



STAFF REPORT

Executive Summary						
Hearing Body:	Millcreek Township Planning Commission					
Meeting Date and Time:	Wednesday, February 13, 2013	04:00 PM	File No:	2	8	2 7 0
Applicant Name:	Laurel Osborne/Wallace Fetzer	Request:	Zone Change			
Description:	R-1-10 & R-2-10 to R-1-21					
Location:	2254 & 2257 E. Alva Circle (3510 S.) & 3502 S 2300 E.					
Community Council Rec:	Not yet received					
Staff Recommendation:	Denial					
Planner:	Spencer G. Sanders					

1.0 BACKGROUND

1.1 Summary

Ms. Osborne & Mr. Fetzer are requesting approval of a Zone Change of the subject properties from the R-1-10 zone (Residential, Single-Family, 10,000 sq. ft. minimum lot size) and the R-2-10 zone (Residential, Two-Family, 10,000 sq. ft. minimum lot size) zones to the R-1-21 (Residential, Single-Family, 21,780 sq. ft. minimum lot size, w/agricultural animal rights) zone. An attached plan shows the applicants' intention to combine the existing 5 parcels into two lots associated with the two existing homes on the subject property.

1.2 Neighborhood Response

Staff has received one call from a resident on the same cul-de-sac as the subject properties, expressing concern about the farm animal uses allowed in the proposed zone. Staff also received one e-mail enquiring whether or not the animal uses could be commercial uses.

1.3 Community Council Response

A response from the East Mill Creek Community Council has not been received yet. The application is scheduled for on their Thursday, February 7th meeting. Staff will forward their recommendation at the Commission's meeting on February 13th.

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 Blue area designation supports the preservation of existing housing stock with some slight absorption of growth along designated corridors and near commercial centers. It does not discuss the introduction of agricultural animal use back into areas where it has been eliminated.

Context

Transitioned to Urban - The Context section of the Plan indicates that The Millcreek Township area has transitioned from agriculture to a more urbanized community starting early in the 20th century, but most notably from the 1940's to the present. Much of the existing housing development occurred between the late 1940's through the 1970's. The area is also nearly fully developed. The Plan does not support preservation of animal uses or encourage the reduction in housing densities. It does recommend preservation of existing housing stock with some minimal

Density and Development Intensity to Increase - The Plan's over arching premise anticipates that density and intensity of development will increase overtime in some areas . Some areas will have very little or no change and other areas will be targeted for moderate to high change. Very little change is anticipated in Blue areas. The intention is to preserve the existing neighborhoods and their quality of life in Blue areas while allowing for some grow absorption.

Best Practices

Housing

The Plan discusses promoting diversity in housing options. However, it does so in the context of accommodating growth absorption and providing affordable and aging in place housing. There is no mention of reducing density. The proposed zone change is reduction in density not supported in a Blue designated area.

Open Space & Sustainable Development

Environmental Protection of Natural Areas - The subject property is adjacent to and including Mill Creek, one of the major riparian drainages through Millcreek Township. The Plan discusses in the Open Space and Sustainable Development Best Practices that natural resources should be environmentally protected. It indicates development and land uses should be considered with the preservation of these natural resources in mind; allowing development to occur, but in an environmentally sustainable way. This would indicate that resources such as Millcreek should be

protected from further environmental degradation. Animal uses as allowed in the proposed zone can cause serious environmental issues along natural riparian areas. The subject properties proximity to the stream is one of the reasons staff is recommending denial of the proposed Zone Change. However, if the Commission supports lowering the density for the subject property by rezoning to R-1-21, staff recommends that a zoning conditions be included prohibiting or significantly curtailing farm animals on the subject property.

Agricultural vs. Natural Open Space - The Plan delineates Agricultural Open Space differently from Natural Open Space. The plan recommends large contiguous property sizes exceeding 2 acres for uses such as bee keeping and truck farming; and property sizes upwards of 10 acres for dry farming. It recommends that animal uses be buffered from other uses that would be impacted by smell, insects and dust and to minimize interactions between farm animals and household pets. The proposed animal uses of the proposed zone would be inconsistent with the General Plan.

2.2 Existing Zoning and Land Use

Site and Surrounding Area - The existing zoning in the immediate area is R-1-10 and R-2-10. The R-2-10 to the East, and the R-1-10 North West and South. These zones do not allow the keeping of farm animals. The R-2-10 zone allows two-family dwellings on 10,000 sq. ft. lots and the R-1-10 Zone allows single-family dwellings on 10,000 sq. ft. lots. The adjacent properties are developed consistent with their respective zones. These zones and the existing land uses are consistent with the General Plan.

R-1-21 Listed Uses - The proposed zone's listed Permitted and Conditional uses that are different from the surrounding R-1-10 and R-2-10 zones are as follows:

Permitted Uses - (Uses that do not need approval from the Planning Commission)

Animals and Fowl for Family Food Production - 19.04.235 "Family food production" means the keeping of not more than two cows, two sheep, two goats, twenty rabbits, fifty chickens, fifty pheasants, ten ducks, ten turkeys, ten geese and twenty pigeons, provided that an additional number of animals equal to two times the number listed above, and an additional number of fowl equal to five times the number listed above may be kept for each one-half acre of the lot over and above the minimum number of square feet required for a single-family residential lot in the zone, and provided that not more than three of the above-listed kinds of animals and fowl are permitted at any one time on any lot smaller than one-half acre.

Guesthouse, the square footage must be less than one thousand two hundred square feet - 19.04.290 "Guest house" means a separate dwelling structure located on a lot with one or more main dwelling structures and used for housing of guests or servants, and not rented, leased or sold separate from the rental, lease or sale of the main dwelling.

Maximum of four horses for private use only, not for rental - Up to 4 horses per 1/2 acre .

Conditional Uses - (Uses that require Planning Commission approval at a public meeting)

Pigeons, subject to health department regulations

Sportsman's kennel with a minimum lot area of one acre - 19.04.480 - "Sportsman's kennel" means a kennel for the keeping of three to five dogs which has a valid permit from the department of animal services and is located on a lot of at least one acre.

2.4 Other Issues

Proposed Zone Not Necessary for Lot Consolidation

The proposed R-1-21 zone is not required to accomplish the applicant's purpose of combining and re-configuring the subject properties as proposed. Lots can be larger than the minimum lot area required

under the existing zone, they just can't be smaller.

If the rezone is not approved, one of the resulting lots will be located within in two separate zones. This is not usually recommended, but there is no specific prohibition in the ordinance and some flexibility is given in the ordinance for interpretation of which zone applies to a property split by two zones.

Consolidating the 5 properties into 2 lots is more of a deterrent to development than rezoning if the applicants intend to maintain ownership of the properties. Rezoning the subject properties will not necessarily prevent the surrounding properties from renovation or redevelopment, or discourage it. The only real benefit of the rezone is to the applicant, allowing the possibility of limited farm animal uses.

2.5 Subdivision Requirements

The applicant is not required to file a subdivision plat in order to add the 3 unsubdivided parcels outside of the subdivision to the existing lots within the subdivision. The properties are being consolidated under a separate Lot Consolidation application. The type of application is reviewed and approved by County Staff since it is accomplished by filing metes and bounds legal descriptions by deed rather than plat.

3.0 STAFF RECOMMENDATION

3.1 Staff recommends DENIAL of the proposed Zone Change .

3.2 Reasons for Recommendation

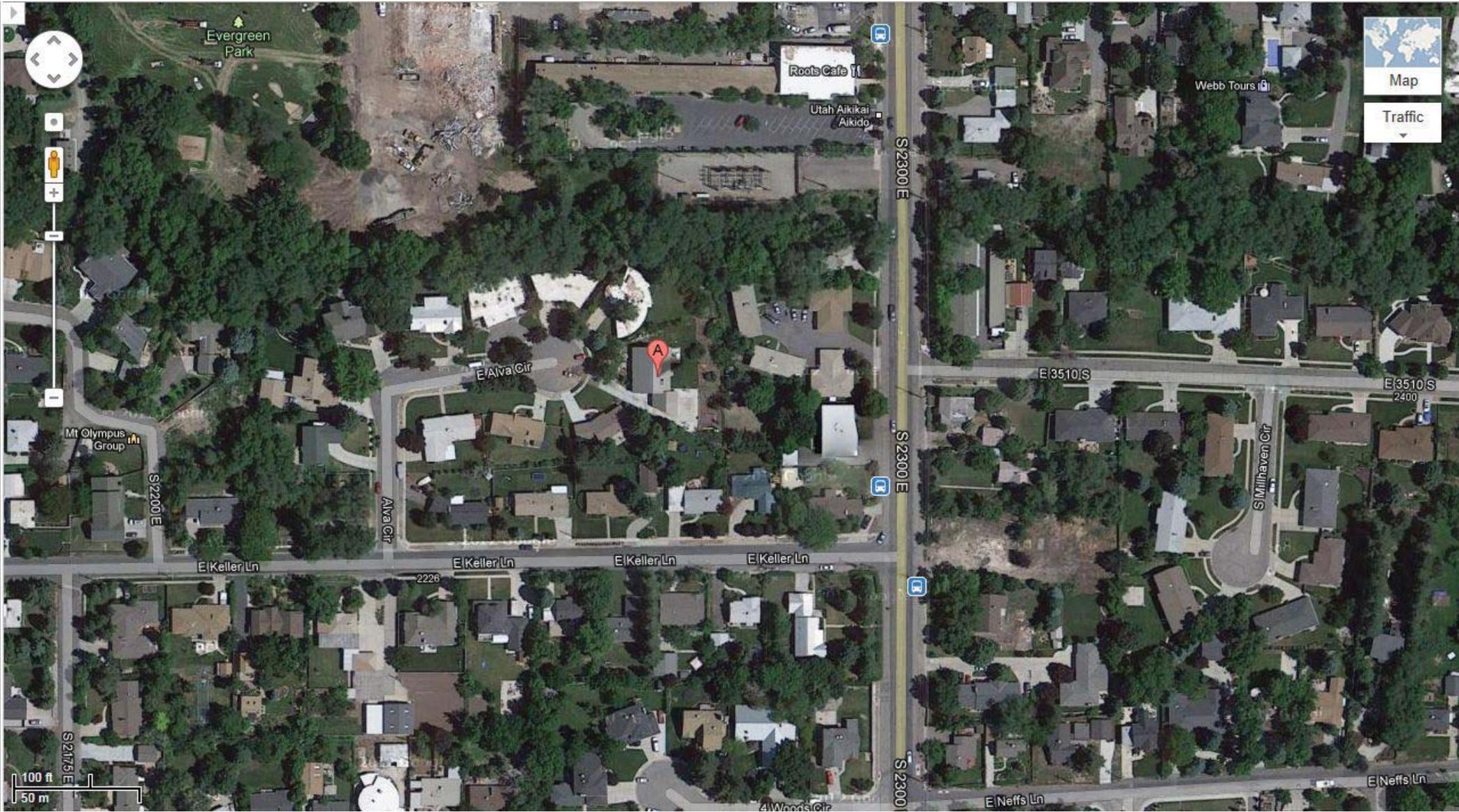
- 1) The proposed zone change is not consistent with the Millcreek Township General Plan:
 - a) It would introduce agricultural animal uses into an area where they do not currently exist, inconsistent with the existing Context of the area as noted in the General Plan;
 - b) It would reduce the density allowed under the zone for the subject property, inconsistent with the General Plan's Housing Best Practice; and
 - c) It would allow farm animal uses adjacent to Mill Creek, potentially causing environmental impacts to a natural resource that is recommended to be protected from environmental degradation under the General Plan Sustainability Best Practices.
- 2) The potential for the introduction of farm animals into the area, especially larger animals, for just two resulting lots would likely result in neighborhood complaints and conflict relating to the potential impacts from farm animal use that are not currently experienced in the area.

3.3 Other Recommendations

If the proposed Zone Change to R-1-21 is determined by the Commission to be an appropriate method for preserving neighborhood integrity and quality of life, staff would recommend that zoning conditions be included that:

- 1) Eliminating the use of medium and large farm animals such as sheep, goats, cows and horses; and
- 2) Reduce or eliminate small farm animals, except for the keeping of small fowl (chicken and pigeons) as is currently allowed in all R-1 zones.

These recommendations are suggested to mitigate the potential impacts from farm animals on surrounding residents.



Evergreen Park

Roots Cafe

Utah Aikikai Aikido

Webb Tours

Mt Olympus Group

E Alva Cir

E 3510 S

E 3510 S 2400

S Millhaven Cir

E Keller Ln

E Keller Ln

E Keller Ln

E Keller Ln

2226

S 2175 E

S 2300 E

S 2300 E

S 2300 E

E Neffs Ln

4 Woods Cir



Map

Traffic





Map

Traffic

S 2300 E

E 0062 S

20 ft
10 m



