



Millcreek
3932 South 500 East
Millcreek, UT 84107
Phone: 385-468-6700
www.millcreek.utah.gov

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Millcreek City Council Zoning Meeting

Public Meeting Agenda

Monday, July 10, 2017 7:00 P.M.

Location

MOUNT OLYMPUS IMPROVEMENT DISTRICT
3932 SOUTH 500 EAST
SALT LAKE CITY, 84107
(385) 468-6700

*UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707.
TTY USERS SHOULD CALL 711.*

The Millcreek City Council Public Meeting is a public forum where the Council receives comment and recommendations from applicants, the public, applicable agencies and County staff regarding land use applications and other items on the Council's agenda. In addition, it is where the Council takes action on Zoning related items. Action may be taken by the Council on any item listed on the agenda which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

Rezone –

30429 – Heather Newport, on behalf of the KETM Trust – Requesting a rezone of .63 acres from C-1 (Community Commercial) zone to the C-2 (Neighborhood Commercial) zone. **Location:** 2827 South 2300 East. **Community Council:** Canyon Rim. **Planner:** Todd A. Draper, AICP

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Millcreek, UT 84107
801-214-2700
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File # 30429

Rezone Summary and Recommendation

Public Body: Millcreek City Council

Parcel ID: 16-27-202-002

Property Address: 2827 South 2300 East

Request: Rezone

Meeting Date: July 10, 2017

Current Zone: C-1

Proposed Zone: C-2

Community Council: Canyon Rim

Planner: Todd A. Draper, AICP

Planning Commission Recommendation: Denial

Community Council Recommendation: Approval

Planning Staff Recommendation: Approval

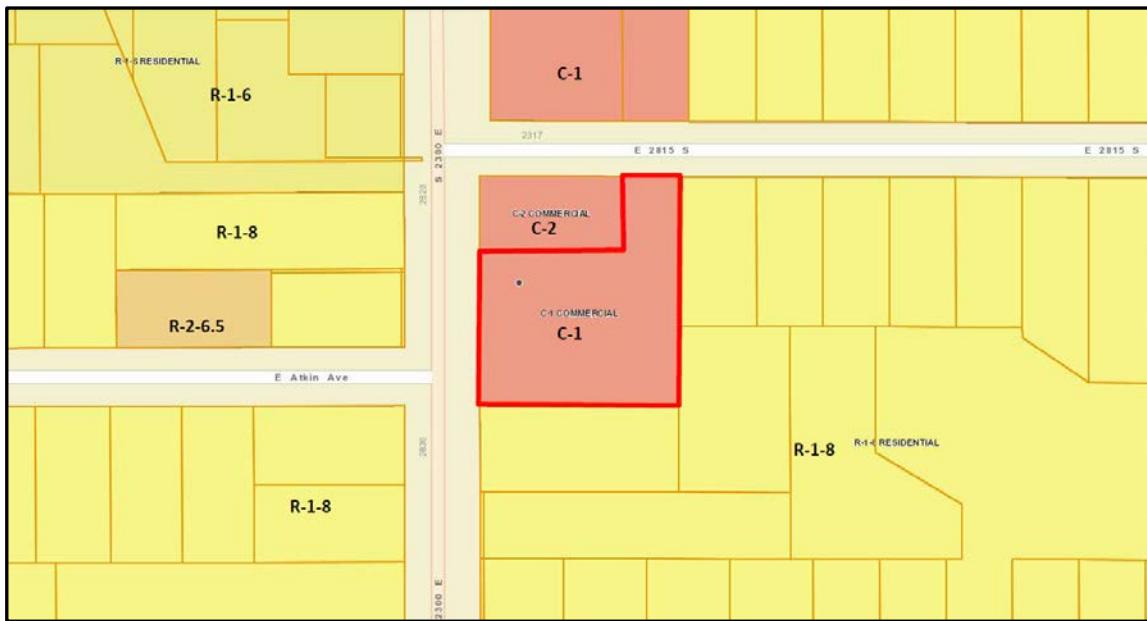
Applicant Name: Heather Newport

PROJECT DESCRIPTION

The applicant (tenant) is requesting a rezone of .63 acres from the C-1 (Community Commercial) zone to the C-2 (Neighborhood Commercial) zone. The purpose for this request is to allow the existing business to expand operations to include Dog Training. This requested change is consistent with the current zoning in place at the time the application was submitted. During this same time period, the Planning Commission was considering proposed changes to the C zones. At the June 21, 2017 Planning Commission meeting both the .63 acre rezone and proposed changes to the C zones were considered. At that meeting, the proposed zoning text changes were recommended by the Planning Commission for adoption by the City Council. The proposed text amendments to the C zone were explained at that meeting to be broad enough that they would allow dog training in a C-1 zone without the need for a rezone, however the proposed text amendment to the C-1 zone would limit occupancy to 5,000 square feet. The current operations occupy 10,000 square feet. If the change in zoning text for the C-1 zone were adopted it would render the current use non-conforming due to the size requirement. The Planning Commission felt that if the text changes were approved by the Council that the use could be expanded to fill the full range of allowable uses in the C-1 zone, including Dog Training, despite the new size requirement. Based upon this reasoning the Planning Commission recommended denial of the rezone. While the intended use by the current tenant was a main consideration, the ultimate request authorized by the property owner was for a review of a change to the C-2 zone. Anticipating that the text change to the C-1 and C-2 zones are imminent, this report has been revised from that presented to the Planning Commission to reflect the requirements of the C-2 zone with the proposed text changes.

SITE & VICINITY DESCRIPTION (see attached map)

The property is located on the North end of 2300 East near the roundabout and entry to the I-80 freeway. The property is part of a small pocket of commercial businesses near the freeway off/on-ramp, surrounded by Single-Family and Two-Family residential zoning.



ZONE CONSIDERATIONS

Requirement	Existing Zone C-1	New Proposed Zone C-2
Height	35 feet	40 feet (75 feet with PC approval)
Front Yard Setback	20 feet	20 feet; 25 feet for mixed use
Side Yard Setback	None; 10 feet adjacent to residential zone boundary	None; 10 feet adjacent to residential zone boundary
Rear Yard Setback	None; 10 feet adjacent to residential zone boundary	Mixed use: 25' Adjacent to residential zoning: 25 feet Other: none required
Lot Width	None	None
Lot Area	None	None
Parking	Varies; based on use see 19.80	Varies; based on use see chapter 19.80

Compatibility with existing buildings in terms of size, scale and height.	yes
Compliance with Landscaping Requirements Verified.	n/a
Compliance with the General Plan.	yes

GENERAL PLAN CONSIDERATIONS

The Millcreek Township General plan map indicates that this property is located on a corridor with adaptable and flexible changes in zoning anticipated. Over time these areas are expected to adapt to changing market conditions and new approaches to land use and transportation planning. Focusing growth in centers along corridors can create walkable neighborhood or town centers, thereby also reducing traffic demand along the corridor itself.

Corridors - The Corridors Best Practice supports some increased residential density along corridors. This is where opportunities for improved transit, buffering, and in-fill development are anticipated to occur. Developments that follow the Standards and Best Practices within the General Plan will likely result in more efficient and sustainable development and improved economic growth and sustainability of a community.

Goal 4: Activity Centers

Objective 4.2: Consider a mixed-use pattern of development for major centers, arterials and nodal points to create density and critical population mass to support diverse activities.

Objective 4.3: Develop neighborhood level retail, commercial activity and professional services for quick and easy access by residents.

ISSUES OF CONCERN/PROPOSED MITIGATION

Staff did not identify specific issues that would be of concern. The increase in allowable height from 35 feet to 40 feet could be a concern by some, but staff believes that the likelihood that this would occur is minimal given other site constraints such as overall property size, available parking, and access. Even if the building were eventually replaced with one taller than 35 feet, the proximity of the property to the corridor, the freeway entrance/exit and as a gateway entry into Millcreek City itself could justify an increase.

At the Community Council meeting, questions were identified regarding the changes that are being made to the Commercial zones and what impact that might have on the zone change. As these proposed changes were still in the development and review process, and had not been completely shared with review staff, it was difficult to answer this question. Regardless, of the proposed changes to the zoning text, staff did note that whatever the shift or change, that they would apply to the existing neighboring commercial businesses adjacent to this one that are currently zoned C-2, hence a rezone to C-2 would not be out of character with the existing neighboring businesses.

NEIGHBORHOOD RESPONSE

No formal neighborhood response has been received.

COMMUNITY COUNCIL RESPONSE

At the Canyon Rim Community Council, a recommendation was made that the Millcreek Planning Commission forward a recommendation to approve the rezone. An official response has not been received by staff. Concerns at the meeting focused on the differences between the two zones and questions as to why dog training couldn't just be allowed as accessory to the dog recreation. Staff explained that the current approved use is dog grooming, and that the dog recreation is accessory to that. Dog training was a specifically listed use in the C-2 zone and therefore was not permitted in the C-1 zone. Discussion also centered around the possibility of using zoning conditions to eliminate uses that were not appropriate for the neighborhood.

The new shift in the zoning text and philosophy does remedy this dilemma to some degree.

PLANNING COMMISSIONS' RESPONSE

At the July 21, 2017 meeting of the Millcreek Planning Commission the recommendation was made to the Millcreek City Council that the rezone application be denied. This was based upon the view that the new proposed text amendments to the C-1 zone would allow for the applicant to provide dog training services at this location without changing the zoning designation.

REVIEWING AGENCIES RESPONSE

AGENCY: Long Range Planning

DATE: 6/5/2017 – update 7/5/2017

RECOMMENDATION: Approval – The property is located on a corridor. The General Plan Map calls for adaptable flexible changes. This proposed change to C-2 would be consistent with that designation. The immediately adjacent businesses are currently zoned C-2. Other surrounding commercial uses such as the auto service station to the North are most compatible with C-2 zoning.

PLANNING STAFF ANALYSIS

19.90.010 - Amendment procedure.

The council may amend the number, shape, boundaries or area of any zone or any regulation within any zone. Any such amendment shall not be made or become effective unless the same shall have been proposed by or be first submitted for the recommendation of the relevant planning commission.

19.90.020 - Hearing—Notice.

Before finally adopting any such amendment, the council shall consider the application during a public meeting which has been properly noticed in compliance with the provisions of Title 52, Chapter 4, of the Open and Public Meetings Act.

19.90.030 - Determination of council.

The City council, after review of the recommendation of the planning commission, may approve, deny, alter or remand for further review and consideration any application for zone change referred to the council by the planning commission.

Planning staff has reviewed the request and believes that it would be in the interest of the community to approve of the rezone. The property itself directly abuts a high intensity commercial zoned area and single family residential area with similarly smaller lots, some of which do not conform to the current minimum standards of the underlying zone. Allowing for a more intense residential zone could have the effect of creating a buffer between the more intense commercial uses and the single-family dwellings to the East.

19.90.060 - Conditions to zoning map amendment.

- A. In order to provide more specific land use designations and land development suitability; to insure that proposed development is compatible with surrounding neighborhoods; and to provide notice to property owners of limitations and requirements for development of property, conditions may be attached to any zoning map amendment which limit or restrict the following:

1. Uses;
 2. Dwelling unit density;
 3. Building square footage;
 4. Height of structures.
- B. A zoning map amendment attaching any of the conditions set forth in subsection A shall be designated ZC after the zoning classification on the zoning map and any such conditions shall be placed on record with the planning commission and recorded with the county recorder.
- C. In the event any zoning condition is declared invalid by a court of competent jurisdiction, then the entire zoning map amendment shall be void. Any deletion in or change to zoning condition shall be considered an amendment to the zoning ordinance and shall be subject to the requirements of this chapter.

Staff has reviewed the request in consideration of the General Plan and the neighborhood characteristics and believes that the proposed change in zoning to C-2 is appropriate. The neighboring commercial property is currently zoned C-2 and nearby existing uses in other C-1 zones are listed as a C-2 type of use. Where the Planning Commission or City Council finds that specific uses that would otherwise be permitted or allowed in the zone are not acceptable, staff notes that the use of Zoning Conditions to limit or restrict undesired or incompatible uses would be appropriate. The close physical proximity of the site to a freeway on/off ramp lends to the purpose statement for the C-2 zone that it would serve a more regional market with traffic from a larger regional area. Given the size of the site, some of the potentially allowed uses in the C-2 zone that require larger sites would simply not be feasible. Leaving the property as a C-1 zone would create a non-conforming situation which staff believes would have impact on the future viability of the site which could affect the neighborhood negatively if the building were to become abandoned for lack of a tenant.

PLANNING STAFF RECOMMENDATION

Planning Staff recommended to the Millcreek Planning Commission that they make a recommendation to the Millcreek City Council that application #30429 requesting a rezone from the C-1 zone to the C-2 zone be approved.

**Planning and Development Services**

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050

Phone: (385) 468-6700 • Fax: (385) 468-6674

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Zone Map Amendment (Re-Zone) Supplemental Form

File # 30429**WHAT IS YOUR REQUEST?**Current Zone: C-1Requested Zone: C-2

Reason for the Request:

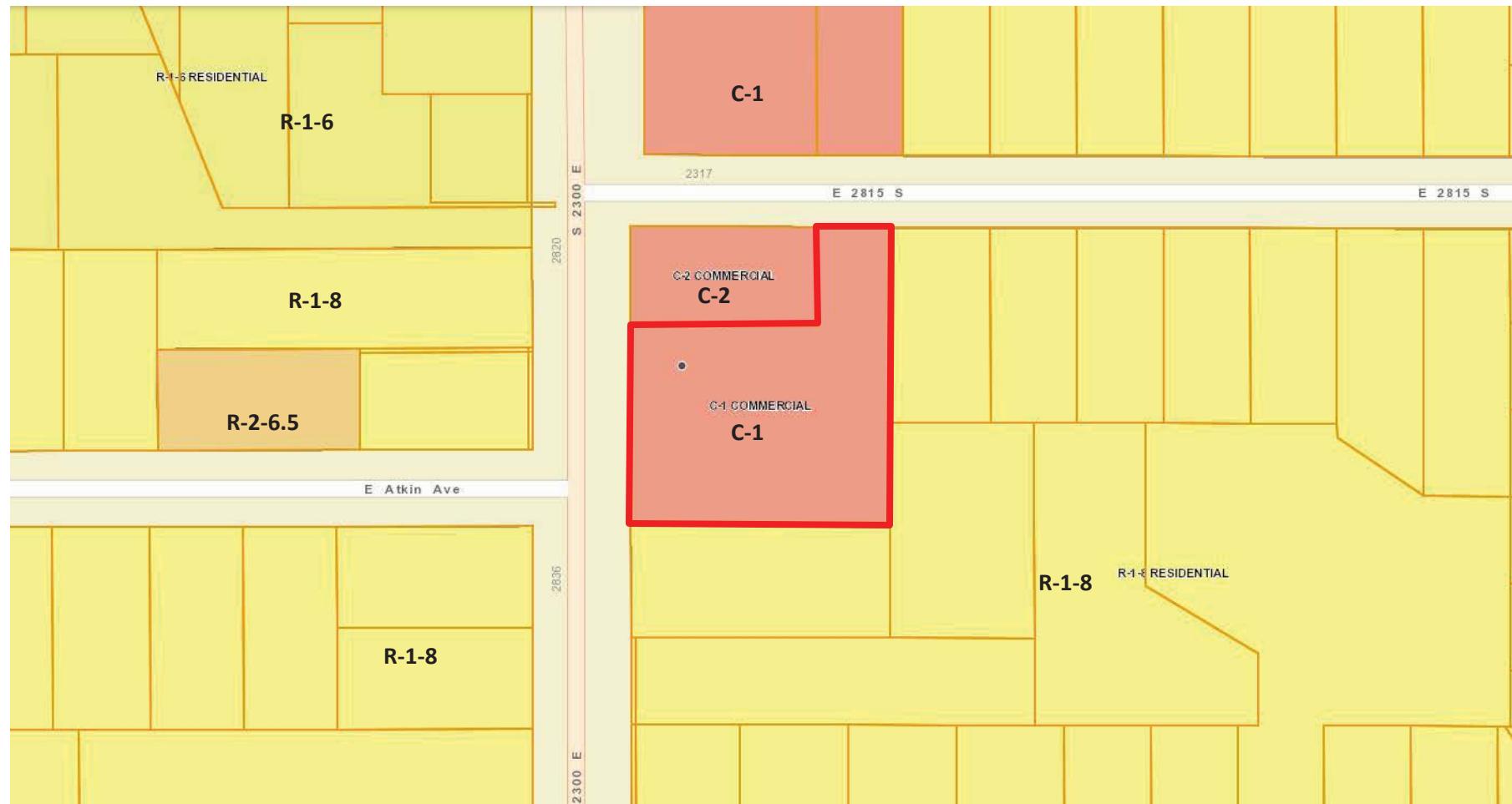
allow for dog training

Does this rezoning request comply with the Community General Plan?

Yes This property is located in the Canyon Rim Community and is designated on the Land Use Plan as Commercial, (residential, office, commercial, etc.)

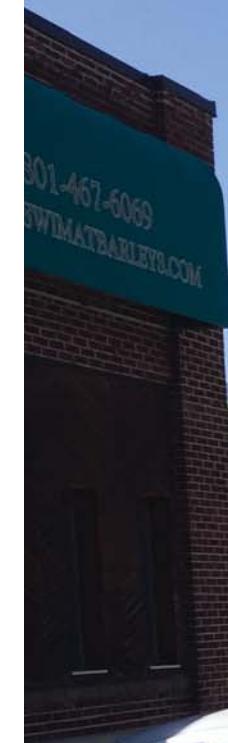
No Please explain; you may wish to meet with a planner to discuss other available options.

File #30429
Zoning Map



File #30429
Aerial Map





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Millcreek, Utah
Ordinance No. _____

Rezone of property located at approximately 2827 South 2300 East from C-1 (Community Commercial) to C-2 (Neighborhood Commercial)

WHEREAS, the Millcreek Council (“Council”) meet in regular session on July 10, 2017, to consider among other things, rezone of property located at approximately 2827 South 2300 Millcreek UT from C-1 (Community Commercial) to C-2 (Neighborhood Commercial); and

WHEREAS, Millcreek, pursuant to state law, enacted a land use ordinance establishing regulations for land use and development; and

WHEREAS, Millcreek Code of Ordinance, provides among other things that, the Council, after review of the recommendation of the planning commission, may approve, deny, alter or remand for further review and consideration any application for zone change referred to the Council by the planning commission; and

WHEREAS, at the Millcreek Planning Commission meeting on June 21, 2017, the Millcreek Planning Commission recommended denial of the referred rezone; and

WHEREAS, the Millcreek Code of Ordinances, provides among other things, that before finally adopting any such amendment, the Council shall consider the application during a public meeting which has been properly noticed in compliance with the provisions of Title 52, Chapter 4, of the Open and Public Meetings Act; and.

WHEREAS, the Council considered the application during a public meeting on July 10, 2017; and

WHEREAS, that pursuant to Section 19.06.020 of the Millcreek Code of Ordinances that each of the sections of the City which are amended or zoned by this title are shown on the maps on file with Salt Lake County planning and development services division on behalf of the City.

WHEREAS, Council finds that it is in the best interest of the citizens of Millcreek to adopt the land use ordinance map change as recommended by the Planning Commission;

NOW THEREFORE, be it ordained by the Council that the following area be adopted as a map change from C-1 (Community Commercial) to C-2 (Neighborhood Commercial) on the zoning map of the City.

Parcel #16-27-202-002-0000

W 50 FT OF LOT 18 & S 1/2 OF LOTS 19 & 20 HARRIMAN SUB & COM 583.5 FT S
FR N 1/4 COR SEC 27 T 1S R 1E SL MER S 69.5 FT E 230 FT N 69.5 FT W 230 FT
TO BEG

BE IT FUTHER ORDAINED, that pursuant to Section 19.06.020 of the Millcreek Code of Ordinances that the map, attached hereto, showing the change be filed with Sale Lake County planning and development services on behalf of the City.

This Ordinance, assigned no. 17-___, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder.

PASSED AND APPROVED this 10th day of July, 2017.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Leslie Van Frank, Acting City Recorder