



# Millcreek Township

## Planning Commission Meeting

### Public Hearings

Wednesday, September 12, 2012

*27972*

*Zone Change – R-1-10 to R-1-5, R-2-10 or RM*

*Applicant: Jennifer Kohler*

*Planner: Spencer G. Sanders*





**STAFF REPORT**

Executive Summary					
<b>Hearing Body:</b>	Millcreek Township Planning Commission				
<b>Meeting Date and Time:</b>	Wed. Sept. 12, 2012	04:00 PM	<b>File No:</b>	2	7 9 7 2
<b>Applicant Name:</b>	Jennifer Kohler	<b>Request:</b>	Zone Change		
<b>Description:</b>	R-1-10 to R-1-05, R-2-10 or RM				
<b>Location:</b>	4414 S. (& 4408 S.) Garden Dr. (970 E.)				
<b>Zone:</b>	R-1-10 Residential Single-Family	<b>Any Zoning Conditions?</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
<b>Planning Commission Rec:</b>	Not Yet Received				
<b>Community Council Rec:</b>	Approval with Conditions				
<b>Staff Recommendation:</b>	Approval				
<b>Planner:</b>	Spencer G. Sanders				

**1.0 BACKGROUND**

**1.1 Summary**

Jennifer Kohler is requesting approval of a Zone Change of the subject property from R\_1-10 (Residential Single-family, 10,000 sq. ft. min. lot size) to a residential zone between R-1-5 (Residential Single\_family, 5,000 sq. ft. min. lot size); or RM (Residential Multiple Family & Office). The applicant is making this request in order to subdivide the subject property into two or three lots; two lots for the two existing homes and potentially a third “flag lot” behind the existing homes if feasible.

**1.2 Neighborhood Response**

As of this writing staff has not received any comment from residents in the neighborhood.

**1.3 Community Council Response**

**September 5, 2012** - Staff was present at the Millcreek Community Council Meeting where the proposal was presented to the Community Council by the applicant. After hearing from the applicant, the Community Council moved to recommend approval of the proposed zone change to R-1-5 subject to the project meeting all architectural and landscape requirements.

**1.4 Planning Commission Action**

The applicant is seeking a recommendation regarding the zone change from the Planning Commission to the County Council. The County Council has ultimate jurisdiction in approving ordinance amendments.

## 2.0 ANALYSIS

### 2.1 Zoning and Land Use

Subject property is zone R-1-10. However the subject property has two existing homes on the same parcel. The homes were built in the mid to late 1940's and zoning was applied to the area in 1953. Therefore, the subject property and the homes are legal non-conforming.

The subject property is located on a street of primarily single family homes on the west side of the street. Directly across the street the east, but not accessed from Garden Dr. is a multi-family development. The property to the west of the subject property is also a multi-family development.

### 2.2 Proposed Zones

A proposed Zone Change should be compatible with existing development in the area. The following is an analysis of the zones being considered. The applicant requested consideration of several residential zones because at the time of application, it was unclear without review of the existing site and situation what zone would be most applicable to the applicant's intent to subdivide. Staff has determined that only the R-1-5 would allow the subject property to be divided into two or maybe three lots for single-family homes. An R-1-6 or larger lot zone would result in additional non-conforming setbacks and lot widths if the properties were to subdivide. The R-2 zones would require the homes be attached along a common wall to get the desired smaller lots with the resulting lot widths. The RM zone would not allow smaller lots for individual homes and would introduce potential for uses other than single-family residential.

### 2.3 Millcreek General Plan

**2.3.1 Map Area Designation** - The subject property is located in a "Blue" area on the Millcreek Township General Plan Map. Blue Areas area defined as follows:

*A Blue area is one that has limited potential for the absorption of growth, and is likely to experience only minor changes in overall character over time. The level of stability of Blue areas is defined as follows:*

- 1) Subtle changes in land use may occur. Overall, land uses in the area/corridor will exhibit less diversity and less intensity. Changes will be limited to a small number of dispersed sites, leaving the majority of the area/corridor unchanged.*
- 2) Improvements may occur which subtly alter the appearance, economics, or sustainability of the area/corridor. Most improvements will consist of individual projects, and may not require coordination with parcels beyond their immediate vicinity.*
- 3) Mobility networks are less formalized and will remain largely as built, but minor changes may occur. Public transit typically will have no dedicated right-of-way.*

### 2.3.2 Goals & Objectives

When considering a Zone Change, evaluating the proposed change for compatibility with the General Plan is essential. However, not all of the elements of the General Plan apply in every situation. Based on the subject property's location in a Blue stable area designation; its site situation; and it being a proposal for a residential zone, the most applicable element of the Millcreek's General Plan are related to Housing. The following is an analysis of the Housing Choices Goal and Objectives from the plan:

**Goal 5: HOUSING CHOICES** - *Provide diverse housing choices for a variety of needs and income levels to create places where all citizens are welcome to live.*

*Objective 5.1: Provide sufficient housing for current and future populations that are appropriate, safe, and affordable, where all citizens are welcome to live.*

An R-1-5 zone would support the retention and maintenance of existing housing units that are considered affordable. Having each building platted separately will allow the homes to potentially be owner occupied at some time in the future. In the interim, the homes on separate subdivision lots will assist a property owner in obtaining financing to complete deferred maintenance. Completed improvements should make the homes more desirable and improve the value of the homes on the street.

*Objective 5.2: Consider life-cycle housing alternatives that allow for aging populations to “age in place,” as well as provide diverse housing choice for other demographic groups.*

An R-1-5 zone would support the retention and maintenance of existing housing units that are considered life-cycle units. If improved, the existing homes will be more appealing to young tenants with small families; singles; or married couples with no children. This will continue to support more diverse housing choices already exhibited in the area.

*Objective 5.4: Encourage residential development that establishes a variety of lot sizes, dwelling types, densities, and price points, as well as an appropriate balance of owner occupied and rental units.*

An R-1-5 zone would result in more diverse lot sizes along the street while still maintaining the single-family character of the street.

*Objective 5.6: Develop programs and neighborhoods that will make home ownership attractive and possible for all members of the community.*

The applicant is intending to maintain the subdivided homes in single ownership, renting them out as investment properties at this time. However, the R-1-5 zone would allow the subdivided properties to be owned separately from one another. This will help improve the potential for the homes to be owner occupied at some time in the future.

*Objective 5.7: Preserve and protect the quality and character of existing neighborhoods, including sensitivity of compatible infill development.*

An R-1-5 zone will allow the existing property to be more efficiently utilized without eliminating the single-family nature of the street. The two existing homes already have a known presence on the street. With their improvement and with potential for a third home behind, the character of the existing neighborhood should not be significantly impacted. It is important to note here that the likelihood of a third lot is highly dependent upon the ability to provide a feasible access to the rear portion of the property for a new lot. Based on the location of the existing homes it appears that an access in compliance with minimum requirements would not be feasible.

## **2.4 Other Issues**

### **2.4.1 Existing Non-conforming Setbacks**

There are existing non-conforming setbacks on the subject property. However, an R\_1\_5 zone will not cause additional non-compliance or non-conformance to applicable standards. A potential subdivision that is in compliance with the R-1-5 zone requirements would also not create any additional compliance issues. Dividing the property into two lots should be able to meet the minimum requirements on the perimeter of the subject property and there is sufficient distance between the homes so that the resulting setbacks from a property line between the homes could

comply with the minimum setback standards of the zone. A new subdivision plat for at least two lots is feasible. A third lot is very questionable based on flag lot requirements.

#### **2.4.2 RCOZ Compliance**

If the homes are ultimately removed and rebuilt, the resulting new homes would be required to comply with the setback requirements of the R-1-5 zone and RCOZ requirements; or obtain an Option C or Variance approval.

#### **2.4.3 Conditional Use May Be Required**

In the R-1-5 zone new single family development requires approval of a Conditional Use Permit of a Development Plan. A new subdivision plat for three lots would require approval of a Conditional Use Permit for a development plan, including architecture and landscaping requirements for each new home. A Conditional Use Permit for a Development Plan would also be if the existing homes are demolished and rebuilt.

### **3.0 STAFF RECOMMENDATION**

#### **3.1 Staff recommends APPROVAL of the proposed Zone Change.**

#### **3.2 Reasons for Recommendation**

- 1 ) This recommendation is made for the following reasons:
- 2 ) The R-1-5 zone is consistent with the Millcreek Township General Plan as outlined in this report.
- 3 ) The R-1-5 zone should not result in any additional non-conforming requirements if the property is subdivided; and
- 4 ) The proposed division of the subject property allowed under the R-1-5 zone should increase the potential for owner occupancy of each of the homes and for completion of differed maintenance of the properties. This in turn should result in improvement to the neighborhood.





Map

Traffic



Paris Ln

Lemans Dr

Lemans Dr

Garden Dr

S 970 E



A



Subject Property

A

200 ft  
109 m



Subject Property



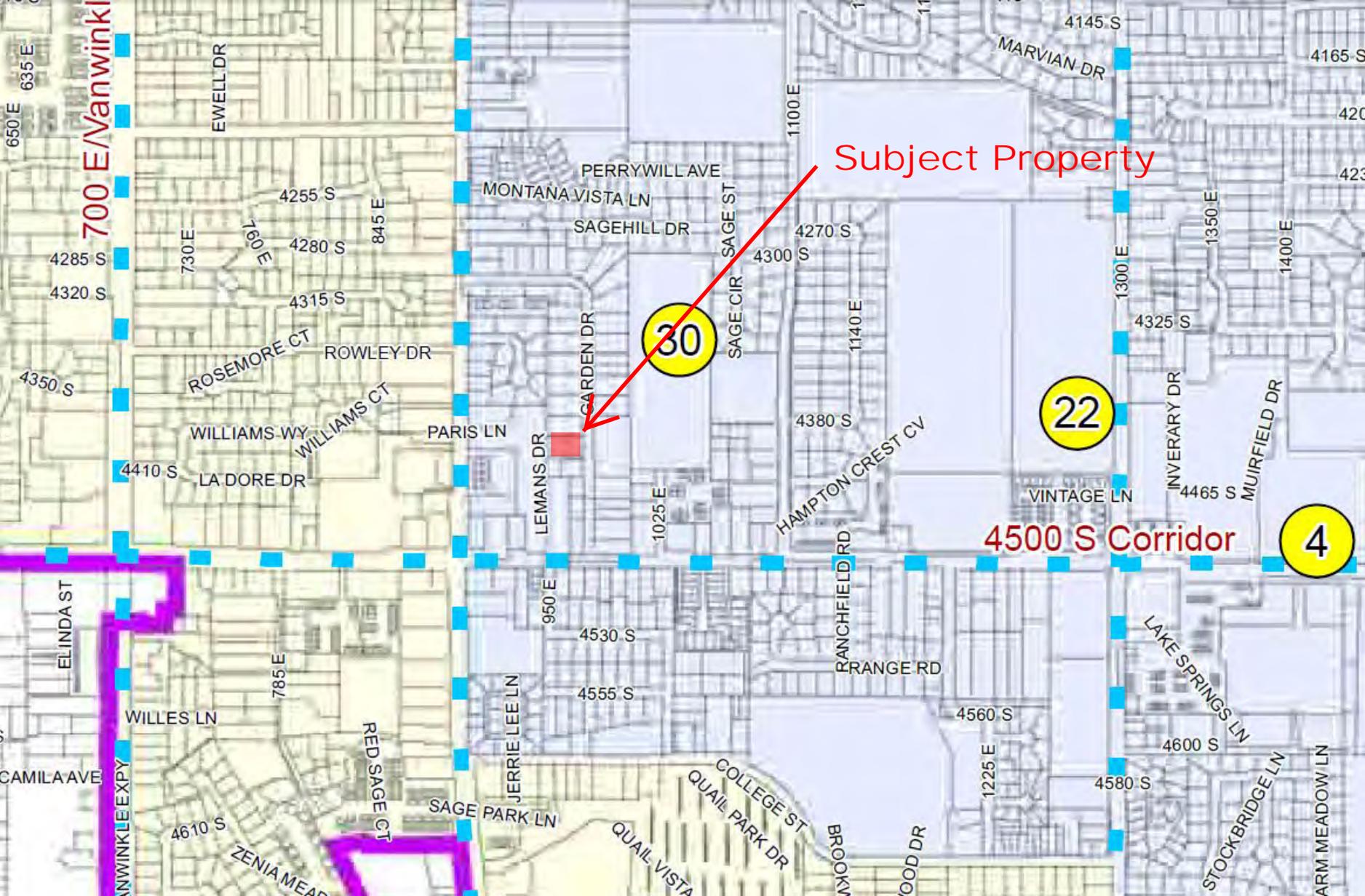
Map

Traffic

100 ft

50 m

Check Into Cash



700 E Vanwinkle

Subject Property

4500 S Corridor

30

22

4

PERRYWILL AVE

MONTANA VISTA LN

SAGEHILL DR

SAGE ST  
SAGE CIR

1100 E

HAMPTON CREST CV

RANCHFIELD RD  
RANGE RD

BROOKMAN  
WOOD DR

MARVIAN DR

4145 S

4165 S

420

423

1350 E

1400 E

1300 E

4325 S

INVERARY DR

MUIRFIELD DR

4465 S

VINTAGE LN

PARIS LN

LEMANS DR

1025 E

950 E

4530 S

4555 S

JERRIE LEE LN

SAGE PARK LN

QUAIL VISTA  
QUAIL PARK DR

COLLEGE ST

4560 S

1225 E

4580 S

4600 S

LAKE SPRINGS LN

STOCKBRIDGE LN

ARM MEADOW LN

EWELL DR

730 E

1160 E

845 E

4255 S

4280 S

4315 S

ROSEMORE CT

ROWLEY DR

WILLIAMS CT

WILLIAMS WY

LA DORE DR

4350 S

4410 S

ELINDA ST

785 E

WILLES LN

RED SAGE CT

4610 S

ZENIA MEAD

CAMILA AVE

VANWINKLE EXPY

# GARDEN ACRES

A SUBDIVISION IN SECTION 5 T.2S., R.1E. S.L.B.M.

## SURVEYORS CERTIFICATE

I, Arthur J. Sawney, hereby certify that I am a Professional Engineer & Land Surveyor as prescribed under the laws of the State of Utah, that I hold certificate No. 553 and that I have subdivided the tract of land shown on this map and named by reference to the B.L.M. Book and said tract of land as bounded and described as follows:

Beginning at a point 100 ft. North from the Southwest corner of Lot 4, Block 4, Ten-Acre Plat 7, Big Salt Survey, also 1248.4 ft. North from the intersection of the East line of North East Street and the North line of 45<sup>th</sup> South Street and running thence north 33.0 ft. in center line of 9<sup>th</sup> East Street, thence NORTH 105.6 ft. thence S 85° 56' 42.5" E, thence N 124.4 ft. thence N 80° 30' E 379.3 ft. to fence and ditch, thence along center line and ditch S 1° 51' 13.7" E 1313.7 ft. in center line of 45<sup>th</sup> South Street thence along center line of said road N 89° 56' W 298.5 ft. thence N 40.6 ft., thence N 89° 55' W 114.2 ft. to old fence line, thence North along said fence line 635.4 ft., thence N 89° 56' W 370.5 ft. to point of beginning.

I further certify that by authority of said owner I have subdivided the same into lots and public streets to be known as GARDEN ACRES and that the same has been generally shown on the ground as represented herein.

## APPROVED AS TO FORM

*Arthur J. Sawney*  
SALT LAKE COUNTY ATTORNEY

## APPROVAL

Approved and accepted by the Board of County Commissioners this 21<sup>st</sup> day of July, 1946  
*W. H. ...*  
COUNTY CLERK

## APPROVAL

Approved and accepted by the Salt Lake County Planning Commission  
*...*  
ENGINEER

## OWNERS DEDICATION

Know all men by these presents that we, Bernard and Helen B. Brockbank, owners of the above tract of land having caused the same to be subdivided into lots and streets to be hereafter known as

## GARDEN ACRES

do hereby dedicate to the perpetual use of the public all parcels of land designated in the Surveyors Certificate and shown on this map as intended for public use.

## ACKNOWLEDGEMENT

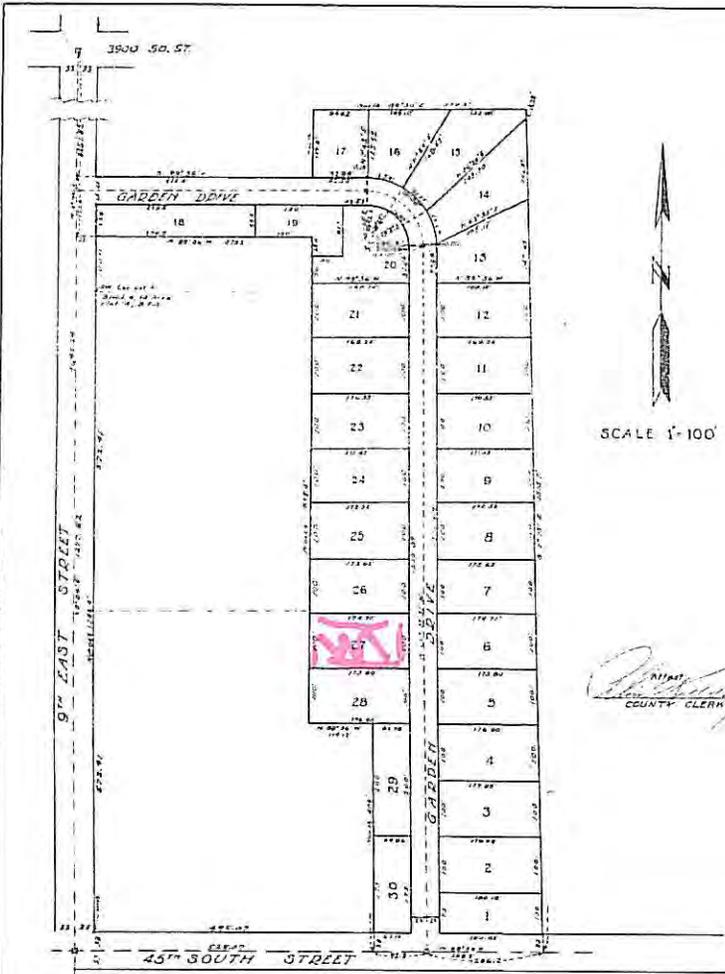
State of Utah  
County of Salt Lake  
On the 21<sup>st</sup> day of July, 1946 personally appeared before me the undersigned Notary Public in and for said County of Salt Lake, Bernard and Helen B. Brockbank the signers of the above instrument who duly acknowledged to me that they executed the same voluntarily and for the purposes set forth.

Witness in Salt Lake City  
My Commission expires  
NOTARY PUBLIC  
*...*

## COUNTY SURVEYORS CERTIFICATE

I hereby certify that I have examined this map and the States on the ground and have found the same to be correct.

No. 1063570  
STATE OF UTAH - COUNTY OF SALT LAKE  
FILED AND RECORDED AT THE REQUEST OF  
BROCKBANK REALTY CO  
AND IN THE AT 3:11 PM IN BOOK 1063570 PAGE 123  
1946  
*...*  
COUNTY SURVEYOR



J 129

J-129

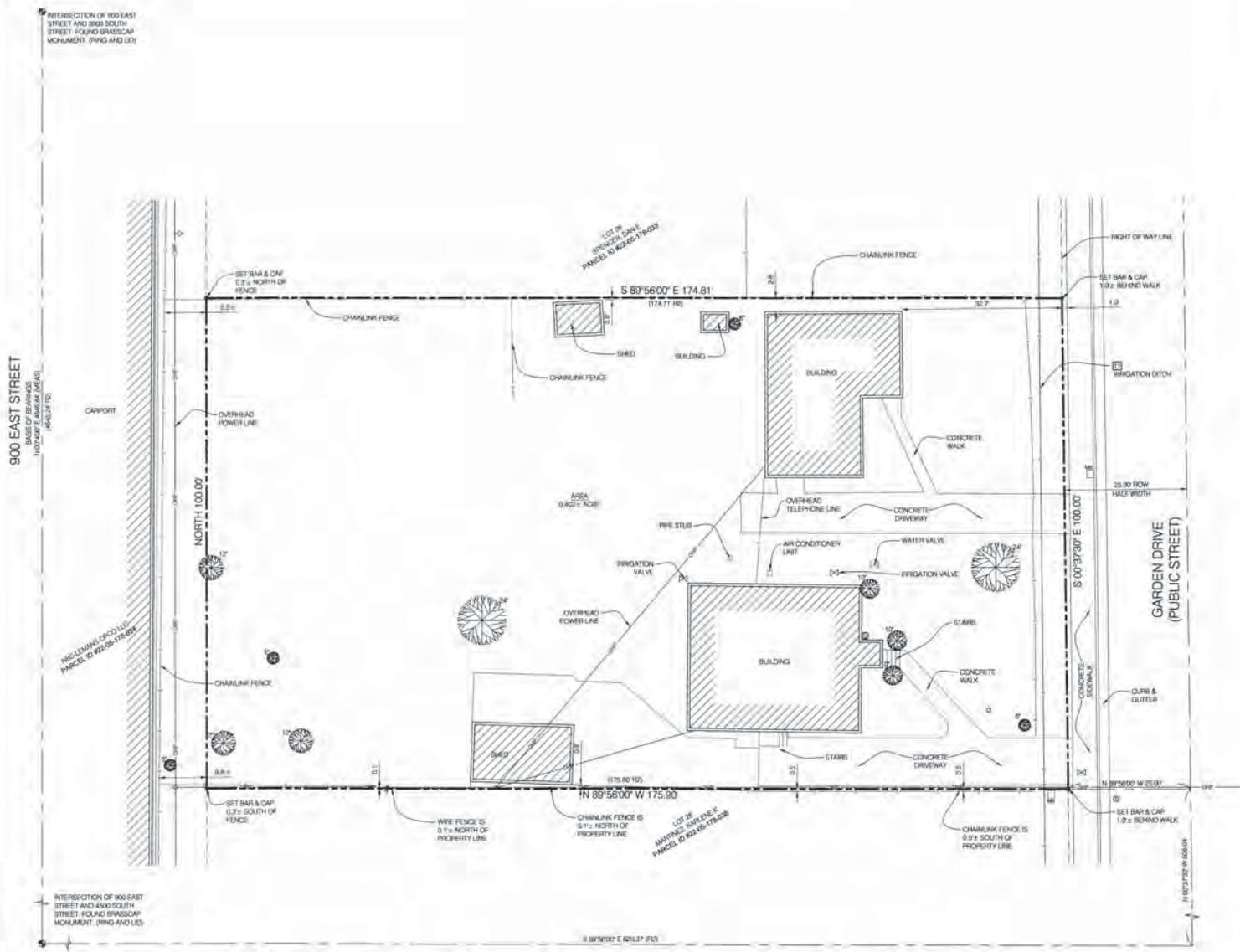
# ALTA/ACSM LAND TITLE SURVEY

LOCATED IN LOT 2, BLOCK 4, 10-ACRE PLAT "A" BIG FIELD SURVEY  
SALT LAKE BASE AND MERIDIAN



### LEGEND AND ABBREVIATIONS:

- STREET MON. BOARD
- PROPERTY LINE
- BOUNDARY MONUMENT
- PROPERTY OR LOT LINE
- CENTRAL LINE OF ROAD
- CURB & GUTTER
- EDGE OF EXISTING ASPHALT
- SWAYED BENCH MARKS & I.P.C.
- BENCH MARK
- WIRE
- MAIL BOX
- POWER POLE
- D.U. WIRE
- WATER MAINS & CLEANOUT PIPE LINE
- WATER VALVE & WATER METER
- EXISTING FIRE MONUMENT
- LIGHT POLE
- GRAB BOLT

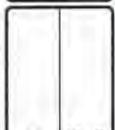


NOTE:  
EX. UTILITIES SHOWN ARE FOR  
PURPOSES OF LOCATING  
BOUNDARIES ONLY. NOT ALL  
UTILITIES ARE SHOWN

PROJECT	ESKANDAR	NO.	DATE	REVISIONS
DRAWN BY	JMK			
CHECKED BY	JMK			
DATE	08/13/2012			
SCALE	AS SHOWN			



**BENCHMARK ENGINEERING & LAND SURVEYING**  
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SALT LAKE CITY, UT 84119  
www.benchmarkcivil.com



**JENNIFER KOHLER**  
4414 SOUTH GARDEN DRIVE  
SALT LAKE CITY, UTAH 84124

PROJECT NO. 1228296

ALTA/ACSM LAND TITLE SURVEY  
SVA.02  
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