



ZM-23-008 / SDA-23-006

Staff Report

Meeting Date: Community Council: 1/16/23 & Planning Commission 1/17/23

Applicant: Scott Adams

Re: Rezone from A-1 to R-1-5 & Subdivision Amendment

Property Address: 4728 S Redtail Hawk Bay & 1190 Bonner Way

Zone: R-1-5

Prepared By: Katie Larsen, Planner

Scope of Decision: **Discretionary.** This is a legislative matter, to be decided by the Millcreek City Council upon receiving a recommendation from the Community Council and the Millcreek Planning Commission. Your recommendation can be broad in scope, but should consider prior adopted policies, especially the Millcreek General Plan.

REQUEST AND SYNOPSIS

The applicant, Scott Adams, has filed a rezone application with the City and a subdivision amendment application for the properties located at 4728 S Redtail Hawk Bay & 1190 Bonner Way. The applicant resides at 4728 Redtail Hawk Bay and wishes to adjust their rear property line with 1190 Bonner Way. There is no new development associated with this project.

The property on Bonner Way is currently zoned A-1 while the property on Redtail Hawk Bay is zoned R-1-5. These properties share a rear property line. Section 18.02.020(C) of the Millcreek Municipal Code states that "Each lot must be contained entirely within a single zoning district.". Due to this, the northern property on Bonner Way, which is zoned A-1, must be rezoned to R-1-5 for the lot lines to be adjusted.

Another discrepancy lies in the fact that the southern property addressed at 4728 S Redtail Hawk Bay is within the Hawk Park 2 recorded subdivision while the northern property addressed at 1190 Bonner Way is within the Convest 1 recorded subdivision. For both of the properties' lot lines to be adjusted, a subdivision amendment is required that will alter the border of both recorded subdivisions.

A neighborhood meeting was held on December 27th at 4728 S Redtail Hawk Bay to inform neighbors of the proposal. A total of 5 people came to the meeting with questions as to what was happening but had no real concerns.

GENERAL PLAN CONSIDERATIONS

GOAL N-2: Strive for a variety of housing choices in types, styles, and costs of housing throughout Millcreek.

Strategy 1.5. Promote the maintenance and improvement of the existing housing stock and allow for remodeling, expansion, and additions as appropriate in the area to accommodate the changing sizes and varieties of household types.

By rezoning this property, it will help both properties, in that, the Redtail Hawk Bay property will have more backyard area, but also, the Bonner Way property will now have R-1 zoning, which is less restrictive than the A-1 zoning designation. The R-1 zoning designation is more reflective of the neighborhood character near the Bonner Way property, as there are no remaining agricultural uses in the area. See the zoning map in the exhibits.

FUTURE LAND USE

The future land use map designates this area as 'Neighborhood 1' which is described in the general plan as primarily featuring single-family detached homes. The rezoning of the property addressed at 1190 E Bonner Way from A-1 to R-1-5 will not be at odds with the future land use map found in the Millcreek General Plan.

PLANNING STAFF FINDINGS AND CONCLUSIONS

Findings

1. The property at 4725 Redtail Hawk Bay is zoned R-1-5 and is approximately .13 acres or about 5,600 square feet.
 - a. The lot line adjustment will increase the property's size to .15 acres or about 6,600 square feet.
2. The property at 1190 Bonner Way is zoned A-1 and is approximately .23 acres or about 10,000 square feet.
 - a. The lot line adjustment will decrease the property's size to .20 acres or about 8,900 square feet.
3. Property at 4728 S Redtail Hawk Bay is within the Hawk Park 2 recorded subdivision while the northern property addressed at 1190 Bonner Way is within the Convest 1 recorded subdivision. For both of the properties' lot lines to be adjusted, a subdivision amendment is required that will alter the border of both recorded subdivisions.
4. Property owners within the subdivisions were notified and no feedback has been received from staff.
5. A neighborhood meeting was held, which yielded no feedback.
6. The property owners do not plan on further development.
7. Public Utility easements will not be affected by the proposed adjustment.
8. Amending the recorded subdivisions will not create any new lots, will not create any new nonconformities, and will be compliant with all other applicable regulations and requirements found elsewhere in the Millcreek Municipal and Zoning Code.

Conclusions

1. For the property's lot lines to be adjusted they must be in the same zone and recorded subdivision.
2. Each lot must be contained entirely within one zoning district meaning that a rezone application must

be run concurrently to a subdivision amendment so that the properties can be combined without creating a nonconformity.

3. Granting this rezone will not have a negative effect on surrounding properties.
4. Granting a rezone does not go against goals in the general plan or the future land use map.
5. The rezone will not allow for additional density and will not be used to develop the land further.
6. All development will be required to meet the minimum zoning and land use ordinances, which the current uses do.

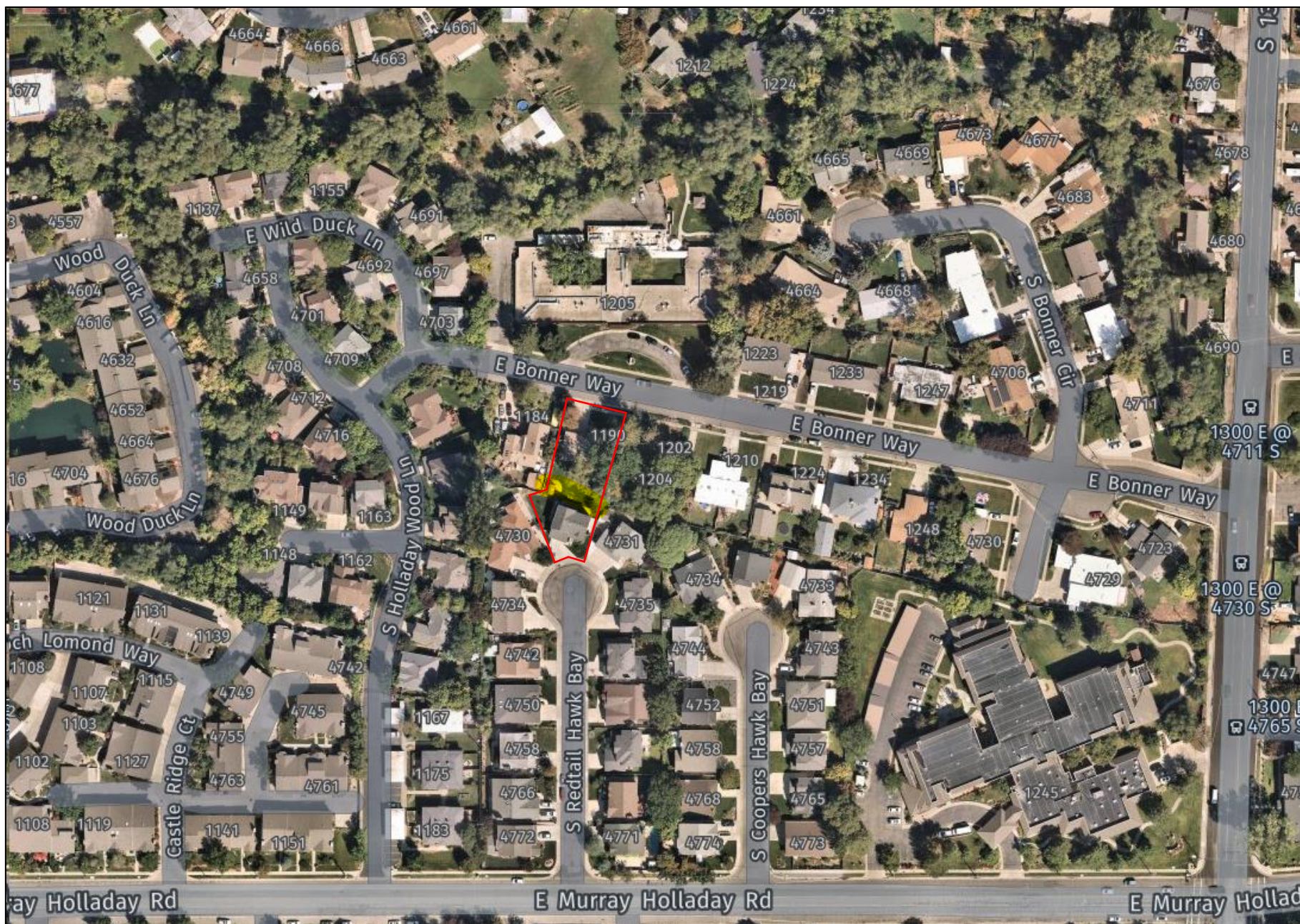
PLANNING STAFF RECOMMENDATION

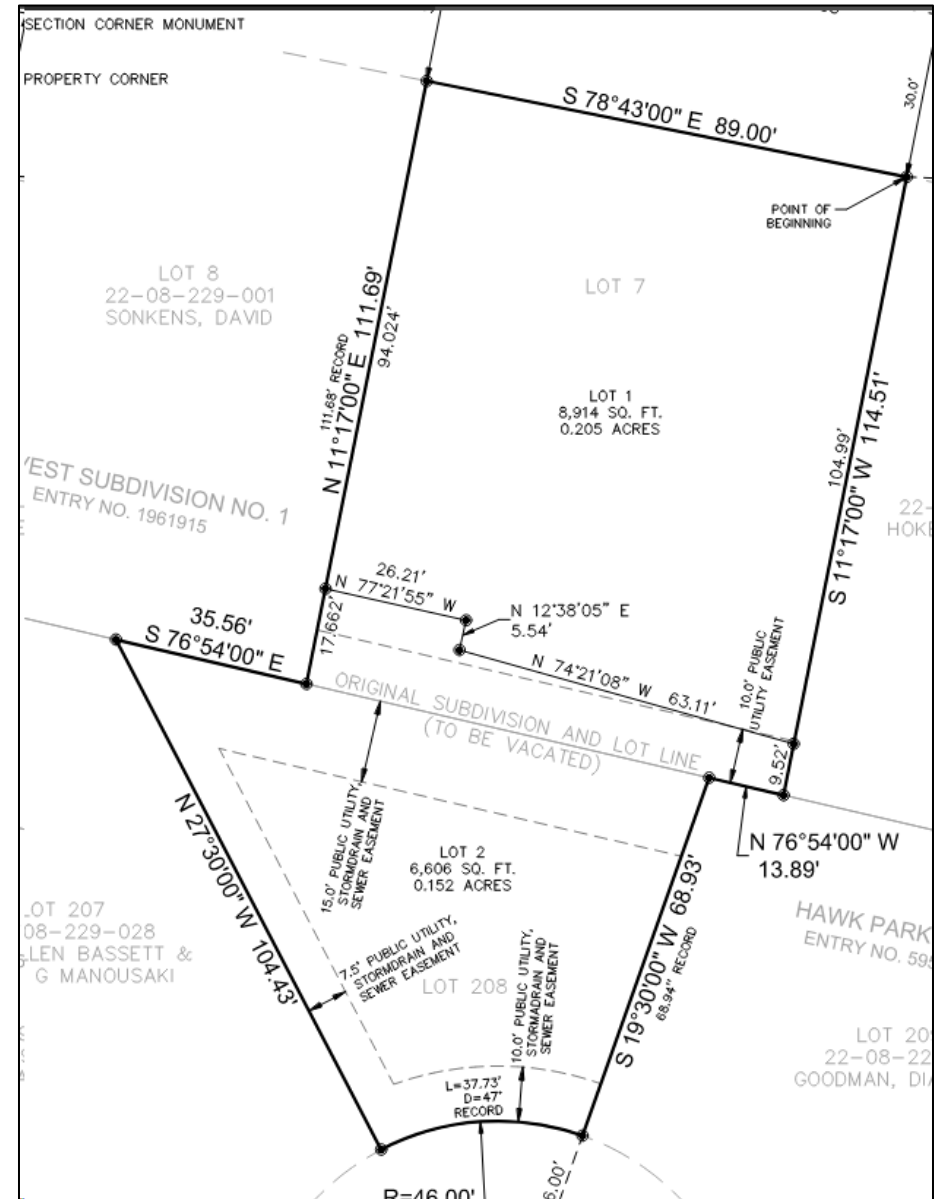
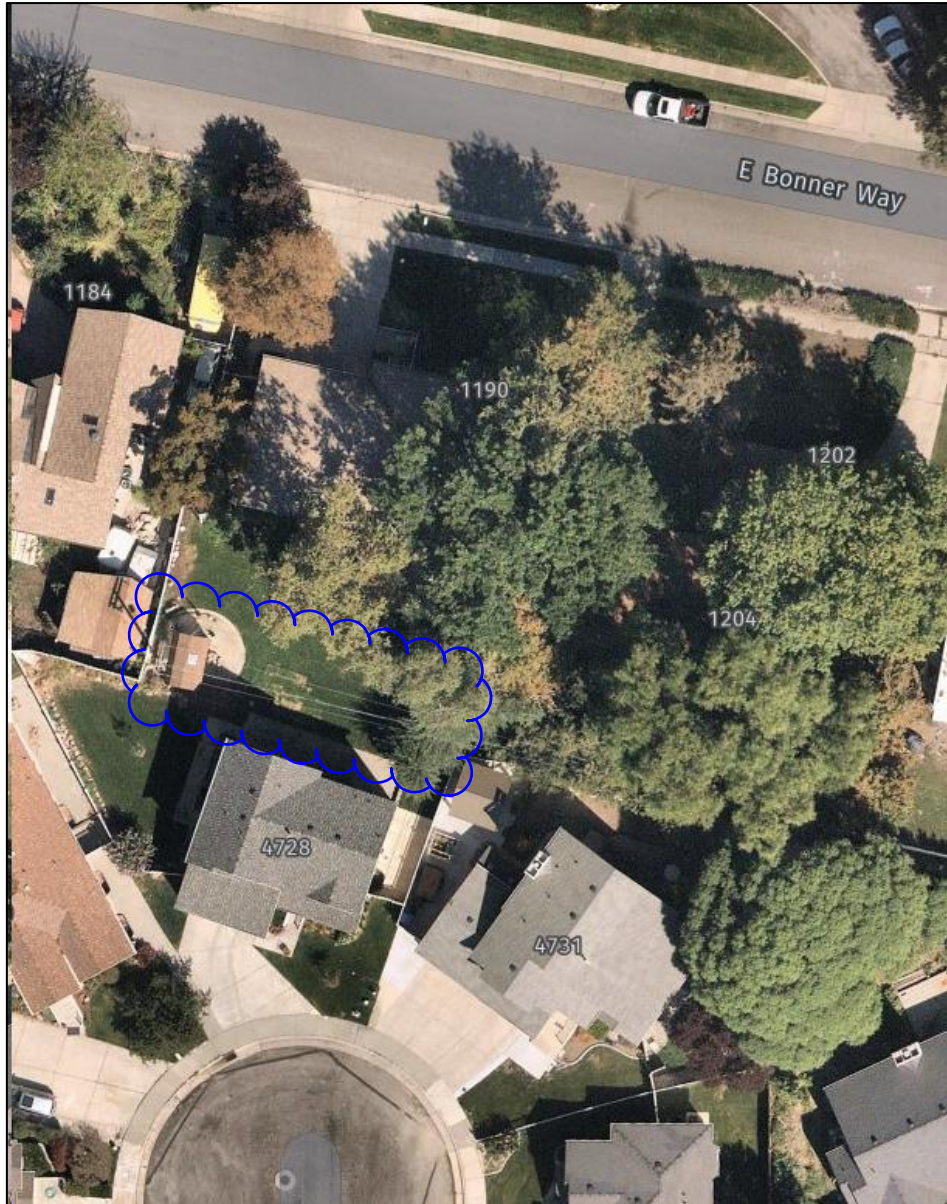
Based on the findings and conclusions listed within the report, staff recommends that the Millcreek Community Council take comments at the public meeting and forward a recommendation to the Planning Commission and the City Council to approve the rezone and subdivision amendment, application file numbers ZM-23-008 and SDA-23-006, per the proposed plans.

SUPPORTING DOCUMENTS

- **Record of Survey**
- **Exhibits**
- **Application Material**









Millcreek Planning and Zoning

3330 South 1300 East
Millcreek, Utah 84106
Phone: 801.214.2750

LAND USE AND DEVELOPMENT APPLICATION

OFFICE USE ONLY	File Number		Zone	
	Date Received		Community Council	

Property Address	1190 Bonner Way	Parcel No.	22-08-229-002-0000
Name of Project	Adams Family	Project Size in SF	

Please describe your request. Include Supplemental Application if Required. Add additional pages if necessary.

Adjust the backyard property lines between the property at 1190 East Bonner Way (4725 South) and 4728 South Redtail Hawk Bay (1200 East). Currently the backyard is shared by both parties. The owner of 1190 Bonner Way would like to reduce their backyard area by adjusting the property line and providing additional backyard square footage to 4728 South Redtail Hawk Bay.

New Development

- ☐ Accessory Dwelling Unit
- ☐ Conditional Use
- ☐ Development Agreement
- ☐ PUD (# units _____)
- ☐ Rezone
- ☐ Sign
- ☐ Site Plan Review
- ☐ Subdivision (# lots ____)

Modify Existing Development

- ☐ Lot Consolidation
- ☒ Lot Line Adjustment
- ☐ Subdivision Amendment

Other

- ☐ Appeal of a Land Use Decision
- ☐ Exception Request: _____
- ☐ General Plan Amendment
- ☐ Nonconforming Use
- ☐ Noncomplying Structure
- ☐ RCOZ B Approval
- ☐ RCOZ C Special Exception
- ☐ Reasonable Accommodation
- ☐ Research Request
- ☐ Street Vacation
- ☐ Text Amendment
- ☐ Variance

PLANNING REVIEW PERIOD

Each application is subject to a planning review period. Upon payment of all applicable fees and submission of a complete land use application for an approval that requires a public meeting, planning staff will have a review period of fifteen business days to review the application for substantial compliance with all the requirements of applicable ordinances before scheduling the application for the first public meeting or hearing. If staff requires additional information, clarification or an updated application submittal as part of their review, the time to provide the additional information, clarification, or submittal will be in addition to the review period. Staff will schedule your application at the first available public meeting after the review period concludes.