



PLANNING COMMISSION STAFF REPORT

SUBJECT: Bingham Heights Phase 5 Rezone; 5891 West 7000 South; Rezone 20.96 acres from LSFR (Low Density Single-Family Residential WSPA) Zone to R-1-9 (Single-family Residential 9,000 square foot lot minimums) Zone; Perry Homes Utah/Lynsi Neve (applicant) [Mark Forsythe/Todd Johnson/David Murphy/Paul Brockbank; #34366; parcel 20-26-200-006]

SUMMARY: Consider the rezone of a 21-acre vacant parcel from an LSFR zone (*West Side Planning Area – Low Density Single-Family Residential*) to an R-1-9 zone (Single-Family Residential - 9,000 square foot lots).

STAFF RECOMMENDATION: Based on the analysis and findings contained in the staff report, staff recommends that the Planning Commission forward a positive recommendation to the City Council to rezone the parcel comprising 20.96 acres and located at 5891 West 7000 South from an LSFR (*Low Density Single-Family Residential WSPA*) Zone to an R-1-9 (*Single-family Residential 9,000 square foot lot minimums*) Zone.

MOTION RECOMMENDED: “Based on the information and findings set forth in the staff report and upon the evidence and explanations received today, I move that the Planning Commission forward a positive recommendation to the City Council to rezone the parcel comprising 20.96 acres and located at 5891 West 7000 South from an LSFR Zone (*Low Density Single-Family Residential WSPA*) to an R-1-9 Zone (*Single-family Residential 9,000 square foot lot minimums*).”

I. BACKGROUND:

The proposed rezone will affect a 20.96-acre parcel of land located between the Copper Rim planned community and the Rocky Mountain Power regional transmission corridor on the west side of the city. The property is currently vacant land and was originally zoned for agriculture until it was zoned LSFR as part of the comprehensive West Side Planning Area zoning in 2006. The property is not part of any adopted master development plan.

II. GENERAL INFORMATION & ANALYSIS:

The subject property’s surrounding zoning and land uses are as follows:

	Future Land Use	Zoning	Existing Land Use
North	Public Facilities	R-1-8D(ZC)	Vacant land
South	Low Density Residential	MFR	Vacant land (subject to <i>The Highlands</i> Master Plan)
West	Low Density Residential	P-C	Vacant land (<i>Copper Rim Phase 4</i> – under Final review), (<i>Copper Rim Phase 5</i> – Preliminary approval)

East	Parks and Open Land	LSFR	Rocky Mountain Power Regional Transmission Corridor
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The applicant has recently purchased the 20.96-acre property and is proposing to rezone it from an LSFR zone to an R-1-9 zone. The applicant intends to develop the property as a single-family residential subdivision consisting of 63 lots at a gross density of 3 dwelling units per acre.

III. FINDINGS OF FACT:

13-7D-6: CRITERIA TO RECOMMEND APPROVAL:

A. Zoning Map Amendment: An amendment to the Zoning Map may be recommended for approval by the Planning Commission to the City Council only if affirmative determinations are made regarding each of the following criteria:

Criteria 1: The proposed amendment is consistent with the purposes, goals, objectives and policies of the adopted general plan and future land use map;

Discussion: The property to be rezoned is designated for Very Low Density Residential on the General Plan's Future Land Use Map. This Very Low Density Residential designation is confined to the property boundaries and is the only such designation in a quarter-mile radius. The surrounding land use designations are primarily for Low Density Residential, which has a higher density threshold. The Very Low Density Residential land use designation allows for a density range of up to 3 dwelling units per acre and considers the R-1-9 zone (*Single-Family Residential – minimum 9,000 square foot lots*), R-1-10 (*Single-Family Residential – minimum 10,000 square foot lots*), R-1-12 (*Single-Family Residential – minimum 12,000 square foot lots*), R-1-14 (*Single-Family Residential – minimum 14,000 square foot lots*), A (*Agriculture - minimum 1, 5 & 20 acre lots*), RR (*Rural Residential – minimum 20,000 – 40,000 square foot lots*), RE (*Residential Estate – minimum 20,000 – 40,000 square foot lots*), P-C (*Planned Community – variable lot size based on density*), and PRD (*Planned Residential Community – variable lot size based on density*) zones to be the most appropriate zones for this land use designation:

TABLE 5.2

RESIDENTIAL DENSITY

Density Designation	Density Range (Dwelling Units Per Acre)	Zoning Districts
Very Low Density	Up to 3	All A, RR, RE Zones, R-1-9, R-1-10, R-1-12, R-1-14, PC, PRD
Low Density	3.1 to 5.0	R-1-8, R-1-9, R-1-10, PC, PRD
Medium Density	5.1 to 10.0	RM, R-1-5, R-1-6, R-2, R-3-6, R-3-8, R-3-10, PC, PRD
High Density	10.1 to 75	R-3-12, R-3-16, R-3-20, R-3-22, PC, PRD

The applicant is proposing to rezone the property to an R-1-9 zone, which is appropriate for the Very Low Density Residential land use designation according to the General Plan.

The applicant has provided a concept plan for their future subdivision, which shows the lots meeting the minimum size and width requirements for the requested R-1-9 zone and has an overall gross density of 3 dwelling units per acre. This is the maximum density for the Very Low Density Residential land use designation called for in the General Plan but will potentially be lower than the maximum potential density of the current LSFR zone. The LSFR zone has a potential density range of 2.01 dwelling units per acre – 4.50 dwelling units per acre, depending on the type and amount of amenities provided.

In regard to residential rezones, the General Plan has Guiding Principles that may pertain to the proposed rezone. These Guiding Principles and subsequent analysis are provided as follows:

LAND USE

Land use decisions should be guided by the General Plan to protect existing land uses and minimize impacts to existing neighborhoods.

The proposed R-1-9 zone follows the assigned zoning for the Very Low Density Residential land use designation in the General Plan. The R-1-9 zone is a single-family residential zone that allows for similar development as the existing and planned neighborhoods in the surrounding area.

HOUSING

Encourage a balanced variety of housing types that meet the needs of all life stages with a mix of opportunities for today and into the future.

The proposed zone is intended primarily for single-family homes similar to those in the surrounding neighborhoods, but the R-1-9 zone will allow for lots larger than those available in surrounding communities. The surrounding neighborhoods have lot sizes ranging from 10,000 square feet to 5,000 square feet. By comparison, the 9,000 square foot lots will provide a unique lot size that is somewhat lacking in this area.

Finding: The proposed zone change is consistent with the purposes, goals, objectives, and policies of the City's General Plan.

Criteria 2: *The proposed amendment will result in compatible land use relationships and does not adversely affect adjacent properties.*

Discussion: The developments surrounding the area to be rezoned are primarily single-family residential, most of which are 8,000 square foot lot subdivisions. As a general pattern, the subdivisions directly adjacent to the subject property consist of lot sizes that are either entirely 8,000 square foot lots or have a mix of lot sizes between 8,000 square feet and 5,000 square feet. For comparison, the proposed rezone to an R-1-9 zone would result in 9,000 square foot lots with a conceptual density of 3 dwelling units per acre.

The adjacent Copper Rim Phase 4 subdivision, which is currently undergoing final review, consists of a block of 8,000 square foot lots adjacent to the applicant's property with a density of 3.4 dwelling units per acre within this block. On the west end of Copper Rim

Phase 4, the lot sizes reduce to 5,000 square feet. The overall density for all of Copper Rim Phase 4 is 3.3 dwelling units per acre.

A strip of mostly vacant land containing regional power lines and support poles separates the subject property from the single-family residential subdivision to the east, which is Bingham Heights Phases 1, 2, 3 and 4. This neighborhood is mostly developed, with Phases 1, 2 and 3 on the east and south ends already completed and Phase 4 (northwest end) currently under final review. All 4 phases consist of 8,000 square foot lots and the combined density for all 4 phases is 3.6 dwelling units per acre.

The adjacent 19-acre parcel to the south is currently vacant but is zoned MFR (*Medium Density Residential - WSPA*) and is part of *The Highlands* master development plan. Future development of this property is entitled to a potential density of 4.51 – 9.0 dwelling units per acre, depending on the amount and type of amenities provided. However, the ERC (equivalent residential connection) count for this property assigned by the Water Master Plan limits the total number of dwelling units to 57, which would result in a density of 3 dwelling units per acre.

The adjoining 18.9-acre property to the north is also currently vacant and is owned by the Jordan School District. This property is zoned R-1-8D(ZC) and is thereby entitled to an 8,000 square foot lot subdivision should the Jordan School District decide to sell it.

In looking at the overall land use pattern, the requested rezone will continue the pattern of keeping higher density developments closer to the major roads (5600 West, Copper Rim Drive, 7400 South/Verdigris Drive, 7000 South) while preserving land further inland for lower density development. This land use pattern coincides with the pattern of the Future Land Use Map.

Finding: The proposed amendment will result in compatible land use relationships and does not adversely affect adjacent properties.

Criteria 3: The proposed amendment protects the public health, safety and general welfare of the citizens of the city;

Discussion: The proposed rezone is for a single-family residential zone, which will have less impact on the health, safety and welfare of the surrounding single-family residential neighborhoods than the current LSFR zone that potentially allows for more intense development. The property has been vacant for many years and this rezone has the potential to foster residential development that would stabilize the undeveloped slopes through the use of proper grading, retaining walls and other storm water management techniques. Such development would also improve road, pedestrian and utility connectivity, linking existing and future neighborhoods.

Finding: The proposed amendment furthers the public health, safety and general welfare of the citizens of the city.

Criteria 4: The proposed amendment will not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways.

Discussion: The subject property is currently landlocked between a regional power line corridor and a future phase of the Copper Rim planned community. Copper Rim Phase 4 is close to receiving Final Subdivision approvals and will stub an 8-inch main water line and a 10-inch main sewer line to the southern road shown on the Bingham Heights Phase 5 concept plan. This road and public utilities will continue east across the regional transmission line corridor to connect with the existing stubs at 7340 South. This main road and its utilities will be constructed as part of the Bingham Heights Phase 5 public improvements, and all utilities within Bingham Heights Phase 5 will tie into these main lines.

Water availability is determined by the 2022 Water Master Plan, which establishes ERC (equivalent residential connection) calculations based on the land use designations of the General Plan's Future Land Use Map. The ERC count for the subject property is 63. The applicant's concept plan shows 63 buildable lots, which would utilize all of the ERC's assigned to this property.

The Fire Department has reviewed the proposed concept and location, and has found it to be serviceable. Once all roads are constructed, the subdivision will be within 1.5 miles of the fire station at 7750 South 6400 West with a 4-minute response time.

Finding: The proposed amendment will not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer, refuse, and roadways.

Criteria 5: The proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.

Discussion: All of the property that will be affected by the proposed rezone is not part of, or subject to, any overlay district.

Finding: This criterion does not apply.

IV. CONCLUSION:

Staff supports the proposed Zoning Map Amendment based on the findings of fact explained in this report.

V. ATTACHMENTS:

Exhibit A - Aerial Map
Exhibit B - Existing Zoning & Future Land Use Map
Exhibit C - Proposed Zoning & Existing Future Land Use Map
Exhibit D - Concept Plan
Exhibit E - Justification Letter
Exhibit F - Density Map
Exhibit G - Survey Map