

# MEMORANDUM

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Planning and Zoning Division  
Department of Community Development

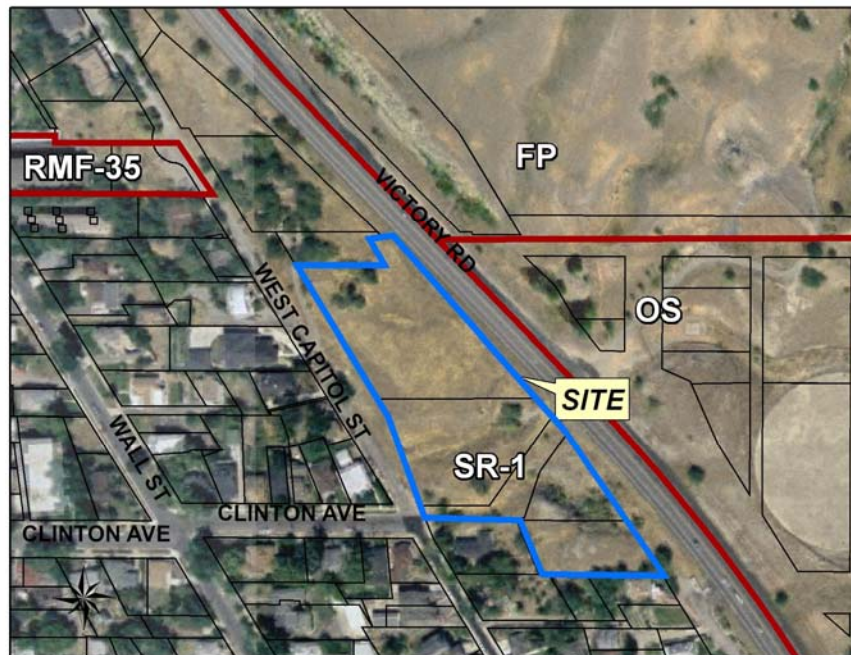
**TO:** Salt Lake City Planning Commission

**FROM:** Lex Traugher – Principal Planner

**DATE:** September 13, 2007

**SUBJECT:** Confirmation of the Planning Commission’s decision regarding petitions 410-06-29 & 490-07-09 – Capitol View Planned Development/Conditional Use & Preliminary Subdivision

**VICINITY MAP:**



On June 27, 2007, the Planning Commission heard and approved the request for a Planned Development and Preliminary Subdivision for seventeen (17) single family dwelling units on 2.81 acres located at approximately 690 N. West Capitol Street (see Exhibit 1 - Minutes). On July 31, 2007, the Capitol Hill Community Council filed an appeal of the Planning Commission’s decision to the Land Use Appeals Board. The appellant’s application, including a statement describing the reason for the appeal, is attached in Exhibit 2.

To summarize the appeal, the appellant asserts that the average lot size approved by the Planning Commission does not meet the minimum lot size of 5,000 square feet for the SR-1A Zone as required by Code. The appellant submitted documentation (Exhibit 2 – Page 4) showing a calculation of the average lot size based on the sum of the square footage of each individual lot divided by the proposed total number of lots. The appellant contends that the sum of the proposed lot areas, 84,037 square feet, when divided by seventeen yields an average lot size of 4,943 square feet which is below the required minimum lot area of 5,000 square feet. This calculation is correct, however the appellant does not include the common or open space square footage in the density calculation and states that, “This land cannot, by definition or law, be included in averaging lot sizes.” The appellant asserts that the density calculation cannot include common or open space as part of the planned development.

Section 21A.54.150E2 of the SLC Zoning Ordinance, specifically states, “*The calculation of planned development density may include open space that is provided as an amenity of the planned development. Public or private roadways located within or adjacent to a planned development shall not be included in the planned development area for the purpose of calculating density.*”

When the open or common space area of 13,973 square feet is included in the developer’s proposed density calculation as allowed by this Section of Code, the result is a gross average lot size exceeding the 5,000 square foot minimum required by Zone. The table at the bottom of page 19 of the staff report (Exhibit 3) outlines accurately the density calculation and demonstrates that the gross average lot size is 5,765 square feet, thereby justifying a density of seventeen (17) units on the subject property. Further, the table at the top of page 20 (Exhibit 3) demonstrates that the applicant could actually realize a density of nineteen (19) units based on the total PUD land area available for development.

### **Requested Action of the Planning Commission**

Planning Staff requests reaffirmation from the Planning Commission regarding the motion and decision that was made to approve the subject project, recognizing the density calculation and discussion as outlined on pages 19 through 21 of the staff report (Exhibit 3), and recognizing the approval of the preliminary plat (Exhibit 4) which demonstrates the lot, roadway, and common space configuration, as the specific development and density approved by the Planning Commission at its June 27, 2007 public hearing.

#### Attachments:

- Exhibit 1 – Minutes June 27, 2007
- Exhibit 2 – Appeal Application
- Exhibit 3 – Pages 19 - 21 of the Planning Commission staff report for Petitions 410-06-29 & 490-07-09 dated June 27, 2007
- Exhibit 4 – Approved Preliminary Plat