



STAFF REPORT

Executive Summary									
Hearing Body:	Millcreek Township Planning Commission								
Meeting Date and Time:	Wednesday, July 10, 2013	04:00 PM	File No:	2	8	3	5	2	
Applicant Name:	Jason and Rachel Witzel	Request:	Conditional Use						
Description:	Convert an existing two-family dwelling into a three-family dwelling								
Location:	729 E. 2910 S.								
Zone:	R-4-8.5 Residential Four-Family	Any Zoning Conditions?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>					
Community Council Rec:	Approval with Conditions								
Staff Recommendation:	Approval with Conditions								
Planner:	Spencer G. Sanders								

1.0 BACKGROUND

1.1 Summary

1.1.1 Proposal

The applicant is requesting approval of a Conditional Use Permit to convert and existing two-family dwelling to a three-family dwelling by adding an additional dwelling unit in the basement of the building. The site is already improved with 12 proposed parking spaces for the new unit. There is no anticipated additional site improvements necessary for the proposal. Only internal work to the building is anticipated.

1.1.2 Pending Zone Change Application

The subject property is currently zoned R-1-6; however, the applicant is in the final stages of the process of seeking a zone change from the R-1-6 zone to the R-4-8.5 zone. The R-4-8.5 zone is the least intense zone that allows a three-family dwelling which is a Conditional Use in the zone.

The applicant's Zone Change application has received positive recommendations from Staff, the Millcreek Community Council and the Millcreek Township Planning Commission. It must receive final approval from the County Council to take affect. Since the Zone Change application has received positive recommendations thus far, staff is able to accept and process this Conditional Use application under the pending zone. However, since the Zone Change will not be finalized by the Commission meeting date for this application, approval of this application would be subject to County Council approval of the Zone Change. If the Zone Change is not approved, approval of this Conditional Use will be moot. The applicant is aware that regardless of the Zone Change outcome, the Conditional Use application fees are nonrefundable.

1.2 Hearing Body Action

This application is on the Commission's agenda for final action.

1.3 Neighborhood Response

As of this writing staff has received one phone call regarding this application. The individual calling wanted clarification on the application process. He had received previous notifications regarding the subject property and was unsure why he was being notified again. Staff explained that previous notices were for the Zone Change application and the latest notice is for this Conditional Use application.

1.4 Community Council Response

The Community Council, when reviewing the proposed zone change, included in their recommendation of approval for the Zone Change, a recommendation to approve the whole proposal subject to the project complying with all applicable requirements.

2.0 ANALYSIS

2.1 Applicable Ordinances

Section 19.84.060 of the Conditional Use Chapter of the Zoning Ordinance establishes five standards to be used in evaluating Conditional Use applications. The Planning Commission must find that all five of these standards have been met before granting approval of an application. Based on the foregoing analysis, Staff suggests the following:

Criteria Met		Conditional Use Criteria and Evaluation
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `A`:</u> <i>The proposed site development plan shall comply with all applicable provisions of the Zoning Ordinance, such as parking, building setbacks, building height, etc.</i>
		There are no proposed site improvements associated with this proposal. The building already exists, has an approved basement entrance and the site has four parking spaces for each dwelling unit (12 spaces total).
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `B`:</u> <i>The proposed use and site development plan shall comply with all other applicable laws and ordinances.</i>
		The existing site plan complies with all applicable laws, including drainage, fire, etc.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `C`:</u> <i>The proposed use and site development plan shall not present a traffic hazard due to poor site design or to anticipated traffic increases on the nearby road system which exceed the amounts called for under the County Transportation Master Plan.</i>
		Very little additional traffic is anticipated with the proposed change in use. No additional traffic impact is anticipated and no additional improvements related to traffic are required.
YES <input type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `D`:</u> <i>The proposed use and site development plan shall not pose a threat to the safety of persons who will work on, reside on, or visit the property nor pose a threat to the safety of residents or properties in the vicinity by failure to adequately address the following issues: fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/ topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.</i>
		The basement finish into an additional unit must comply with all building and fire code requirements as part of the required building permit review process. No changes to the site are required.

YES <input type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard 'E':</u> <i>The proposed use and site development plan shall not adversely impact properties in the vicinity of the site through lack of compatibility with nearby buildings in terms of size, scale, height, or noncompliance with community general plan standards.</i>
		There are no changes planned to the existing building exterior or to the site; therefore, the impacts will essentially be the same as what they are currently. No complaints regarding the existing building or use have been received.

2.2 Zoning Requirements

19.40.040 Lot Area

Minimum Required: 7,500 sq. ft. (6,500 sq. ft. per 2-family dwelling + 1,000 sq. ft. per additional dwelling)

Existing Property: 12,632 square feet

The proposal complies, it exceeds the minimum lot area requirement.

19.40.100 Density

Maximum Allowed: 15 dwelling units per acre

Proposed: 10.34 (3 dwelling units /0.29 10.34)

The proposal complies, it is less than the maximum density allowed.

19.80.040.A.9 Parking for Multiple Dwellings

Required: 6 spaces + guest spaces if private covered parking used (guest spaces set by Commission)

Proposed: 12 spaces (4 in the two garages and up to 8 spaces in paved parking area, see site plan)

Staff supports the proposed parking arrangement. With a total of 4 parking spaces provided for each dwelling unit, there should be more than enough parking for the development.

2.3 Other Agency Recommendations or Requirements

2.3.1 Building

The applicants will need to obtain a building permit for the basement finish. The entire building may require some upgrades per international building and fire codes, including the potential for fire sprinkling the building. The applicant has discussed these issues with the County Plans Examiner and feasible solutions are possible.

3.0 STAFF RECOMMENDATION

3.1 Staff recommends APPROVAL of the proposed Conditional Use with the following conditions:

- 1) Prior to issuance of the final Conditional Use Permit or a building permit, the pending Zone Change application associated with this project shall be approved by the County Council.

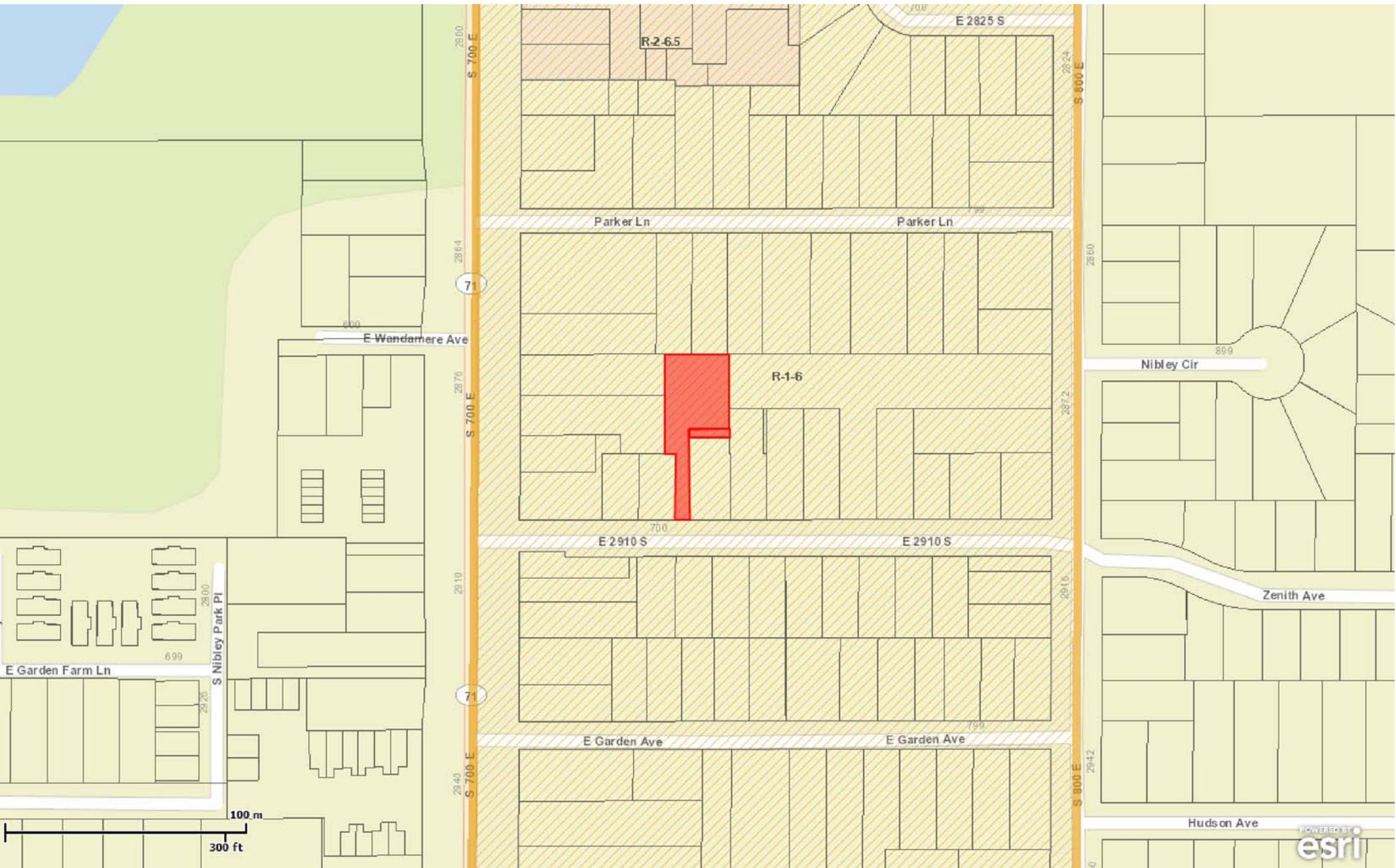
3.2 Reasons for Recommendation

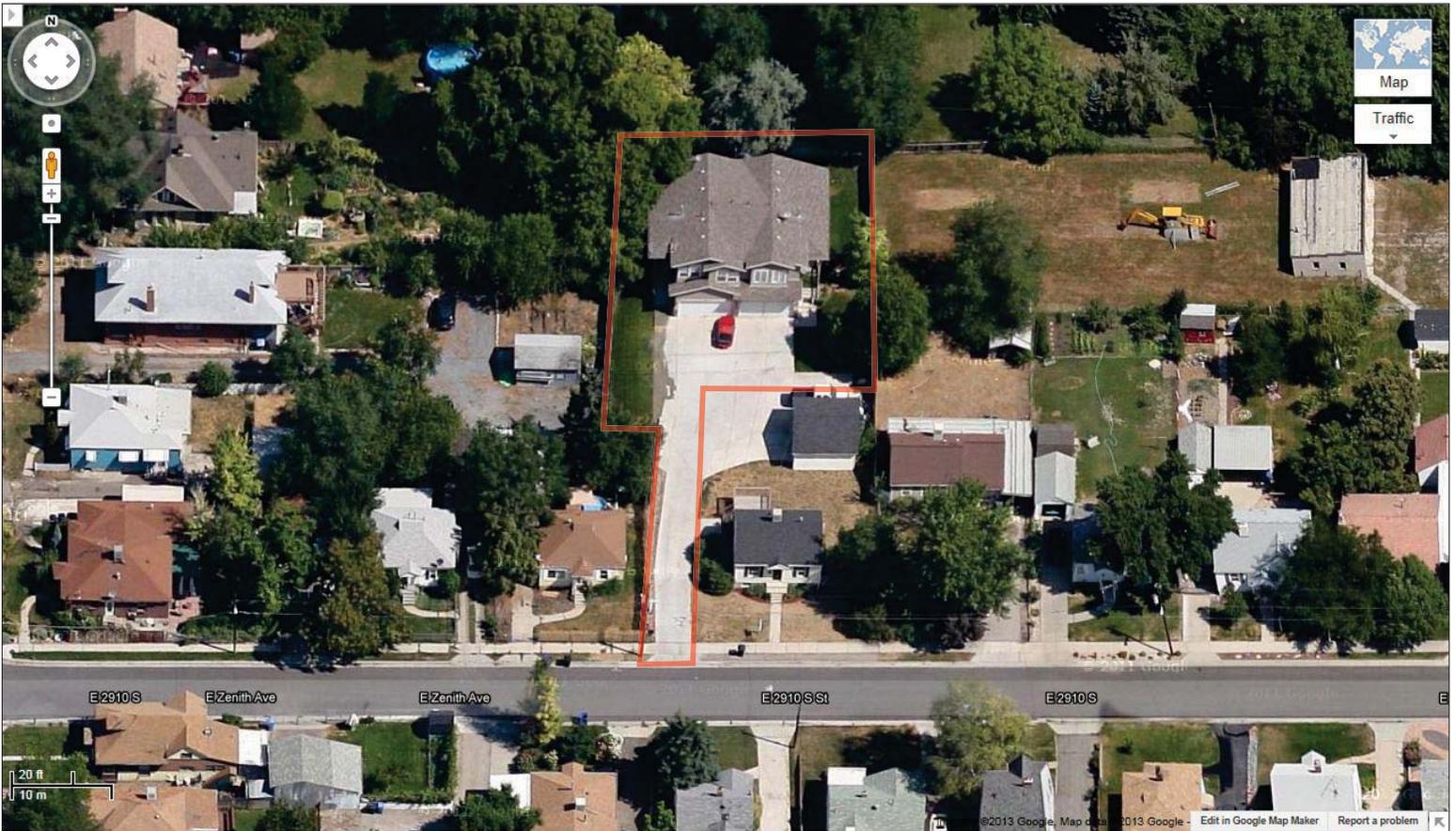
- 1) If the pending Zone Change application is approved, the proposed three-family dwelling will comply with zoning regulations and the Conditional Use Criteria as identified in this report.
- 2) There are no propose changes to the project site or exterior of the building that would increase impacts to surrounding residents.

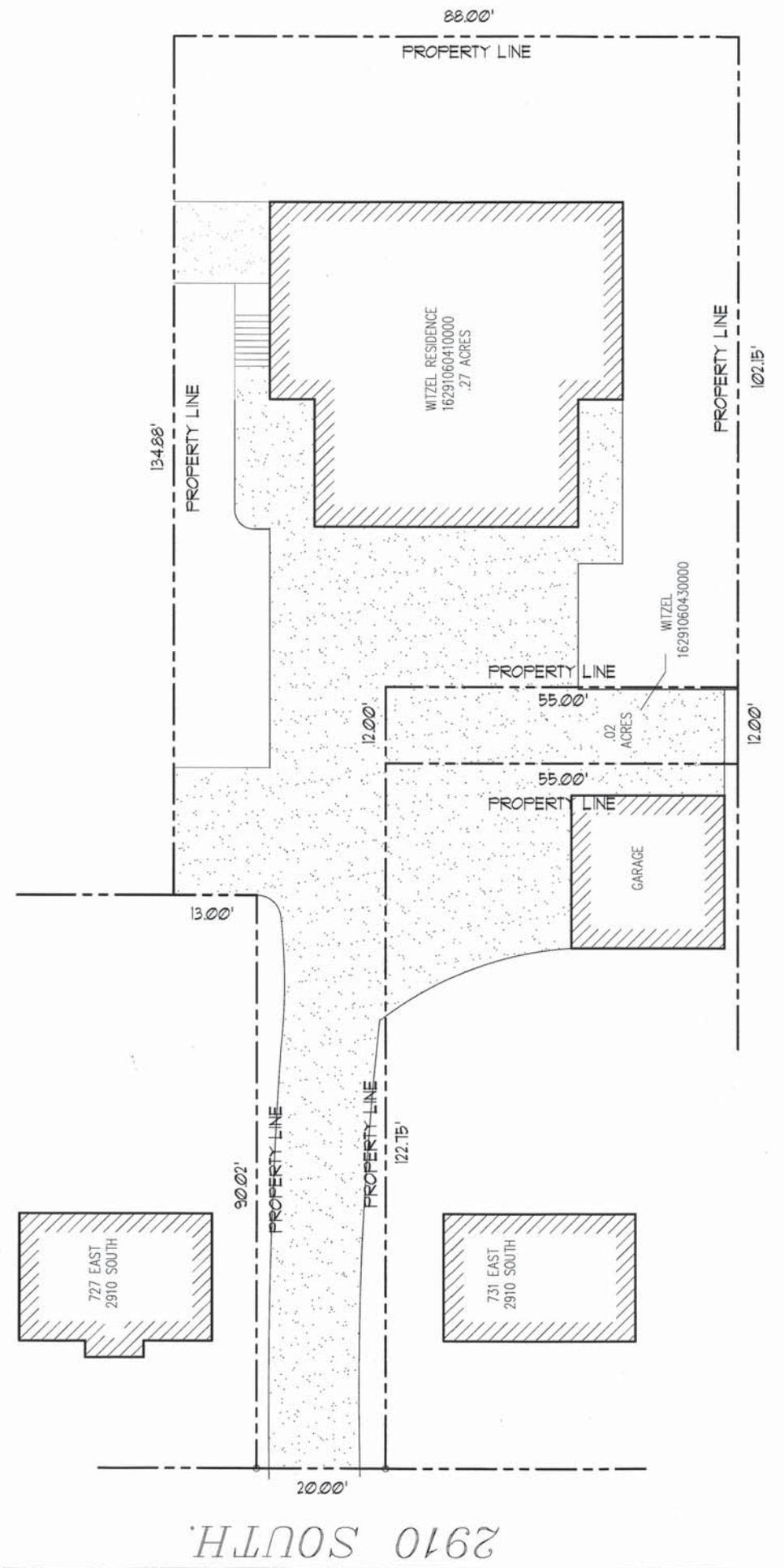
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28338 Rezone R-1-6 to R-6.5

Applicant: Witzel



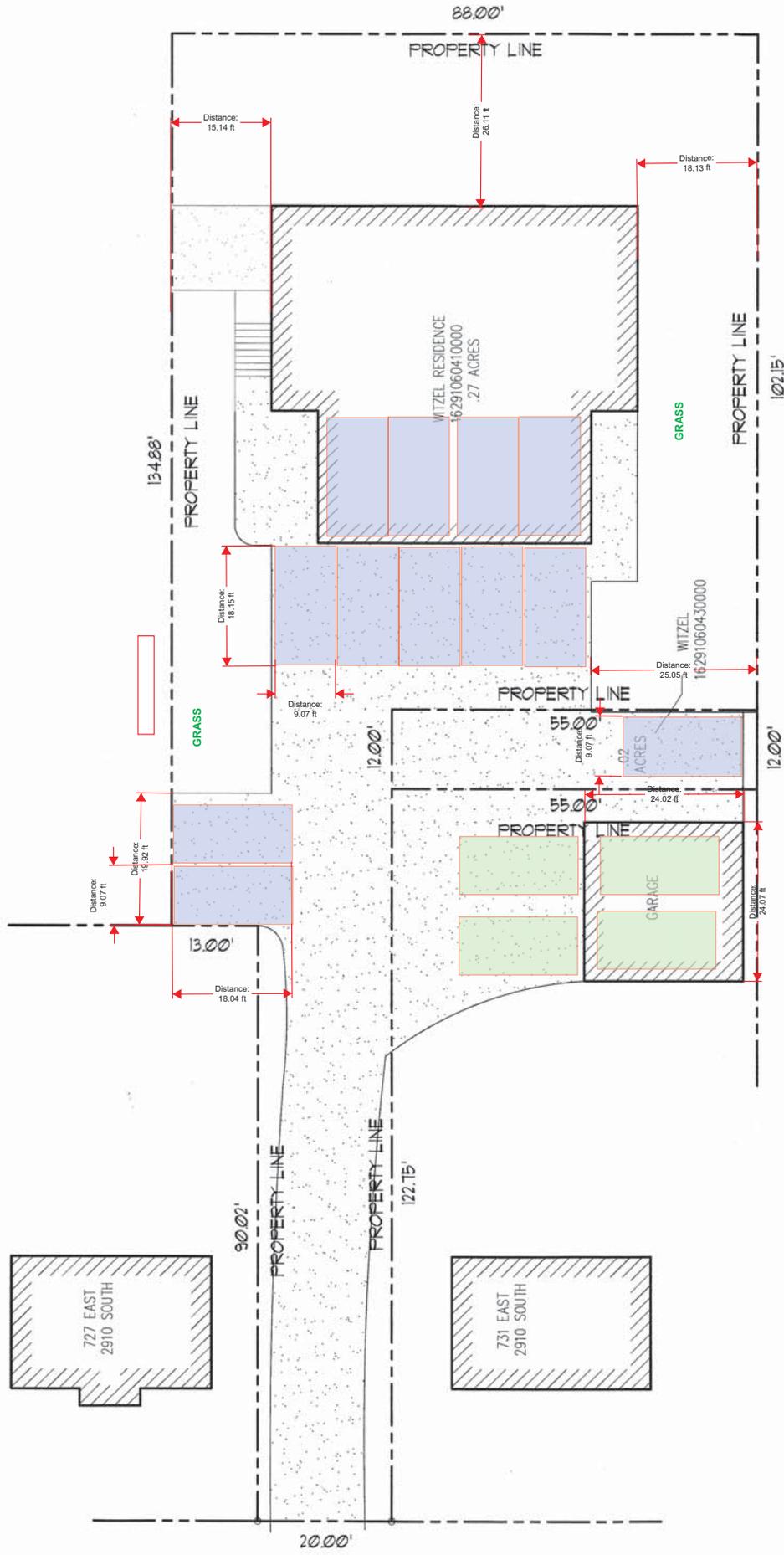




Site Plan

Scale: 1"=10'-0"





Site Plan

Scale: 1" = 10'-0"



Witzel
729 E. 2nd St.
SLC, UT 84106
205-585-1301

PROPOSED WEST UNIT BASEMENT

2 squares = 1 foot
702 square feet
27 x 26 feet

