



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: June 17, 2017

NAME OF APPLICANT: Midway City

AGENDA ITEM: Code Text Amendment of Title 16:8: R-1-9 Residential Zone

ITEM: 6

Midway City is considering a Code Text Amendment of Section 16.8: R-1-9 Residential Zone. The Planning Commission will consider removing duplexes as a permitted use in the R-1-9 zone. Currently, duplexes are allowed if the lot complies with the acreage and frontage requirements of the zone.

BACKGROUND:

The purpose of this item is to review the R-1-9 zone and the ability to construct duplexes if acreage and frontage requirements are met. Two zones in the City allow duplexes. They are the R-1-7 zone and the R-1-9 zones. These zones are the two zones that allow the smallest lot sizes and they are located near the center and commercial areas of Midway where most services are located. There are several duplexes located in these zones that were constructed decades ago and then recently there has been new activity in interest about building new duplexes. First, a duplex was constructed on a lot-of-record in the R-1-9 zone next to Memorial Hill. Second, the Alder Meadows subdivision was approved for 11 duplexes in the R-1-7 zone. In the public hearings for the Alder Meadows subdivision there were residents that voiced their concerns about duplexes. There was enough concern raised that the City is has decided to visit this issue and have a dialogue to explore amending the code. What is presented in this agenda item is reviewing at the R-1-9 zone, which is generally located farther from City services tan the

R-1-7 zone, to explore if duplexes are still an option that the community would like to continue. There is more development potential in the R-1-9 zone for duplexes and now is the time to explore if changing the code before any new applications are submitted. Once a complete application is submitted to the City then the applicant is vested under the code that is in place at the time of submittal.

The following are some issues to consider when regarding this issue:

- **Duplexes can potentially serve a moderate-income housing need.** It is important to have a variety of housing types in a community because not everybody is in the same stages in life or in the same circumstances. Duplexes can offer some options as moderate income housing but only if the rent is low enough to qualify. Just because a duplex is constructed does not mean it will qualify as moderate income housing. This issue was discussed during the Alder Meadows approval process. It seems unlikely that the units in the Alder Meadows subdivision will be will qualify as moderate income housing because of the size and design of the units. The City cannot control if units are affordable or not, the rent is market driven.
- **Duplexes provide rental opportunities.** Almost always one unit in a duplex is rented while the other half is owner occupied. In many cases both units are rented so they provide rental opportunities in a community. Single-family homes also may be rented but usually they would command higher rents than a duplex.
- **Duplexes provide investment opportunities.** As we saw with the Alder Meadows proposal, duplexes create an opportunity for an investment for the owner of the units. In this case, the owner was using the units to fund his retirement. Even someone owns only one duplex and lives in one of the units there is potential for income on the second unit. It is something to consider that properties in the R-1-9 zone may have been purchased with the intent constructing a duplex but the by eliminating the duplex potential that value of that investment would be reduced.
- **Duplexes create more traffic than single-family dwelling neighborhoods.** This statement is true when you compare the frontage requirements for a single-family neighborhood and a duplex neighborhood in the R-1-9 zone. If a street is 1,000 feet in length and there are single-family homes on each side of the street then 22 homes can be located along that street which would generate 211 trips per day. Under the same circumstances 20 duplexes can be located on the same street but that is equal to 40 dwelling units which would generate 384 trips per day.
- **Duplexes raise concerns about the transient nature of the units.** One of the main concerns raised during the approval of the Alder Meadows subdivision was that that duplex occupants are transient in nature. This may be a true statement in many cases. If someone is constructing a home then they usually need somewhere to stay during the construction and rental units cover that need. Duplexes are

rented and people rent a unit for many reasons so there are many situations where the occupants are only in the units for a limited amount of time.

- **Duplexes raise concerns about their impacts on property values.** This was probably the issue that is raised the most when discussing duplexes. It is difficult to pinpoint the facts with this issue and staff did review some articles and studies and did find one common thread. Generally, it is not the number of units in the neighborhood that are rented that impact the property values but is the upkeep on the homes in the neighborhood that impact the values. In other words, you may have many owner-occupied homes in an area that are not upkeep well and that would have a negative impact on the value of the homes but you might have many rental units in a neighborhood that are well kept and that might increase the value of the homes in that area. The owner of the dwellings and the level of upkeep have more to do with property values than the renters have.

If the code were to be amended to eliminate duplexes then here how the code could be amended:

Section 16.8.2 Permitted Uses

~~D. Attached two-family dwellings. Attached two-family dwellings must meet the following:~~

- ~~1. Have a separate kitchen and bathroom facilities for each dwelling unit.~~
- ~~2. Have adequate off-street parking for each dwelling unit.~~
- ~~3. Have separate utilities to each dwelling unit.~~
- ~~4. Each dwelling unit is built to residential building codes.~~
- ~~5. No temporary structures are allowed as a dwelling unit.~~
- ~~6. Both dwelling units are under one ownership.~~
- ~~7. Each dwelling unit will have its own address.~~
- ~~8. Each dwelling unit will meet emergency and fire code access standards.~~
- ~~9. A hard surface driveway (concrete, asphalt, or brick) must be installed for both dwellings before the Certificate of Occupancy is approved.~~

Section 16.8.4 Area Requirements

- A. A minimum lot or parcel size of 9,000 square feet shall be provided for one-family dwellings.
- ~~B. A minimum lot or parcel size of 12,000 square feet shall be provided for attached two-family dwelling such as a duplex or twin home, child day care centers and foster family care homes.~~
- C. A minimum lot or parcel size of 33,000 square feet shall be provided for detached two-family dwellings.

Section 16.8.5 Width and Frontage Requirements

The minimum width and frontage of any building site in the R-1-9 zone shall be 90 feet. ~~A minimum width and frontage of 100 feet shall be required for attached two-family~~

~~dwelling~~s. A minimum width and frontage of 110 feet shall be required for all detached two-family dwellings.

POSSIBLE FINDINGS:

- Eliminating duplexes would reduce housing options in the R-19 zone
- Removing duplexes as an option in the R-19 zone could potentially reduce moderate income housing
- Not allowing duplexes will decrease potential trips per day by lowering density as compared to potential trips per day for single-family neighborhoods covering the same area

ALTERNATIVE ACTIONS:

1. Recommendation of Approval. This action can be taken if the Planning Commission feels that the proposed language is an acceptable amendment to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
2. Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again
3. Recommendation of Denial. This action can be taken if the Planning Commission feels that the proposed language is not an acceptable amendment to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial