The requested residential use does not require any scheduled operating or delivery hours.

Finding: Operating and delivery hours are not applicable to this request.

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: An accessory use on an accessory lot is a regulated land use within City Ordinance subject to compliance with proscribed standards. As such, City Ordinance recognizes the validity of the proposed conditional use. The proposed accessory structure is compatible with the purposes of the SR-1A District which is “to maintain the unique character of older predominantly low density neighborhoods that display a variety of yards, lot sizes and bulk characteristics.”

Finding: The proposed conditional use is compatible with the neighborhood surrounding the proposed development and will not have a material negative impact on the neighborhood or the City as a whole.

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

Discussion: The proposed development must comply with all applicable City codes and ordinances. All departmental comments stated within this report must also be complied with along with any additional requirements that may be necessary through the permitting process. All pertinent City codes must be addressed in order to obtain a building permit.

Finding: Subject to compliance with the findings and conditions outlined within the staff report, the proposed development complies with all other applicable codes and ordinances.

21A.40.052 Accessory Uses On Accessory Lots:

Accessory uses may be located on all residential zoned accessory lots subject to the following circumstances:

A. The accessory use is located on an accessory lot adjoining the principal residence and shall function and be regulated as an accessory structure and use.

Finding: The proposed accessory structure functions as an accessory use for the principal residences in that both lots are under the same ownership. Typically an accessory structure is found in the rear yard of a principle dwelling, but the use as stipulated under Section 21A.40.052 allows accessory uses on accessory lots in all residential districts. The standards for review are specific to this very section of the Salt Lake City Zoning Ordinance and the application and placement of an accessory structure/use does not require the same review as a structure being located within a required yard area.

B. The accessory and principal residence lot are under common ownership.

Finding: The residence located at 330 A Street and the subject property located at 324 A Street is under common ownership.

C. The accessory lot must be landscaped and properly maintained as part of the principal lot according to the established zoning requirements.

Finding: The proposed site plan is compliant with this circumstance and will be subject to compliance inspections if approved by the City.

D. Light standards shall be allowed as part of the conditional use pursuant to the provisions of chapter 21A.54 of this title in all zones (except for FR zones where lighting is not permitted). Glare shields or baffles shall be attached to all lighting fixtures to prevent lighting from being directed toward or impacting neighboring properties.

Finding: The proposed accessory structure will utilize light fixtures and patterns that are typical for residential uses. All lighting will be compliant with the provisions outlined in City Ordinance.

E. Fences for accessory uses on accessory lots, to prevent the loss of recreational equipment, shall not exceed twelve feet (12') when they are located at least ten feet (10') from the closest property line. A maximum fence height of six feet (6') within ten feet (10') of side yard and rear yard property lines shall be permitted. Fences exceeding six feet (6') shall be made on a flexible non-opaque material, mesh, or netting.

Finding: The proposed site plan is compliant with this circumstance and will be subject to compliance inspections if approved by the City.

F. When the accessory use is for parking on an existing accessory lot within the FR-1, FR-2, FR-3, R-1/5,000, R-1/7,000, R-1/12,000, R-2, SR-1 and SR-3 zones, the conditional use for accessory uses on accessory lots is not applicable for parking. Refer to section 21A.44.020 of this part regarding parking on adjacent residential lots. (Ord. 30-98 § 5, 1998)

Finding: Ordinance is not applicable. Proposed accessory structure is by definition a detached covered patio with attached trellis and is not a parking structure, nor are there any elements of the proposed site plan that indicate internal vehicular circulation or parking.

RECOMMENDATION:

Based on the findings contained within this report, staff recommends the Planning Commission approve the requested conditional use with the following conditions:

Conditions of Approval

1. Petition shall comply with all applicable City regulations and departmental comments contained within the Planning Commission Staff Report.
2. Accessory structure shall comply with the 14 foot maximum height requirement specified by City Ordinance.

Michael Maloy, Principal Planner
Planning Division

Attachments:

- Exhibit 1 – Letter to GACC
- Exhibit 2 – Departmental Comments
- Exhibit 3 – Preliminary Site Plan
- Exhibit 4 – Preliminary Building Plans
- Exhibit 5 – Citizen Letter

ATTACHMENT 1 – LETTER TO GACC

EXHIBIT 2 – DEPARTMENTAL COMMENTS

EXHIBIT 3 – PRELIMINARY SITE PLAN

EXHIBIT 4 – PRELIMINARY BUILDING PLANS

EXHIBIT 5 – CITIZEN LETTER