



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Planning Commission
From: Christopher Lee (801.535.7706)
Date: April 10, 2014
Re: PLNSUB2014-00088 Capitol Hills Plat C Amendment

SUBDIVISION AMENDMENT

PROPERTY ADDRESS: 973 N. Churchill Drive
PARCEL ID: 08-25-426-005
MASTER PLAN: Capitol Hill Master Plan
ZONING DISTRICT: FR-3/12,000 (Foothills Residential District)

REQUEST: James Carroll & Associates has submitted a request for a subdivision amendment to Capitol Hills Plat C. The request includes altering the height limit language in paragraph 12(a) to account for living space on the upper level of buildings with flat roofs since the notes in the existing plat only addresses sloped roofs.

RECOMMENDATION: Based on the information in this staff report, Planning Staff recommends that the Planning Commission approve the application as proposed, subject to compliance with all applicable code regulations.

ATTACHMENTS:

- A. Vicinity Map
- B. Preliminary Subdivision
- C. Additional applicant Information
- D. Department Comments
- E. Public Comments
- F. Photos

PROJECT DESCRIPTION:

1. General Information

The subject property is located at 973 N. Churchill Drive on the west side of Capitol Hill within the Capitol Hills Plat C Subdivision. The zoning for that subdivision is FR-3/12,000. The subject property has a single family residence which is currently under construction. All other lots within the subdivision have already been developed with single family residences with the exception of the two lots flanking the subject property; 969 N. Churchill Drive (the southernmost parcel in the subdivision) and 975 N. Churchill Drive. They both remain vacant and undeveloped at this time.

2. Proposal Details

The proposal is to amend note 12(a) of the Capitol Hills Plat C subdivision to clarify height limitation and living space allowances for the upper level of homes. It is a minor change to the existing language to accommodate and clarify the standards for structures with flat roofs. Specifically, when the plans were submitted for the house at 973 N. Churchill Drive, it became apparent that the original note 12(a) was unclear in regards to living space on the second level for the type of roof that they wanted to incorporate into their design. Therefore, minor text changes were proposed which specify the following:

- The maximum height shall not exceed 20 feet above existing grade measured at the high point of the house footprint.
- In the case of a flat roof, livable space on the upper level under the roof shall be allowed so long as the roof or parapet of the dwelling does not exceed a height of 20 feet as described above.

KEY ISSUES:

Section 21A.24.01(P)(1)(b) of the Salt Lake City Municipal Code states that: “In the FR-2, FR-3 and FP districts, the maximum building height shall be twenty eight feet (28’) measured from established grade. The front and rear vertical building walls shall not exceed twenty five feet (25’) measured from finished grade.” Additionally, the code does not limit living space on the upper level. Therefore, the proposed amendment to note 12(a) of the Capitol Hills Plat C Subdivision complies with all applicable requirements and there are no other identified issues.

STANDARDS:

Minor Subdivision Standards for Administrative Approval

20.20.070: If no objection is received as required by section [20.20.080](#) of this chapter or its successor, the planning director, or designee, may, at the administrative consideration, approve the proposed minor subdivision if the planning director, or designee, finds that:

Standard	Finding	Rationale
A. The minor subdivision will be in the best interests of the city	Complies	The purpose of regulating subdivision is outlined in the <i>Title 20 Subdivision Ordinance of Salt Lake City</i> . The purpose of the Subdivision Ordinance is to regulate and control the design and improvement of land for all purposes within Salt Lake City in order to preserve and enhance the health, safety, welfare and amenities of the community. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any special facilities in any subdivision shall conform to the land uses shown and the standards established in the master plan, the zoning ordinance of the city, and any planned community plans designed for the area. The proposed subdivision complies with the intent of the Master Plan and the applicable zoning regulations.
B. All lots comply with all applicable zoning standards	Complies	The proposed lots comply with the lot size and frontage requirements.
C. All necessary and required dedications are made;	Complies	No dedications are required.
D. Provisions for the construction of any required public improvements are included;	Complies	No new public improvements are required.
E. The subdivision otherwise complies with all applicable laws and regulations;	Complies	There are no other applicable laws and regulations that apply to this subdivision (check the Site Development Ordinance).
F. The amendment does not materially injure the public or any person and there is good cause for the amendment.	Complies	No evidence has been submitted to indicate that the proposal materially injures the public or any person. The purpose of the amendment is to make the site more conducive to development which furthers the purpose of the City’s zoning ordinance, indicating there is good cause for the subdivision.

PUBLIC PROCESS AND INPUT

Timeline

- The application was submitted on 2/20/2014.
- Mailings were sent out on 3/27/2014 for an administrative hearing.
- Sign was posted at 973 N. Churchill Drive on 4/1/2014 for the administrative hearing.
- Due to the petitions against the proposal, it was removed from the schedule for an administrative hearing and scheduled to be heard by the Planning Commission. Notices were mailed out on 4/10/2014.
- The sign for the Planning Commission hearing was posted at 973 N. Churchill Drive on 4/11/2014.

Comments received

- Two petitions against the proposed amendment were received from the same household within the Capitol Hills Plat C Subdivision in the form of emails with attached letter on 4/8/14. (see attachment E)
- Two petitions in support of the amendment were received via email on 4/9/2014 and 4/10/2014. (see attachment E)

NEXT STEPS:

If approved, the applicant will have to change note 12(a) on the existing subdivision plat in the office of the County Recorder. Per communication with that office, a new mylar plat is not required as long as the text change is verified with them.

ATTACHMENT A: Vicinity Map



ATTACHMENT C: Additional Application Information

The following text is note 12(a) showing the changes proposed by this application. If approved, the text which is struck through will be eliminated while the text which is underlined will be added.

The maximum height of the dwelling shall ~~be one story and roof~~ not exceed 20 feet above the existing finished grade (as reflected upon the approved subdivision development plans on file with Salt Lake City) measured at the high point on the house footprint; ~~the total dwelling height shall not exceed 20 feet from such high point to the roof ridge line.~~ The design of such dwelling may include livable space in the attic area; ~~however~~ In the case of a sloped roof, such livable space may not project through the roof on the downhill side of the dwelling in the form of dormers, mansard roofs, or otherwise, provided however, that skylights or similar roof windows shall be allowed on the downhill side of the home so long as such skylights or roof windows are installed at the same plane as the roof. In the case of a flat roof, livable space (upper level) under the roof shall be allowed so long as the roof or parapet of the dwelling does not exceed a height of 20 feet as described above. In addition, a one story basement walk-out on the downhill side of the dwelling shall be allowed.

*Note – This is the actual proposed language to take the place of section 12(a). The plat map submitted with this application (attachment B) shows section 12(a) underlined with proposed changes to the language that varies slightly from this. However, the Applicant amended that language via email on 3/4/2014 based on a recommendation from Alan Michelsen. This is the specific language proposed for the application and takes precedence.

ATTACHMENT D: Department Comments

Public Utilities (Brad Stewart):

“Public Utilities has no comments regarding the proposed plat language change.”

Zoning (Alan Michelsen):

Alan Michelsen (Development Review Planner II) provided feedback on behalf of Larry Butcher. He recommended the following verbiage with some text changes which the Applicant approved. It has been incorporated as the text to be amended and reads as follows:

“The maximum height of the dwelling shall not exceed 20 feet above the existing finished grade (as reflected upon the approved subdivision development plans on file with Salt Lake City) measured at the high point on the house footprint. The design of such dwelling may include livable space in the attic area. In the case of a sloped roof, such livable space may not project through the roof on the downhill side of the dwelling in the form of dormers, mansard roofs, or otherwise, provided however, that skylights or similar roof windows shall be allowed on the downhill side of the home so long as such skylights or roof windows are installed at the same plane as the roof. In the case of a flat roof, livable space (upper level) under the roof shall be allowed so long as the roof or parapet of the dwelling does not exceed a height of 20 feet as described above. In addition, a one story basement walk-out on the downhill side of the dwelling shall be allowed.”

Building (Larry Butcher):

No comment.

Engineering (Scott Weiler):

“No objection to the proposed height change.”

Transportation (Barry Walsh):

“Transportation review comments and recommendations are as follows: The height issue does not indicate any impact to the vehicle access and parking requirements as presented in the permit review for BLD2013-02337. If change in finish floor elevations for the garage are required the building permit will require an amendment and new Plan review.”

Fire (Ted Itchon):

No comment.

ATTACHMENT E: Public Comments

Email 1:


Objection to Capitol Hills Plats C Amendment

Stephen Spanos [spspanos@yahoo.com]

You replied on 4/9/2014 4:44 PM.

Sent: Tue 4/8/2014 6:52 PM

To: Lee, Christopher

Message |  Capitol Hill Objection.docx (99 KB)

Dear Mr. Lee,

I have attached a letter voicing my objection to the proposed amendment to the covenants and restrictions applied to Capitol Hills Plat C subdivision. Please let me know if you need any clarification, or you are unable to open the word attachment. I will not be able to attend the meeting on Thursday, April 10, but I understand an emailed objection is an adequate substitute for my presence at the meeting.

Best Regards,

Stephen Spanos
11 East Churchill Drive
Salt Lake City UT, 84103
801-200-4481

Email 2:


Capitol Hills Plats C Letter

Stephanie [stephaniespanos@hotmail.com]

You replied on 4/9/2014 4:45 PM.

Sent: Tue 4/8/2014 6:59 PM

To: Lee, Christopher

Message |  Capitol Hill Objection.docx (99 KB)

Mr. Lee,

I will not be able to attend the meeting this Thursday regarding the amendment to the covenants and restrictions to the Capitol Hill Plat C neighborhood. I would like to officially voice my objection to the proposed changes. I have attached a letter voicing my objection along with my concerns. Please let me know if this is acceptable, or if there is anything else I need to do to have my objection officially lodged.

Best Regards,

Stephanie Spanos
11 East Churchill Drive
Salt Lake City UT, 84103
513-967-3729

Letter Attached to Email 1 and 2:

To whom it may concern:

We strongly object to any changes in the covenants and restrictions associated with the houses in the Capitol Hill Plat C neighborhood. This objection is based on two parts.

- A. All houses in this area that are built were required by the covenants and restrictions to have 1 living story above grade. The proposed change in effect allows any new houses to be 2 stories above grade. The current owners of the new construction at 973 N Churchill Drive knew the current restrictions on above grade stories before construction began, however it seems as though this is an attempt to change the restrictions after the fact. It is likely that many of the existing homes would have wanted to have two stories given the opportunity, but complied with the restrictions as written. We feel this is a last minute attempt to change the covenants to suit their purposes, when the rest of the neighborhood has complied with the given restrictions.
- B. If the changes were to be made, we are concerned that the two undeveloped lots will effectively be developed into flat roofed, boxed homes. We feel this will devalue our current property, along with the surrounding properties, as these types of homes are not reflective of the current neighborhood. The current covenants were instituted to ensure any new home is built in harmony with the neighborhood and surrounding hills. The current owners of the new construction at 973 N Churchill Drive were well aware of these restrictions before ground was broken on their property. In addition, we question whether a covenant/restriction change will then lead to multiple future changes to things such as exterior materials, landscaping, etc. which will further devalue surrounding properties.

Sincerely,

Stephen and Stephanie Spanos
11 East Churchill Drive
Salt Lake City UT, 84103

Email 3:

PLNSUB2014-00088 Capitol Hills Plot C

GINA DALTON [ginadalt@msn.com]

You replied on 4/9/2014 4:51 PM.

Sent: Wed 4/9/2014 2:19 PM

To: Lee, Christopher

Dear Mr. Lee,

I'm writing to support the requested change.

Gina Dalton
19 E Churchill Drive
Phone 801-651-5757
Fax 801-364-5858
ginadalt@msn.com

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Email 4:

PLNSUB2014-00088 Capitol Hills Plat C Amendment

Maureen Reading [maureen.reading@yahoo.com]

Sent: Thu 4/10/2014 12:14 PM

To: Lee, Christopher

I have NO objections to the proposed change for the new home at 973 North Churchill.

Maureen Reading
972 N. Churchill Dr.
Salt Lake City

ATTACHMENT F: Photos



973 N. Churchill Drive



973 N. Churchill Drive



11 E. Churchill Drive (15 E. in background)



11 E. Churchill Drive (15 E. in background)