

REZONE & GENERAL PLAN AMENDMENT

R-1-10 to R-M

ZM-24-005

4181 S 900 E

APPLICANT: DALE BENNETT



Proposal and Vicinity

The lot is located at 4181 S 900 E and equals .43 acres (18,731 sf). The vicinity is composed of single-family dwellings (R-1-8 & R-1-10) to the East, West and South, residential multifamily (R-M) to the North, and Medium-Density Residential (R-2-10) to the northwest of the subjected parcels.



Historic Zoning



1979

Historic Zoning



1988

Historic Zoning



1993

Historic Zoning



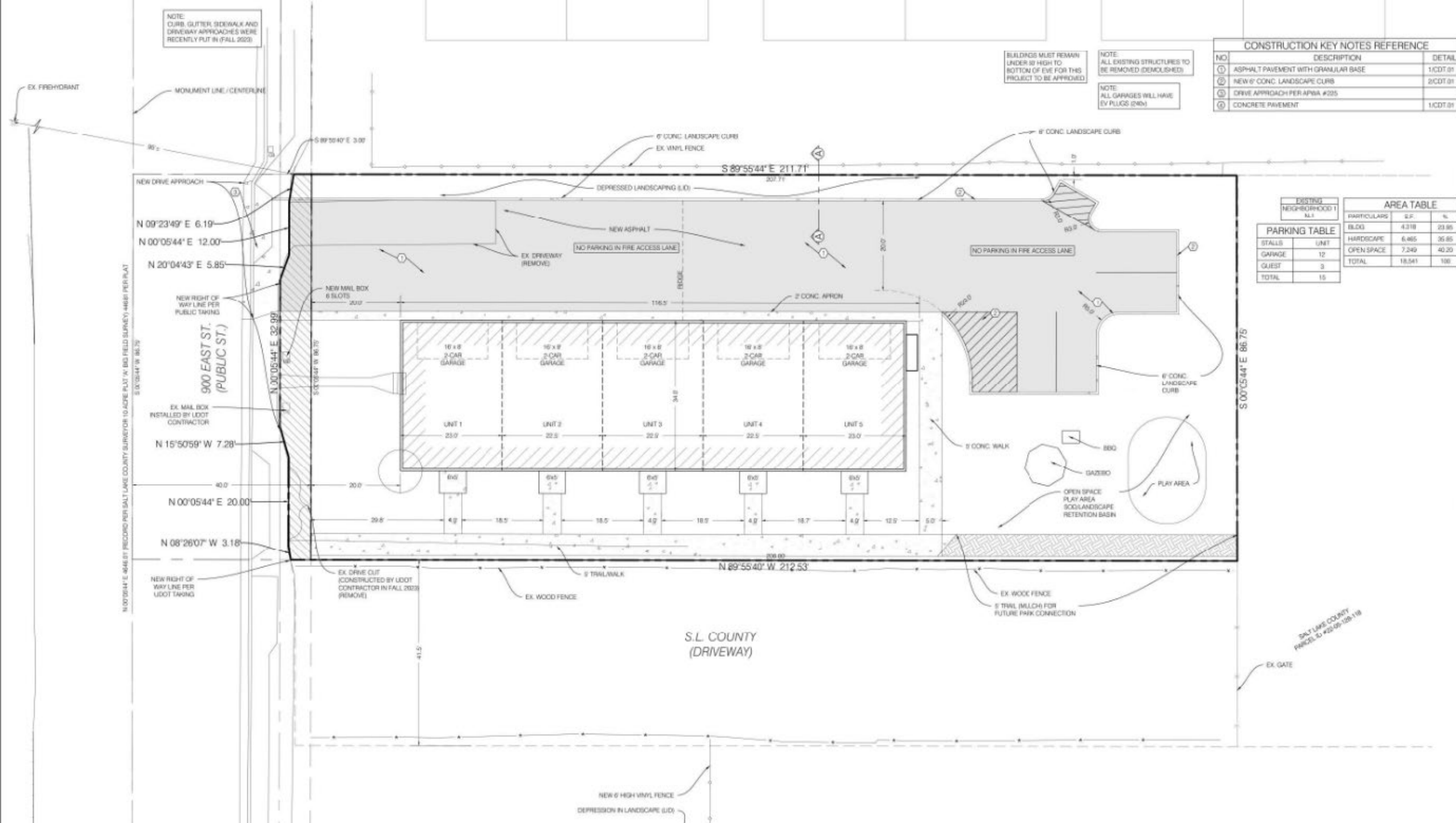
2004



Site Description

- The future project will consist of six (5) townhome units capped at thirty-five (35) feet high, well below the maximum required height in the R-M zone, which is forty-five (45) feet.
- Total area of site is .43 acres (18,731 sf).
- The project's proposed footprint is 24% of the site, meeting the requirements set forth in [MKZ 19.44 \(Residential Multi-family\)](#).
- The project's proposed **open space area** is 40% of the site, meeting the requirements, as per [MKZ 19.44 \(Residential Multi-family\)](#).
- A Playground area, and a gazebo are offered as amenities within the site.
- Every unit will be built with a two-car garage, and four guest parking stalls (5 units x .25 = 1.25 stalls) meeting the parking requirements, as per [MKZ 19.80 \(Parking and Mobility Standards\)](#).
- Water-wise planting is envisioned to compose all landscape, as set forth in [MKZ 19.77 \(Landscape standards\)](#).
- Most architectural requirements have been met, including frontage requirements, as set forth in [MKZ 19.44 \(Residential Multi-family\)](#).





- 2 HARDSCAPE**
- BOULDERS - DECORATIVE**
7 ROUND-SHIFT COLOR SAMPLES FOR ARCHITECT AND OWNER APPROVAL.
SEE PLACEMENT INSTRUCTIONS ON DETAIL SHEET LP-90.
- BOULDERS - DECORATIVE**
7 ROUND-SHIFT COLOR SAMPLES FOR ARCHITECT AND OWNER APPROVAL.
SEE PLACEMENT INSTRUCTIONS ON DETAIL SHEET LP-90.
- 6" CONCRETE-SET-UP LENS**
SEE DETAIL SHEET FOR ADDITIONAL INFORMATION. SHEET LP-91.
- PLAYGROUND SURFACE**
SEE DETAIL SHEET FOR ADDITIONAL INFORMATION. SHEET LP-92.

	KPT	6	Koeleria paniculata 'Tiger'	3.6.3	250'
	PS	4	Scilla sibirica 'Tiger'	3.6.3	250'

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CONT
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DECIDUOUS SHRUBS

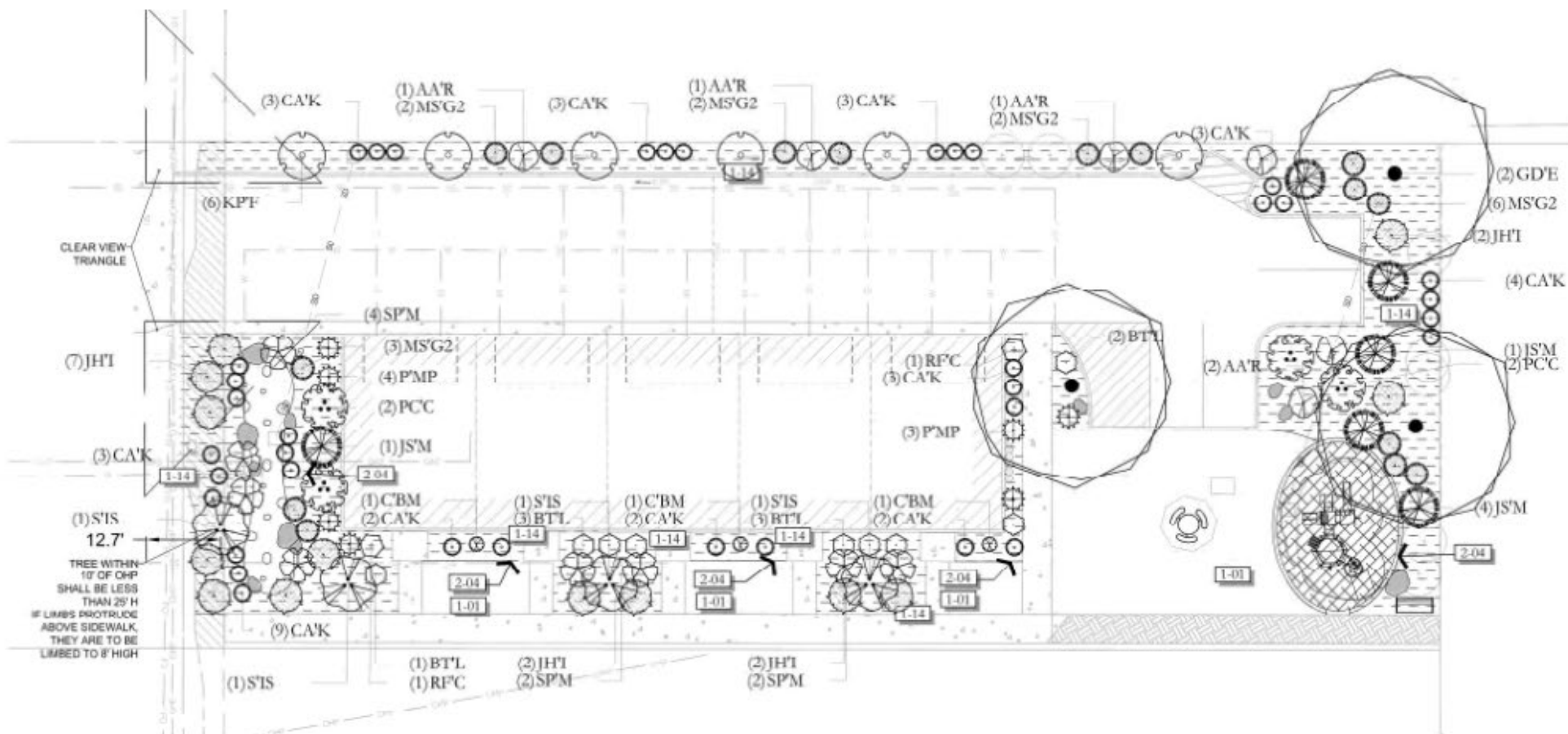
	ATR	3	Artemisia tridentata 'Nanum'	3.6.3
	BCL	7	Berberis thunbergii 'Nana'	3.6.3
	CDB	3	Caryocarpus v. chrysanthemum 'CT-8-12'	3.6.3
	DCC	4	Dryas octopetala 'Nana'	3.6.3
	EFC	2	Erigeron phillyriae 'Nana'	3.6.3
	SPN	6	Sparganium angustifolium	3.6.3

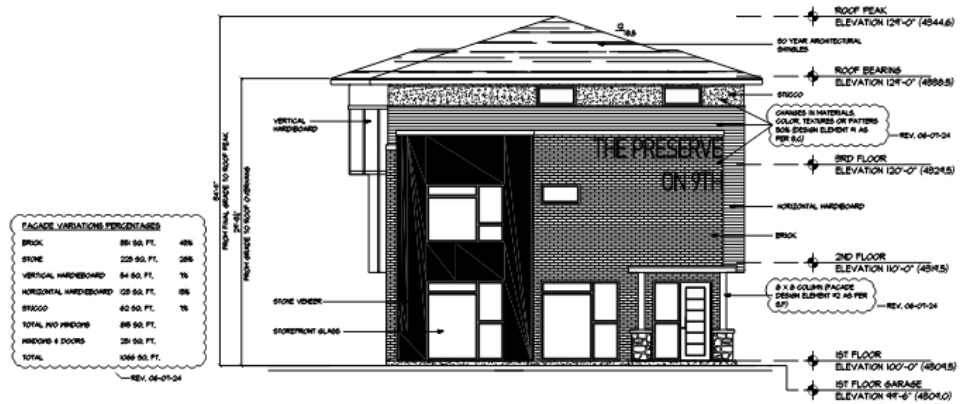
EVERGREEN SHRUBS

	JFT	13	Juniperus horizontalis 'Nana'	3.6.3
	PMP	7	Pinus murrayana 'Nana'	3.6.3

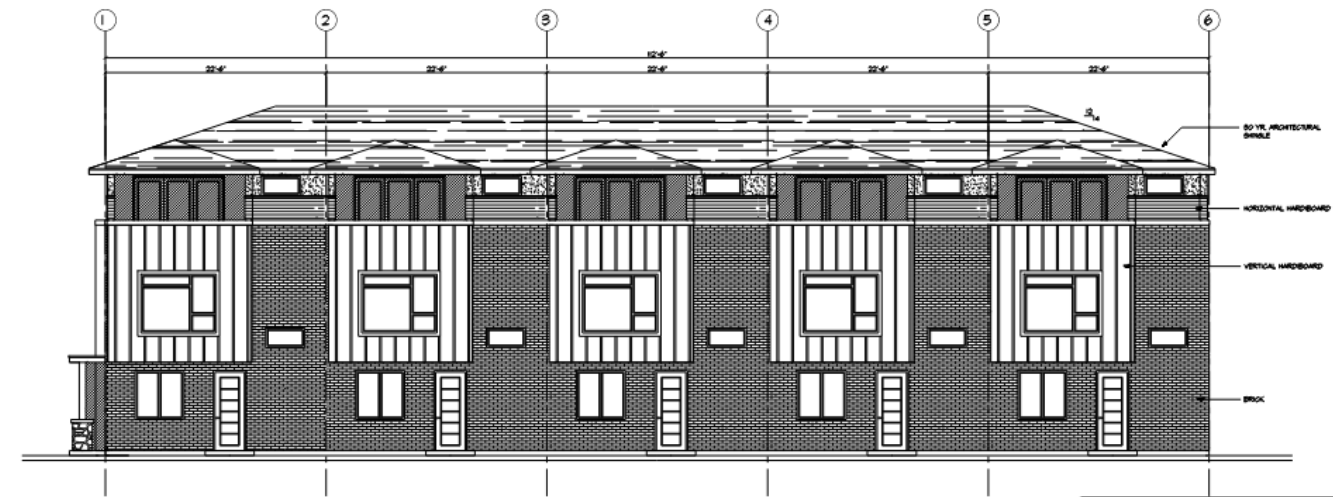
GRASSES

	CCK	37	Cortaderia selloana 'Nana'	3.6.3
	MGT2	15	Muhlenbergia tenuifolia	3.6.3





FRONT EXTERIOR ELEVATION
SCALE 3/16"=1'-0"



SIDE EXTERIOR ELEVATION
SCALE 3/16"=1'-0"

JB DESIGN GROUP

www.jb-designgroup.com 801-668-5852

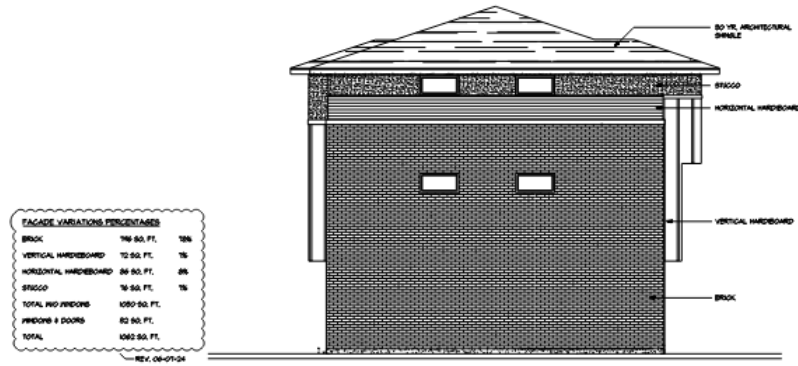
FRONT & SIDE ELEVATIONS

DATE: 01-23-2024 JOB #: 249912

PROJECT: THE PRESERVE ON 9TH

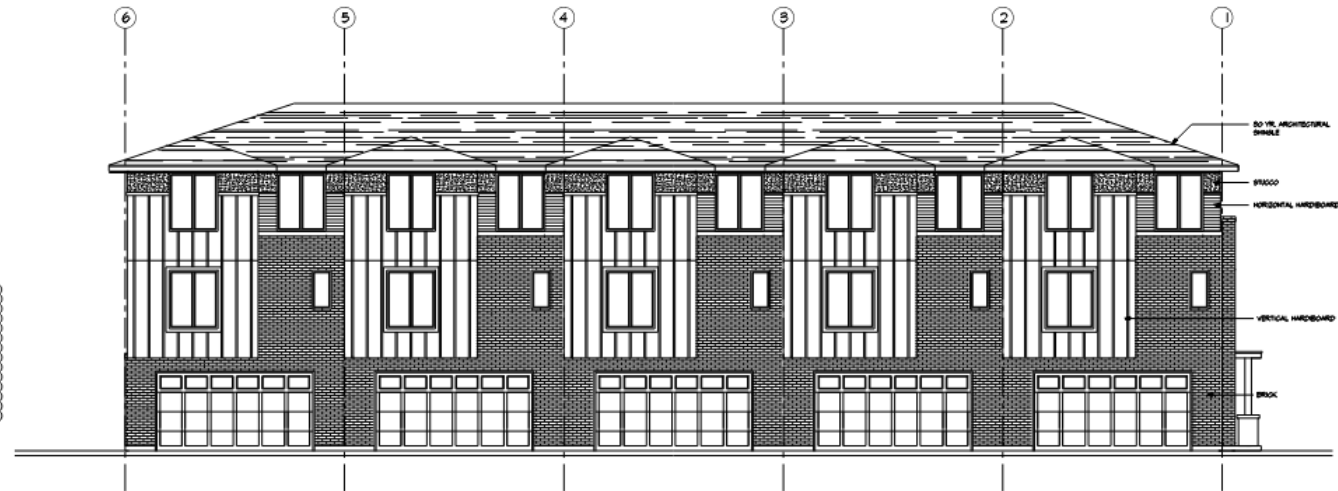
4181 SO. 14TH AVE. SALT LAKE CITY, UT 84143

4



BACK EXTERIOR ELEVATION

SCALE 3/16"=1'-0"



SIDE EXTERIOR ELEVATION

SCALE 3/16"=1'-0"



THE PRESERVE
ON 9TH



THE PRESERVE
ON 9TH







THE PRESERVE
ON 9TH













THE PRESERVE
ON 9TH



THE PRESERVE
ON 9TH

Future Land Use (General Plan)

GOAL N-1: Preserve and enhance the physical elements that define each neighborhood's character.

Strategy 1.5: *Ensure that new infill development is compatible with existing neighborhoods by regulating structure sizes and heights; building forms and materials; yard setbacks; streetscape character; height and bulk transitions; buffering; and other factors.*

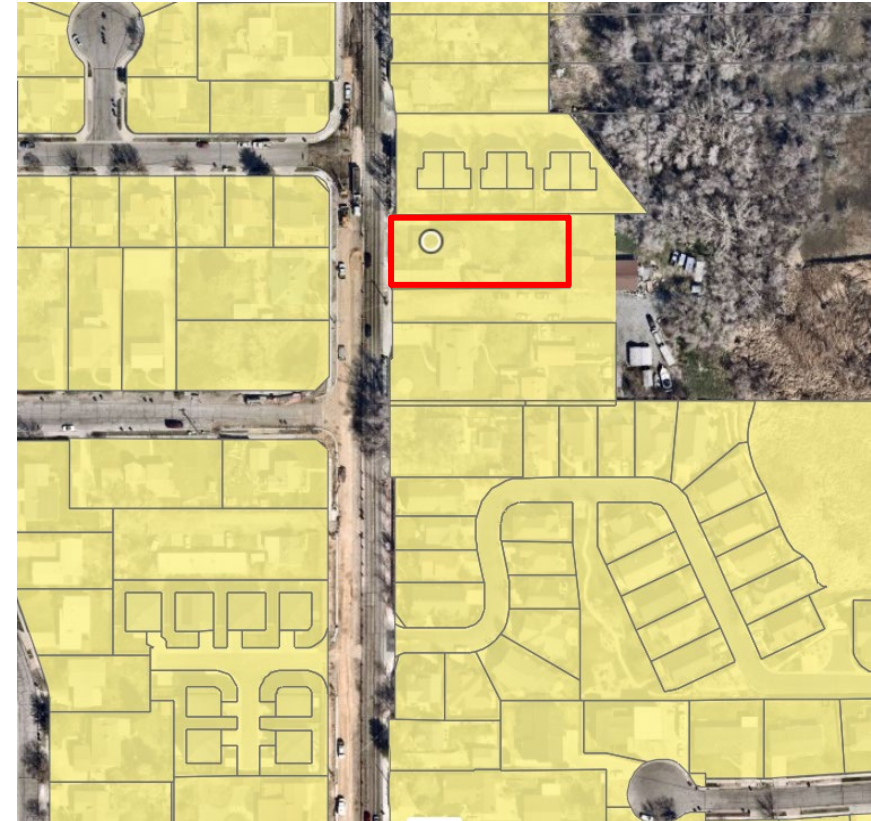
The Subject Property is a new infill development which can be made to be compatible if the zoning change is accompanied by a development agreement which will help ensure comparable densities, building forms, setbacks, buffering, and other factors.

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

Strategy 1.4: *Support development projects in centers and mixed-use corridors that provide a variety of housing types and sizes to serve a range of demographic sectors and meet the needs of residents and families through various life stages and income levels.*

If granted, R-M Zone would allow for six residential units, all three-bedroom units. Different from the stock currently located at the location of the proposal.

General Plan Amendment: **Neighborhood 1 -> Neighborhood 2**



NEIGHBORHOOD 1

Primary: Single-family detached homes.

Typically 1 – 6 dwelling units per acre.

Secondary: Parks, greenways, recreation, community gardens, schools, places of worship, and other complementary uses.

- Includes neighborhoods (of all ages) that are comprised of predominantly of single-family detached homes.
- A well-defined pattern of blocks and direct pedestrian and bicycle connections provide residents with direct access to nearby services and amenities.

NEIGHBORHOOD 2

Primary: Single-family detached homes on smaller lots, duplexes, triplexes, townhomes, and smaller multifamily buildings.

Typically 6 – 18 dwelling units per acre. Building heights range from 2 – 3 stories.

Secondary: Small scale retail, office, restaurants/ cafes, community gardens, community or public services, parks, recreation facilities, schools, and places of worship. Secondary uses should be along major corridors.

- Provides residents with a mix of housing options and densities within close proximity to services and amenities.
- May serve as a transition between single-family neighborhoods and higher density corridors or centers.

Neighborhood Meeting

A neighborhood meeting was held at City Hall on February 27th at 5:30 PM. Neighbors within 600' of the subjected property were notified. An approximate sixteen people showed up with the following comments:

1. Most neighbors just don't want their property values to go down.
2. Density will bring traffic concerns to the neighborhood.
3. Affordability. Neighbors are concern with a potential idea of low-income housing being proposed. This project is not proposing low-income or subsidized housing.
4. Short term rentals (Airbnb) concerns.
5. Long-term rentals concerns.
6. Neighborhood safety and homelessness concerns.
7. Desire for owner occupancy.



Millcreek Community Council

The Millcreek Community Council held a meeting on July 2nd, 2024. Neighbors within 600' of the subjected property were notified.

Roughly 7 residents joined the meeting and voiced concerns about the project, including: 1) construction equipment blocking roads, 2) property values dropping, and 3) increased density. **The MCC voted 7 in favor and 2 against a motion to NOT approve the requested zoning change**



Millcreek Planning Commission

The Millcreek Planning Commission held a meeting on July 17th, whereupon all members unanimously recommended continuation of the application to a later date, to further analyze the information provided by the applicant, regarding neighborhood compatibility, and to contemplate the terms of a potential development agreement. Additionally, the Planning Commission determined to continue the item, to **notice** the community of the potential General Plan Amendment, not noticed in the previous meeting.



Millcreek Community Council

The Millcreek Community Council held a meeting on August 6th, 2024. Neighbors within 600' of the subjected property were notified.

Roughly three (3) residents joined the meeting and voiced concerns about the project, including: 1) construction equipment blocking roads, 2) property values dropping, and 3) increased density. **The MCC voted 6 in favor and 1 against a motion to NOT approve the requested zoning change**



Millcreek Planning Commission

Planning Commission Meeting (Continuance) – The Millcreek Planning Commission held a meeting on August 21st, 2024, whereupon members recommended denial of a future land use map amendment with a vote of 3 in favor of a recommendation of denial to 3 in opposition to a recommendation of denial. The motion did not pass. The commission discussed multiple iterations of a motion that was acceptable to them. Eventually, The Planning Commission, regarding the request for a General Plan amendment from “Neighborhood 1” to “Neighborhood 2”, moved to recommended denial to the City Council, and additionally recommend to the City Council that they consider a “Neighborhood 2” designation for a larger portion of the 900 East Corridor. The motion passed unanimously.

The Planning Commission also recommended denial of a zoning map amendment with a vote of 7 in favor of a recommendation of denial to 0 in opposition to a recommendation of denial. The recommendation was made in light that the current General Plan would need to be amended to accommodate the change in zone, as well as a change in its future land use.



Millcreek City Council

Following the City Council's first reading of application ZM-24-005, The City council recommended:

- Reduction of units from six (6) to five (5) total units.
- Provide the site with additional guest parking to abstain from on-street parking.
- Units to be platted for owner occupancy, in an effort to provide “for sale” housing stock.



Conclusions

Based on the findings listed within this report, the following conclusions can be made:

1. A Multifamily residential use would NOT be in harmony with the current land use designation because the general plan designation for this lot is under “*Neighborhood 1*”, which its primary intended use is accommodate single-family homes in low-density neighborhoods. This application would need a General Plan Amendment.
2. Additional research has displayed a variety of housing stock, ranging from single-family homes to multi-family, in the 900 E corridor between 3900 S and 4500 S.
3. With multimodal, mobility services, such as UTA’s route 209 providing a fifteen-minute service, the now-present bike lane and a repaved road, it could be argued that 900 E (within Millcreek Boundaries) is a corridor that may be able to sustain new, medium density projects, to meet the necessary demand set by a lack of housing in the state of Utah.
4. The proposal will meet the requirements set forth in MKZ 19.44(Multi-family Residential zone), 19.77 (Landscape standards) and 19.80 (Parking and Mobility Standards).
5. A development agreement may best ensure the type, scale, style, materials, orientation, dedication, utilities easements, access, phasing, and other aspects pertaining to the future development of these properties, where the underlying zoning and land use ordinances may be insufficient; Therefore, a development agreement may be in place to ensure development design and layout of the property.
6. All development will be required to meet the minimum zoning and land use ordinances; to which the concept plan may likely evolve from what is currently presented for this rezone application.
7. Applicants have followed the recommendations of the Community Council, Planning Commission and City Council.

Development Agreement

1. A development agreement may best ensure the type, scale, orientation, dedication, utilities easements, access, phasing, and other aspects pertaining to the future development of these properties, where the underlying zoning and land use ordinances may be insufficient; Therefore, a development agreement may be considered to ensure development design and layout of the property. Staff would like the Community Council to discuss the following, potential development agreement items:
 1. Use and Density
 2. Ownership
 3. Height
 4. Setbacks
 5. Parking
 6. Materials
 7. Right-of-way Improvements
 8. Street Improvements
 9. Restrictive-Use Agreement



Restrictive-use Agreement

Restrictive-Use Agreement. The Developer shall cause the following language to be included in a declaration of covenants, conditions, and restrictions (CC&R's) against the Property which is to be recorded by Developer at the time of recording a subdivision plat, and shall be applicable to the Owner-Occupied Units:

Except as set forth herein, each of the Owner-Occupied Units is intended to be Owner occupied, including occupancy by such Owner's immediate family members (including parents, siblings, children, and grandchildren of the Owner), as well as unrelated persons so long as such Owner remains in occupancy.

The foregoing restriction shall not apply, however, to:

- Any Owner-Occupied Unit owned by a person who has ceased occupying such Unit due to military service for the period of the Owner's deployment;
- To any Owner-Occupied Unit occupied by an Owner's parent, child or sibling;
- An Owner whose employer has relocated the Owner for two (2) years or less;
- An Owner-Occupied Unit owned by an entity that is occupied by an individual who:
 - has voting rights under the entity's organizing documents; and
 - has a 25% or greater share of ownership, control, and right to profits and losses of the entity; or

An Owner-Occupied Unit owned by a trust or other entity created for estate planning purposes if the trust or other estate planning entity was created for the estate of:

- a current resident of the unit; or
- the parent, child, or sibling of the current resident of the unit;



Model Motion

I move that the City Council approve Ordinance 24-49, Rezoning 0.43 Acres of Real Property Located at Approximately 4181 South 900 East from the Residential (R-1-10) Zone to the Multifamily Residential (R-M) Zone, as presented.

I move that the City Council approve Ordinance 24-50, Approving a Development Agreement Concerning 0.43 Acres of Real Property Located at Approximately 4181 South 900 East, as presented.

