



Public Works
Planning & Development Services Division
<http://www.utah.gov/pmni/index.html>

Millcreek Township Planning Commission Public Meeting Agenda

Wednesday, April 10, 2013

4:00 P.M.

*****REVISED APRIL 1, 2013*****

THE MEETING WILL BE HELD AT SALT LAKE COUNTY GOVERNMENT CENTER
2001 SOUTH STATE STREET, NORTH BUILDING, MAIN FLOOR, COUNCIL CHAMBERS,
ROOM N1100
ANY QUESTIONS, CALL 468-2000

REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE, PLEASE CALL 468-2120 OR 468-2351: TDD 468-3600.

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

PUBLIC HEARINGS

Zone Changes

27973 – Larry and Tara Lemmon are requesting approval of a Zone Change from the R-2-6.5 zone (Residential Two-Family, 6,500 sq. ft. min. lot size) to the RM zone (Residential Multi-Family and Office). This request is being made in order for the applicant to develop the property as a multi-family project. **Location:** 1451 E. 3900 S. & 3873 S. Lemon Ln. (1445 E.) **Community Council:** Millcreek **Planner:** Spencer G. Sanders

28328 – Colin Strasser is requesting approval of a Zone Change from the R-1-8 Zone (Residential Single-Family 8,000 sq. ft. min. lot size) to the R-1-6 zone (Residential Single-Family 6,000 sq. ft. min. lot size). This request is being made in order for the applicant to develop a 4 lot subdivision on a private lane. **Location:** 3176 & 3180 S. 2300 E. **Community Council:** ~~Canyon Rim~~ ~~East Mill Creek~~ **Planner:** Spencer G. Sanders.

28338 – Jason & Rachel Witzel are requesting approval of a Zone Change from the R-1-6 zone (Residential Single-family, 6,000 sq. ft. min. lot size) to the R-4-8.5 zone (Residential

Four-family, 8,500 sq. ft. min. lot size). This request is being made in order for the applicant to add an additional basement apartment to an existing duplex. **Location:** 729 E. 2910 S. **Community Council:** Millcreek **Planner:** Spencer G. Sanders

Conditional Uses

➔ **28327 – Rescheduled to the Commission’s May 15, 2013 meeting at the applicant’s request.**

Robert C. Miller is requesting conditional use approval for a concrete recycling operation, including the use of a rock crusher, in an M-2 zone. This request was originally approved in 1998 for 5 years as an interim use, and was later renewed (in 2003) for another 5 years. The applicant is now asking for approval to continue operation. **Location:** 4186 S. Main St. **Community Council:** Millcreek. **Planner:** Curtis Woodward

BUSINESS MEETING

The Business Meeting will begin immediately following the Public Hearings.

Previous Meeting Minutes Review and Approval

- 1) February 13, 2013

Business Items

- 2) Current Commission Members – Appointment Status
- 3) Letter to Mayor, Council & Township Executive – Requesting County consider Sign Ordinance Evaluation and Update.

Work Session

- 4) Curb, Gutter, and Sidewalk Project – Potential General Plan & Ordinance Amendments – Discussion Pertaining to Public Involvement Process – **Planners:** Spencer G. Sanders
 - a) Presentation/Survey Final Draft;
 - b) Public Input Opportunities
 - c) Public Review Draft Schedule

Other Business Items (as needed)

ADJOURN

Rules of Conduct for the Planning Commission Meeting

- First: Applications will be introduced by a Staff Member.
- Second: The applicant will be allowed up to 15 minutes to make their presentation.
- Third: The Community Council representative can present their comments.
- Fourth: Persons in favor of, or not opposed to, the application will be invited to speak.
- Fifth: Persons opposed to the application will be invited to speak.
- Sixth: The applicant will be allowed 5 minutes to provide concluding statements.

- Speakers will be called to the podium by the Chairman.
- Because the meeting minutes are recorded it is important for each speaker to state their name and address prior to making any comments.
- All comments should be directed to the Planning Commissioners, not to the Staff or to members of the audience.
- For items where there are several people wishing to speak, the Chairman may impose a time limit, usually 2 minutes per person, or 5 minutes for a group spokesperson.
- After the hearing is closed, the discussion will be limited to the Planning Commission and the Staff.

Planning Commission Chairman - Opening Statement

To be read at the opening of the public hearing item portion of the agenda.

A copy of today's agenda and a sign-in sheet are located on a stand at the back of the room. Please note your participation in today's meeting by signing in.

The Planning Commission is a voluntary citizen board. The Commission's function is to hear and decide applications for conditional uses and preliminary subdivision plats; and to make recommendations to the County Council for zoning changes or changes to ordinances or general plans.

The Commission's decisions are based on information from field observations, recommendations from Planning Staff and other agencies indicating compliance with the general plan and relevant ordinances, the Community Council recommendation as a representation of community concerns, and information presented at the public meeting. Today's meeting is recorded, so please speak directly into the microphone, and state your name and address prior to making your comments. Please note that comments from the audience are only appropriate when presented at the podium.

At this time we will begin the Public Hearing portion of the agenda. These items are ones for which public comment is taken so that the Planning Commission can be made aware of all of the issues of concern with regards to a request. Decisions may be made on any item listed on the agenda. A decision, or recommendation, will be rendered by the Planning Commission for these items which may include Approval, Approval with Conditions, Denial, or, Continuation of the item to a future meeting.

The meeting will proceed as outlined in the Rules of Conduct printed on the back of the agenda.

To be read at the opening of the business item portion of the agenda.

The Planning Commission is a voluntary citizen board. The Commission's function is to hear and decide applications for conditional uses and preliminary subdivision plats; and to make recommendations to the County Council for zoning changes or changes to ordinances or general plans.

The agenda is divided into two main categories: Business Items and Public Hearing Items. The first portion of today's meeting is dedicated to Business Items. Members of the public may attend, but will not participate unless invited to do so by the Chair or supporting staff. During this time the Commission may discuss and render decisions on policy issues and administrative matters that do not require public input. Special presentations, reports, and updates from the supporting staff that do not require a decision at a Public Hearing may also be made. There will be no discussion of an application, request, or approval scheduled for the Public Hearing Item portion of the meeting.



STAFF REPORT

Executive Summary					
Hearing Body:	Millcreek Township Planning Commission				
Meeting Date and Time:	Wednesday, April 10, 2013	04:00 PM	File No:	2	7 9 7 3
Applicant Name:	Larry & Tara Lemmon	Request:	Zone Change		
Description:	R-2-6.5 to RM in order to develop the property as multi-family				
Location:	1451 E. 3900 S. & 3873 S. Lemon Ln. (1445 E.)				
Zone:	R-2-6.5 Residential Two-Family	Any Zoning Conditions?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Planning Commission Rec:	Not Yet Received				
Community Council Rec:	Approval				
Staff Recommendation:	Approval				
Planner:	Spencer G. Sanders				

1.0 BACKGROUND

1.1 Summary

1.1.1 Proposal

Larry and Tara Lemmon are requesting approval of a Zone Change of the subject property from the R-2-6.5 zone (Residential Two-Family, 6,500 sq. ft. min. lot size) to the RM zone (Residential Multi-Family and Office). This request is being made in order for the applicant to develop the property as a multi-family project, most likely a townhome-style product. The applicant has provided a conceptual site plan for reference. This plan has not been analyzed to determine compliance with applicable regulations. It has been provided as a concept plan for reference.

1.1.2 Subject Property Information

Existing Use: Two lots, each with an existing single-family home.

Property Area & Rough Dimensions: Approximately 0.56 acres or 24,393 square feet total. Approximately 100 feet wide x 250 feet deep. The property is not perfectly square and there is a slim portion extending to the back which is part of the driveway that provides access for the home adjacent to the north that shares the private lane with the subject property.

Adjacent Zoning & Land Uses:

West: RM - Currently vacant, but recently approved this year for 14 townhomes;

Northwest: R-1-8 - Existing single-family home neighborhood;

North: R-2-6.5 - Single-family home, shares access with subject properties;

Northeast: R-2-6.5 - Two-family dwelling;

East: RM - Office;

South, across 3900 South: R-2-6.5 - Single-family homes; & RM/zc - Office (Dental Lab).

1.2 Neighborhood Response

At the time of this writing staff had not received any responses from the surrounding property owners or residents.

1.3 Community Council Response

The Millcreek Community Council held a meeting regarding this application on Tuesday, April 2, 2013. There were no adjacent property owners or residents present at the meeting to speak to the issue. Staff and the applicant were present. The Community Council voted unanimously to recommend approval of the proposed zone change from R-2-6.5 to RM.

2.0 ANALYSIS

2.1 General Plan

2.1.2 Millcreek Township General Plan - Map

The subject property is identified on the General Plan Map, adopted in 2009, as "Yellow", an area that would experience "Moderate Change" over time. A "Yellow" area is where moderate growth and increase in land use intensity and density would be anticipated and considered appropriate. In addition, the subject property is located along a designated Corridor where additional residential density and/or increased non-residential intensity is anticipated and considered appropriate.

2.1.3 Millcreek Township General Plan - Best Practices - The General Plan includes Best Practices for different topics, several of which are applicable to this zone change request. These include Housing, Land Use & Mobility, and Corridors.

Housing - The Housing Best Practice recommends diverse housing choices within a community including type, size, affordability, ownership and rental. Diversity helps to serve citizens of all economic levels and in all life stages, providing a wide variety of housing options.

Land Use & Mobility - The Land Use & Mobility Best Practice encourages increased density near economic centers and along corridors where transit is available. This helps to provide a land use buffer between more intense uses or traffic areas and less intense single-family uses. It also provides alternative transportation options for citizens addressing a broad spectrum of issues from socioeconomic equity to environmental improvements to economic benefits.

Corridors - The Corridors Best Practice supports increased intensity of uses, including increased residential density, along major corridors. This is where opportunities for improved transit, buffering, mixing of uses and in-fill development are anticipated to occur. Benefits from following the recommendations in this best practice include, more efficient and sustainable development, improved economic growth and improved health and quality of life for citizens.

2.1.2 Conclusion

Based on the Millcreek General Plan map designations and the above noted Best Practice recommendations, it is staff's opinion that the proposed zone change from R-2-6.5 to RM is consistent with the Millcreek Township General Plan.

2.2 Other Issues

2.2.1 Access for Home to the North

The adjacent property to the north of the subject property has access across the subject property, from 3900 South, through a shared private lane. The zone change will not affect this adjacent property's continued access. Regardless of the zoning designation, any future development of the subject property

must continue to provide access to the adjacent lot to the north.

2.2.2 Site Plan/Conditional Use Issues

As with all zone changes it is tempting to base a decision on a specific proposed site plan for the property. It is also easy to become distracted by the suspected negative impacts of a potential development. In reviewing a proposed zone change it is important to focusing on the appropriateness of the proposed zone for the site in light of the General Plan and the listed uses in the proposed zone. The specific site plan and use related issues are addressed during the Site Plan/Conditional Use review stage. This is where specific conditions addressing known impacts can be considered and implemented.

2.2.3 Development Potential under the Proposed Zone is Limited

It is likely impossible for any development on the subject property, under the proposed RM zone, to reach the maximum density (25 dwelling units per acre) or maximum building height (75 feet) allowed in the RM Zone. Further, not all uses listed in the zone will be feasible or developed to their maximum intensity. The site's relatively small size, it's narrow/deep configuration, required parking, landscaping, building set backs and access improvements, will significantly limit actual development on the subject property. The applicant's conceptual townhome site plan for 9 two-story townhomes is probably close to or over the maximum density that would be possible on the site. Once site constraints and development requirements are implemented a fewer number of units or different style of development may result. It is important to consider the proposed zone change from R-2 to RM with this understanding of realistic development potential of the site.

3.0 STAFF RECOMMENDATION

3.1 Staff recommends APPROVAL of the proposed Zone Change.

3.2 Reasons for Recommendation

- 1) The proposed zone change is consistent with the Millcreek General Plan: it is consistent with the General Plan Map "Moderate Change" designation; and is consistent with the recommendations of several key Best Practices within the plan, including Housing, Land Use & Mobility, and Corridors.
- 2) The actual potential uses, maximum density and building heights that can be realistically achieved under the proposed RM zone are in keeping with the General Plan; consistent with existing and recently approved development along 3900 South; and compatible with surrounding single-family residential homes.
- 3) Potential site plan concerns such as lighting, trash removal, buffering, noise, fencing, access, and so forth, can be adequately addressed during the Site Plan/Conditional Use approval process.

The screenshot displays the ArcGIS Viewer for Flex interface. At the top left, the title bar reads "Planning and Development Interactive GIS Map". The main map area shows an aerial view with parcel boundaries overlaid. A specific parcel, 1633306023, is highlighted with a blue border. An "Identify" popup window is open in the bottom right corner, displaying the following information:

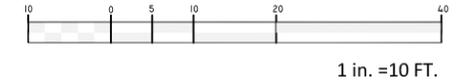
- Parcel
- parcel_id: 16333060230000
- own_name: LEMMON, LARRY T
- prop_locat: 1451 E 3900 S
- parcel_acr: 0.39

The interface includes a toolbar at the top with icons for home, search, and other functions. A layer control bar at the top right shows "Layer Options", "ESRI Streets", "ESRI Aerial", "ESRI Topo", and "SLCO Roads". A scale bar at the bottom left indicates 50 meters. The bottom of the screen shows a grid of parcel IDs and a "POWERED BY ESRI" logo.

3900 SOUTH 1451 EAST

PLANNED UNIT DEVELOPMENT

DRAWING TITLE
3900 SOUTH 1451 EAST
 PLANNED UNIT DEVELOPMENT



SITE PLAN NOTES:

PROVIDED LANDSCAPING = 8,331 SQ.FT
 BUILDING FOOTPRINT = 8,085 SQ.FT
 PROPOSED PAVEMENT = 6067 SQ.FT
 TOTAL ACREAGE = 0.51 ACRES +/-

LEGEND

PROPERTY LINE	EXISTING CONTOURS
PROPERTY CORNER	EXISTING STORM DRAIN LINE
P.U.E. LINE/EASEMENT	EXISTING FENCE
PROPOSED FIRE HYDRANT	EXISTING WATERLINE
EXISTING POWER POLE	EXISTING ASPHALT
OVERHEAD POWERLINES	LANDSCAPING
NEW ASPHALT	

REVISIONS:

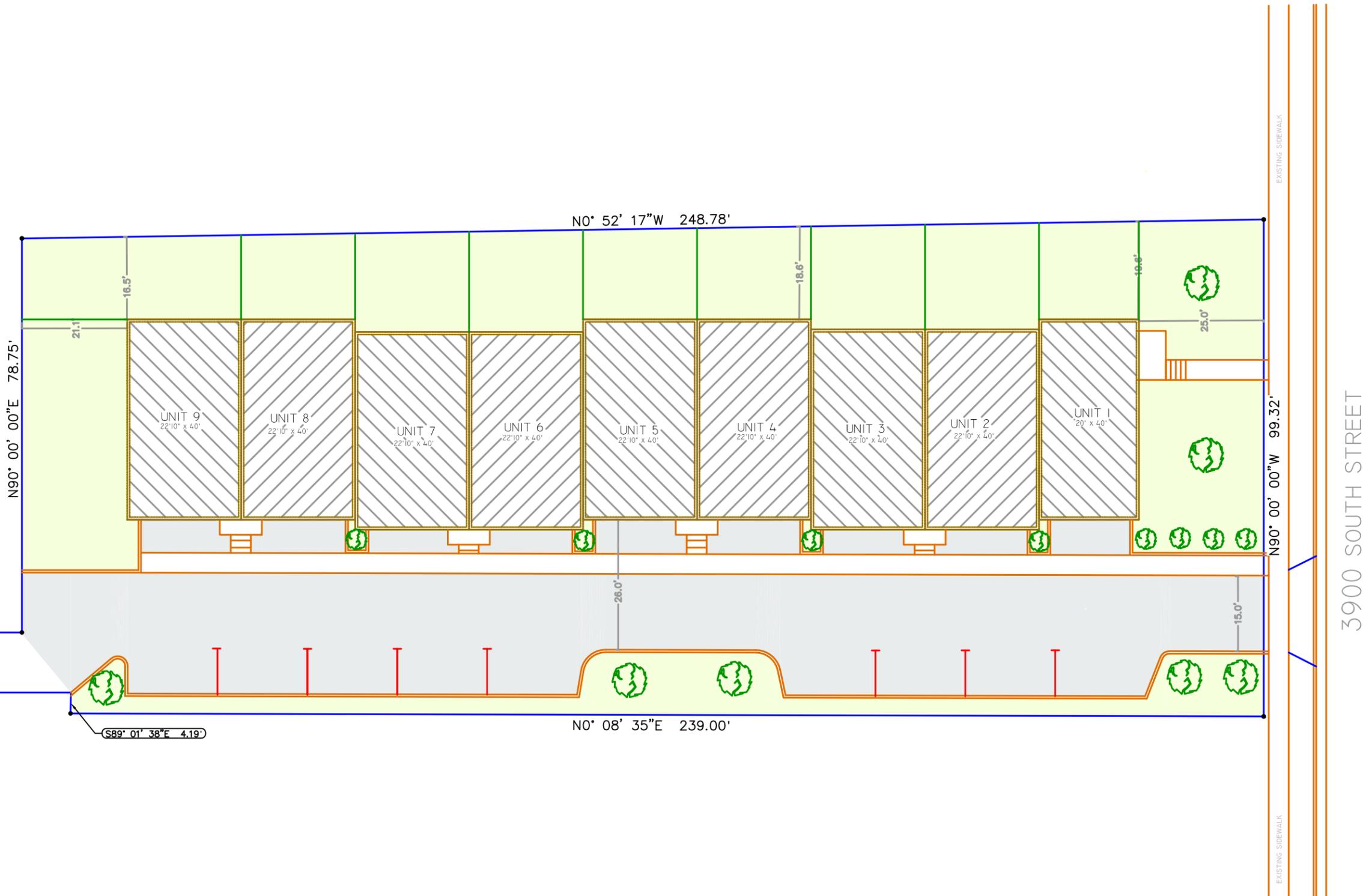
REV #	DESCRIPTION	DATE

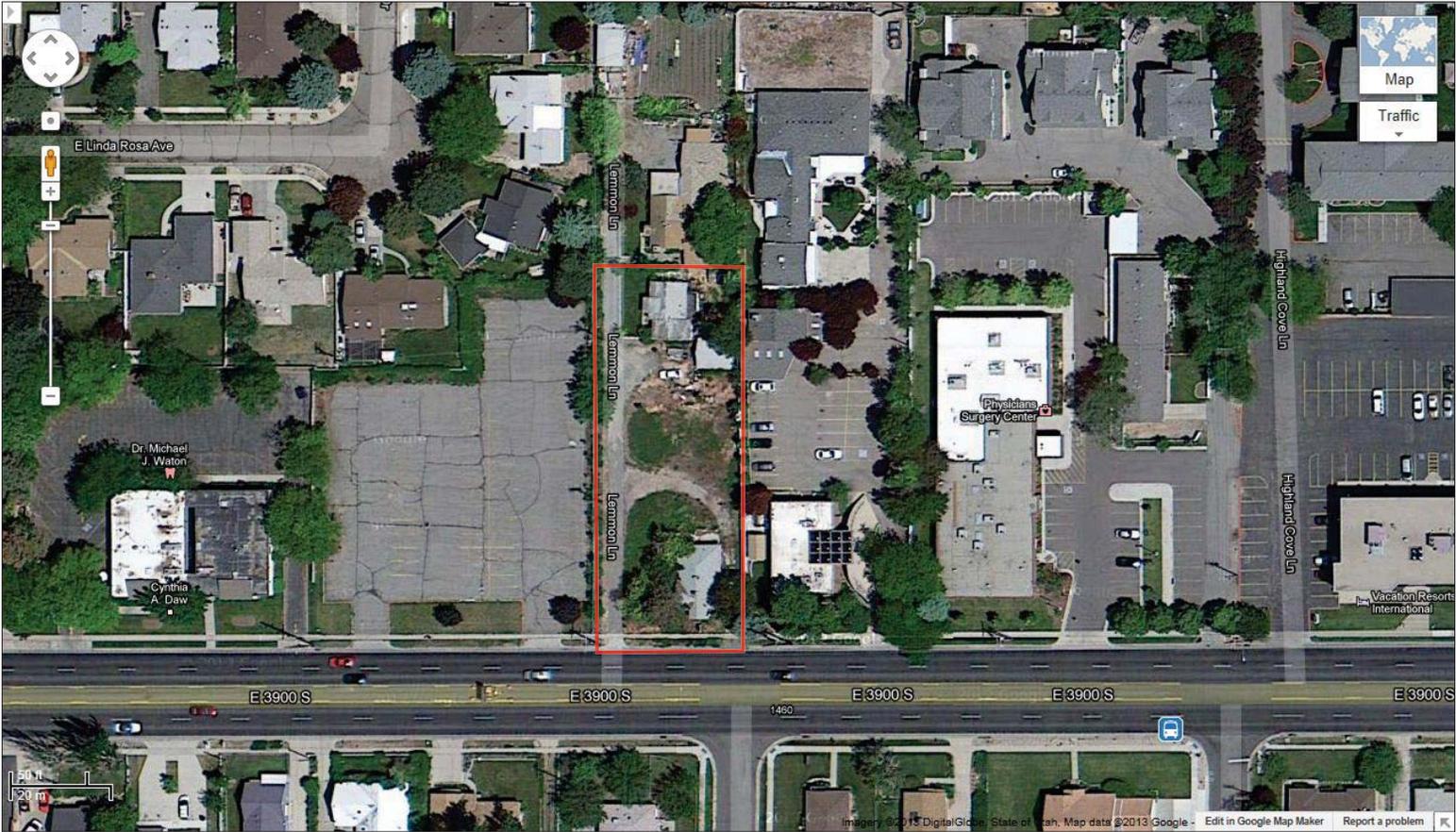
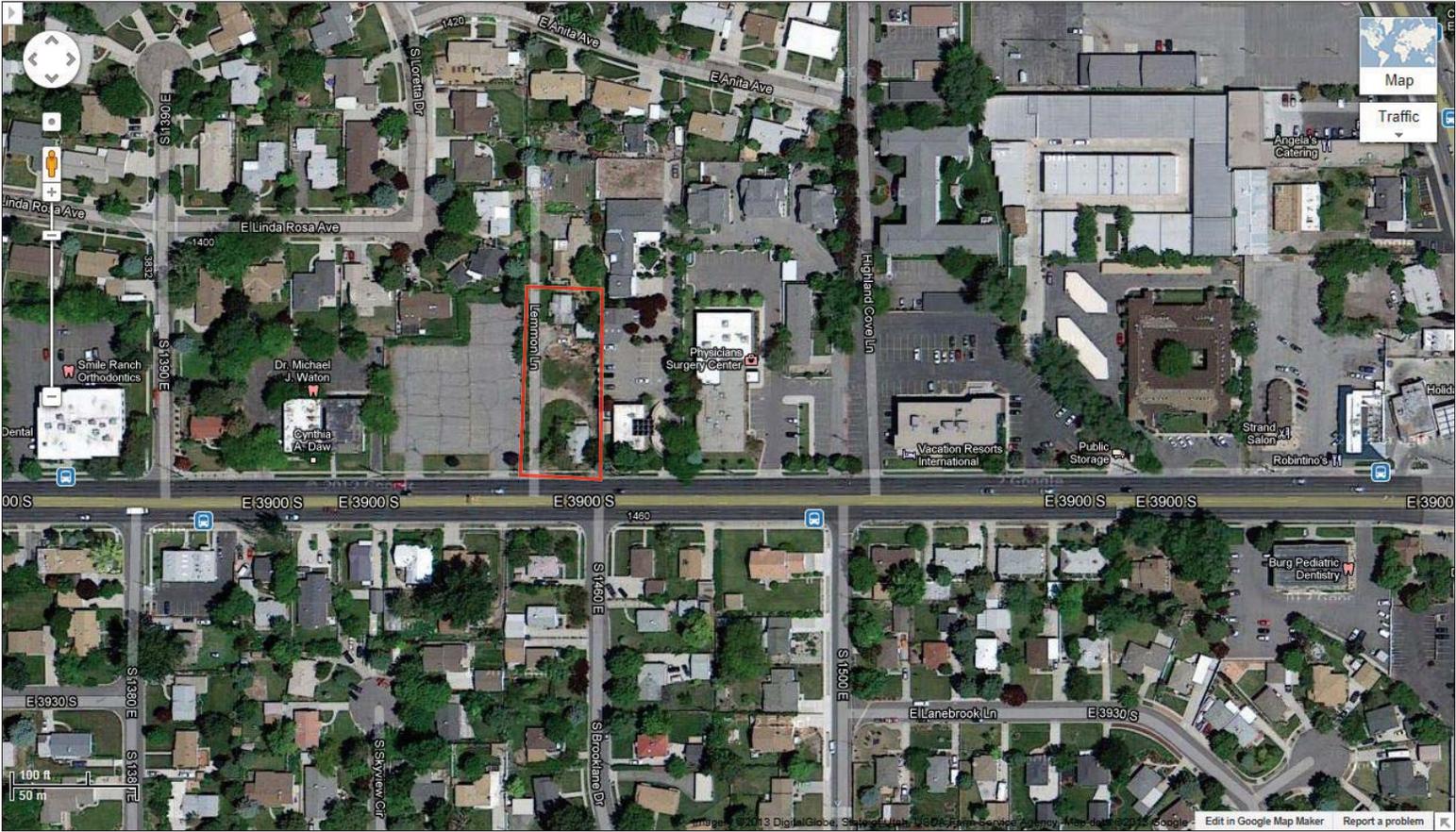


JOHANSON ENGINEERING
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 This drawing is and at all times remains the exclusive property of Johanson Engineering shall not be used with out complete authorization and written support.

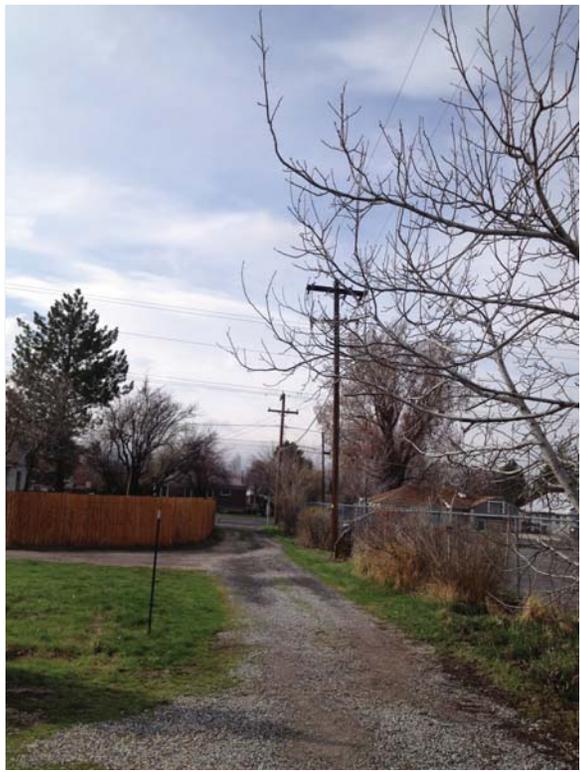
STAMP	PROJECT NO.
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	DATE: 8-6-12
	DRAWN BY: CAREY D. JOHANSON P.E.
	CHKD BY: SHANE R. JOHANSON P.L.S.
	SHEET NUMBER
	C-001













STAFF REPORT

Executive Summary									
Hearing Body:	Millcreek Township Planning Commission								
Meeting Date and Time:	Wednesday, April 10, 2013	04:00 PM	File No:	2	8	3	2	8	
Applicant Name:	Collin Strasser	Request:	Zone Change						
Description:	R-1-8 to R-1-6 in order to develop a 4-lot single-family home subdivision								
Location:	3176 & 3180 S. 2300 E.								
Zone:	R-1-8 Residential Single-Family	Any Zoning Conditions?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>					
Planning Commission Rec:	Not Yet Received								
Community Council Rec:	Approval								
Staff Recommendation:	Approval								
Planner:	Spencer G. Sanders								

1.0 BACKGROUND

1.1 Summary

1.1.1 Proposal

Colin Strasser is requesting approval of a Zone Change if of the subject property from the R-1-8 zone (Residential Single-Family 8,000 sq. ft. min. lot size) to the R-1-6 zone (Residential Single-Family 6,000 sq. ft. min. lot size).

The applicant is proposing to develop a 4-lot subdivision on a private lane. Two 6,000 square foot lots adjacent to 2300 East and two flag lots approximately 10,250 and 10,750 square feet. The applicant has indicated that all homes would be accessed from a central common driveway/private lane. Please see attached proposed plan.

1.1.2 Subject Property Information

Existing Use: Two parcels, one vacant and one with an existing single-family home & detached garage.

Property Area & Rough Dimensions: Approximately 0.76 acres or 33,106 square feet total. Approximately 148 feet wide x 220 to 232 feet deep.

Adjacent Zoning & Land Uses: The subject property is surrounded by the R-1-8 zone and mostly single family homes. Two properties to the south along 2300 E. there are two lots zoned R-4-8.5 with 3 and 4 unit buildings. Just south of that is the commercially zoned properties along 3300 South.

1.2 Neighborhood Response

At the time of this writing staff has not received any responses from the surrounding property owners or residents.

1.3 Community Council Response

The Canyon Rim Community Council held a meeting regarding this application on Tuesday, March 19, 2013. There were no adjacent property owners or residents present at the meeting to speak on the issue. Staff and the applicant were present.

The Community Council voted unanimously to recommend the rezoning of 3176 (and 3180) S. 2300 E. from R-1-8 to R-1-6 to let Mr. Strasser build 4 homes on the property so long as the neighbors of that property do not have a desire for the council to reconsider its recommendation when the Millcreek Planning Commission next meets. If the neighbors do desire to meet with Canyon Rim Community Council and present cause for the Community Council's reconsideration, the Community Council asks for a continuance from the Planning Commission so arguments can be heard at the Canyon Rim Community Council's next meeting in April.

2.0 ANALYSIS

2.1 General Plan

2.1.2 Millcreek Township General Plan - Map

Map Designations - The subject property is identified on the General Plan Map, adopted in 2009, as a "Blue" or "Stable" area. This is an area that would experience very little change over time. However, the subject property is also located along a designated corridor in a "Stable" area where some additional residential density is anticipated and considered appropriate.

2.1.3 Millcreek Township General Plan - Best Practices - The General Plan includes Best Practices for different topics, several of which are applicable to this zone change request. These include Housing, Land Use & Mobility, and Corridors.

Housing - The Housing Best Practice recommends diverse housing choices within a community including type, size, affordability, ownership and rental. Diversity helps to serve citizens at all economic levels and life stages, providing a wide variety of housing options.

Land Use & Mobility - The Land Use & Mobility Best Practice encourages increased density near economic centers and along corridors where transit is available. This helps to provide a land use buffer from more intense uses and traffic areas for the least intense single family uses. It also provide alternative transportation options for residents in the area.

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

2.1.2 Conclusion

Based on the General Plan Map's designation of 2300 East as a Corridor and the above noted Best Practice recommendations from General Plan, it is staff's opinion that the proposed zone change from R-1-8 to R-1-6 is consistent with the Millcreek Township General Plan.

The only difference between the R-1-8 and R-1-6 zones are the minimum lot size and maximum density allowed. The minimum lot sizes are 8,000 square feet in the R-1-8 zone and 6,000 square feet in the R-1-6 zone. The maximum densities are 4.5 dwelling units per acre in the R-1-8 zone and 6.0 dwelling units per acre in R-1-6 zone. All allowed uses and all minimum setbacks from property line are the same.

The applicant's proposed zone change would allow the number of lots on the subject property to

increase from 3 lots to 4. One additional lot on the subject property would increase the actual density on the property from 3.9 dwelling units per acre to 5.3 dwelling units per acre. This relatively low increase in density and no change to residential use type (single-family) is consistent with the recommendations of the General Plan for this areas. Change is expected to occur along corridors in "Stable" areas, but in relatively small individual projects.

2.2 Other Issues

In considering a proposed zone change it is better to avoid making a decision based on a specific proposed site/subdivision plan or based on suspected impacts of that plan. Once a new zone is approved, for whatever reason, a different plan, one that still complies with new zoning, could be submitted for approval. It is more important to focus on the appropriateness of the proposed zone for the site based on General Plan recommendations.

The specific site plan and use related issues are more appropriately addressed during the Site Plan, Conditional Use and/or subdivision review process. This is where ordinance compliance is verified and specific conditions addressing known impacts can be considered and implemented. In this case, deciding between the existing R-1-8 and the proposed R-1-6 zones hinges on whether or not an additional lot on the site is consistent with the General Plan and appropriate for the location.

3.0 STAFF RECOMMENDATION

3.1 Staff recommends APPROVAL of the proposed Zone Change.

3.2 Reasons for Recommendation

- 1) The proposed zone change is consistent with the Millcreek General Plan: it is consistent with the General Plan Map Corridor designation of 2300 East; and is consistent with the recommendations of several key Best Practices within the plan, including Housing, Land Use & Mobility, and Corridors.
- 2) The proposed zone change would increase the number of allowed lots on the subject property from 3 to 4, but would not change the type of uses allowed on the property or the required setbacks for homes and accessory structures from property lines.
- 3) The continued use of the subject property for single family dwellings is consistent with subject properties "Stable" area designation on the General Plan Map.

Spencer G Sanders

From: brian.howick@comcast.net
Sent: Monday, March 25, 2013 11:27 PM
To: Spencer G Sanders
Subject: Rezoning: Colin Strausser

Spencer,

Thanks for coming to our council and presenting and answer questions about the proposed rezoning of 3176 S. 2300 E.

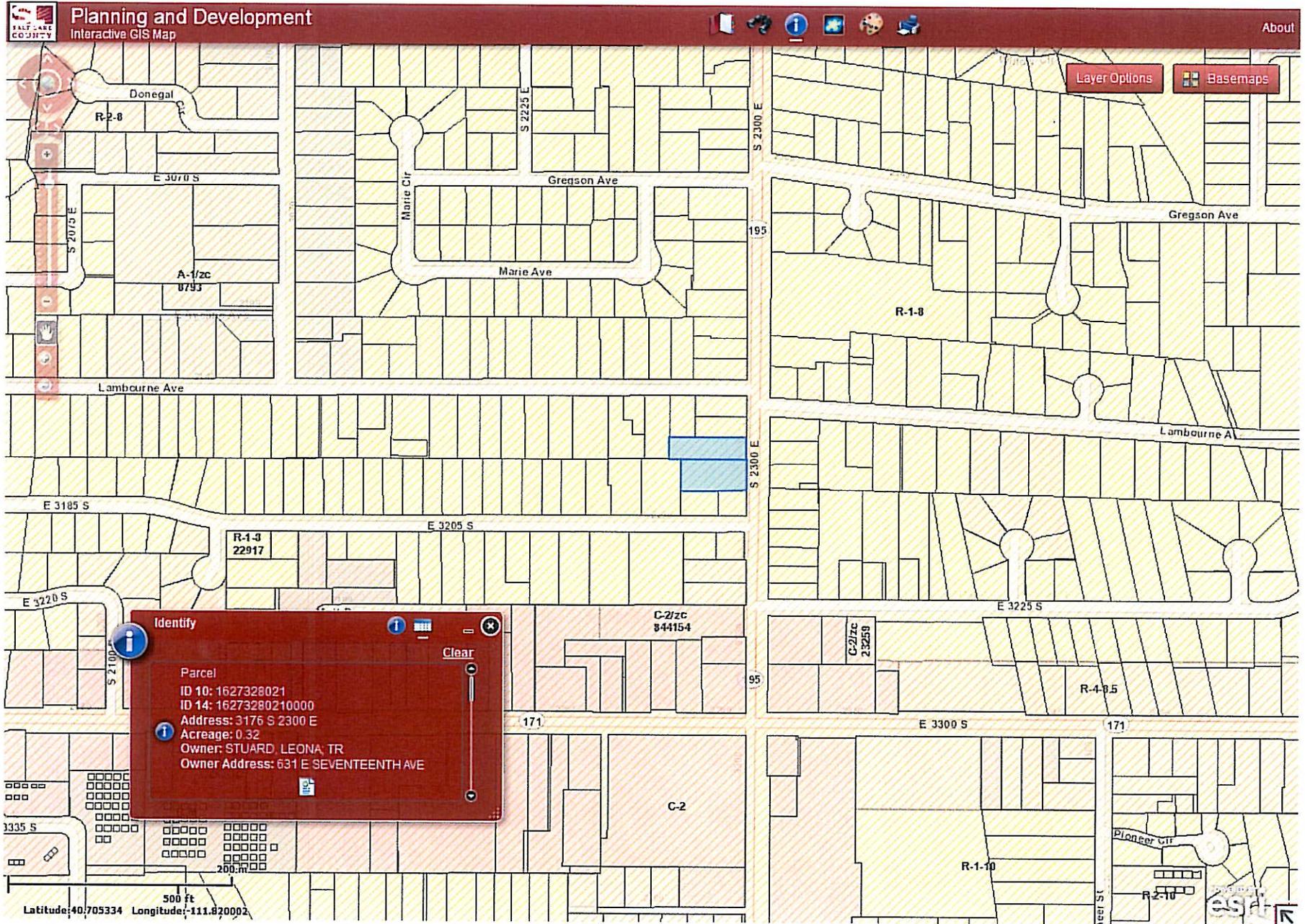
To summarize: The council voted unanimously to recommend the rezoning of 3176 S. 2300 E. from R-1-6 to R-1-6 to let Mr. Strausser build 4 homes on the property so long as the neighbors of that property do not have a desire for the council to reconsider its recommendation when the Millcreek Planning and Zoning Committee next meets.

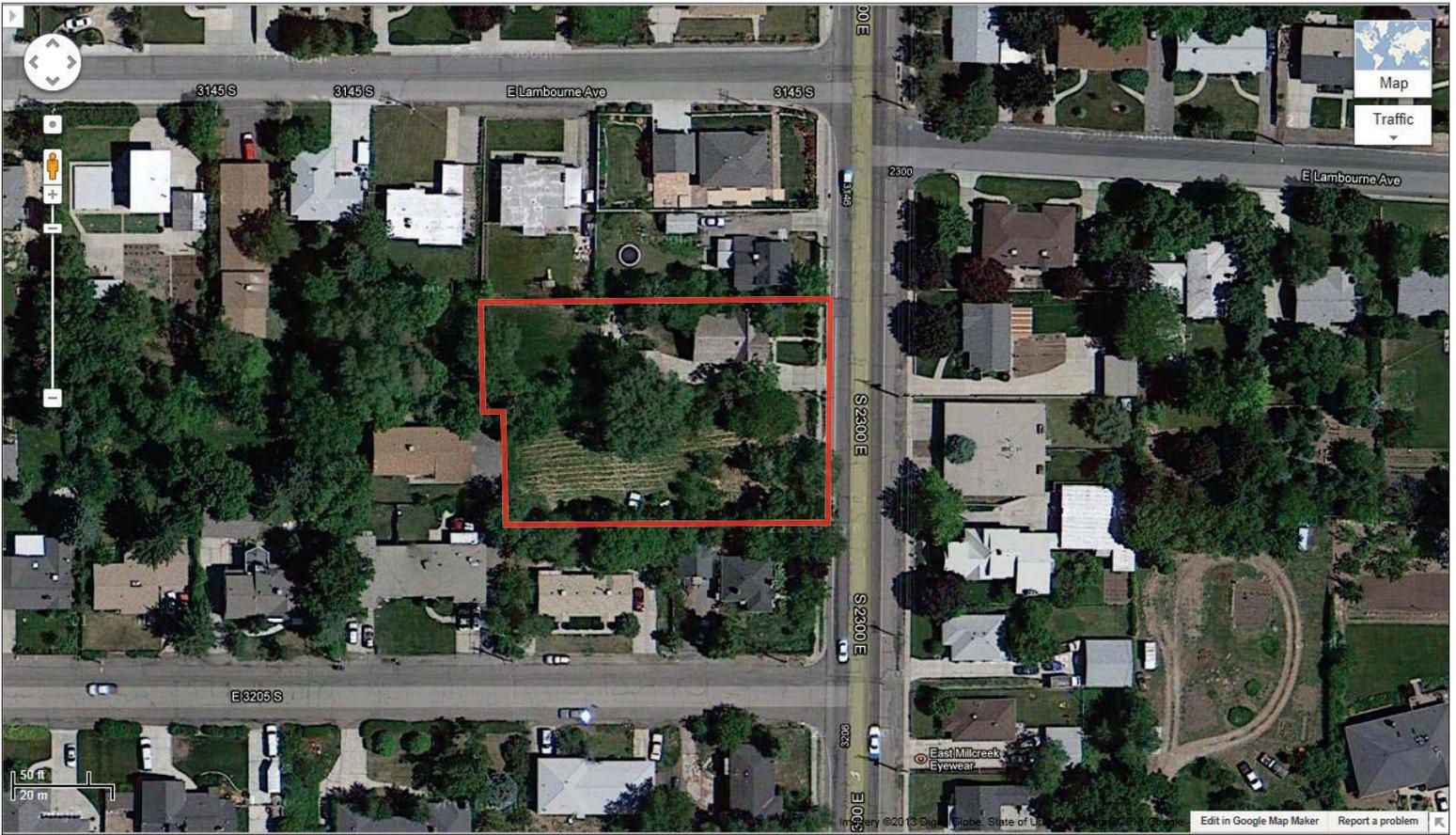
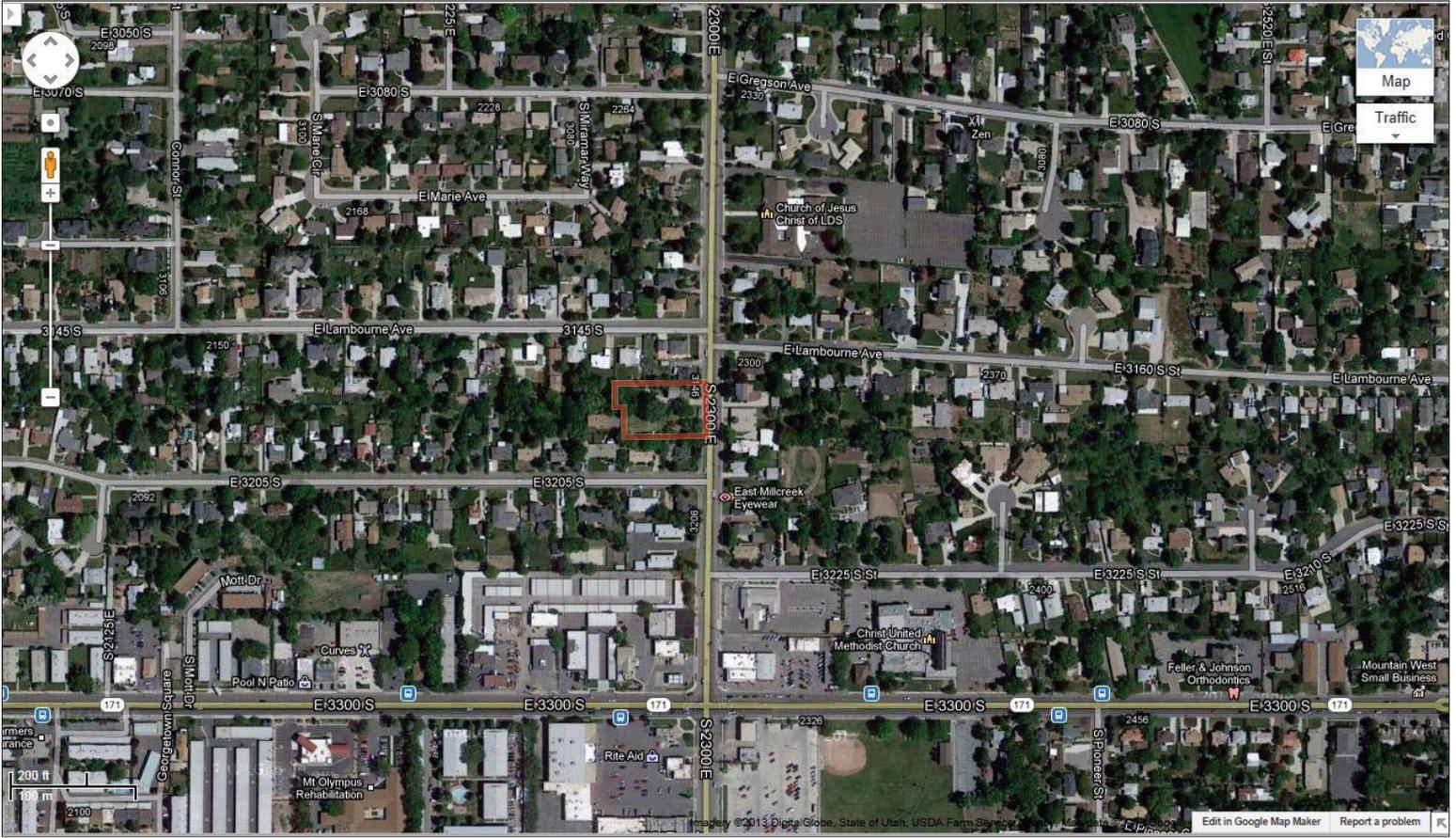
If the neighbors do desire to meet with us and present cause for our reconsideration we would ask for a continuance from the Planning and Zoning Committee so arguments can be heard at our next meeting in April.

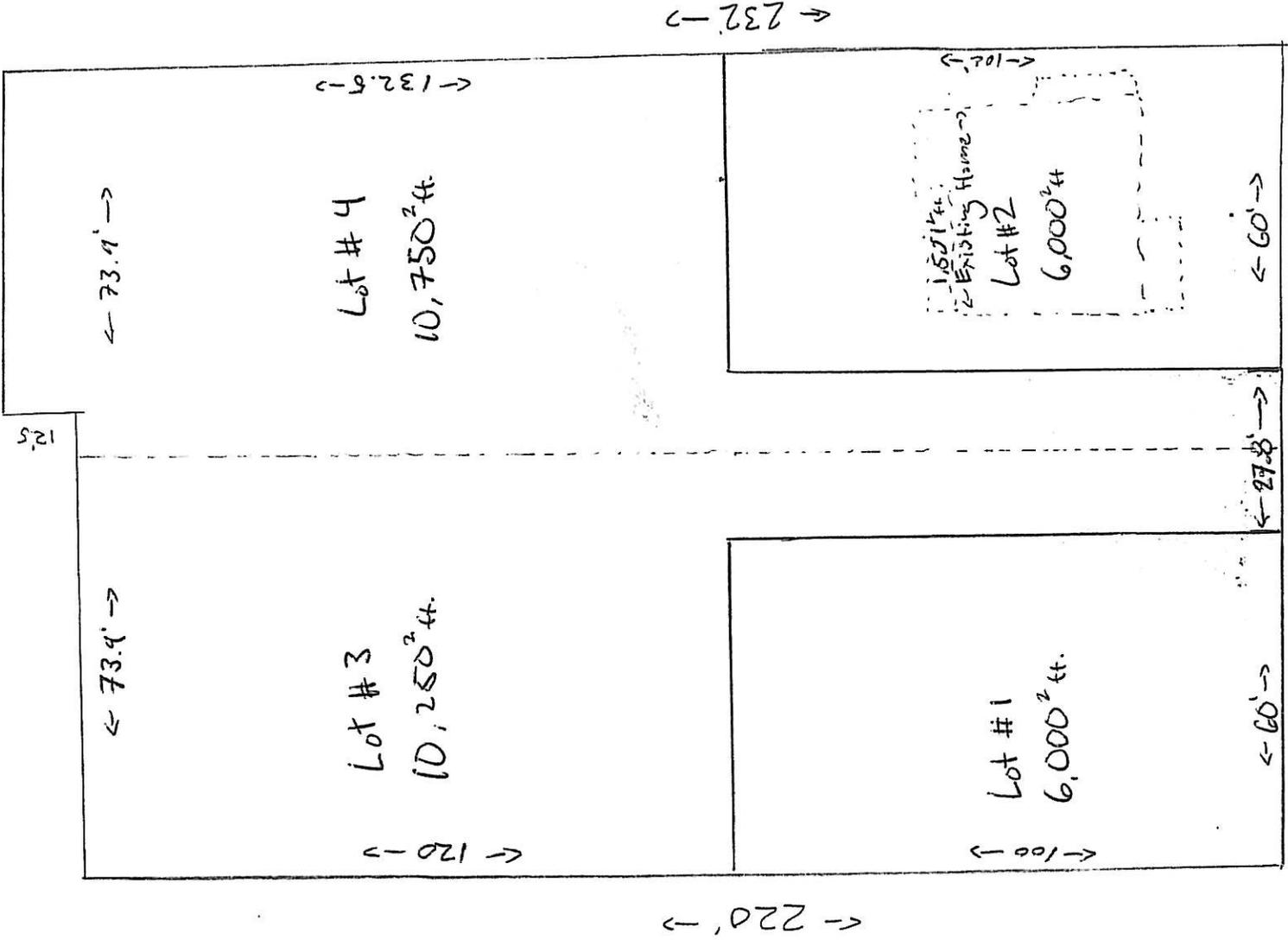
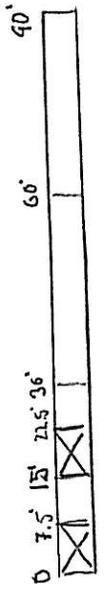
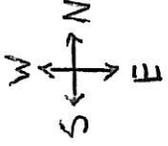
Thanks,

Brian Howick

President
Canyon Rim Citizens Association
brian.howick@comcast.net
801.979.1445







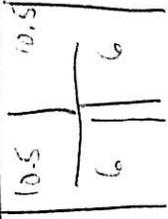
Parcel # 16-27-328-022 87.5' ← Parcel # 16-27-328-021 60.5'

← 2300 E →

← 147.8' →

Total = .76 Acres = 33,106 feet²

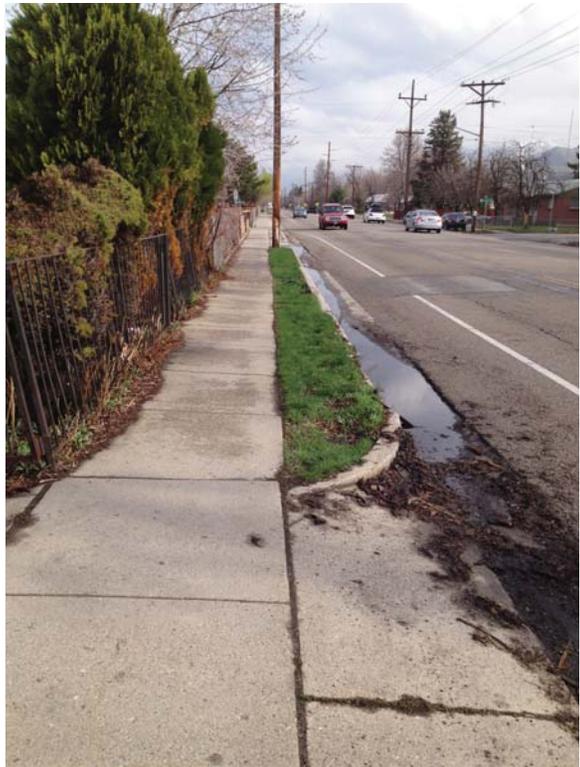
* 31765 2300 E
* 31805 2300 E



← 232' →









STAFF REPORT

Executive Summary									
Hearing Body:	Millcreek Township Planning Commission								
Meeting Date and Time:	Wednesday, April 10, 2013	04:00 PM	File No:	2	8	3	3	8	
Applicant Name:	Jason and Rachel Witzel	Request:	Zone Change						
Description:	R-1-6 to R-4-6.5 to install a basement apartment in an existing duplex								
Location:	729 E. 2910 S.								
Zone:	R-1-8 Residential Single-Family	Any Zoning Conditions?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>					
Planning Commission Rec:	Not Yet Received								
Community Council Rec:	Approval								
Staff Recommendation:	Approval								
Planner:	Spencer G. Sanders								

1.0 BACKGROUND

1.1 Summary

1.1.1 Proposal

Jason & Rachel Witzel are requesting approval of a Zone Change of the subject property from the R-1-6 zone (Residential Single-family, 6,000 square feet minimum lot size) to the R-4-8.5 zone (Residential Four-family, 8,500 square feet minimum lot size). The subject property is approximately 0.29 acres, or approximately 12,600 square feet. This request is being made in order for the applicant to add a basement apartment to an existing duplex.

1.1.2 Existing Conditions

Surrounding Zoning and Land Uses - The properties around the subject property are all zoned R-1-6 with existing homes. According to County Assessors Tax Records the homes are all single-family residences.

Land Areas and Dimensions - The subject property is approximately 0.29 acres/12,633 square feet. The main portion of the subject property is 88 feet wide x 114 to 135 feet deep with a private lane out to the public street.

Site Improvements - The subject property is fully developed and landscaped. The site complies with all existing improvement requirements.

Parking - Currently the site has 11 paved parking spaces: 4 in the attached 2-car garages; 4 in front of the garages; 1 (of 2 spaces) north of the neighbors detached garage, on the east side of the property; and 2 spaces on the west side of the property. This is more than double the currently required number of spaces.

1.1.3 Property History

Previous Zoning - Prior to the current R-1-6 zone, the subject property was zoned R-2-6.5 and part of a

larger lot associated with the yellow home on the front (southeast) lot. It was down zoned in the late 1990's along with the surrounding neighborhood to its current R-1-6 zone today. This down zone was part of several area wide down zones, changing many neighborhoods including this one from R-2 to R-1 zones. The down zones were a result of concerns raised by the citizens of Millcreek that their neighborhoods, that had predominantly developed as single family homes in spite of the R-2 zone designation, were suddenly experiencing an unwelcome rise in low-quality two-family rental unit development in their neighborhoods. In response to these concerns and based on the County's previous general plan for the area, many neighborhoods like this one were down zoned.

Subdivision - In 1996, while the property and neighborhood were still zoned R-2-6.5, the subject property was created by Non-regular subdivision (A non-recorded subdivision process that the County no longer uses). It was separated off from the original home on the front with the intent to construct a duplex on the subject property.

Permitted Use/Deep Lot Review - An application for Permitted Use/Deep Lot Review for the duplex was applied for in 1996 by the previous owner and approved by County Staff in 1997.

Initial Construction - A building permit was issued in 1998 when construction began. The building was completed and the permit closed in 2000.

Current Legal Non-conforming Status - Since the subject property was already in the process for subdivision and approval of a duplex under the R-2-6.5 zone, it was not subject to compliance with the new R-1-6 zone which does not permit two-family dwellings. Therefore, the existing duplex is a legal non-conforming use/non-complying structure.

Recent Construction - A permit was issued in 2012 for the separate basement entrance below the existing west unit, on west side of the building, but not for basement finish. The basement is still unfinished at this time.

1.2 Neighborhood Response

As of the date of this report, staff had not received any comments from the surrounding property owners or residents.

1.3 Community Council Response

The Millcreek Community Council held a meeting on April 2, 2013 to discuss this matter. There were no members from the public present. Staff and the applicant were present. The Community Council voted unanimously to approve the proposed zone change from R-2-6.5 to RM.

2.0 ANALYSIS

2.1 General Plan

2.1.2 Millcreek Township General Plan - Map

Map Designations - The subject property is identified on the General Plan Map, adopted in 2009, as a "Blue" or "Stable" area. This is an area that would expect to experience very little change over time. However, the subject property is within a short walking distance of 700 East, a designated Corridor. Approximately 360 feet from the front of the building to 700 East. Designated corridors in a "Stable" areas are where some additional residential density or non-residential uses are anticipated to occur over time on a limited basis. Stable does not equate to no change over time, but limited change, in small sites and along corridors.

2.1.3 Millcreek Township General Plan - Best Practices - The General Plan includes Best Practices for different topics, several of which are applicable to this zone change request. These include Housing, Land Use & Mobility, and Corridors.

Housing - The Housing Best Practice recommends diverse housing choices within a community including type, size, affordability, ownership and rental. Diversity helps to serve citizens at all economic levels and life stages, providing a wide variety of housing options.

Land Use & Mobility - The Land Use & Mobility Best Practice encourages increased density near economic centers and along corridors where transit is available and other services are accessible. This Best Practice also encourages a diversity of housing types within a neighborhood.

Corridors - The Corridors Best Practice supports some increased residential density along corridors in "Stable" areas. This is where opportunities for improved transit, buffering, and in-fill development are anticipated to occur. Walking distance to these corridors are still considered areas that can be considered for increased density and intensity.

2.1.2 Considerations

What is Known

The subject property is located on the interior of the the block on flag lot.

The subject property is not right on the designated Corridor; however, it is within short walking distance.

The subject property currently has an existing 2-family dwelling that has been there for more than 10 years. The impacts of the existing use should be fairly well known. They appear to be minimal, there have been no complaints register with Planning and Development Services on the property since the project was built.

The site would not need to be modified to accommodate one or even two additional residential units within the existing building. There is sufficient parking and turn around space and lot area.

The applicant has indicated they are only interested on one additional unit in the basement below the west side unit. They indicate that the east side unit is fully finished including the basement as is leased to one tenant.

Three and four-family dwellings are Conditional Uses in the R-4-8.5 zone. Any additional dwelling units would have to be approved by the Planning Commission through a Conditional use process. This gives Planning Commission over-site and the potential to mitigate possible impacts form the additional density.

There are non-residential uses listed in the R-4-8.5 zone, some of which may not be best suited for the site. Not all of the uses are likely to occur due to various factors: the sites specific situation, its size, its location, and the existing fairly new existing duplex on the site. These uses are listed as Conditional Uses, giving more over-site by the Planning Commission and the ability to consider mitigation of potential impacts. However, based on current state law regarding conditional uses, they must be approved if they can meet standards in the ordinance and documentable impacts can be reasonably mitigated.

2.1.3 Conclusions

The R-4-8.5 zone can be considered consistent with the Millcreek General Plan. This is based on 700 East's Corridor designation; the subject property's short walking distance to 700 East; and the areas "Stable" designation doesn't mean "no change", but limited change over time, especially near Corridors. In addition, the Housing; Land Use and Mobility; and Corridors Best Practices recommendations appear to support the proposed zone as being consistent with the General Plan. The potential for other non-residential uses listed in the R-4-8.5 zone raises some concern. All of these uses may not be compatible with the surrounding neighborhood; yet the likelihood of these uses is at this site is questionable.

2.2 Other Issues

Allowed Uses

Aside from 2, 3, and 4-family dwellings, there are a number of uses that are allowed in the R-4-8.5 zone that are not allowed in the current R-1-6 zone. These are all Conditional Uses and are listed below. Included with some are brief, non-italicized descriptions for clarification.

- *Airport*;
- *Bed and breakfast homestay* - lot area minimum 10,000 square feet, lodging, 5 guestrooms, resident caretaker, breakfast only, may not alter residential home character.
- *Bed and breakfast inn*; - lodging, 5 to 20 guestrooms, must serve breakfast, max two stories, must appear residential.
- *Boardinghouse*; - lodging, 5 guestrooms, meals provided to 5-15 persons.
- *Dental clinic*;
- *Dwelling group*
- *Fraternity house*;
- *Medical clinic, excluding animal hospital and clinic*;
- *Mobile home park*;
- *Nursing home*; - lodging, meals and nursing care
- *Pigeons, subject to health department regulations*;
- *Short-term rental* - Resident full-time manager/owner; all units shall be rental, short-term or long-term.
- *Sorority house*;

A number of these uses are not possible such as Airport or Mobile Home Park. Other uses are more plausible, but probably not realistic. It would be difficult for many of them to meet minimum standard requirements in order to locate on the site. Still there are others that could be feasible. Nevertheless their potential should be considered when evaluating the appropriateness of the proposed zone.

3.0 STAFF RECOMMENDATION

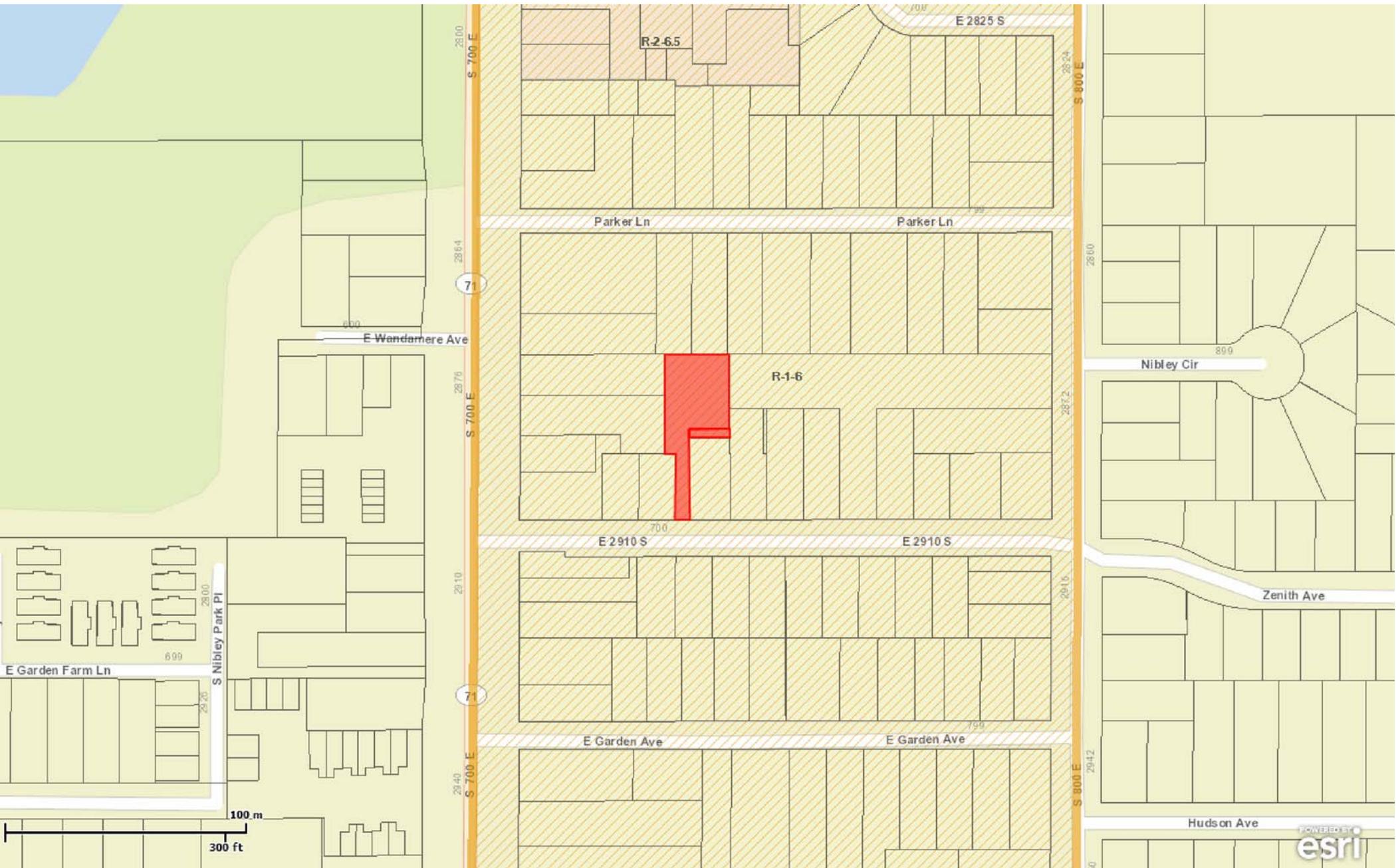
3.1 Staff recommends **APPROVAL** of the proposed **Zone Change** .

3.2 Reasons for Recommendation

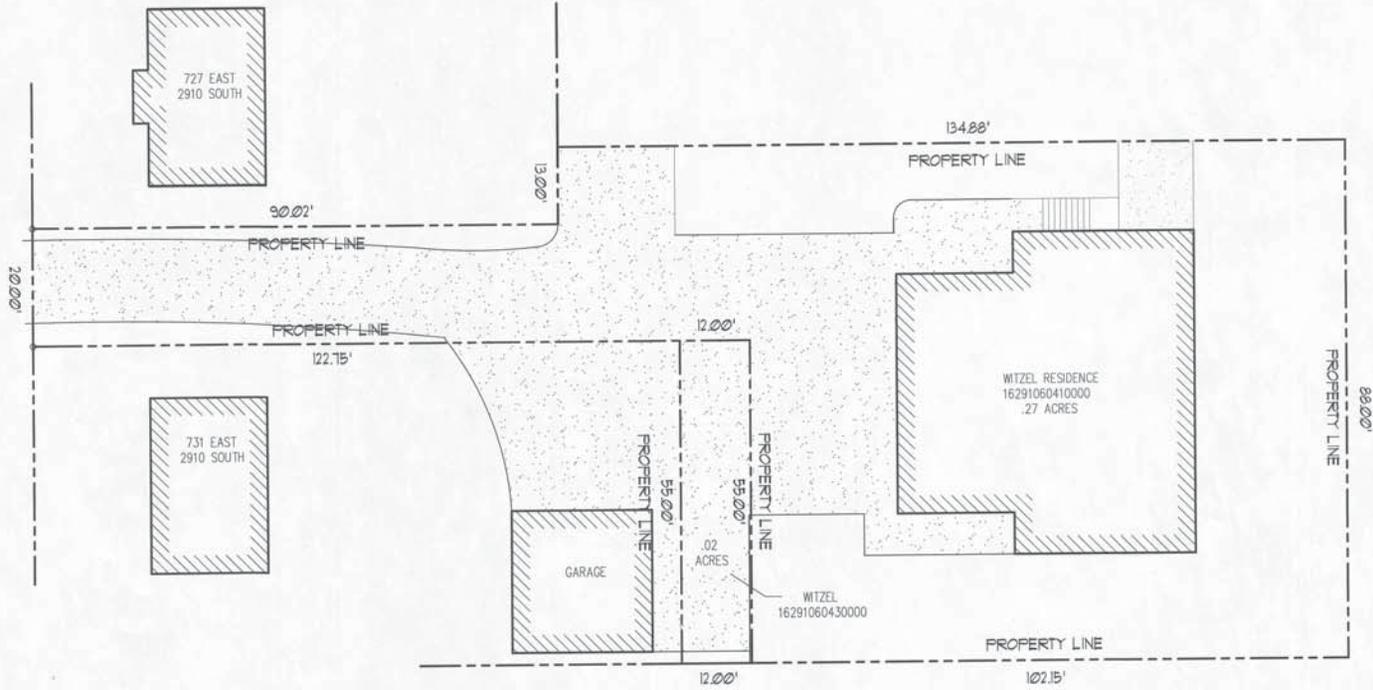
- 1) The proposed zone is consistent with the General Plan based on its unique site situation and the recommendations in the General Plan.
- 2) The potential non-residential uses while possible are not likely to occur on the subject site.
- 3) The potential for one to two additional dwellings within the existing building is minimal, the site has adequate parking, and no additional modifications to the site would be necessary that might impact the neighbors more than what has already been experience over the past 10 years.

28338 Rezone R-1-6 to R-6.5

Applicant: Witzel



2910 SOUTH.



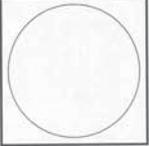
Site Plan

Scale: 1"=10'-0"



M. Martin
Design
Associates

6517 South 70 West
Murray, UT 84107
281-9559 897-8207



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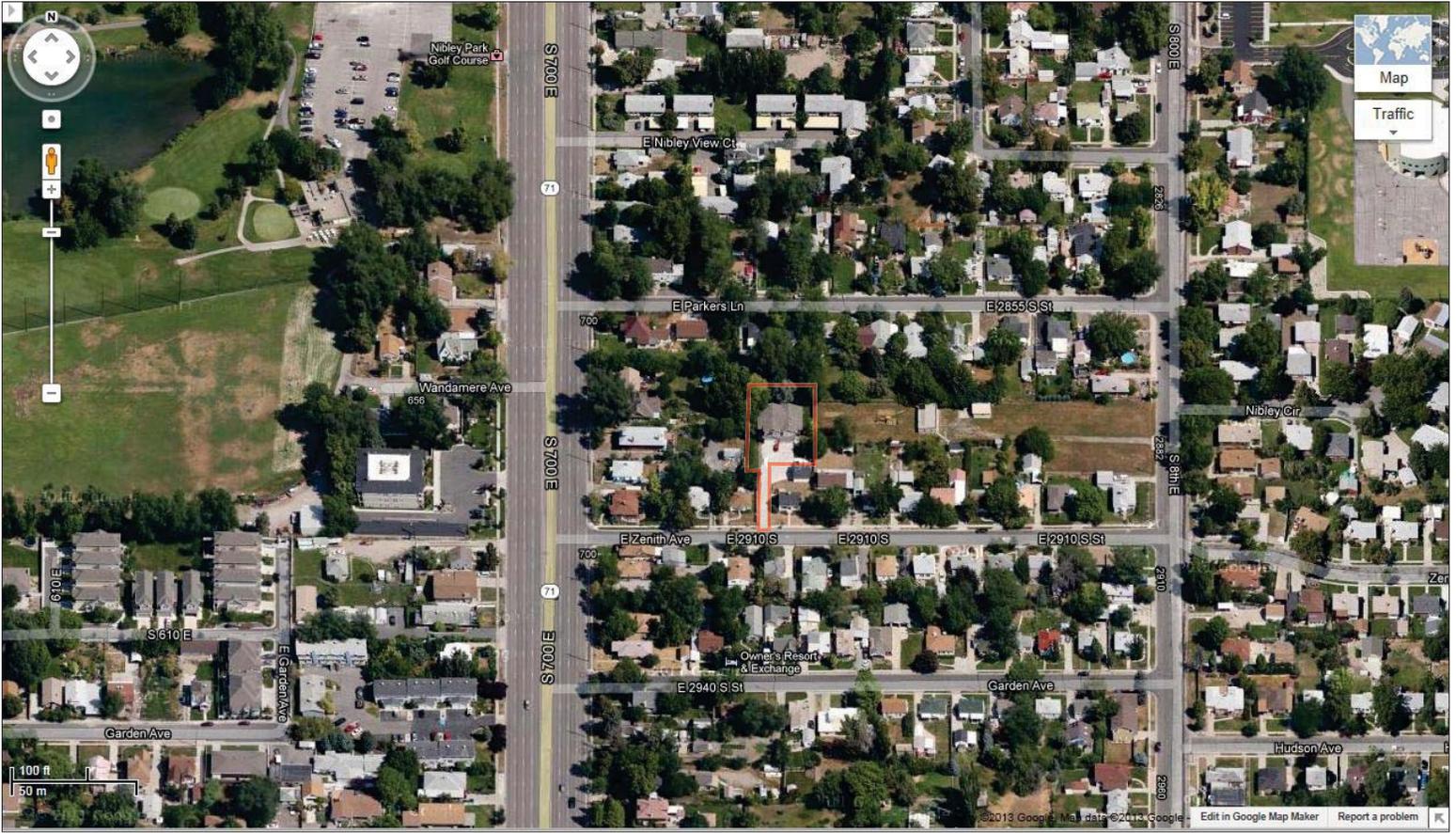
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project:
WITZEL RESIDENCE
729 EAST 2910 SOUTH
SOUTH SALT LAKE CITY, UTAH

revisions:	
MARK	DESCRIPTION

PROJECT NO.:	
CAD DWG FILE:	
DRAWN BY:	
CHK'D BY:	

SITE PLAN
C1.0
SHEET *OF*











MEETING MINUTE SUMMARY
MILLCREEK TOWNSHIP PLANNING COMMISSION MEETING
 Salt Lake County Government Center, N1100

Wednesday, February 13, 2013 4:00 p.m.

Approximate meeting length: 3 hours

Number of public in attendance: 7

Summary Prepared by: Jocelyn Walsh-Magoni

Meeting Conducted by: Commissioner John Janson (Chair)

ATTENDANCE

Commissioners and Staff:

Commissioner Name	Present		Absent Excused
	Public	Business	
John Janson – Chair	x	x	
Leslie Van Frank – Vice Chair			x
Garrett Catten	x	x	
Leslie Riddle	x	x	
Tom Stephens	s	x	
Geralyn Parker-Perkins	x	x	
Cole Shutjer (Alternate)	x	s	
Brandon Pace (Alternate)	x (4:25)	s	

Planning Staff:	Public Hearing	Business Meeting	Additional Attendees	Public Hearing	Business Meeting
Spencer Sanders	x	x	Tom Christensen (DA)	x	x
Jocelyn Walsh-Magoni	x	x			
Max Johnson	x	x			
Jim Nakamura	x	x			

PUBLIC MEETING

Began at 4:05 p.m.

Conditional Uses

28269 – Roger Fellows is requesting approval of a Conditional Use Permit for an Oversized Detached Garage. The applicant is proposing an approximate 820 sq. ft. addition to an existing approximate 380 sq. ft. accessory structure. This new structure is proposed to be approximately 1,200 sq. ft. Planning Commission approval is required for accessory structures exceeding 800 sq. ft. in this zone. **Location:** 4640 S. 1300 E. **Zone:** R-1-10

(Single-Family, 10,000 sq. ft. min. lot size.). **Community Council:** Millcreek. **Planner:** Jim Nakamura

Presentation by: Jim Nakamura. **Recommendations:** See Staff Report

There was a discussion between planning staff and the commission clarifying some questions about the site plan.

Speaker # 1: Applicant

Name: Roger Fellows

Address: 4640 S 1300 E, Salt Lake City, UT

Issue: His current building space is not large enough to store all of the tools he needs to use.

There were no representatives from the Millcreek Community Council present. Per Spencer Sanders who was present at the Community Council's last meeting, the council voted unanimously in favor of the application.

PUBLIC PORTION OF APPLICATION WAS CLOSED

Motion: To approve application #28269 as presented.

Motion by: Commissioner Stephens

2nd by: Commissioner Riddle

Vote: Unanimous in favor (Commissioner Pace not yet in attendance)

28278 – Ryan Taylor on behalf of Motor Sports Land is requesting approval of a Conditional Use Permit to amend the existing site plan. The applicant is proposing an approximate 7,600 sq. ft. RV repair bay addition at the rear of the property adjacent to 200 East. The applicant is also requesting a recommendation from the Planning Commission to the County Mayor regarding a requested Exception from County Roadway Standards. The applicant desires to eliminate the requirement to install curb, gutter and sidewalk along 200 East due to drainage issues. **Location:** 4001 S. State Street. **Zone:** C-3 (Commercial). **Community Council:** Millcreek. **Planner:** Spencer G. Sanders

Presentation by: Spencer Sanders. **Recommendations:** See Staff Report

There was a discussion between staff and the commission. Mr. Sanders indicated that the issues regarding an alternative design for curb, gutter, park-strip and sidewalk along 200 East, addressed in the Staff Report were no longer valid. Since the writing of the report, it was discovered that the applicant had received approval of a 15 year Delay Agreement in 2003 exempting the applicant from the requirement to install the normally required improvements along 200 East. This agreement was approved due to lack of storm drainage in 200 East for the applicant's improvements to tie into. The agreement obligates the applicant to participate in street his proportionate share of improvements to 200 East if the County comes through an installs improvements within 15 years of the date of the Agreement, which expires in 2018. Some of the commissioner's questions were in regard to current drainage issues, the Delay Agreement, fencing requirements, landscaping, and commercial vehicle parking.

PUBLIC PORTION OF APPLICATION WAS OPENED

Speaker # 1: Applicant

Name: Brad Brown, President of Motor Sports Land

Address: 4001 S State Street, Salt Lake City, UT

Issue: Inventory is only parked on the street when it is being delivered; recreational vehicles are not left there for any length of time. Employees only park on premises, and inventory is always kept on premises.

There were no representatives from the Millcreek Community Council present. Per Spencer Sanders who was present at the Community Council's last meeting, the council voted unanimously in favor of the application. Resolving the drainage issue was important to them.

PUBLIC PORTION OF APPLICATION WAS CLOSED

Motion: To approve application #28278 subject to planning staff's Revised Recommended Conditions of Approval as provided to the commission.

Motion by: Commissioner Stephens

2nd by: Commissioner Riddle

Vote: Unanimous in favor

Zone Changes

28268 – 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. This request is being made to facilitate additional units to the existing dwelling group and bring the current non-conforming use into conformance with zoning. **Location:** 4415 S. Garden Dr. (970 E.).
Community Council: Millcreek. **Planner:** Spencer G. Sanders.

**Commissioner Janson recused himself during the presentation and decision of this application. Commissioner Riddle served as Chair in his absence.*

Presentation by: Spencer Sanders **Recommendations:** See Staff Report

There was a brief discussion between staff and the commission. Some of the questions were regarding maximum density,

PUBLIC PORTION OF APPLICATION WAS OPENED

Speaker # 1: Applicant

Name: Michael Winder

Address: 4400 W 4100 S, West Valley, UT

Issue: Mr. Winder gave a PowerPoint presentation outlining twenty reasons why he would like approval for his application.

Speaker # 3: Millcreek Community Council Representative

Name: Silvia Navejar

Address: 1026 E Hillnew Drive

Issue: Ms. Navejar stated that the application was presented at the January council meeting, and council was in favor of the application at that time.

Speaker # 4: Citizen

Name: Armed (unclear on spelling of name-not audible and did not sign in)

Address: 4443 S Garden Drive

Issue: He has lived in his residence for 30 years. There have been problems with residents moving in and out after short periods of time, and multiple break-ins at the current buildings on the applicant's property. Residents have had to call the sheriff's office with concerns as there is no proper management of the property.

Speaker # 5: Applicant

Name: Michael Winder

Address: 4400 W 4100 S, West Valley, UT

Issue: Mr. Winder agrees with the citizen that the property does need better management and his company has been cognizant of that during the improvement process, and property management will continue to improve.

PUBLIC PORTION OF APPLICATION WAS CLOSED

There was a discussion between the Commissioners, legal counsel, and planning staff.

Motion: To recommend to the County Council approval of application # 28268 for a zone change as proposed with no conditions.

Motion by: Commissioner Stephens

2nd by: Commissioner Parker-Perkins

Vote: Unanimous in favor (of Commissioners present)

*There was a five minute recess prior to the next application. *Commissioner Janson returned to the meeting and resumed his position as Chair.*

28270 – Laurel Osborn is requesting approval of a Zone Change from the R-1-10 (Residential, Single Family, 10,000 sq. ft. minimum lot size) and the R-2-10 (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. This request is being made in order for the applicant to protect the area around her home from additional development and may allow agricultural animal use on the subject property. **Location:** 2254 & 2257 E. Alva Circle (3510 S.) & 3502 S 2300 E. **Community Council:** East Mill Creek. **Planner:** Spencer G. Sanders.

**Commissioner Parker-Perkins recused herself during the presentation and decision of this application.*

Presentation by: Spencer Sanders **Recommendations:** See Staff Report

There was a discussion between the commission and planning staff.

PUBLIC PORTION OF APPLICATION WAS OPENED

Speaker # 1: Applicant

Name: Laurel Osborn

Address: 2254 Alva Circle, Salt Lake City, UT

Issue: She owns six contiguous parcels of land. She has had horses, birds, chickens, and goats, on the property since 1969. According to Ms. Osborn, there are multiple other homes that have horses and other agricultural animals within ½ mile of her property.

There was a discussion between the commissioners and applicant, with regard to fencing, requested number of animals, and current livestock.

Speaker # 2: East Millcreek Community Council Representative

Name: Leann Hanson

Address: 3507 Kirk Circle

Issue: Council has a positive recommendation. However, Ms. Hanson has some reluctance to approve. She does not believe that what was presented at the December council meeting was the same as is currently being requested in application.

Speaker #3: Citizen

Name: Laura Byrne

Address: 2279 E Keller Lane

Issue: She is opposed to the application as the agricultural animals may pose health issues and a potential decrease in property values if additional agricultural animals are permitted. She has lived at her residence for 50 years.

Speaker # 1: Applicant

Name: Laurel Osborn

Address: 2254 Alva Circle, Salt Lake City, UT

Issue: Ms. Osborn indicated that the Health Department visited her residence and that they did not have a problem with the current animals on the property.

PUBLIC PORTION OF APPLICATION WAS CLOSED

There was a brief discussion between the Commissioners, legal counsel, and planning staff. Planning Staff had indicated that the animal uses could potentially be limited by the use of a Zoning Condition attached to the proposed zone that might reduce the type and quantity of farm animal uses. It was legal council's opinion that the farm animal uses could not be restricted by a Zoning Condition because the animal uses are listed as Permitted Uses in the zone.

Motion: To recommend denial of proposed zone change in application #28270 for two reasons:

- 1) The proposed zone change is not consistent with the Millcreek Township General Plan as outlined by staff.
- 2) The potential for introduction of farm animals into the area (particularly large animals) will likely result in neighborhood complaints and conflict related to the potential impact of farm animal use that is not currently being experienced in the area.

Motion by: Commissioner Stephens

2nd by: Commissioner Riddle

Vote: Unanimous in favor

Ordinance Amendments

28275 – Continued from January 16, 2013 – Salt Lake County is considering amendments to Salt Lake County Ordinance 19.92 BOARD OF ADJUSTMENT and all other chapters and sections of Salt Lake County Ordinances which reference the Board of Adjustment. Specifically, the County is considering replacing the Board of Adjustment with an Appeal Authority/Administrative Law Judge/Hearing Officer. **Community Council:** All. **Planner:** Spencer G. Sanders

Presentation by: Spencer Sanders. **Recommendations:** See Staff Report

**Commissioner Parker-Perkins returned to the meeting for discussion of above application.*

No members of the public were present to speak on this application.

The East Millcreek Community Council chose not to speak on this application. Per Spencer Sanders, who was present at their meeting, the community council recommended approval.

Also per Spencer Sanders, the Millcreek and Mount Olympus community councils also recommended approval, but the Canyon Rim Community Council was not scheduled to review the proposed ordinance until their February 19, 2013 meeting. Mr. Sanders indicated that the Commission could choose to make a recommendation or continue the application until after Canyon Rim had met. However, all recommendations from all Community Council and Planning Commission in the Unincorporated County would be forward to the Council for their consideration.

There was a brief discussion between the commissioners, legal counsel and planning staff

Motion: To recommend approval of application #28275 as presented.

Motion by: Commissioner Stephens

2nd by: Commissioner Pace

Vote: 6 in favor, 1 opposed (Commissioner Riddle)

THE PUBLIC MEETING WAS CLOSED

BUSINESS MEETING

Began at 6:50 p.m.

**Commissioner Pace excused himself prior to the Business Meeting proceeding.*

- 1) Approval of Minutes from January 16, 2013 meeting

Motion: To approve the January 16, 2013 Minutes as presented.

Motion by: Commissioner Riddle

2nd by: Commissioner Parker-Perkins

Vote: 5 in favor, 1 abstention (Commissioner Schutjer).

Work Session

- 1) Curb, Gutter, and Sidewalk – Potential General Plan & Ordinance Amendments – Discussion Pertaining to Public Involvement Process – **Planners:** Spencer G. Sanders
 - a) Presentation/Survey Final Draft
 - b) Public Input Opportunities
 - c) Public Review Draft Schedule

Due to the lateness of the hour, and the fact that the Final Draft Presentation had not been ready to distribute to the Commissioners before the meeting, the Commission decided to postpone this item to the next meeting, March 13, 2013. Spencer Sanders will provide to the Commissioners the Presentation/Survey Final Draft prior to the next meeting.

- 2) Other Business Items - None

MEETING ADJOURNED

Time Adjourned: 6:55 p.m.



**Millcreek
Township
Planning
Commission**

JOHN JANSON
Chair

LESLIE RIDDLE
Vice Chair

Garrett Catten

Geralyn Parker-Perkins

Tom Stephens

Leslie Van Frank

Brandon Pace
Alternate

Cole Schutjer
Alternate

DRAFT



March 22, 2013

Ben McAdams, Mayor
Sam Granato, County Council
Patrick Leary, Township Executive

Salt Lake County Government Center
2001 South State Street #N2100
Salt Lake City, Utah 84114

Dear Mayor McAdams, Council Member Granato, and Patrick Leary,

The recent passage of the Electronic Message Center (EMC) sign ordinance amendments represents a new approach that provides greater flexibility to business owners. The ability for business owners to readily get a permit to upgrade their sign to a digital format is positive. We hope that business owners will appreciate being able to simply get a permit over the counter versus needing to visit with their local planning commission in a public hearing format.

With this step forward it is important to also consider our sign ordinance foundation in its entirety and make sure it adequately supports the new electronic message center ordinance. In other words, we need to evaluate the existing underlying sign ordinance and gauge whether it makes sense. Does the current sign ordinance enhance or detract from our commercial neighborhoods? Does it improve the way our streets look? Does it serve our businesses well? Does it reflect the community vision and goals of our individual townships?

We are most familiar with the commercial areas in Millcreek, but we also occasionally visit other unincorporated areas of the County such as Kearns and Magna. There are concerns about the appearance of our streets, especially when comparisons are made to the incorporated communities.

All ordinances need a thorough review from time to time to see if they are improving the community – are they accomplishing what they are intended to do? Are they clear? Are they just regulations with no vision? Do they achieve an improvement in the community? Do they recognize the community goals?

It is time to do an evaluation and update of the entire sign ordinance, with the goals of improving the visual environment of our commercial areas and to ensure it reflects the goals of the communities and stakeholders it serves. Updating the electronic sign ordinance is a start, but alone it is exceedingly insufficient. We urge you to take the next logical and necessary step - evaluate the existing sign ordinance and improve it to assure it achieves community goals. It needs your attention in 2013!

In most communities, the planning commission can request planning staff to perform needed work and update ordinances in anticipation of making a recommendation to the legislative body. Here in the unincorporated County, staff takes their direction from the Mayor and Council. So we ask you to direct the planning staff to begin this evaluation and update process.

Thank you.

Sincerely,

John M. Janson
Millcreek Township Planning Commission, Chair

CC: MTPC members, County Planning Commission, Township Planning Commissions, and Community Councils

DRAFT