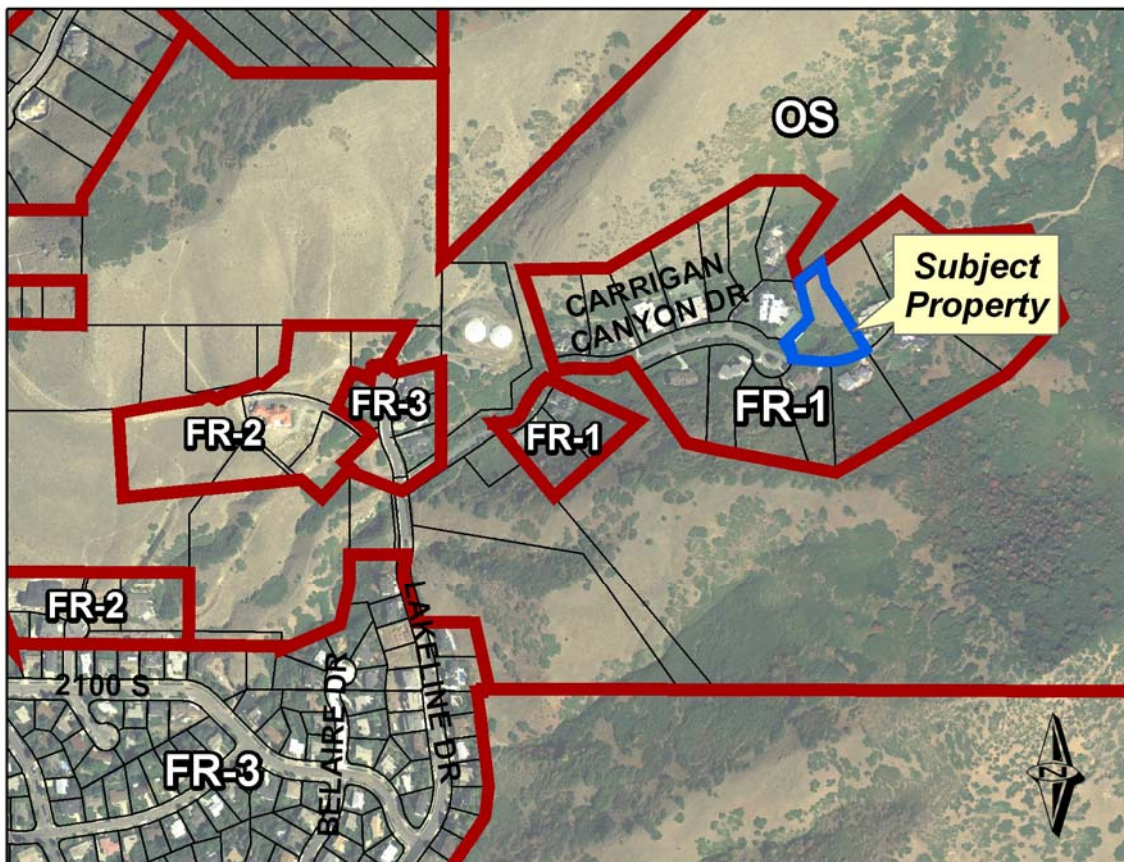


DATE: June 7, 2007
TO: Salt Lake City Planning Commission
FROM: Nick Britton, Principal Planner
RE: Staff Report for the June 13, 2007 Planning Commission Meeting

PETITION #: 410-07-12
APPLICANT: Mark & Kathie Miller
REQUESTED ACTION: Conditional use request for an accessory structure (gazebo) on an accessory lot. The Planning Commission is the decision-maker for these conditional uses.
STATUS OF APPLICANT: Property owner
PROJECT LOCATION: 3145 E. Carrigan Canyon Drive



PROJECT/PROPERTY SIZE: Accessory lot: approximately 1.26 acres
 Primary lot: approximately 1.00 acres

COUNCIL DISTRICT: District 7, Councilmember Søren Simonsen

COMMUNITY COUNCIL: East Bench Community Council

PROPOSED USE(S): Gazebo

SURROUNDING ZONING DISTRICTS:

North:	OS (Open Space)
South:	FR-1/43,560 (Foothills Estate Residential)
East	FR-1/43,560 (Foothills Estate Residential)
West	FR-1/43,560 (Foothills Estate Residential)

SURROUNDING LAND USES:

North:	Open space
South:	Residential
West:	Residential
East:	Residential

APPLICABLE LAND USE REGULATIONS:
 Table 21A.24.190: Table of Permitted and Conditional Uses for Residential District (“Accessory Uses on Accessory Lots”)

MASTER PLAN SPECIFICATIONS:
 This proposal is subject to the East Bench Master Plan adopted in 1987. The East Bench Master Plan assigns a future land use of “Very Low Density (2-4 units per gross acre)” to this property.

SUBJECT PROPERTY HISTORY:
 The subject property is an accessory lot for 3113 E. Carrigan Canyon Drive. Both are owned by the applicant.

ACCESS:
 The subject property is accessed via 3113 E. Carrigan Canyon Drive.

PROJECT DESCRIPTION:
 The applicant is requesting approval of an accessory use on an accessory lot, which requires conditional use approval in the FR-1 Zoning District. The proposed accessory use is a gazebo measuring approximately 26.5 feet by 53 feet, or approximately 1,404.5 square feet. The proposed gazebo has heights of 9.5 feet and 14 feet and a chimney that is 19 feet in height.

COMMENTS:

The comments received from pertinent City Departments/Divisions and the Community Council are attached to this staff report for review. The following is a summary of the comments/concerns received:

City Department/Division Comments

A. Building Services (Alan Hardman)

Building Services had no issues with the proposal subject to approval from the HOA.

B. Engineering:

No response was received from the Engineering Division.

C. Fire (Ted Itchon)

The Fire Department responded with standard fire-related issues that were addressed with the creation of the subdivision. The response includes standards for the proximity of fire hydrants, hydrant design, and proximity to road access.

D. Police

The Police Department did not respond to this petition.

E. Public Utilities (Jason Brown)

The property at 3145 E. Carrigan Canyon Drive is serviced by a one-inch water meter that may provide irrigation service only. Water services cannot be cross-connected between the two lots. If this is addressed to the satisfaction of the Public Utilities Department, then they have no objection to the accessory structure.

F. Transportation (Barry Walsh)

Transportation noted that the accessory structure did not require any additional parking.

Community Council Comments

A. East Bench Community Council

The East Bench Community Council reviewed this petition at their meeting on May 16, 2007. No issues were raised.

ANALYSIS AND FINDINGS:

In reviewing this proposed development, the Planning Commission must make findings with respect to conditional use standards and standards for accessory uses on accessory lots.

Section 21A.54.080: Standards for Conditional Uses

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

Discussion: Table 21A.24.190 indicates that an accessory use on an accessory lot can be approved as a conditional use in the FR-1 Zoning District.

Finding: This proposal is specifically allowed as a conditional use in the zone.

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: Gazebos and similar structures are traditional accessory uses associated with residential uses. The proposed gazebo would be associated with the applicant's single family home found on the adjacent parcel (3113 E. Carrigan Canyon Drive). The East Bench Master Plan indicates that the future land use of the subject parcel is low-density residential. Gazebos found on accessory lots require conditional use approval.

Finding: The proposed development is in harmony with the general purposes and intent of the Zoning Ordinance as well as the planning goals and objectives of the City.

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: East Carrigan Canyon Drive is a private road associated with the Carrigan Cove planned development. The proposed use will not generate more traffic and thus the existing road is suitable.

Finding: The streets are suitable and adequate to serve the proposed use.

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

Discussion: There is no internal circulation system necessary for this use.

Finding: This standard is not applicable.

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 Salt Lake City Public Utilities Department noted that the subject property is serviced by a one-inch water meter that may provide irrigation service only. Water services cannot be cross-connected between the two lots. This would need to be addressed prior to construction and is a condition of approval.

Finding: Public Utilities may require an upgrade to the water meter to the subject property. This would be required before issuance of a building permit.

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

Discussion: The adjacent land uses are all residential. The proposed structure will be more than 200 feet from any neighbor's property line (excluding the property line between the Millers' two properties). Any light, noise and visual impacts generated with this use will be sufficiently buffered by the distance to neighboring properties and the existing landscaping on the accessory lot. Visually, the proposed structure will be in harmony with the adjacent landscaping and accessory uses.

Finding: The proposed structure meets this standard.

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

Discussion: The architecture and building materials (stone and wood) are consistent with the style of development in the Carrigan Cove planned development and compatible with the adjacent landscaping and neighborhood.

Finding: Existing architecture and building materials are consistent with the development and compatible with the adjacent neighborhood.

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

Discussion: The subject parcel is a landscaped accessory lot to a large residential lot. The parcel is already landscape and no substantial changes to the landscaping are proposed.

Finding: Current landscaping is appropriate for the scale of the development.

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

Discussion: There are no known historical, architectural, or environmental features on the subject property. The lot will continue to function as an accessory lot.

Finding: There are no historical, architectural, or environmental resources on the site. This site is not in an historic district and is not a landmark site.

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

Discussion: There are no operating hours associated with the gazebo. It will function as an accessory use for a single-family home.

Finding: This standard is not applicable.

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

Discussion: The conditional use request is intended to permit a gazebo on an accessory lot. Gazebos are typically permitted uses in residential districts as long as they comply with the underlying zoning. In this case, the accessory structure would be located on an adjacent parcel which contains landscaping and open space. As a result, it requires conditional use approval. Staff believes the proposal will be compatible with the surrounding neighborhood and will not have any adverse impacts on either the neighborhood or the City as a whole.

Finding: The proposal meets this standard.

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

Discussion: There are additional circumstances outlined in Section 21A.40.052 regarding accessory lot ownership, landscaping, lighting, fences, and parking. The proposed gazebo meets all of these standards. Section 21A.40.050(C) regulates height of accessory structures. In the FR-1 district, accessory structures with flat roofs are limited to 12' in height. This proposal has a flat roof height of 14' and a chimney with a height of 19'.

Finding: The proposal meets the additional standards outlined in Section 21A.40.052. Special exception approval will be required for the additional height.

RECOMMENDATION:

Based on the findings of fact outlined in this staff report, Staff recommends that the Planning Commission approve this Conditional Use request for an accessory use on an accessory lot and the proposed site plan at 3145 E. Carrigan Canyon Drive with the following conditions:

1. Special exception approval will be required for the additional accessory structure height.

Nick Britton, Principal Planner
May 25, 2007

Attachments:

Exhibit A: Conditional Use Application

Exhibit B: Site Plan and Construction Details

Exhibit C: Letter from Carrigan Canyon Homeowner Association

Exhibit D: Department/Division Comments

Exhibit E: Correspondence with the East Bench Community Council

Exhibit A
Conditional Use Application

Exhibit B
Site Plan and Elevations

Exhibit C
Letter from Carrigan Canyon Homeowner Association

Exhibit D
Department/Division Comments

Exhibit E
Correspondence with East Bench Community Council