



Staff Report

PLANNING DIVISION
COMMUNITY & NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Doug Dansie – Senior Planner
(801) 535-6182 or doug.dansie@slcgov.com
Date: March 8, 2016
Re: Petition PLNPCM2016-00882 – Zoning Map Amendment

ZONING MAP AMENDMENT

PROPERTY ADDRESSES: 1144 West 500 South and 1111 West Arapahoe
PARCEL IDs: 15-02-333-005 & 15-11-126-027
ZONING DISTRICT: OS Open Space
MASTER PLAN: West Salt Lake Master Plan

REQUEST: A request by Mayor Jackie Biskupski to correct zoning errors at approximately 1144 West 500 South and 1111 West Arapahoe. The project sites are currently zoned OS (Open Space), and are located in City Council District 2, represented by Andrew Johnston. There is no specific development proposal for these sites at this time.

RECOMMENDATION: Planning Staff recommends that the Planning Commission forward a positive recommendation to the City Council regarding the Zoning Map Amendment.

MOTION: Based on the analysis and findings listed in the staff report, testimony and the proposal presented, I move that the Planning Commission forward a positive recommendation on to the City Council regarding the Zoning Map Amendment request to rezone the property from OS Open Space to R-1/5,000.

BACKGROUND AND PROJECT DESCRIPTION: The entire City Zoning Code was rewritten in 1995 and new zoning districts and maps were created to reflect the City's policy. These properties were inadvertently zoned Open Space despite the presence of residential structures on each site. This proposal is to correct the zoning error and zone the property for residential use. There is no specific development proposal for these sites at this time.

KEY ISSUES:

The key issues listed below have been identified through the analysis of the project, neighbor input, and department/division review comments.

Issue 1: The Property is zoned Open Space, but its privately owned and has private residential structures constructed on each parcel

Discussion: Planning Staff supports the rezone request as it is consistent with the West Salt Lake Master Plan, which generally supports neighborhood stability and focusing new development at specific nodes. The item is a correction of a recently discovered 1995 zoning mistake. It is going through the formal rezone process due to the time that has lapsed between the error and the discovery of the error.

Issue 2: The current use at 1111 West Arapahoe is not listed as an allowed use in the R-1/5,000 zoning district.

Discussion: The intent of the original zoning was to zone the neighborhood R-1/5,000 (Single Family Residential District), except in those areas of new construction where R-1/7000 was used because the lots are larger.

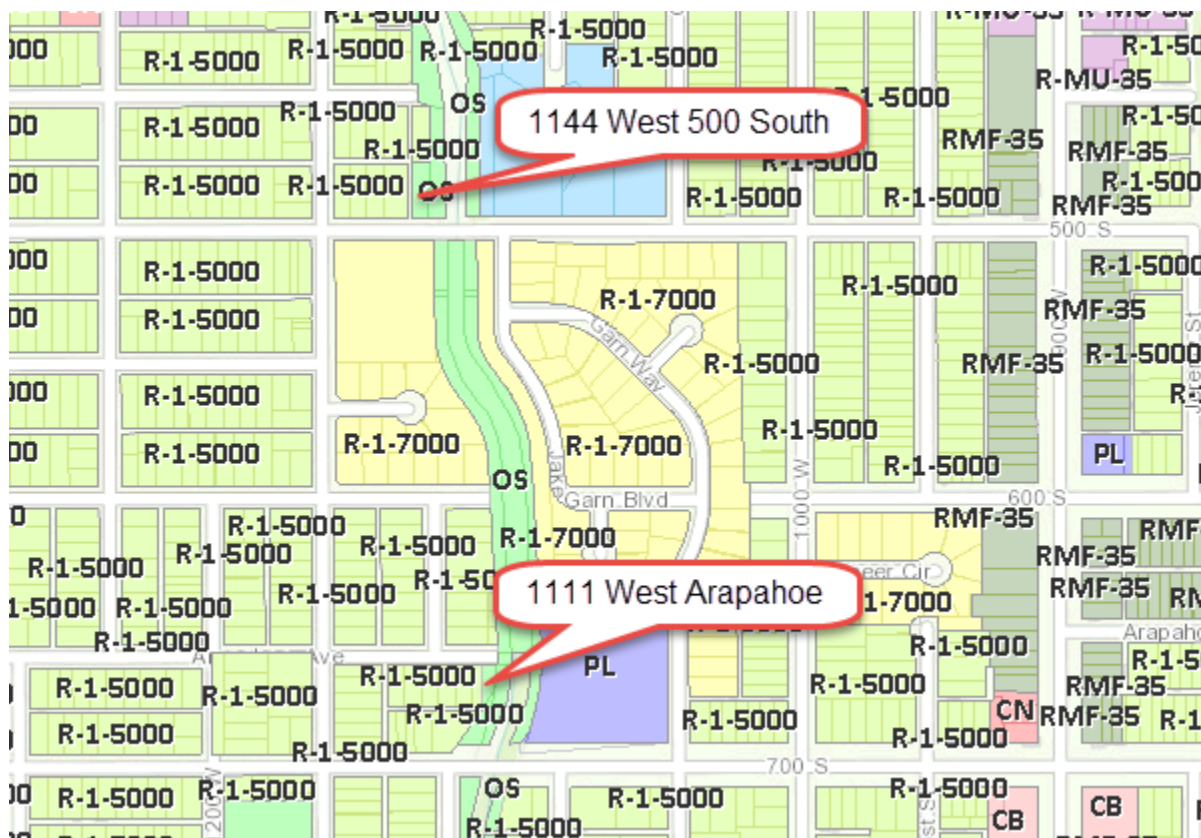
Much of the zoning in the area, previous to 1995, was zoned for duplex or higher density. Identifying the area as single-family was a conscious decision, with the support of the neighborhood, to rezone a predominantly single-family residential neighborhood with single-family zoning when the City zoning code was rewritten in 1995.

The structure at 1111 West Arapahoe is a duplex (as are the two structures immediately to the west of the site) however, the bulk of the area is single family residential (with only one other duplex located on 700 South).

Section 21A.38.070 of City Code states: “Any legally existing single-family detached dwelling, two-family dwelling, or twin home located in a zoning district that does not allow these uses shall be considered legal conforming. Legal conforming status shall authorize replacement of the single-family detached dwelling, two-family dwelling, or twin home structure to the extent of the original footprint.” Therefore even with R-1/5000 zoning, the duplex would remain legally-conforming.

Planning Staff recommends that the Planning Commission approve the rezone to R-1/5000, due to the fact that any higher levels of residential zoning for the single Arapahoe site would be incongruous with the neighborhood and the duplex would remain legally conforming in terms of lot area, regardless of the base zoning.

Issues of compliance with lot standards regarding non-complying uses are discussed elsewhere in the report.



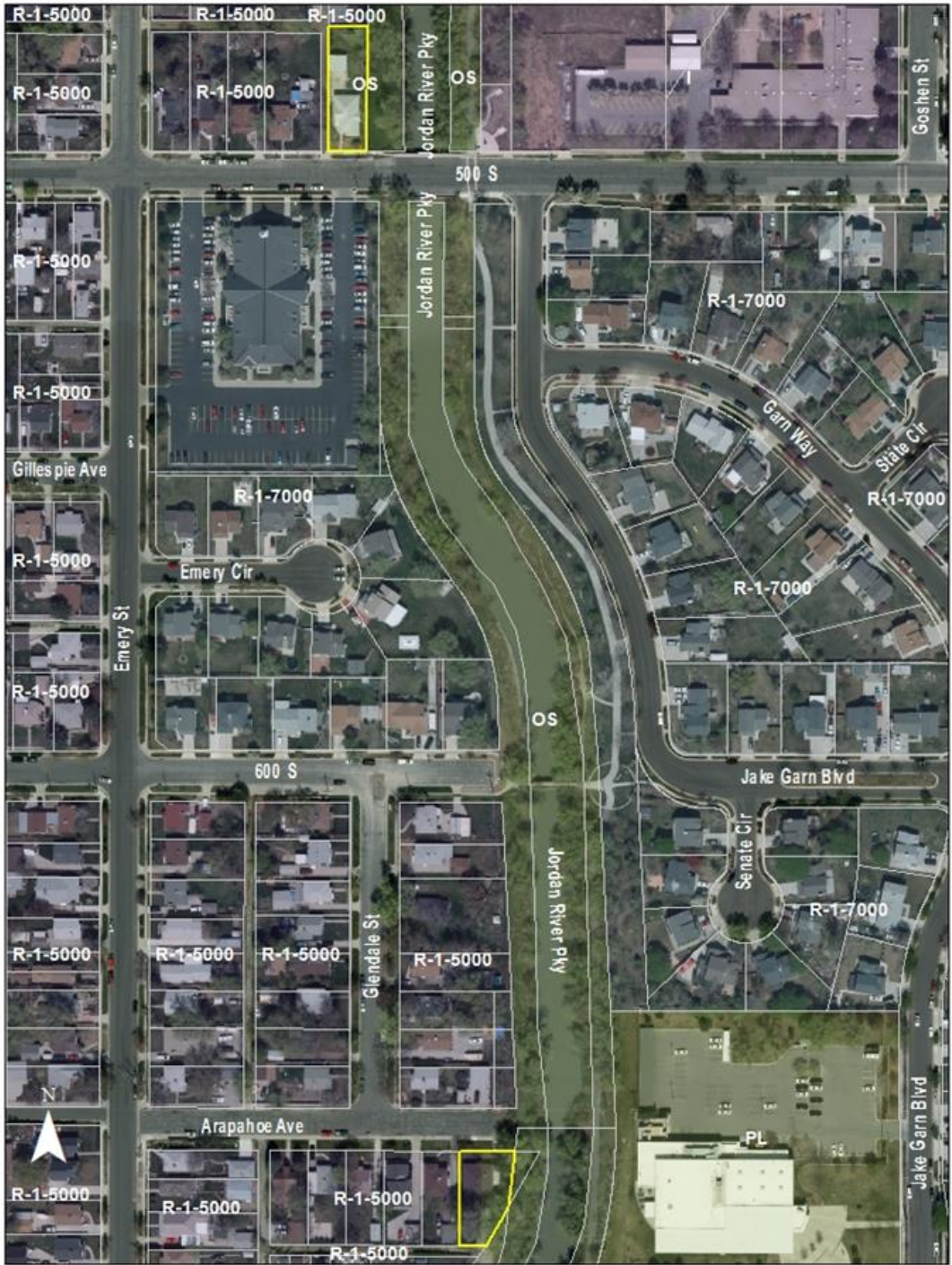
NEXT STEPS:

The Planning Commission is expected to provide a recommendation to the City Council for a final decision. If the approval of the Zoning Map Amendment is granted, there would be no immediate change at either site since both are legally conforming residential structures. If the City Council denies the requested Zoning Map Amendment, the structures remain legally conforming however, financing and other improvements may be more complicated for the property owners than if the zoning is not changed.

ATTACHMENTS:

- A. Vicinity Map
- B. Photographs of the Sites
- C. Applicant Information
- D. Existing Conditions
- E. Analysis of Map Amendment Standards
- F. Department Comments
- G. Public Process
- H. Alternate Motion

ATTACHMENT A: VICINITY MAP



The top site (outlined in yellow) is 1144 West 500 South.
The lower site (also outlined in yellow) is 1111 West Arapahoe.

ATTACHMENT B: PHOTOGRAPHS OF THE SITES



1144 West 500 South Jordan River Parkway to the right



500 South looking southeast



500 South looking northeast



500 South looking southwest



500 South looking northwest



1111 West Arapahoe Jordan River Parkway to the left



Arapahoe looking southwest



Arapahoe looking northwest



Arapahoe looking east to Jordan River Parkway

ATTACHMENT C: APPLICANT INFORMATION

ATTACHMENT D: ZONING ORDINANCE STANDARDS

Existing Conditions: The existing home at 1144 West 500 South is on an 8472.42 square foot lot, and is designated a single family home by the Salt Lake County assessor. The lot is large enough to legally accommodate a single family home in either the R-1/5000 or R-1/7000 zoning districts, it would also be large enough for a two family home in the R-2 and other zoning districts.

The structure at 1111 West Arapahoe is on a lot of 7,575 square feet, which is large enough for a single family home in either the R-1/5000 or R-1/7000 zoning districts. The structure is listed as a duplex by the Salt Lake County Assessor. The duplex is legally conforming in the single family zoning districts, due to other references in the zoning code, but it would be non-complying as to lot area in most zoning districts that allow duplexes as new construction. There is an 8,000 square foot minimum lot size requirement for a duplex in the R-2, RMF-30, RMF-35 zoning districts (which allow two family development). RMF-45 and 75 do not allow duplexes and many other zoning districts that allow two family development also allow for non-residential uses. The Special Residential SR-1 zoning district allows for duplexes on lots smaller than 8,000 square feet, but the SR-1 zoning district was designed for small interior court developments that are of a density inconsistent with the neighborhood.

states: “Any legally existing single-family detached dwelling, two-family dwelling, or twin home located in a zoning district that does not allow these uses shall be considered legal conforming. Legal conforming status shall authorize replacement of the single-family detached dwelling, two-family dwelling, or twin home structure to the extent of the original footprint.” Therefore the duplex will remain legally conforming regardless of whether it is zoned consistent with the neighborhood or zoned a district category that allows duplexes. The adjacent two duplexes are also legally conforming, and the remainder of the neighborhood is largely compliant with the R-1/5000 zoning

The specification of the adjacent R-1/500 zoning district is as follows:

Zoning Ordinance Standards for R-1/5,000 (Single Family Residential Zone)

Standard	Finding	Comments
Minimum Lot Area And Lot Width: 5,000 square feet per single family detached dwelling unit and 50’ of lot width.	Both sites are large enough for a single family home	New construction of a duplex is not allowed in this zoning district, however Section 21A.38.070 of City Code insures that 1111 Arapahoe would remain legally conforming as a duplex.
Maximum Building Height: Varies depending on type of structure (pitched or flat roof) built on subject lots.	Must comply with the R-1/5,000 zoning standards at the time of building permit issuance.	Both sites are legally constructed
Minimum Front Yard Requirements: The minimum depth of the front yard for all principal buildings shall be equal to the average of the front yards of existing buildings within the block face. Where there are not existing buildings within the block face, the minimum depth shall be twenty feet (20’). Where the minimum front yard is specified in the record subdivision plat, the requirement specified on the plat shall prevail. For buildings existing on April 12, 1995, the required front yard shall be no greater than the established setback line of the building.	Must comply with the R-1/5,000 zoning standards at the time of building permit issuance.	Both sites are legally constructed
Interior Side Yard: Four feet (4’) on one side and ten feet (10’) on the other.	Must comply with the R-1/5,000 zoning standards at the time of	Both sites are legally constructed

	building permit issuance.	
Rear Yard: 25% of the lot depth or 20' whichever is less.	Must comply with the R-1/5,000 zoning standards at the time of building permit issuance.	Both sites are legally constructed
Accessory Buildings and Structures in Yards: Accessory buildings and structures may be located in a required yard subject to sections 21A.36.020, table 21A.36.020B of the Code.	Must comply with the R-1/5,000 zoning standards at the time of building permit issuance.	Both sites are legally constructed
Maximum Building Coverage: The surface coverage of all principal and accessory buildings shall not exceed forty percent (40%).	Must comply with the R-1/5,000 zoning standards at the time of building permit issuance.	Both sites are legally constructed
Standards For Attached Garages: The width of an attached garage facing the street may not exceed fifty percent (50%) of the width of the front facade of the house. The width of the garage is equal to the width of the garage door, or in the case of multiple garage doors, the sum of the widths of each garage door plus the width of any intervening wall elements between garage doors.	Must comply with the R-1/5,000 zoning standards at the time of building permit issuance.	Both sites are legally constructed

ATTACHMENT E: MAP AMENDMENT STANDARDS

21A.50.050 Standards for General Amendments: A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. In making a decision to amend the zoning map, the City Council should consider the following:

Standard	Finding	Rationale
Whether a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;	Complies	West Salt Lake Master Plan: calls for stabilization of neighborhoods and accommodating new growth in “nodes”. There is no development associated with this zoning amendment.
Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance;	Complies	The decision to amend the zoning map corrects a historical mapping error.
The extent to which a proposed map amendment will affect adjacent properties;	Complies	There is no development associated with this mapping correction
Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and	Not applicable	There are no overlay zoning districts that apply to the subject property.
The adequacy of public facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and wastewater and refuse collection.	Complies	The proposal was routed to applicable City Department/Divisions for comment. There were no comments received that would indicate that the adequacy of public facilities and services is insufficient for existing development.

ATTACHMENT F: DEPARTMENT COMMENTS

Public Utilities; Blayde McIntire

Both properties have existing water and sewer services. There are no utility issues. The properties look to be outside of the FEMA Flood Zone Type A, but if any new structures are proposed, FEMA Flood Hazard maps should be consulted

Zoning Review: Gregory Mikolash

Building Services finds no zoning related issues associated with the proposed amendment at both properties

Engineering: Scott Weiler

No objections

Fire: Edward Itchon

No comment

ATTACHMENT G: PUBLIC PROCESS

Meetings & Public Notice

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project.

December 9, 2016 – The Poplar Grove Community Council was noticed of the proposed zoning amendment.

December 15, 2016 – A notices was sent to all neighbors outlining input opportunities.

January 19, 2017 – An open house was held at the Sorenson Unity Center, within the neighborhood, regarding the zoning amendment.

Notice of the Planning Commission public hearing for the proposal include:

- Newspaper notice sent on February 21 , 2017
- Notices mailed on February 23, 2017.
- Property posted on February 23, 2017.
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites on February 23, 2017.

Comments

City Department/Division comments regarding the zoning amendment are attached. No comments were received that would preclude the proposed zoning amendment.

ATTACHMENT I: ALTERNATE MOTION

Not Consistent with Staff Recommendation:

Based on the analysis and findings listed in the staff report, testimony and the proposal presented, I move that the Planning Commission forward a negative recommendation on to the City Council regarding the zoning map amendment request to rezone the property from OS Open Space to residential zoning.

The Planning Commission finds that the proposed project does not comply with the review standards as demonstrated in Attachments E of the staff report.

The Planning Commission shall make findings on the review standards and specifically state which standard or standards are not being met.