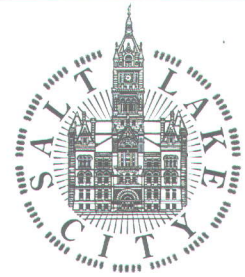


PLANNING COMMISSION STAFF REPORT

Imladris Subdivision Amended Subdivision Approval PLNSUB2009-00388 540 West 400 North May 13, 2009



Planning and Zoning Division
Department of Community and
Economic Development

Applicant:

Kevan Nilsson Construction, LC

Staff:

Bill Peperone(801)535-7214
bill.peperone@slcgov.com

Tax ID:

08-36-152-059
08-36-152-060

Current Zone:

SR-1A (Special Development
Pattern Residential District)

Master Plan Designation:

Capitol Hill – Low Density
Residential 5-15 du/acre

Council District:

District 3–Eric Jergensen

Lot sizes:

8,454 sq ft and 9,250 sq ft

Current Use:

Low density residential

Notification

Mailed: April 28, 2009
Sign posted: May 1, 2009 Agenda
posted on the Planning Division and
Utah Public Meeting Notice
websites April 28, 2009

Applicable Land Use**Regulations:**

- Title 20.31.090 – Standards for
Subdivision Amendments
- Chapter 18.28 – Site Development
Ordinance
-21A.24.080 – SR-1A Zoning

Exhibits:

A. Lots as originally platted
B. Proposed amended Lots 8 & 9

REQUEST

Kevan Nilsson Construction has requested an amendment to Lots 8 and 9 of the Imladris Subdivision so that the two lots are more evenly divided. This application includes a request for Planning Commission approval for one lot that exceeds the maximum lot size permitted in the zone.

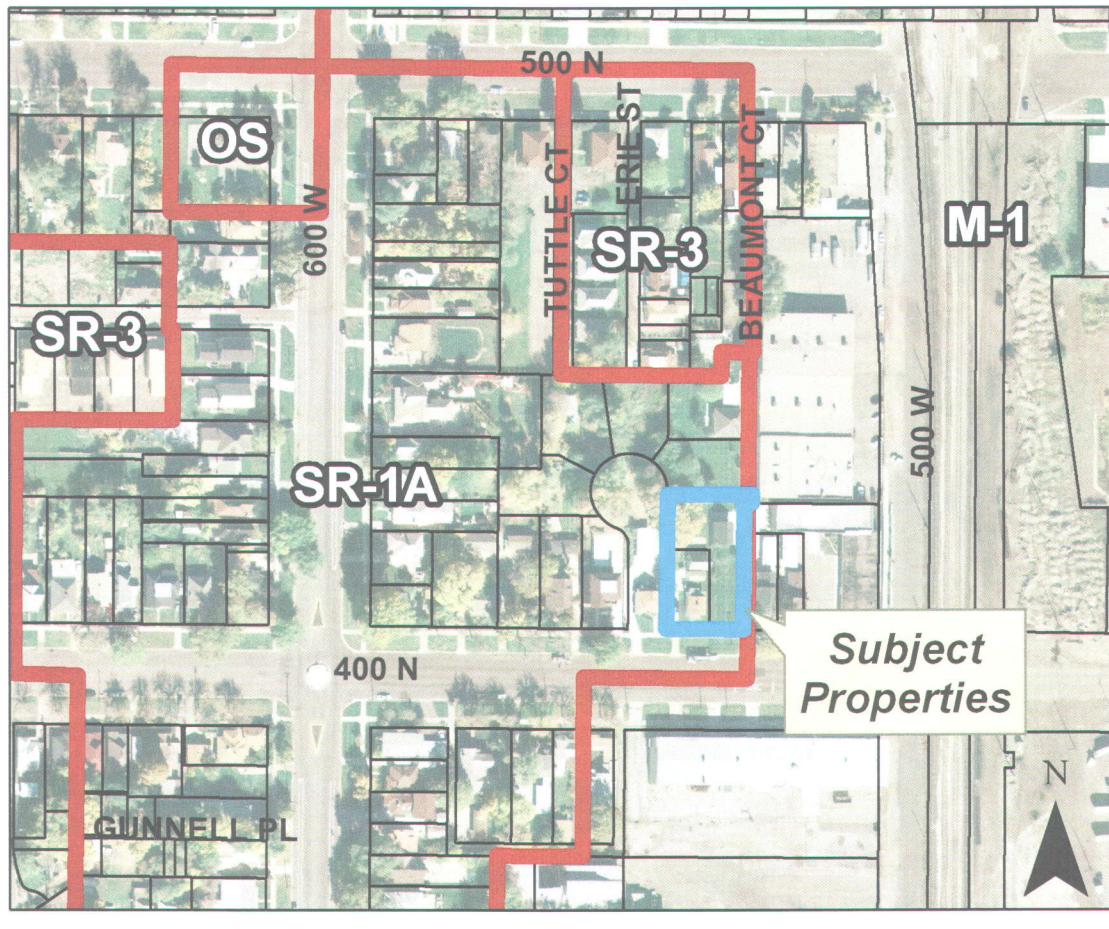
STAFF RECOMMENDATION

Based on the findings listed in this staff report, staff recommends that the Planning Commission approve the Imladris Subdivision Amended, as proposed, with the following conditions of approval:

Conditions of Approval

1. That all necessary building permits for these structures shall be obtained from the building department prior to installation of the structures;
2. That all conditions of approval from previous planning commission actions shall remain in effect; and
3. That the appropriate documents are recorded at the office of the Salt Lake County Recorder prior to issuance of a building permit on either of the amended lots.

Vicinity Map



BACKGROUND

Normally, this application would have been processed at an Administrative Hearing, but because one of the proposed lots is larger than the maximum lot size permitted in the zone, this application has been sent to the Planning Commission. The Zoning Ordinance permits lots larger than the maximum, subject to standards listed in the Ordinance.

The applicant is proposing to build one single-family home on Lot 9 and one duplex on Lot 8. Lot 8 does not exceed the maximum lot size because the lot size minimum for a duplex in this zone is 8,000 sq ft. The lot size minimum of a single-family home in this zone is 5,000 sq ft.

The subject property is located at 540 West 400 North, in the SR-1A Zone. The subject property abuts the M-1 Zone, to the east.

The Imladris Subdivision was approved by the City in October 2006. The original plat included nine lots that primarily surround the 540 West cul-de-sac. When the subdivision was originally platted, a small house existed on a 3,544 sq. ft. lot at 530 West 400 North. It was agreed that the existing home would remain in place until the occupant of that home passed away. Based on input from the Staff, the old home and small lot were combined with Lot 8. It was the developer's intention at that time that eventually, when the owner of the old home and small lot passed away, Lots 8 and 9 would be reappportioned to be more evenly divided.

	Original Plat	Amended Plat
Lot 8	12,197 sq. ft.	8,454 sq. ft.
Lot 9	5,663 sq. ft.	9,250 sq. ft.

Comments

Public Comments

No written or verbal comments were received from the public.

Community Council Comments

Notice of minor subdivisions is not required to be presented to the Community Councils.

City Department Comments:

Notice of the application was routed to the applicable City departments on April 6, 2009, requesting comments and input. No concerns were raised by the Departments, primarily because all subdivision improvements have been installed and no additional lots are being created.

Staff Analysis

Within the Imladris Subdivision, Lots 1, 2, 3 and 9 have had, or will have, single-family homes built on them. All of these lots have frontage on 400 North. In the SR-1A zone, the minimum lot size for single family homes is 5,000 sq ft and the maximum lot size permitted is 150% of the minimum lot size. One-hundred and fifty percent of the minimum lot size would be 7,500 sq ft. Lots 1, 2, 3 and 9 all exceed the maximum lot size permitted in the zone. The oversized Lots 1, 2 and 3 were approved with the original Imladris Subdivision in 2006. Because Lot 9 is now being amended and increased in size, this requires Planning Commission approval for the lot in excess of 150% of the lot minimum.

Lots 4, 5, 6, 7 and 8 contain similar square footage to lots 1-3 and 9, however, Lots 4, 5, 6, 7 and 8 have had, or will have, duplexes built on them. The minimum lot size for a duplex in this zone is 8,000 sq ft. One-hundred and fifty percent of 8,000 sq ft would be 12,000 sq ft. None of these lots exceed 12,000 sq ft.

The square footages for the other lot sizes within the subdivision are as follows:

Lot 1	8,051	Lot 5	9,778
Lot 2	8,051	Lot 6	8,069
Lot 3	8,243	Lot 7	8,409
Lot 4	8,254		

The subdivision road and utility improvements were installed as part of the original Imladris Subdivision. These improvements were also bonded for by the developer.

Standards for Approving Lots in Excess of the Maximum Permitted (21A.24.080(G)(1-3))

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 the other lots on the same block face;

Analysis: There are only two residential lots on the block face outside of the Imladris Subdivision (due west). Those lots are 4,356 sq. ft. and 10,454 sq. ft. There are three additional lots on the block face that were platted as part of the Imladris Subdivision (Lots 1-3). Also, within the block, there is a wide range of lots sizes, with the largest lots being 23,141 sq ft, 13,612 sq ft, and 11,913 sq ft.

Finding: The amended Lot 9 is compatible with the other lots on the same block face.

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

Analysis: The configuration of Lot 9 is consistent with other lots on the same block face in that it has sufficient lot width for a single-family home to be build that will face 400 North.

Finding: The configuration of the lots is 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 relationship of lot width to the lot depth is compatible with other lots on the same block face in that Lot 9 will allow for a single-family home that will meet all of the area and setback requirements for a single-family home in the zone.

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

Standards for Approval of Amendment Petition (20.31.090)

An amendment shall be approved only if it meets all of the following requirements:

1. The amendment will be in the best interest of the City;

Analysis: The amendment is in the best interest of the city because it allows for single-family homes to be built along 400 North and for twin homes to be build in the interior of 540 West. The proposed housing types are permitted uses in the zone and the housing density is consistent with the zone and with the Capitol Hill Master Plan. The Imladris Subdivision furthers the intent and purposes of the SR-1A Zone and of the governing Master Plan.

Finding: The Imladris Subdivision Amended is in the best interest of the City.

2. All lots will comply with the applicable zoning standards;

Analysis: The Zoning Ordinance allows for lots larger than the maximum size permitted in the zone to be approved by the Planning Commission. Upon approval of Lot 9 as a lot in excess of the maximum permitted, all lots will comply with the applicable zoning standards.

Finding: Upon Planning Commission approval of Lot 9, as a lot in excess of the maximum size permitted, all lots will comply with applicable zoning standards.

3. All necessary and required dedications are made;

Analysis: The amended plat requires no new dedications beyond those required with the original subdivision. All dedications necessary for the original subdivision have been made.

Finding: All necessary and required dedications have been made.

4. Provisions for the construction of any required public improvements are included:

Analysis: All required public improvements were made with the original Imladris Subdivision. No new or additional improvements are necessary as a result of this plat amendment.

Finding: Construction of required improvements has already taken place.

5. The amendment complies with all applicable laws and regulations; and

Analysis: The subdivision amendment complies with Section 20.31.090 of the Subdivision Ordinance, Chapter 18.28 of the Site Development Ordinance, and Section 21A.24.080 of the Zoning Ordinance (SR-1A Zoning Standards) and all other applicable laws and regulations.

Finding: The amendment complies with all applicable laws and regulations.

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

Analysis: The alternative to the plat amendment would be to divide lots 8 and 9 into three single-family lots each containing just over 5,000 sq ft. Given the lot sizes of the other lots within the Imladris Subdivision, the current proposal keeps the size of lots 8 and 9 more consistent with the other lots in the subdivision.

Finding: The amendment does not materially injure the public or any person.

Summary of Findings

1. That the Imladris Subdivision Amended Lot 9 meets all of the requirements of 21A.24.080 for approval of a lot that exceeds the maximum size permitted; and
2. That the Imladris Subdivision Amended meets all of the requirements of 20.31.090 for subdivision amendment approval.

400 NORTH (PUBLIC STREET)

540 WEST (PUBLIC STREET)

LOT 7

LOT 8
8,454 sq. ft.

418 NORTH
540 WEST

LOT 9
9,250 sq. ft.

530 WEST
400 NORTH

N 89°59'48" E
109.98'

N 89°59'32" W
55.00'

N 00°00'16" E
72.19'

S 00°00'16" W
103.75'

S 89°59'44" E
100.00'

N 00°00'16" E
25.00'

S 89°59'44" E
45.00'

N 00°00'16" E
86.25'

N 00°00'16" E
78.75'

N 89°59'44" W
9.98'

N 00°00'13" W
10.95'

OLD LOT LINE

NEW LOT LINE



PEPG ENGINEERING, L.L.C.

421 W 12300 S, #400 • DRAPER, UT 84020
PH: (801) 562-2521 • FAX: (801) 562-2551

IMLADRS LOT LINE ADJUSTMENT

EXHIBIT DRAWING

6433.0410
PROJECT NUMBER

LOT_ADJUST.DWG
FILE NAME

DEC. 18, 2008
DATE

Exhibit B: Proposed Amended Lots 8 and 9

