



# COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

**TO:** City Council Members

**FROM:** Brian Fullmer  
Policy Analyst

**DATE:** September 5, 2023

**RE:** 1782 South 1600 East Zoning Map and Future Land Use Map Amendments  
PLNPCM2022-01138/-01139

Item Schedule:

Briefing: July 18, 2023

Set Date: June 6, 2023

Public Hearing: July 18, 2023

Potential Action: September 5, 2023

## BRIEFING AND PUBLIC HEARING UPDATE

During the briefing, Planning staff reviewed the proposal and its history. They also discussed additional processes the petitioner would go through to construct a single-family home on the property should the Council approve the requested zoning map and future land use amendments. The petitioner addressed the Council and recognizes the lot is unique and is looking for a unique solution to add housing to the neighborhood. He stated he is following a process outlined by Planning staff.

Council Members discussed potential neighborhood impacts of a home on the property. Concern was expressed about the lengthy process getting to this point, and that most people would not be able to go through it. During the discussion it was noted that a 1,000 square foot detached accessory dwelling unit or attached ADU with no size restrictions could be constructed on the property without the requested amendments.

Nine people spoke at the public hearing expressing opposition to the proposal, and six were supportive. Those opposed cited concerns with setting a precedent that would allow similar zoning amendments, the proposal does not follow the area plan, parking concerns, and difficult fire department access to the proposed home. Those who support the plan noted the need for infill housing, this is a way to construct a home on a challenging lot, and housing needs have changed since the *Sugar House Master Plan* was adopted.

The Council closed the public hearing and deferred action to a future Council meeting.



***The following information was provided for the July 18, 2023 Council briefing and public hearing. It is included again for background purposes.***

The Council will be briefed about a proposed zoning map amendment for the property located at 1782 South 1600 East in City Council District Seven, from its current R-1/7,000 (single-family residential) designation to SR-3 (special development pattern residential). The proposal also calls for amending the *Sugar House Community Master Plan* future land use map from low density residential to medium density residential. The petitioner's stated objective is to construct a small custom or modular home for himself on the irregularly shaped lot.

The surrounding zoning is R-1/7,000 except for the green shaded City-owned Blaine Preserve Natural Area shown in the zoning map below. SR-3 zoning is used within the interior portion of the block for a variety of housing types in scale with the area development character. This zoning designation was requested due to reduced lot width requirements and side yard setbacks. It is not typically found in this area of the city.

Planning staff noted the following: "The subject property is an illegal lot created through a nonapproved subdivision. This means that a prior property owner recorded deeds subdividing the property without ensuring the property met the zoning requirements for a subdivision and without a subdivision amendment." (Planning Commission staff report, page 2)

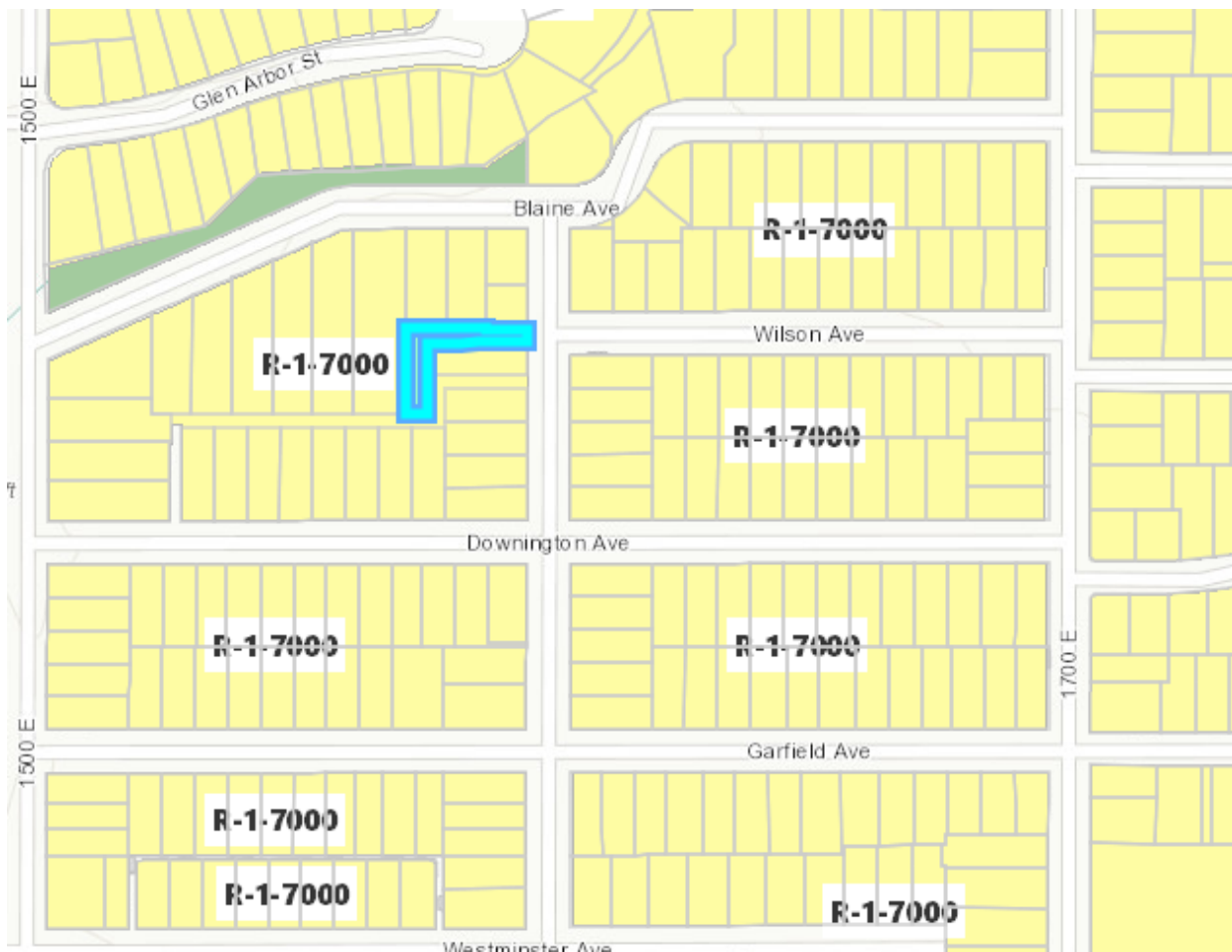
A 2020 administrative interpretation by the City Planning Division determined the property did not meet requirements to be considered a legal complying lot. The petitioner appealed that decision to the City Land Use Appeals Hearing Officer who upheld the administrative interpretation. The petitioner is now seeking to amend the zoning and future land use maps to potentially construct a home on the property.

The Planning Commission reviewed this proposal at its March 22, 2023 meeting and held a public hearing at which twelve people spoke. Nine people, including a representative of the Sugar House Community Council, expressed opposition to the proposal, and three people were supportive.

Planning staff recommended and the Planning Commission voted 6-5 to forward a negative recommendation to the Council. Commissioners who were opposed to the proposal and shared why they voted to send a negative recommendation cited the property being an illegal lot and inappropriately sized to construct a home. Because the Planning Commission forwarded a negative recommendation, no ordinance was included with the Administration's transmittal. The Council Chair and Vice-Chair asked staff to request an ordinance from the Attorney's Office which is included in the meeting materials.

Planning staff also noted that the requested amendments do not legalize the subdivision of the subject property, nor make the property a buildable lot. If the zoning and future land use map requests are approved by the Council, the petitioner would need planned development, preliminary subdivision, and final plat approval for the lot to be buildable prior to applying for permits to construct a house.

The Council is only being asked to consider rezoning the property and the accompanying future land use map amendment. No formal site plan has been submitted to the City nor is it within the scope of the Council's role to review the plans. Because zoning of a property can outlast the life of a building, any rezoning application should be considered on the merits of changing the zoning of that property, not simply based on a potential project.



*Area zoning map with the subject property outlined in blue.  
Note-the green shaded area is the City-owned Blaine Preserve Natural Area.*

**Goal of the briefing:** Review the proposed zoning map and text amendments, determine if the Council supports moving forward with the proposal.

## POLICY QUESTIONS

1. The Council may wish to weigh the need for additional housing against changing the zoning designation to a zone with very different development standards from existing area zoning.
2. Does the Council think a development agreement limiting the number of dwelling units on the property to one would help ease neighbors' concerns?
3. The Council may wish to ask the petitioner if residents who use the property to access their garages will be able to continue if the subject parcel is developed. If so, will that be through an easement?

## KEY CONSIDERATIONS

Planning staff identified three key considerations related to the proposal which are found on pages 4-8 of the Planning Commission staff report and summarized below. For the complete analysis, please see the staff report.

### **Consideration 1-How the proposal helps implement City goals and policies identified in adopted plans.**

The subject property is within the *Sugar House Community Master Plan* area which designates the properties in this neighborhood as low density residential. The plan calls for medium density residential to

generally be located near collector streets, mixed-use/higher density neighborhoods and near neighborhood commercial zoning and business districts.

Planning staff noted the property is referred to as a flag lot by the petitioner, but it does not comply with zoning regulations associated with flag lots. *Sugar House Community Master Plan* policy statements associated with flag lots do not support this amendment.

It is Planning staff's opinion that the proposal generally does not align with goals or policy statements within the Sugar House Community Master Plan. They found the current R-1/7,000 zoning aligns with the future land use map.

*Plan Salt Lake* includes initiatives and goals to increase housing units. However, Planning noted the proposed amendments include developing an illegally subdivided parcel in an existing neighborhood. This would promote a dwelling unit on property that functions as a rear yard and has challenging access. Planning staff found the initiatives and goals in *Plan Salt Lake* do not support the proposed amendments.

### **Consideration 2-Comparison of R-1/7,000 and SR-3**

The table below compares the current R-1/7,000 and proposed SR-3 zoning. Primary differences include reduced lot sizes, and allowing single-family attached, twin homes, and two-family dwellings in SR-3. In addition, Planning staff found developing the subject property under current zoning is not permitted due to its configuration, access, lot width and the legality issues noted above.

Based on the lot size and reduced square footage requirements under the proposed SR-3 zoning, Planning staff believes three dwelling units could be built on the property. However, Planning believes it would be difficult to fit more than one single-family dwelling on the property, which is the property owner's stated intention. Potential density on the lot would be dependent on a subdivision and planned development to approve the illegal lot.

	<b>R-1/7,000</b>	<b>SR-3</b>
<i>Building Height</i>	28 feet for pitched roofs 20 feet for flat roofs	28 feet for pitched roofs 20 feet for flat roofs Average height of other buildings
<i>Front Setback</i>	Average of block face	Average of block face If no block face exists, 10 feet
<i>Side Setback</i> <i>Corner Setback</i>	6 feet and 10 feet 6 feet	Single-family detached: 4 feet Single-family attached: 4 feet when abutting a single-family detached zone, otherwise no yard required.
<i>Rear Setback</i>	25 feet	20% of the lot depth but not less than 15 feet, no more than 30 feet.
<i>Lot Minimums</i>	7,000 square feet	Single-family detached: 2,000 square feet; Single-family attached:

		1,500 square feet; Two-family: 3,000 square feet.
<i>Lot Width</i>	50 feet	Single-family detached -Interior lots: 30 feet -Corner lots: 40 feet Single-family attached -Interior lots: 22 feet -Corner lots: 32 feet Two-family -Interior lots: 44 feet -Corner lots: 54 feet
<i>Maximum Building Coverage</i>	40%	Single-family detached: 60% Single-family attached: 70%

### Consideration 3-Spot Zoning

It is Planning staff's opinion that the proposed zoning and future map amendments are generally considered spot zoning. The requested SR-3 zoning differs significantly from the existing and established single-family residential zoning district.

### Analysis of Factors

Attachment F (pages 51-53) of the Planning Commission staff report outlines zoning map amendment standards that should be considered as the Council reviews this proposal.

#### *Zoning Map Amendments*

<b>Factor</b>	<b>Finding</b>
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.	<i>The proposal is not consistent with Plan Salt Lake or the Sugar House Plan.</i>
Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance.	<p><i>General Purpose and Intent of the Zoning Ordinance.</i></p> <p><i>The proposed amendments generally support or has no appreciable on the general purpose and intent of the zoning ordinance.</i></p> <p><i>Zoning District Purpose</i></p> <p><i>The proposed map amendment would allow for medium density development, which would not be compatible with the existing scale of the neighborhood. The properties within this</i></p>

	<p><i>neighborhood primarily consist of R-1/7,000 zoning.</i></p> <p><i>The property owner is requesting development rights on a portion of the property that was illegally subdivided. The amendments are to accommodate a single-family dwelling and to legalize the subdivision. Staff believes that these amendments would be to relieve a hardship and would grant special privileges to this property owner. There has not been substantial change in public policy that would warrant the requested amendments.</i></p>
The extent to which a proposed map amendment will affect adjacent properties	<i>The proposed SR-3 zone will impose different development regulations than the R-1/7,000 district.</i>
Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards.	<i>The map amendment doesn't conflict with any overlays that affect the property.</i>
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, stormwater drainage systems, water supplies, and wastewater and refuse collection.	<i>The City's public facilities and services have adequate capacity to serve the additional dwellings that would be allowed with this rezone.</i>

### **City Department Review**

During City review of the petitions, other than Planning staff's recommendation to deny the proposals, no responding departments or divisions expressed objections to the proposal, but provided, or stated they would provide, comments that are applicable if the property is developed.

### **PROJECT CHRONOLOGY**

- December 5, 2022-Petitions submitted.
- January 30, 2023-Zoning map amendment petitions assigned to Liz Hart.
- February 24, 2023-
  - Routed for review.
  - Notice sent to Sugar House Community Council, and Downtown Alliance.
  - Notice sent to property owners and residents within 300 feet of the proposal.
- April 17, 2023- Applicant and Planning staff attended the Sugar House Community Council Land Use Committee meeting.
- April 26, 2023-Planning Commission public hearing. The Commission forwarded a negative recommendation to the City Council for the proposed zoning map and master plan amendments, so no ordinance was included with the Administration's transmittal. (As noted above, the City Council Chair and Vice-Chair requested an ordinance, which is included in the meeting

paperwork.)

- May 11, 2023-Transmittal received in City Council Office.