



**STAFF REPORT**

Executive Summary									
<b>Hearing Body:</b>	Millcreek Township Planning Commission								
<b>Meeting Date and Time:</b>	Wednesday, February 13, 2013	04:00 PM	<b>File No:</b>	2	8	2	6	8	
<b>Applicant Name:</b>	Michael K. Winder	<b>Request:</b>	Zone Change						
<b>Description:</b>	From R-1-10 to R-4-8.5								
<b>Location:</b>	4415 South Garden Drive (970 East)								
<b>Community Council Rec:</b>	Approval with Conditions								
<b>Staff Recommendation:</b>	Approval with Conditions								
<b>Planner:</b>	Spencer G. Sanders								

**1.0 BACKGROUND**

**1.1 Summary**

**Request**

Michael Winder is requesting approval of a Zone Change from the R-1-10 (Residential, Single-Family, 10,000 sq. ft. minimum lot size) zone to the R-4-8.5 (Residential, Medium Density, 1 to 4 dwellings per building) zone.

**Reason for Request** - The applicant intends to add 6 units to the existing 10-unit dwelling group and update the existing units and the site. The applicants proposed concept plans shows 6 new units in two 3-unit buildings located in the center of the existing development. Each building is proposed to be 2-stories, similar in height to the existing 2-story, 2-family dwellings. The applicant asserts that the additional units will help to fund the proposed upgrades, resulting in an improved development that is an asset to the neighborhood instead of a detriment.

**Zoning History**

The subject property was developed under a previous R-2 zone in the early 1970's. In the mid 1990's several large areas of Millcreek Township were down-zoned through a number of Zone Change actions initiated by the County. They were changed from R-2 zones (allowing single and two-family homes) to R-1 zones (allowing only single-family homes). Many existing two-family developments, from individual two-family dwellings on one lot to dwelling groups (multiple two-family dwellings on one lot) were made non-conforming, including the subject property. These rezones were in response to citizen complaints regarding two-family dwellings in their neighborhoods. These neighborhoods had developed predominantly as single-family homes between the late 1940's through the 1970's with some two-family dwelling development mixed in. From the 1970's through the 1990's additional two-family dwellings were being constructed. Residents were concerned about the increase in rental properties in their neighborhoods.

**1.2 Neighborhood Response**

As of this writing staff has not received any response from the public.

### 1.3 Community Council Response

**January 8, 2013** - The applicant presented this proposal to the Millcreek Community Council. After discussion with the applicant, the Commission voted unanimously to recommend approval of the proposed Zone Change from R-1-10 to R-4-8.5 subject to the development complying with all County requirements regarding landscaping, recreational facilities and fencing.

### 1.4 Planning Commission Action

This application is on the Millcreek Township Planning Commission meeting for hearing and recommendation to the County Council. Zone Changes are a legislative act because it changes the zoning laws that govern the property. Zone Changes are approved by the County Council with recommendations from the Planning Commission, County Staff and the citizenry.

## 2.0 ANALYSIS

### 2.1 General Plan

#### **Millcreek Township General Plan Map Designation**

The Millcreek Township General Plan Map designates this area as a Blue area which is 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.*

The proposed zone change would allow some additional density on the site. This is consistent with the general plans Blue designation, especially item number 2 above.

#### **Context**

**Transportation and Shopping Corridor** - 4500 South is approximately 380 feet from the subject property and is a major bus route. Shopping with grocery and other services is within walking distance, less than 0.25 miles. The general plan promotes diverse housing types that are located near transit and within walking distance of commercial services and shopping.

**Compatible with Diverse Uses and Residential Densities** - The land uses within the neighborhood surrounding the subject property are diverse; including single-family residential, multi-family, commercial, and office. Garden Drive is primarily a single-family residential street; however, the subject property has been a dwelling group accessed by this street for 38 years.

Since the down zoning of this property a number of other multi-family properties have developed in the neighborhood. This has further diversified the housing types in the area. The applicant's proposal to add 6 additional units will bring the project's density up from 8.33 units per acre to 13.33 units per acre which is still much less than existing multi-family developments to the east and west of the subject property.

Since the project has been in this location for a long time, and since the additional units will provide additional resources to upgrade the property and make a better project for the neighborhood, the proposal would be consistent with Housing and Mobility Best Practices in the General Plan.

**Minimal Impact on existing Residents** - The proposed 6 additional units should have minimal impact on the

surrounding single-family home residents. Some additional car trips per day will occur, but the anticipated increase should not increase congestion or safety concerns over existing conditions. The proposed new buildings will be located in the center of the project and will be approximately the same height as the existing 2-story, 2-family dwellings. The proposed Zone Change with staff's recommended Zoning Conditions will help to improve the development without significant impact to the neighborhood.

### **Best Practices**

With controls on density the proposed Zone Change is consistent with the General Plan Best Practices. The County has adopted a new Millcreek Township General Plan which encourages some minimal increase in density and change over time in Blue areas like this one. The Housing Best Practice Encourages diversity of housing types in areas on or near corridors and close to commercial services and shopping to supply affordable housing and age in place housing. The Mobility Best Practices encourages diverse housing types near transit corridors and near commercial and shopping centers. The subject property is consistent these recommendations.

### **Convert Non-Conforming Use to Conforming Use**

As previously noted, the subject property is currently non-conforming to the existing R-1-10 zone. Traditionally, we anticipate non-conforming uses will cease over time through attrition; allowing them to be maintained, but not expanded, improved, or rebuilt. The goal is to replace non-conforming uses with uses allowed in the new zone. This has not been the case with the subject property.

The use has continued for 38 years. The maintenance of the development has waned in recent years, resulting a "fair condition" property according to the County Assessor's official records. Nevertheless, it survives because there is still need for affordable rental housing in the community. In addition, this project is within reasonable walking distance to transit and shopping making it ideal for moderate income households.

This project has proven its viability and compatibility with the neighborhood over time. Maintaining this property as a non-conforming use with the idea that over time it would be eliminated would not be consistent with the General Plan Goals and Best Practices. The proposed Zone Change would return the subject property to conforming status under the R-4-8.5 zone, allowing it to not only be maintained, but potentially be improved.

## **2.2 Existing Land Use Zoning**

**The Subject Property:** A 10-unit Dwelling Group, (5 two-family dwellings built in 1974) - R-1-10

### **Properties Immediately Adjacent**

North, West and South: Garden Subdivision (single-family homes) - R-1-10

East: Millcreek Activity Center and Park (formerly an elementary school) - R-1-10

### **Properties within 300 feet**

West: Leman's Apartments (60-unit complex) - RM (Residential Multi-family & Office)

Northwest: Rose Garden Subdivision (14-lots each with a two-family dwelling) - R-2-10

North: Garden Subdivision (single-family homes) - R-1-10

East: Millcreek Activity Center - R-1-10

Southeast: Colonial Park Place (21-unit condominium complex) - R-4-8.5; and

Three individual lots (2 single-family homes and 1 two-family home) - R-1-10

South: Garden Subdivision (4 single-family homes) - R-1-10

## **2.3 Other Issues**

### **Density Limitation**

The R-4-8.5 zone can allow up to 18 units per acre, depending on the type of unit to be built. The potential density increases from 12 units per acre for single-family dwellings to up to 18 units per acre for four-family

dwelling. This could result in up to 21 units on the subject property. Some density increase is consistent with the Millcreek General Plan; however, 21 units accessed from the predominately single-family residential street, would be out of character with the immediate neighborhood. This density would also likely result in more negative impacts on the surrounding area.

A limitation on the maximum number of units on this site is appropriate. The applicant's conceptual site plan shows that 6 additional units could feasible be placed on the site without significant impact to the existing units or the surrounding neighborhood. However, additional units above the proposed 6 would probably not be possible without a complete redevelopment of the property. Staff is recommending that a zoning condition be included to limit the density to a maximum of 16 units, 13.3 dwelling units per acre.

### **Height Limitations**

Staff is recommending that a zoning condition limiting the height to 2 stories, and 28 feet to the top of the ridge or parapet from original grade also be added. This will help insure that any additional units on the property would be compatible with the existing units and the typically lower height of the surrounding single-family and two-family homes in the area. This is also consistent with the Residential Compatibility Overlay Zone.

### **Site Plan Review through Separate Application**

Other than density and building height it is not necessary to address other concerns with the zone change. If the zoning is approved by the County Council, any proposal to amend the site will require additional site plan review. The existing project was approved as a Conditional Use for dwelling group. While the use itself would not be re-evaluated, the site plan, including the new structures, access, recreational facilities, fencing, lighting and landscaping would.

## **3.0 STAFF RECOMMENDATION**

### **3.1 Staff recommends APPROVAL of the proposed Zone Change with the following conditions:**

- 1 )The maximum number of dwelling units shall be 16.
- 2 )The maximum height of new structures shall not exceed 2 stories or 28 feet, as measured in the Residential Compatibility Overlay Zone regulations.

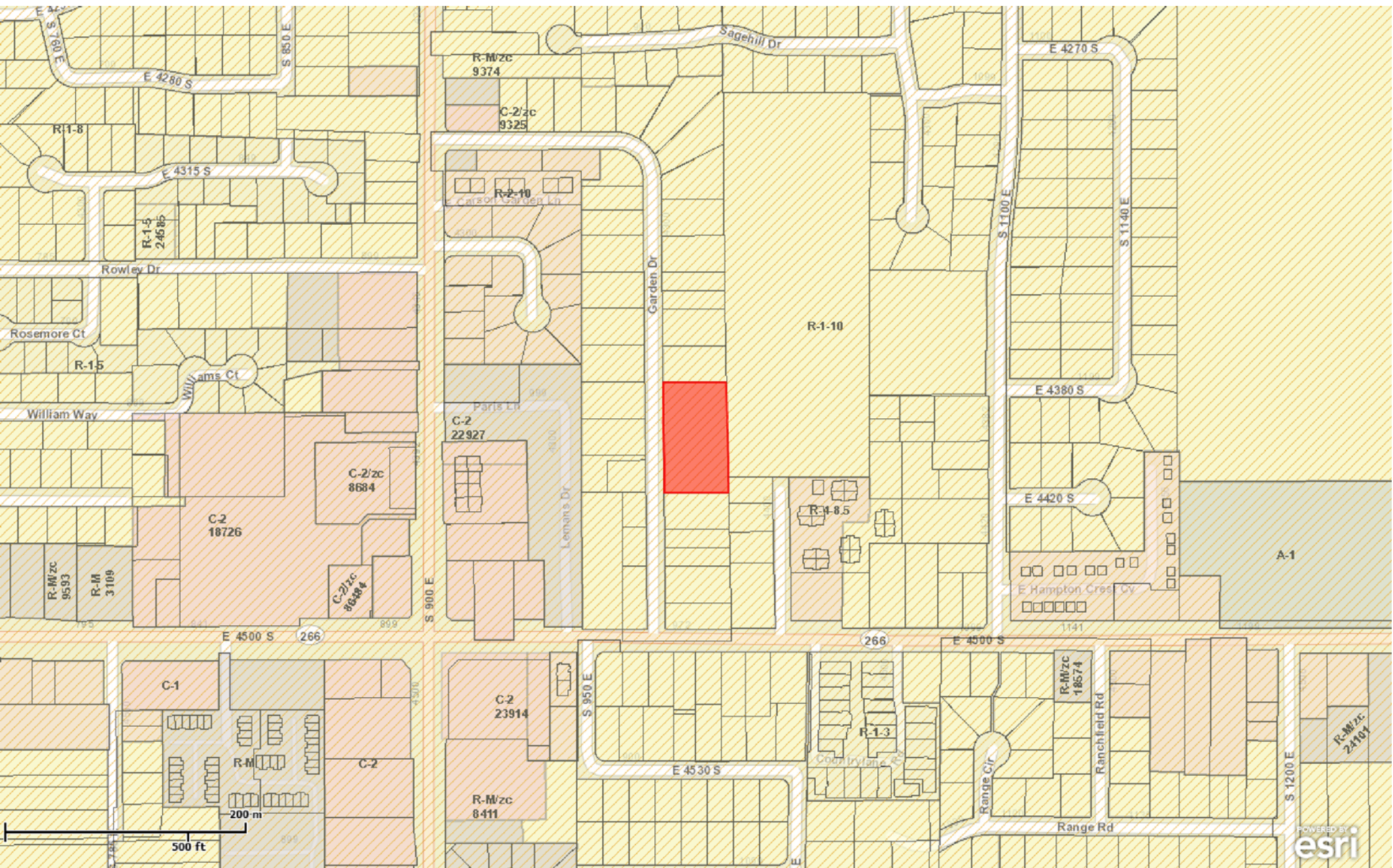
### **3.2 Reasons for Recommendation**

- 1 ) The proposed zone change is consistent with the Millcreek Township General Plan, especially the Best Practices for Housing, regarding housing diversity and affordability; and Mobility.
- 2 ) The proposed zone change will change the existing use from non-conforming to conforming, assisting in it's preservation and improvement.
- 3 ) The proposed zone change will allow the proposed upgrades of the existing development without resulting in significant impacts on the surrounding neighborhood. Renovation of the subject property in the anticipated manner will result in an improvement and benefit to the neighborhood.

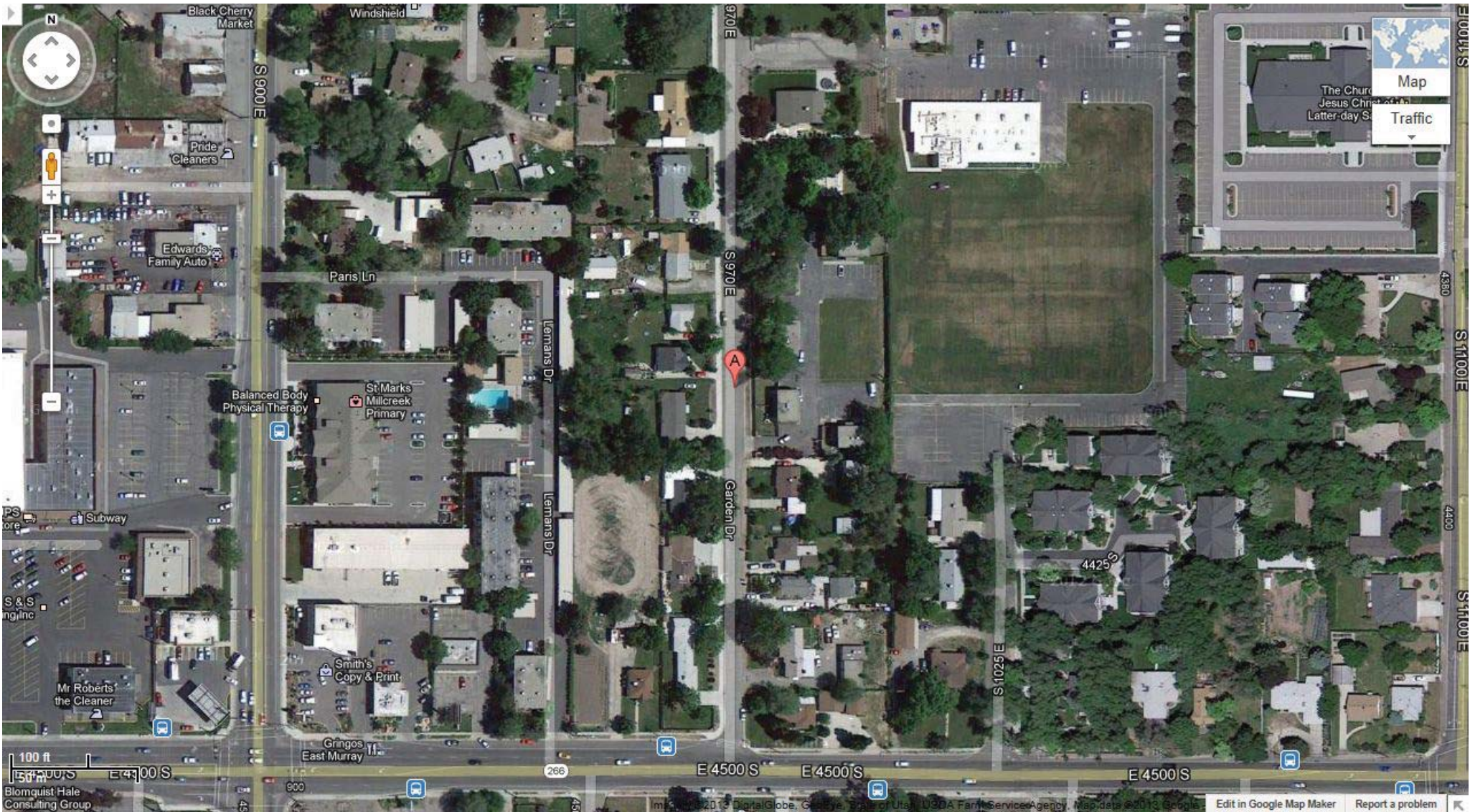


# Winder Rezone R-1-10 to R-4-8.5

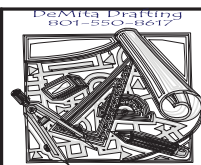
4411-4415 S. Garden Dr.







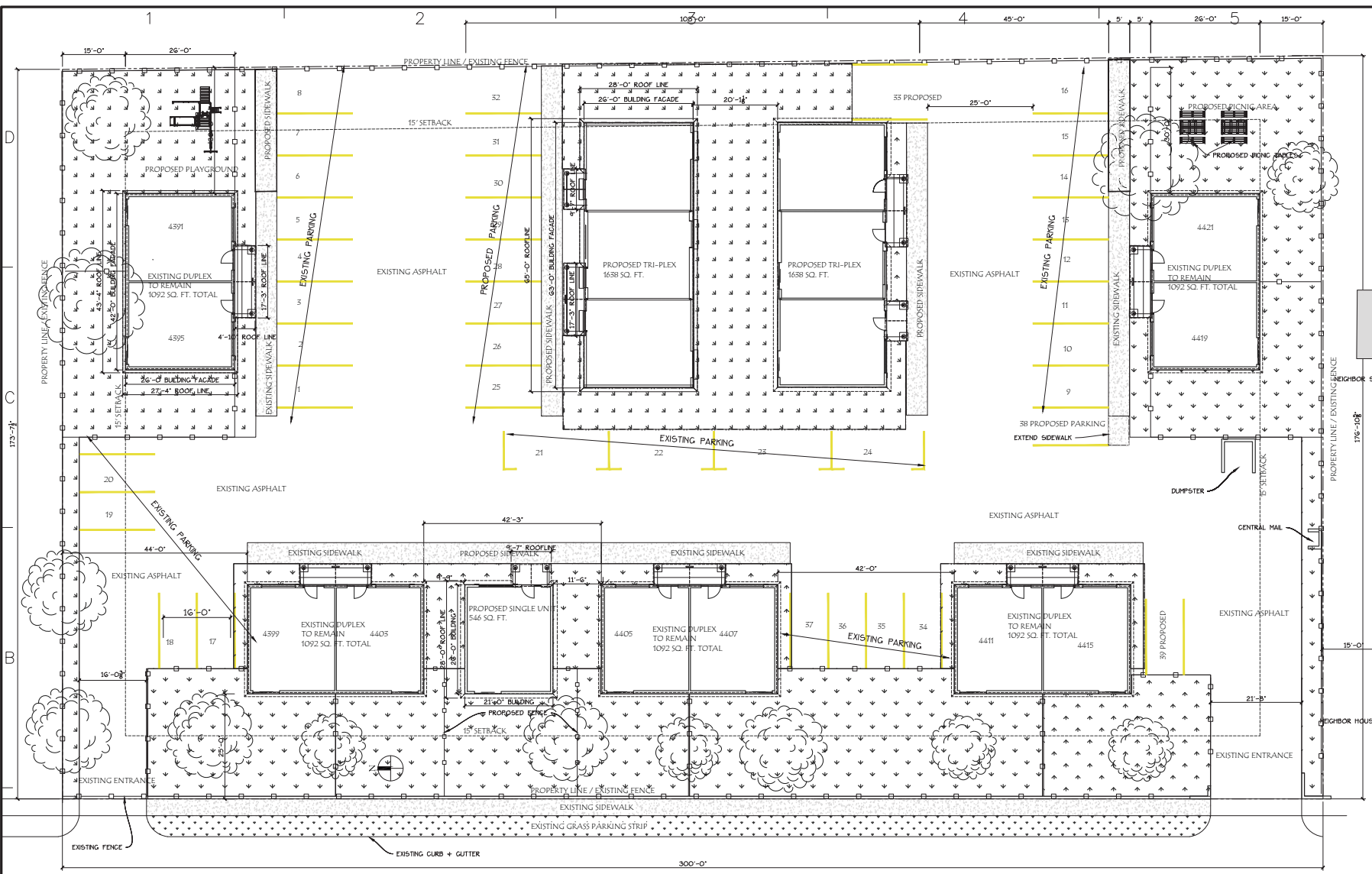




3008 MILLBERG WAY WEST JORDAN UT 801-550-8617  
CORPORATIONS



GARDEN ACRES  
4411-4415 S GARDEN DR  
OWNER  
MAPLE GARDENS, LLC  
801-706-5557  
362 Pierpont Ave. Salt Lake City UT



4411-4415 S GARDEN DR  
S.L.C., UTAH 84124  
ZONE R-1-10  
OPTION A

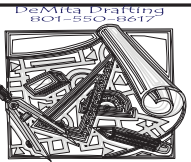
SITE PLAN  
3/32" = 1'-0"  
GARDEN DRIVE

Sheet List Table	
Sheet Number	Sheet Title
St-1	Site Plan
A-1	Single Unit Elevations
A-2	Existing Duplex Elevations
A-3	Triplex Elevations

TOTAL ACREAGE 1.20 ≈ 52,090 SQ. FT.  
EXISTING UNITS = 10,920 SQ. FT.  
PROPOSED UNITS= 3822 SQ. FT.  
TOTAL 17 UNITS = 14,742 SQ. FT.  
PROPERTY TYPE 115- 10-19 UNITS  
10 EXISTING UNITS 7 NEW PROPOSED  
17 UNITS = 34 PARKING REQUIRED  
32 EXISTING SPACES. SUBTRACT 4 FOR NEW BUILDING  
+ 11 PROPOSED= 39 TOTAL PARKING SPACES

MARK	DATE	DESCRIPTION

SHEET TITLE  
**SITE PLAN**

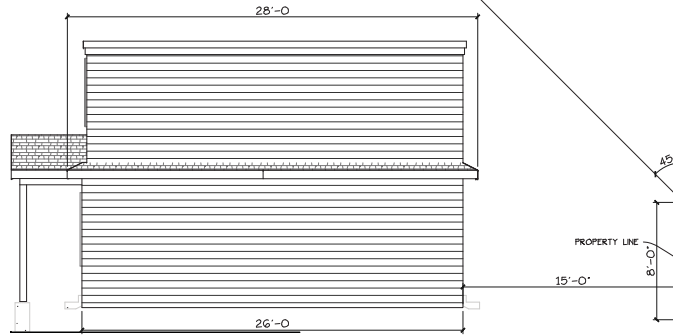


3008 MILLERBERG WAY WEST JORDAN, UT 84150-3617  
CONSULTANTS

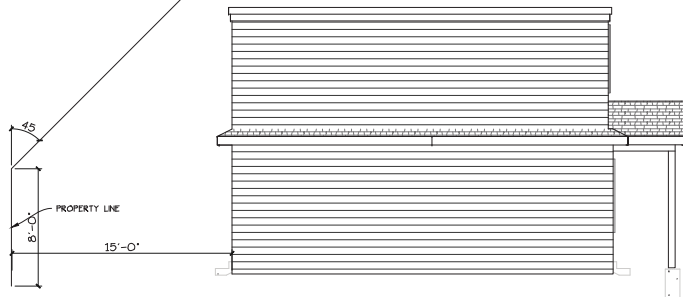
PROPOSED ONE NEW SINGLE UNIT APARTMENT  
BUILDING ENVELOPE =  
ONLY ONE PROPERTY LINE IS CLOSER THAN 100'



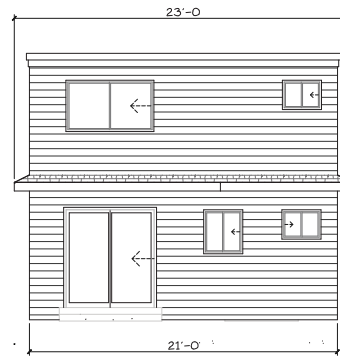
3 FRONT ELEVATION  
1/4" = 1'-0"



4 RIGHT ELEVATION  
1/4" = 1'-0"



2 LEFT ELEVATION  
1/4" = 1'-0"



1 BACK ELEVATION  
1/4" = 1'-0"



GARDEN ACRES

1002 S 800 E SALT LAKE CITY, UT  
84105

OWNER  
MAPLE GARDENS, LLC  
362 Pierpont Ave. Salt Lake City UT  
801-706-5557

MARK	DATE	DESCRIPTION

PROJECT NO: ----  
CAD DWG FILE: A-1 SINGLE UNIT ELEVATIONS.DWG  
DRAWN BY: --  
CHKD BY: --  
COPYRIGHT:

SHEET TITLE  
SINGLE UNIT ELEVATIONS

A-1

SHEET - - OF - -





3006 MILLERBERG WAY WEST JORDAN, UT 84150-8617  
CONTRACTORS

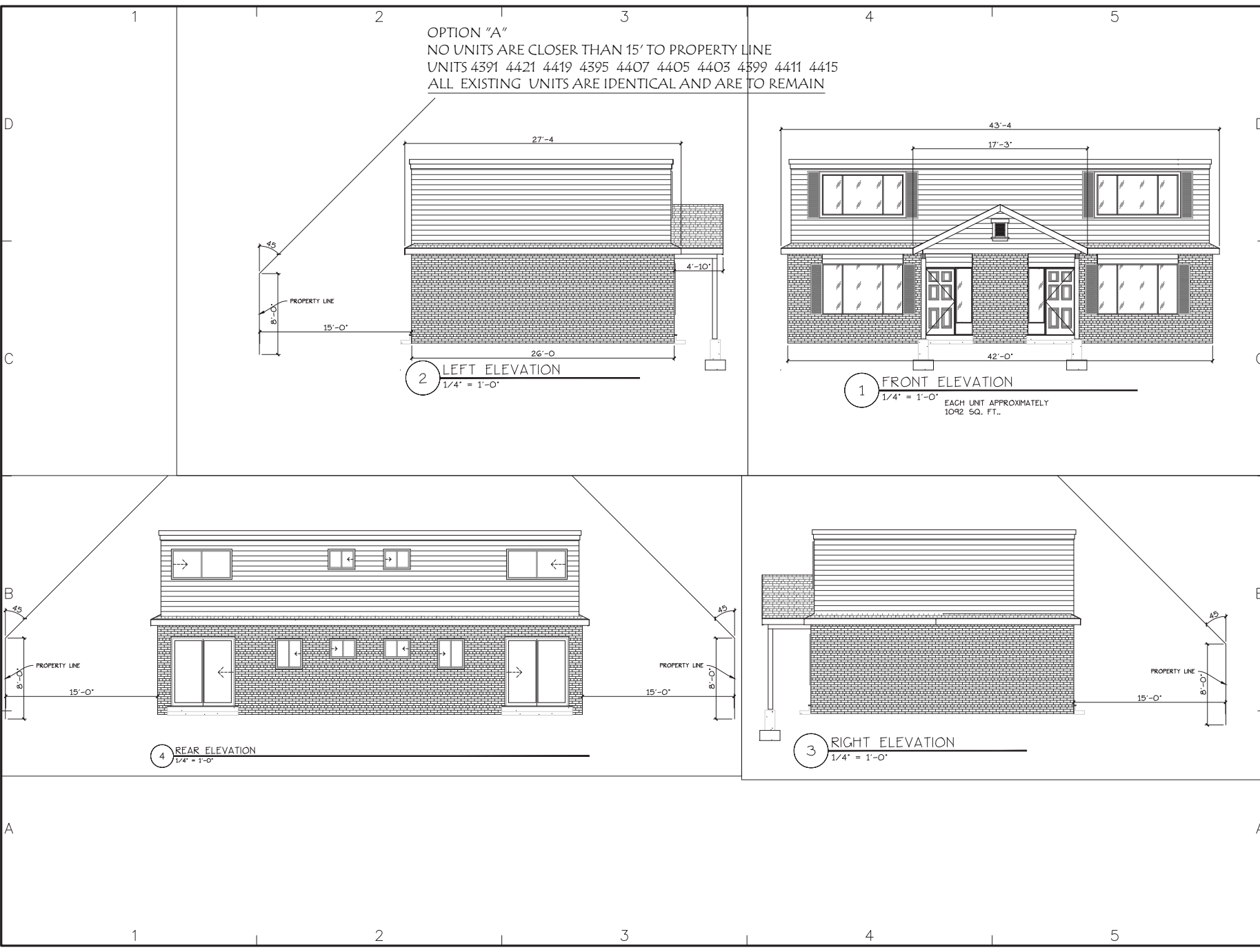


GARDEN ACRES  
4411-4415 S GARDEN DR  
OWNER  
MAPLE GARDENS, LLC  
801-706-5557  
362 Pierpont Ave. Salt Lake City UT

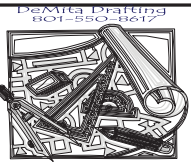
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SHEET TITLE  
**EXISTING DUPLEX  
ELEVATIONS**

A-2  
SHEET - OF -



OPTION "A"  
 PROPOSED TWO NEW TRIPLEX UNIT APARTMENTS  
 BUILDING ENVELOPE =  
 ONLY ONE PROPERTY LINE IS CLOSER THAN 100'



1    2    3    4    5

D

C



1 FRONT ELEVATION  
 1/4" = 1'-0"

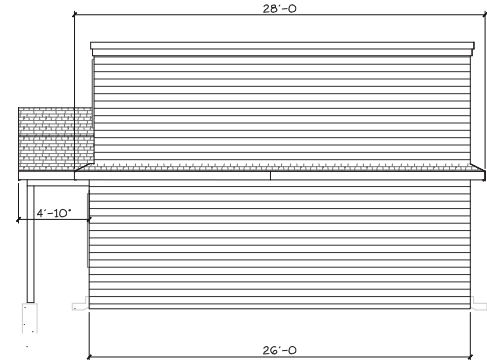
4    5

D  
 3006 MILLERBERG WAY WEST JORDAN, UT 801-550-8617  
 CONSULTANTS



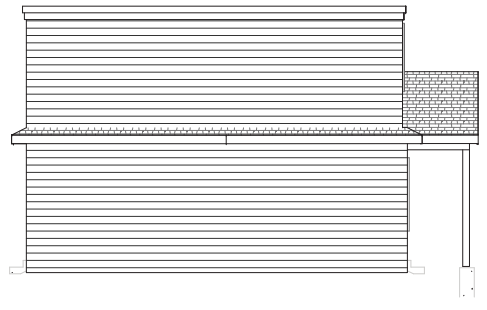
GARDEN ACRES  
 1002 S 800 E SALT LAKE CITY, UT 84105  
 OWNER  
 MAPLE GARDENS, LLC  
 362 Pierpont Ave. Salt Lake City UT  
 801-706-5557

C



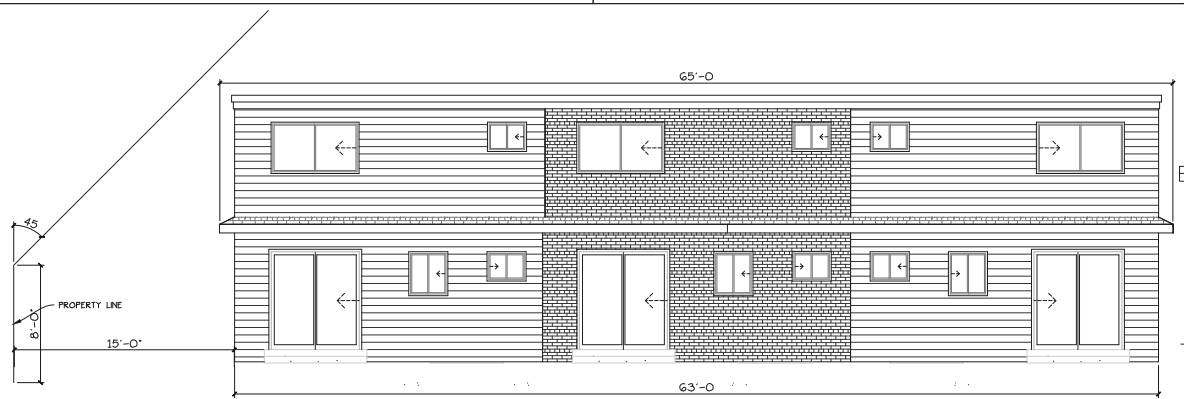
2 LEFT ELEVATION  
 1/4" = 1'-0"

B



3 LEFT ELEVATION (2)  
 1/4" = 1'-0"

A



4 REAR ELEVATION  
 1/4" = 1'-0"

1    2    3    4    5

MARK	DATE	DESCRIPTION

SHEET TITLE  
**TRIPLEX ELEVATIONS**

A-3  
 SHEET - - OF - -

