

# PLANNING COMMISSION STAFF REPORT



Planning and Zoning  
Division  
Department of Community  
Development

Hemingway-Stanley Subdivision Amendment  
490-07-34  
at approximately 607 North Capitol Park Avenue.  
November 28, 2007

**Applicant:**

Lowell Construction Company  
representing Ted and Susan  
Stanley

**Staff:**

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Planner, (801) 535-7236  
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**Tax ID:**

09-31-203-026  
09-31-203-027

**Current Zone:**

FR-3/12,000 (Foothill  
Residential Zoning District)

**Master Plan Designation:**

Low Density Residential

**Council District:**

District 3, Councilmember Eric  
Jergensen

**Acresage:**

1.241

**Current Use:**

Single-Family Residential

**Applicable Land Use**

**Regulations:**

- 21A.24.040 FR-3/12,000 Foothill Residential District standards for approval of amendment petition.
- 20.31.090

**Attachments:**

- A. Application Material
- B. Department Comments
- C. Site Plan

**REQUEST**

The applicant proposes a subdivision amendment to consolidate lots 306 and 307 of the Hemingway-Stanley Subdivision. Lot 307 contains a single-family residential structure and lot 306 is vacant. The combined area of lots 306 and 307 is approximately 1.24 acres or 54,014 square feet. The parcels are located in the FR-3/12,000 Foothills Residential Zoning District. The consolidation of these lots is in order to accommodate a swimming pool and a pool house (Please See Attachment B)

**PUBLIC NOTICE**

A public hearing notice was mailed on November 13, 2007. As of November 21, 2007 only one neighbor's comments have been received and are detailed under the public comments section.

**STAFF RECOMMENDATION:**

Planning Staff recommends that the Planning Commission deny this request to amend the Hemingway-Stanley Subdivision based on the non-compliance of stipulations 1 and 3 of Section 21A.24.040(5)(J):

**Maximum Lot Size:** With the exception of lots created by a subdivision plat, notice of minor subdivision or minor subdivision amendments recorded in the office of the Salt Lake County recorder, the maximum size of a new lot shall not exceed eighteen thousand (18,000) square feet. Lots in excess of the maximum lot size may be created through the subdivision process subject to the following standards:

1. The size of the new lot is compatible with other lots on the same block face;
2. The configuration of the lot is compatible with other lots on the same block face; and
3. The relationship of the lot width to the lot depth is compatible with other lots on the same block face.

## VICINITY MAP



## COMMENTS

### **PUBLIC COMMENTS**

Community Council review is not required under the subdivision ordinance; however a phone call was received from a neighbor opposing this subdivision amendment and claiming that the purpose of this request was not to only have a large lot but also that in the future the applicant would request to consolidate additional abutting lots. The neighbor also claimed that there were rumors that the applicant was planning on building an underground parking lot connecting to a lot across the street. The neighbor requested to remain anonymous.

### **City Department Comments:**

**Airport:** Mr. Miller replied that the parcels are not in an established Salt Lake City airport influence zone; therefore the project does not create any observed impacts to airport operations.

**Building Services:** Mr. Butcher indicated that although this subdivision is combining two existing lots, 21A.24.040G states that no portion of a lot subdivided after November 4, 1994 shall allow a building to be constructed on any portion of the site that exceeds 30% slope and because of this, he requested that a new topographical map be provided to be considered as part of the subdivision process in case there is not one from

the previous subdivision. Moreover, because this lot exceeds 18,000 square feet in size, the lot must meet the standards found in 21A.24.040J.

**Engineering:** Mr. Drummond commented that inasmuch as this is a private street, no Permit to Work in the Public Way will be issued for any required driveway the new structures may require. Sidewalk exists on the other side of the roadway. Also, the plat is being reviewed, and any required changes would be made known to the applicant's consultant.

**Fire:** Mr. Itchon replied and has no comment on the proposed subdivision amendment.

**Police:** No comments were provided by this department.

**Public Utilities:** Mr. Brown stated that in case any construction occurs, all plans should be submitted to the Public Utilities Department for review and approval. If the property is over two acres and/or has more than 15,000 sq. ft. of impervious area then, on-site detention and treatment of the storm water must be detailed in a plan and submitted to Public Utilities for review and approval. Calculations must also be submitted showing that Salt Lake City Drainage Regulations have been met. A detailed list of requirements is available as part of Attachment A.

**Transportation:** Mr. Walsh recommends approval of the lot consolidation provided that no change to the existing private road way transportation corridor will be made; therefore the Transportation Division recommends approval subject to site development complying with Salt Lake City Corporation design standards.

## **Staff Analysis and Findings**

### **Project History**

The Hemingway-Stanley Subdivision was created in 2002, a three lot subdivision amending lots 304, 305, 306, and 307 of Capitol Park Planned Development Phase 3 Subdivision. Lot 304 was created by an amendment that combined lots 304 and 305 together. Currently, lot 304, owned by Henry and Patrice Hemingway, has a single-family residence and a swimming pool. The new subdivision amendment request by the Stanley's would combine the remaining two lots (306 and 307, into one Lot 307A) owned by Ted and Susan Stanley. Currently there is one single-family residence on lot 307 and the applicant requested to combine lots 306 and 307 in order to build a swimming pool and a pool house closer to their home.

### **Master Plan Discussion**

This subdivision is located within the Avenues Master Plan boundaries which calls for the foothills to remain low density residential or be built with single-family houses. The current use, a single family residence, is compliant with the spirit of the Master Plan. The surrounding land uses are single-family residential as well.

### **Standards**

Section 21A.24.050 (5) (J) of the FR-3/12,000 Foothill Residential Zoning District contains specific guidelines for the combination of parcels that would result in a lot larger than 18,000 square feet. The Planning Commission, may, at the administrative consideration, approve the proposed subdivision amendment if the Planning Commission finds that:

**1. The size of the new lot is compatible with other lots on the same block face;**

**Analysis:** The proposed new lot size is 54,078 square feet or 1.241 acres. The surrounding lot sizes, on the same block face, range from approximately 11,325 to 41,425 square feet or 0.26 to 0.951 acres. The average lot size on the same block face is approximately 21,780 square feet or 0.50 acres.

**Finding:** Staff finds that the size of the proposed new lot is not compatible with other lots on the same block face because it substantially exceeds the size of even the largest lot on the same block face that is approximately 41,425 sq. ft. by 23 %. Moreover, the lot also exceeds the average size of the lots in the same block face (approximately 21,780 square feet) by more than 50%.

**2. The configuration of the lot is compatible with other lots on the same block face; and**

**Analysis:** The configuration of the proposed new lot would remain the same, and only both the front property line and the rear property line would be extended.

**Finding:** Staff finds that the configuration of the proposed new lot does not change substantially and even though the front and rear property lines would be larger, the configuration of the lot is still compatible with other lots on the same block face.

**3. The relationship of the lot width to the lot depth is compatible with other lots on the same block face.**

**Analysis:** The proposed new lot is the product of the combination of two abutting lots that differ in width and have approximately the same depth. The width of the front and rear property line of other lots on the same block face range from approximately 78' to 140' and 123' to 253' respectively.

**Finding:** Staff finds that the relationship of the proposed new lot width to the lot depth is not compatible with other lots on the same block face because, even though the lot depth would remain relatively the same, the width of the front and rear property lines are longer, increasing from approximately 127' to 217' and from 167.64' to 267.49' respectively.

In addition, an amendment petition shall be approved only if it meets all of the requirements by section 20.31.090 of the Subdivision Ordinance of the Salt Lake City Code. The Planning Commission, may, at the administrative consideration, approve the proposed subdivision amendment if the Planning Commission finds that:

**A. The amendment will be in the best interests of the city.**

**Analysis:** The parcels are located in the area covered by the Avenues Master Plan. The Master Plan identifies the area as low density residential. The current use is a single-family residence. The surrounding land uses are single-family residential in nature. The properties surrounding the subject property are also zoned FR-3/12,000 Foothill Residential. The City departments that have submitted comments on the proposed amendment have all recommended approval of the amendment subject to the petitioner adhering to all applicable regulations.

**Finding:** Staff finds that even though the current use is in compliance with the Master Plan designation, the amendment will be not be in the best interest of the City because City procedures and regulations for lot

consolidation in the FR-3/12,000 Zoning District are not met according to the stipulations found in section 21A.24.040 (J) as noted above.

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

**Analysis:** The proposed consolidation of lots 306 and 307 would create a new lot containing 54,014 square feet. The Zoning Ordinance allows for the creation of lots in excess of 18,000 square feet subject to the standards found at 21A.24.040(J), however, staff finds that the proposed amendment does not meet these standards.

**Finding:** Staff finds that the proposed consolidation of the two lots does not comply with the intent of the applicable zoning standards because the size of the new lot is not compatible with other lots on the same block face and the relationship of the lot width with to the lot depth is not compatible with other lots on the same block face.

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

**Analysis:** The proposed subdivision amendment does not require any dedications to be made.

**Finding:** Since the proposal does not require any dedication be made, this standard is not applicable.

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

**Analysis:** This proposal does not require any public improvements, according to the departmental comments.

**Finding:** This subdivision amendment does not require any public improvements.

**E. The amendment complies with all applicable laws and regulations.**

**Analysis:** The applicant requests that two lots be consolidated into a larger lot in order to accommodate a swimming pool and a pool house. The Zoning Ordinance limits new lots to a maximum of 18,000 square feet unless it can be shown that the proposal meets the standards listed in 21A.24.040 (J). As noted above, the proposal does not meet these standards.

**Finding:** Staff finds that the Hemingway-Stanley subdivision amendment request does not comply with the standards listed in 21A.24.040 (J)

**F. The amendment does not materially injure the public or any person and there is good cause for the amendment.**

**Analysis:** The proposal does not materially injure the public or any person. Moreover, the cause of the amendment, according to the applicant, is to accommodate a swimming pool and a pool house. Nonetheless, the standards of section 21A.24.040 (J) are not met as noted above.

**Finding:** Staff finds that even though the subdivision amendment proposal apparently does not materially injure the public or any person and there is good cause for the amendment, it does not fulfill the spirit and the intent of the Zoning Ordinance and its regulations for lot creation in the FR-3/12,000 Zoning District.

# **Attachment A**

## **Application Materials**

# **Attachment B**

## **Department Comments**

# **Attachment C**

## **Site Plan**