



**Millcreek City Planning and Community Development**

3330 South 1300 East

Millcreek, Utah 84106

Phone: (801) 214-2750

Inspections: (385) 468-6690

**STAFF MEMORANDUM**

**From:** Erin O’Kelley, Planner  
**To:** Millcreek Community Council  
**Meeting Date:** December 3<sup>rd</sup> 2019

**RE:** Re-zone from R-1-10 to R-1-6 for a flag lot subdivision at 967 E Garden Dr.

**Parcel ID** 22051790150000

**Applicant:** Peter Tolman

**File No.:** ZM-19-018

**Request**

Millcreek Planning and Community Development is seeking your input on a request by Peter Tolman to rezone his property from R-1-10 to R-1-6. Peter Tolman would like to be able to subdivide his property for that two new single-family homes can be built on separate lots.

**Existing Land Use and Proposed Change**

The property located at 967 E Garden Dr is currently 1 single home on a 20,908.8 square foot lot. The current was built 1949 and remodeled in 1996 according to County Tax assessor data. The lot is located on a residential street that is all zoned R-1-10, with some lots nearby zoned R-2-10, R-1-5, and R-4-8.5.

The applicant would like to rezone the property to R-1-6 so that is can qualify for a subdivision per Millcreek Code and be subdivided into two new lots for two new single-family homes. With this proposal the applicant is going to tear down the existing the house on the property to make room for the two new ones and to meet code requirements for the flag lot.

The following table is a comparison of R-1-10 and R-1-6 requirements to build a flag lot with additional requirements that must be met per other sections of the code. The main reason for the rezone is that under the current R-1-10 zone the applicant does not have enough space and square footage to meet the requirements in the zone.

Requirement	From _____ Code	R-1-10 Standard	R-1-6 Standard
Base Lot Area	R-1	10,000 Square Feet	6,000 Square Feet
Base Lot Width	R-1	80 Feet	60 Feet
Base Lot Setbacks			



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<b>Front</b>	R-1	30 Feet	25 Feet
<b>Side</b>	RCOZ	10 feet (Per R-1 Zone)	8 Feet
<b>Rear</b>	R-1	15 feet (With Attached Garage)	15 Feet (With Attached Garage)
<b>Base Lot Coverage</b>	RCOZ	31%	35%
<b>Flag Lot Area</b>	Flag Lot Policy	15,000 Square Feet	9,000 Square Feet
<b>Flag Lot Width</b>	Flag Lot Policy	80 Feet	60 Feet
<b>Flag Lot Setbacks</b>			
<b>Front</b>	Flag Lot Policy	20 Feet	20 Feet
<b>Side</b>	Flag Lot Policy	20 Feet	20 Feet
<b>Rear</b>	Flag Lot Policy	20 Feet	20 Feet
<b>Flag Lot Coverage</b>	RCOZ	31%	35%
<b>Flag Width (Driveway)</b>	Flag Lot Policy & Landscaping ordinance 19.77	20 Feet with 5 foot landscape buffer	20 Feet with 5 foot landscape buffer
	All ordinances that apply to flag lots, single-family development, or subdivisions, would be applied to this project.		

**Neighborhood Meeting**

See Applicant’s summary of neighborhood meeting below.

**Community Council Action**

The Community Council is asked to consider whether the rezone should be granted by the City Council

Factors or questions to consider (per the general plan see page 34):

- Does it embody the designations and goals we have set forth in the Millcreek General plan?
- Is it compatible with our future land use map?
- Is it compatible with the existing neighborhood? If not why?
- Do you think residents will consider this rezone good or bad for the neighborhood as a whole? What is your reasoning for this?
- Does the project encourage investment or reinvestment into the neighborhood?
- Does it stay within the existing mass, scale, and height of the immediate neighborhood?
- Does it support redevelopment of underperforming properties?



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**Attachments Applicant has provided:**

- **Letter of Intent**
- **Concept layout**
- **Neighborhood Meeting Summary**
- **Applicants response to rezone questions per the Millcreek General Plan**

## **Letter of Intent - 967 Garden Drive**

We are proposing a rezone of 967 Garden Drive from an R-1-10 to an R-1-6 in order to subdivide using a flag lot. I have lived in Millcreek for my entire adult life. I work in Millcreek City as a school teacher. I want you to know that while I am an investor/developer in the context of this project, I am very much a man of Millcreek. I have purchased 6 homes/properties in Millcreek as an investor/developer and improved them. As a resident of Millcreek, this is not simply a business decision, but an investment in what I want to see in my city. I feel this is the best option for the neighborhood and the best use of this property. There is also much evidence of a precedent being set even on this very street of properties being rezoned and subdivided in order to be put to better use and stay within the fit of the neighborhood.

### **NEIGHBORHOOD FIT (and some fun facts)**

Garden Drive is a wonderful piece of a great Millcreek Neighborhood. It is slightly unique in that it is completely isolated from the rest of the neighborhood. The only way onto the street is either through 4500 South or 900 East. Although relevant neighbors are considered any within 600 feet, we are much more interested in those who actually live on the street.

The street represents a transition and turnover happening in the neighborhood that is slightly more extreme than what is happening in much of Millcreek City. As original homeowners from the 1960's move on, younger families are buying, and remodeling the older homes. As you drive north up Garden Drive from 4500 South, you see a peculiar assortment of stages and solutions. There are homes that look as if they haven't been touched since the builder last walked away 60 years ago. There are some that have been well-cared for. There are townhomes. There are building lots where homes have been torn down and await something new. There are duplexes. There is even a home with boarded-up windows that belongs in a ghost town somewhere. And then, throughout all of these different solutions is a healthy sampling of beautiful brand-new homes.

There are six homes that look to have been built in the last ten years. There are two more under construction. These homes represent the best future of Garden Drive. In ten years, I fully expect to drive down Garden Drive and have it look almost as if it were a new subdivision. Because of the larger lot sizes on the street, nicer and newer homes are being built in place of the old ones. Building two new homes would be a far better option in the long run than remodeling. I lived about a mile north of here for 3 years in a similar neighborhood. We, as a neighborhood, were always so excited about the prospect of improved or new homes because it brought new families.

One of the only pieces of feedback in opposition to the rezone was that all of the lots on Garden Drive are large and homogenous. This just isn't the case. Because I am a nerd of analysis, here are some facts I've discovered about the variation in zoning. There are currently seven properties on Garden Drive that are zoned R-1-10 but that are smaller than 10,000 square feet

making them noncompliant. There is one flag lot. One original property has been rezoned to three R-1-5 lots. There are two R-2-10 lots. There is an R-4-8.5. Our property is the largest single-family property on the street, 84% larger than the average size of 11,300 square feet. If we were to subdivide, our two lots would be within 14% of the average lot size on the street at over 10,400 feet. Fun fact: these hypothetical new R-1-6's would be big enough to be R-1-10's unlike 7 of the existing R-1-10's on the street.

## **FEEDBACK FROM THE NEIGHBORHOOD**

We originally purchased this property with the intent of remodeling the home. The deeper we looked at it, the more we realized that the home was not worth saving. Between a collapsing roof, lots of mold, and issues with the foundation, we felt like we weren't doing any future potential owners any favors by putting lipstick on this pig. We were left with 4 financially and stylistically viable options. 1) Remodel the home anyway knowing there may be problems with it down the road. 2) Subdivide the property and build two brand new homes that fit the look and feel of the neighborhood. 3) Tear down the home and build a huge home in the \$1 million range. 4) Rezone and build multi-family rental units.

In the course of our due diligence, we scratched option 3. I am not a builder and have no core competency around that. It wouldn't fit the feel of the street, and especially of the neighborhood as a whole. At the end of the day, it was too risky for my partners and me. That left us with three other options to present and gather feedback on from all of the neighbors. We focused more heavily on the neighbors living on Garden Drive.

We canvassed the neighborhood and spoke with every homeowner we could. We ended up getting a hold of half of them on Garden Drive for a face-to-face, one-on-one discussion. For those we didn't speak with, we invited them to call or email us or to come to a meeting held on October 9. We also passed out fliers to households within 600 feet but not on Garden Drive. Only two neighbors attended that meeting, and two other neighbors emailed their thoughts as they were unable to attend the meeting.

The overwhelming majority of those we spoke with preferred the option of subdividing and building two new homes. Many of them had been the previous owner's neighbor for a long time and had been inside the home. They felt it would be best to tear down the old house. Several others commented that it was ugly and they would rather see anything else there. If you would like to validate this subjective evaluation, please see for yourself. It is indeed an unsightly structure.

The idea of rezoning for a multi-family structure was also heavily opposed. We support that feedback. Of all of the people we spoke with, only two neighbors voiced any opposition to the rezone. One of them is the next-door neighbor to the south, Allen and Kristie Sowards. We have been working very closely with them to try to accommodate their desires in our plans as much as possible. They are very nice people. The major concern for them is that they have a very private backyard that they've enjoyed for the better part of a decade. If we subdivide, there will

then be a neighbor back there. The previous homeowner was an older woman who didn't spend much time in her giant backyard which made for a very private setting that the Sowards grew to love. I asked Allen if there were things we could do to make it more palatable for them. He confirmed that there were, but before we go down that road, he would oppose the rezone. If we do succeed with the rezone application, we have every intention of involving the Sowards in our planning to come up with an optimal solution for them as well.

It's worth noting that Allen was under contract on purchasing the property before we did. He was going to remodel the home and keep a piece of the land in the back for himself. During his due diligence, he recognized that the home was unsalvageable, at least to remain financially viable. As we've talked to him about our plans, he recognizes that our best option is to tear it down. That recognition doesn't change his wife's desire for a more private backyard.

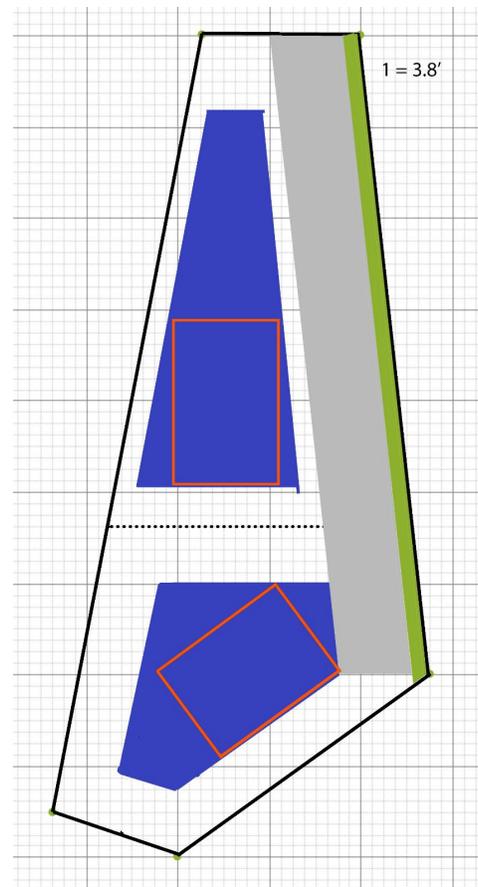
The other person that was opposed was a backdoor neighbor, Tony Webb, who lives on Sagehill Drive. He didn't really care much about our specific property, but expressed a dislike for ever making zoning higher density. It was opposition in principle rather than in specific practice.

## OUR PROPOSAL

Once the subdivision is complete, we intend to turn the project over to a capable general contractor to create the details of the finished project. The concept to the right shows our proposed subdivision. The blue area represents buildable space within the context of Millcreek's building and zoning codes. The red outlines show two actual craftsman style home footprints that fit the style and feel of the neighborhood. Both homes are between 3,200 and 4,000 square feet. I have not included a visual representation of those homes because I don't want you to misunderstand them as plans, when in reality, they are simply placeholders.

The two styles on the street that are represented in the newer homes are craftsman (a high majority) and industrial/modern. The homes will fit those styles. The size of the newer homes on the street range from about 3,600 square feet to about 6,800 square feet. The homes on these properties would most likely end up being between somewhere around 3,200 square feet and 4,500 square feet.

After several months of research and analysis, we submit that a rezone is best for the city, neighborhood, and us as the owners. The end result would leave the neighborhood better off than any of the other proposed solutions. The new homes



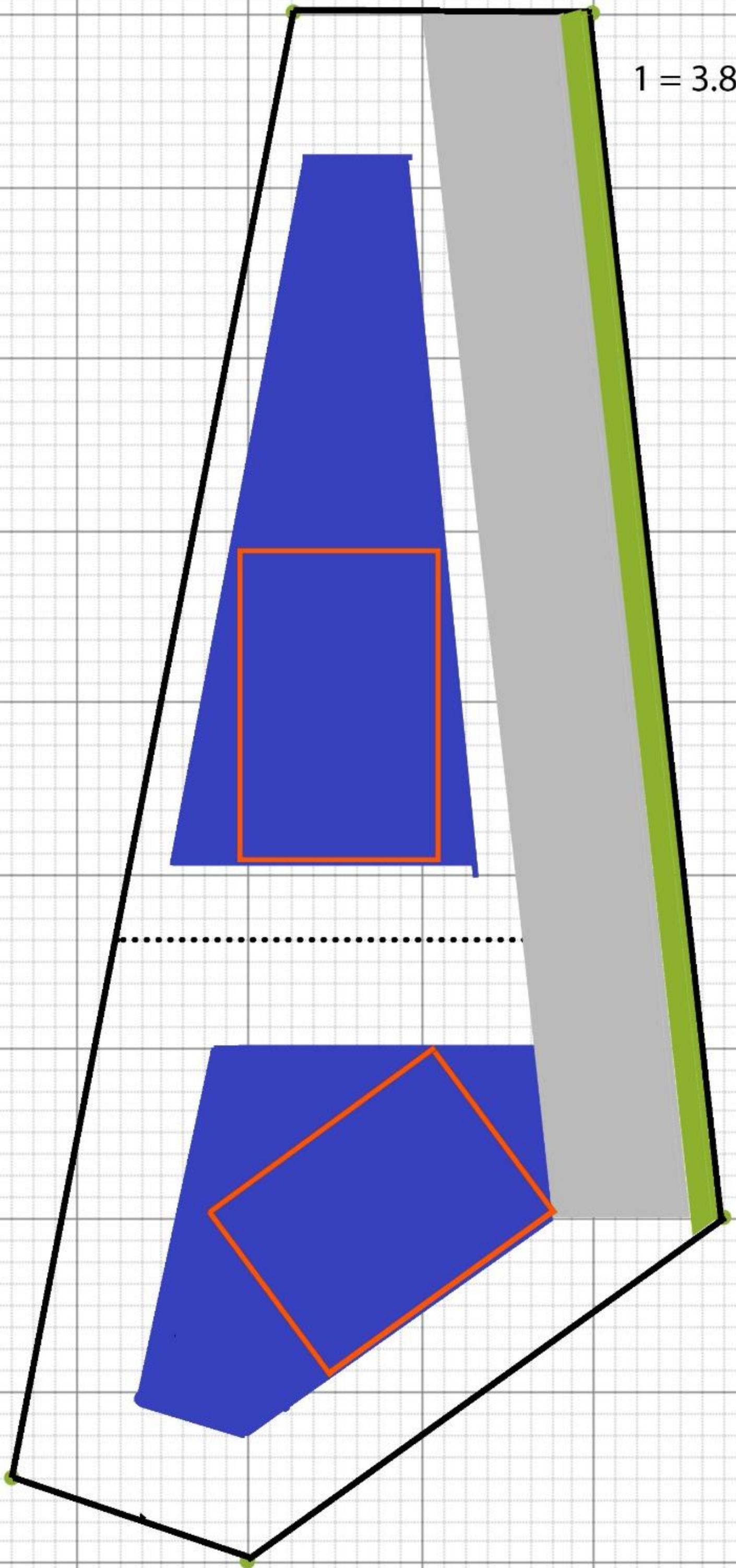
would help the revitalization of Garden Drive. It would create additional tax revenue for decades to come. Instead of taxing one \$400,000 property, there would be two \$600,000 properties. It would fit the look and feel of Garden Drive, especially the homes closest to the property.

Cheers!

Genesis Ventures

Peter Tolman, Clark Featherstone, and Tanner Crandall

1 = 3.8'



# Neighborhood Meeting Notes

In preparation for hosting a neighborhood meeting, we created a flyer (see below) to describe the project and disclose the date of the scheduled meeting. We went and knocked on every door within 600 feet of the property. We talked with those who were there and left a flyer for those who were not inviting them to a meeting. We offered 3 zoning proposals to each person:

1. Remodel existing house
2. Rezone to an R-1-6 and subdivide and build 2 new homes
3. Rezone to an R-2-10 and build multi-family housing

Option 2 was by far the most desired. Option 3 was by far the most contested. There were 2 neighbors that opposed option 1. We have summarized all comments from the neighbors here.

## Comments from neighbors while knocking doors

1. Carol McClain - 4384 Garden Dr. - Doesn't care what the solution is but recognizes that the best thing to do is to tear down the old house and put something new there. In favor of the rezone.
2. (Didn't catch name) - 4372 Garden Dr. - Prefers that we subdivide and build two new homes.
3. Emily Buie - 4348 Garden Dr. - I don't care what you do as long as you don't use it as a rental. We want invested homeowner neighbors.
4. Tony Hodges & Susan Sharp - 4340 Garden Dr. - Any option besides remodeling the existing home. It's ugly and we want the neighborhood to look nice.
5. Elizabeth Ranes & Linda Nelson - 4334 Garden Dr. - Build something new. No rentals.
6. Christine & Blair Allred - 965 Garden Dr. - I don't care what you do as long as you don't use it as a rental. We want invested homeowner neighbors
7. Calleen Lester - 937 Garden Dr. - Build something new.
8. Tony Webb - 980 Sagehill Dr. - Opposed by principle to the idea of higher density.
9. Mary & Robert Gaitin - 994 Sagehill Dr. - Subdivide and put new homes up.
10. Debra Daniels - 4324 S. Garden Dr. - In support of building two new houses. Wants to see people who move in becoming invested in the neighborhood and new homes is the best option for that.
11. Talked to Vera at 4372 Garden drive she supports building 2 houses. Wants to see the neighborhood continue to improve.



## WE WANT YOUR FEEDBACK

We recently purchased 967 Garden Dr. and have begun renovations. We have three options we are considering as we move forward.



1 - Remodel Existing House



2 - Build 2 Brand New Homes



3 - Build a Duplex

## Neighborhood Meeting

We are holding a meeting on Wednesday, October 9th from 6:30-7:30 PM to hear what the neighborhood thinks. If you have an opinion about what you'd like to see done on this lot, come share your input.

If you are unable to make it to the meeting, but want to share your thoughts, please contact us.

Peter (801) 419-3974 - Clark (801) 599-1013 - Tanner (801) 599-3285  
crandall.tanner@gmail.com

## Comments from neighbors during the neighborhood meeting held on Oct 9th

Only two neighbors attended the meeting. Most felt that they gave their opinion while we were knocking doors, and a few emailed because they couldn't make it to the meeting.

1. Allen and Kristie Sowards - 4315 Garden Drive - (Next door neighbors to the South) "We do not support a rezone because it damages the privacy we've enjoyed in our backyard." They have lived there for 10 years or so with no one ever in the backyard of our property so they have a completely private backyard. They want it to remain private so they would rather we don't subdivide. The husband tried to purchase the property before we did but saw that it wasn't going to be easy to remodel the existing house so he backed out. He completely understands that our best option is to subdivide but he said because his wife is opposed, he is opposed. However, they have been very reasonable and kind in all of our interactions. We have negotiated back and forth several times. We asked him if there are things we can do to make it work for him and he said yes but that before we go down that road, they would rather oppose the rezoning first. Then, if we do rezone, we can chat about how to make it better for his family.
2. Arnold Wilcox - 4371 Garden Dr. - Build new homes. He started to remodel his and realized that it was built poorly with almost no foundation. He doesn't think the homes built in this neighborhood are high enough quality to remodel. He would like to see it torn down with new homes in its place.

#### **Comments from neighbors by email in response to flyer**

1. "We are sorry we missed your meeting yesterday but thank you for including the neighborhood. When I talked to you on the weekend I know I said we didn't care as long as it wasn't apartments, but thought I should clarify and say that in your options we would prefer that you invest in homes rather than rentals. We live at 965 East Garden Drive, next door. Just FYI we are thinking about taking down those two trees on the side nearest to your property since they are so close to the edge and hang over. It looks like you have a lot of work ahead of you. Best of luck and feel free to stop by if you have any questions. -Christine and Blair Allred"
2. "I live on Garden Drive and didn't see your flier until late last night. Sorry to have missed it but what a nice gesture to ask your neighbors. So, I'm guessing you are not planning on living on this property? I would like to suggest new homes if you can do lot plat, but definitely not a duplex. :) Thanks for asking! -Yvonne Park" (4260 S Garden Dr.)

**Encourage additional investment or reinvestment in neighborhoods?**

Yes, demolishing the older home that currently exists will encourage others to invest in the neighborhood. We are requesting to rezone the lot to an R-1-6 to be able to subdivide and build 2 new homes. After speaking with multiple neighbors they want invested homeowners to come to the neighborhood. This particular street, Garden Drive, has begun to transition from older homes to beautiful new homes over the past decade, and the neighbors want to see this trend continue. Each new home built on this street makes the neighborhood more attractive to potential new families looking to move into the area.

**Support the redevelopment of blighted and/or underperforming properties?**

The home that is on the lot is run down and has many structural issues. By subdividing we would be able to take a lot that has been neglected for many years and build two brand new homes which will transform the overall allure of both the property and the neighborhood. Several of the neighbors expressed concern about the status of the current home, as it is both run down and ugly.