



STAFF REPORT

Executive Summary									
Hearing Body:	Millcreek Township Planning Commission								
Meeting Date and Time:	Wednesday, January 16, 2013	04:00 PM	File No:	2	8	0	5	1	
Applicant Name:	Gary Larson	Request:	Conditional Use						
Description:	26-lot PUD subdivision - 6,500 to 13,000 sq. ft. average 6,5000 sq ft. lots								
Location:	1405 East 4500 South								
Zone:	R-2-10 Residential Two-Family	Any Zoning Conditions?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>					
Zoning Condition:	Residential Density limited to 4.5 dwelling units per acres.								
Community Council Rec:	Approval with Conditions								
Staff Recommendation:	Approval with Conditions								
Planner:	Spencer G. Sanders								

1.0 BACKGROUND

1.1 Summary

Gary Larsen is requesting approval of a Conditional Use Permit for a 26-lot PUD Subdivision for single-family homes.

The existing home on the property will remain, located within an approximate 34,000 square-foot lot. The other lots for the new homes will range in size from approximately 6,000 to 12,000 square feet with an approximate average of around 7,500 square feet. The existing pond on the property is proposed to be drained and built over.

The applicant is proposing the following amenities and standards:

Recreational Facilities - Details of these facilities have not been provided. However, if it is acceptable to the Commission, the final designs of these facilities could be reviewed and approved by staff

Club House - Approx. 1,500 square feet

Pool - Approx. 990 square feet

Playground - Approx. 1,600 square feet, located on the west side of the property separate from the other recreational facilities.

Parking

Central Guest Parking - 11 spaces

On each lot - 3 in the garage and 2 in the driveway

Internal Setbacks

Front Yards - 18 main home, 20 feet to the garage

Side Yards - 6 feet (12 feet between structures)

Rear Yards - 15 feet

Project Perimeter Setbacks

East - 15 feet

West - 15 feet

North - 7 feet

South (from 4500 S.) - 15 feet

Building Height - 35 feet from original grade to the ridge-line.

Open Space (Yards, Common Areas) - Exceeding 50%

Typical Architecture - At the time of this report, the applicant had provided large paper copies of typical architectural plans. These were too large to scan and include with the packet. However, the applicant indicated he would provide digital copies for the Commission's meeting if not before. A brief description is as follows:

Style - Contemporary French Cottage

Exterior Siding - Brick and/or stone and clapboard siding

Roof - Steep-pitched with Asphalt Shingles

Floors - 2. Main Floor: Formal Living; Formal Dining; Open Concept Great Room/Kitchen/Family Room; and Main Floor Master Suite and Guest Bath. Second Floor: 2-3 bedrooms; 1.5 to 3 baths and optional Game Room.

Garage - 3.5 car with 2 single side by side garage doors.

Fencing - More detail regarding fencing will need to be provided. However, if it is acceptable to the Commission the final fencing plan can be addressed by staff during the Technical Review Process.

Side and Rear Yards - 8 feet high (materials and colors not specified yet)

Perimeter of Project - 8 feet high (materials and color not specified yet)

Entrance Gate - The main entrance is proposed to be gated, but details of the design and location have not been provided.

Around Recreational Facilities - None proposed

Landscaping - It is staff's understanding that the applicant is planning on landscaping the projects features noted below. However, specific plans have not yet been provided. These will be expected during the Technical Review Process for: Typical Lot Standards; Recreational Facilities; and Entrance Features - None specified

1.2 Hearing Body Action

This application is on the Planning Commission's agenda for Preliminary Approval of the proposed use, the PUD Plan, and a preliminary approval of the Preliminary Plat. If the Commission approves the proposal, the final approval would not be issued until after the applicant has completed Technical Review and satisfied all ordinance requirements and the requirements of all applicable reviewers.

1.3 Neighborhood Response

As of this writing staff has not received any comments from the surrounding neighbors. However, at the Millcreek Community Council Meeting, a representative of the neighbors in the single-family residential homes to the east spoke and expressed their unanimous support of the development as proposed. They indicated that they were in favor of this development over previous applications requesting multi-family on the subject property.

1.4 Community Council Response

On January 6, 2013, the Millcreek Community Council reviewed this application at their regularly scheduled meeting. After hearing from the applicant and a representative of the residents to the east,

the Commission voted unanimously to forward a positive recommendation to the Planning Commission regarding the proposed project.

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>
		With recommended modifications the project will comply with ordinance requirements except where specific requirements are modified by the Planning Commission's approval of the PUD proposal as allowed by the ordinance. The applicant is requesting reductions in side yard setback requirements of RCOZ and the underlying zone, between structures, along the north property line, and from 4500 South as noted herein. The applicant is also requesting an increase in building height over the maximum allowed by the RCOZ regulations, but less than the underlying base zone. Technical Requirements such as wetlands elimination (if any), Geology, Hydrology, Grading, Drainage, etc. will be verified with staff during the Technical Review Process.
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>
		Compliance with all applicant laws and ordinances, including outside agency requirements, will be certified during the Technical Review with staff. All requirements must be satisfied before the final Conditional Use Permit/Site Plan/Preliminary Plat are issued. The preliminary plans appear to be in compliance with applicable regulations at this time.
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>
		The entrance to the project, including the location and design of the entrance gate must be approved by UDOT. The applicant has already submitted the access location to UDOT which has been approved. The final approval of the gate and associated improvements in pending. The internal circulation on the site appears to meet transportation standards. Again these final certifications will take place during the Technical Review Process prior to Final Approval being issued by staff.
YES <input checked="" 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 requirements associated with this standard are under review or will be reviewed during

		the Technical Review process with staff. Final approval will not be issued until all of the above have been satisfied. However, there are no issues anticipated that can not be adequately addressed.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard 'E'</u> : <i>The proposed use and site development plan shall not significantly impact the quality of life of residents in the vicinity.</i>
		With minor modification, the proposal will not significantly impact quality of life for residents in the area. The applicant's proposal will comply with RCOZ requirements adjacent to the single family residential homes. In addition, the plan has been reviewed by the surrounding existing residents and they are in full support of the project as proposed.

2.2 Zoning Requirements

2.2.1 Requested Modifications Under PUD - The following is a discussion of the provisions of ordinance that the applicant is requesting the Planning Commission approve modifications to as may be granted by the Planning Commission under the PUD provisions.

Setbacks

Side Yards Between Structures - RCOZ requires a minimum setback of 8 feet on both sides for the size lots proposed. The applicant is requesting this setback be reduced to a minimum of 6 feet (12 feet between structures). Internal to the project this should have not affect on the adjacent property owners.

Side Yards from the North Property Line - The northern most lots in the proposed development show a minimum setback of 7 feet from the north property line. This property line is adjacent to a church Open Space area. Based on the configuration of the lots oriented to an internal street perpendicular to the north property line, the north property line becomes a side yard lot line for the two lots at the dead end. However, again RCOZ would require a minimum of 8 feet in this case. Staff supports the 8 feet minimum from the north property line to help ensure that the proposed homes will comply with the RCOZ setback and building envelope around the perimeter of the development. This is consistent with how other PUD developments have been approved under RCOZ. Previous developments have complied with RCOZ requirements around the perimeter of the project, but internal to the project the Commission has given modifications to the standard zoning requirements.

Side Yards adjacent to 4500 South - The proposal shows a 15-foot street side yard setback from 4500 South for the two southern most lots adjacent to 4500 South. The underlying zone requires a 20-foot street side yard setback from public rights-of-way. In review of existing developments both East and West along the north side of 4500 South within several blocks, the structures along 4500 South (single family, multi-family and commercial) maintain a 20 to 30-foot minimum setback from 4500 South. A 15-foot setback would place the residential homes closer than other structures along 4500 South in the area, next to a very large busy right-of-way . Staff recommends that the 20-foot setback be maintained for compatibility with the surrounding area and streetscape along 4500 South.

Building Height - The proposed building height is 35 feet to the ridge-line of the roof as measured directly below the ridge-line from original graded. This proposal combines the method of building height measurement in RCOZ with the base standard maximum height of the underlying zone. Several of the single family homes to the east exceed the RCOZ building height maximum of 28 feet because they were built prior to RCOZ under the standard R-1-10 zoning requirements. To the west of the subject property, there is a large apartment complex with 2 and 2.5 story apartment buildings that exceed the RCOZ building height. The proposed 35-foot maximum height to the ridge is in character with adjacent development to the East and West.

2.2.2 Planning Commission Issues to Address

The following is a discussion of issues that will need to be addressed by the Planning Commission with their preliminary approval of the project.

Sidewalk Internal to the Project - The applicant has not provided any information about pedestrian circulation within the project. Staff is recommending that there be sidewalks within the development since there are a larger number of lots within this project and the residents will need to have pedestrian access to the recreational facilities and out to 4500 South. This may be able to be accommodated within the proposed private rights-of-way or additional right-of-way width may be necessary. Staff is recommending that there be an integral 5-foot sidewalk along all private roadways on both sides. This may require the lots to be reduced in depth by 5 feet. The applicant's proposed typical home plans would still fit on the resulting lots.

Fencing

Along 4500 South - The proposal does not specify, but it appears that any fencing along 4500 South, except at the entrance of the project, would likely be placed directly behind the sidewalk. This has proven to have maintenance concerns for weeds and for graffiti. Staff is recommending that the fence be of a solid decorative masonry material. In addition it should have some articulation with a varied setback from the sidewalk with a minimum setback of 5 feet. This will provide a planting area to soften the look of the wall, with significant landscaping that screens it. This will also reduce the desirability of such a wall to be tagged with graffiti. Finally, it will enhance the aesthetics of the project from 4500 South and be consistent with other projects along 4500 South in the vicinity.

Along North, East and West property lines - Perimeter Fencing should be solid visual barrier fencing worked out with the adjacent neighbors if possible. The applicant will need to submit a plan to staff for final approval. Staff is recommending that all fencing be of a high quality, low maintenance material, reducing long-term up keep and maintenance for the Home Owners Association and adjacent property owners.

Around Recreational Facilities - Recreational facilities adjacent to the private roadway such as the pool and possibly a play area, will need to be fenced. The pool in accordance with Health Department Regulations and a play area to protect children from entering into the street. However, in order to maintain an open feel to the open space, these areas should be fenced with an open rot-iron style fence that complies with Health Department Safety regulations.

Landscaping - If it is acceptable to the Commission, the issues noted below could be addressed by staff during the Technical Review process, unless the Commission wants to see the final design.

Typical Lot Landscaping Plan - the applicant has not yet provided a typical landscape plan for each of the lots. As a PUD, the County has consistently approved typical landscape plans that specify a specific number of trees and shrubs for each lot, street trees, lawn, and irrigation, all to be installed with each home as it is completed. Bonding for each lot is typically required before a building permit can be issued for the lot and is released upon verification that the required lot landscaping has been installed. In the past, a minimum of 1 tree and 8 shrubs have been required for each lot. However, this is usually just for the front yards and generally do not include a street tree which is in addition to the lot tree. Staff would also suggest at least one additional tree in the rear yard. This would be a minimum requirement of 2 trees and 8 shrubs for each lot, and any additional street trees required by a street tree planting plan.

Recreational Facilities - The applicant has not yet provided a detailed landscape plan for the recreational facilities. This will need to be provided with the Technical Review and will need to comply with the County's Water Efficient Landscape Ordinance.

Entrance and Along 4500 South - The applicant has not yet provided a detailed landscape plan for the entrance common area. As noted in fencing above, staff is recommending the fencing be setback from the sidewalk a minimum of 5 feet, with some articulations with additional setback and that this area be landscaped with trees, shrubs, ornamentals etc. to soften the fencing, reduce potential for graffiti and provide an aesthetic that is similar to planned developments both to the east and west of the project within a few blocks. To do so will make the project more compatible with the neighborhood. This landscaping plan will need to be detailed and comply with the Water Efficient Landscape Ordinance.

Recreational Facilities - There are no specifics on the applicant's proposed recreational facilities. Detailed plans, including landscaping, equipment, design, site plans, etc. need to be submitted and approved before final approval of the project. If it is acceptable to the Commission, these details could be worked out with staff during the Technical Review process. In addition, staff is recommending that the proposed playground be consolidated with the other recreational facilities. The other facilities are in a central and convenient location. The Playground is off in a corner behind a home and adjacent to the west property line. It could result in not only inadequate use, but in appropriate use as well. A playground facility should be will visible from the internal roadways and from multiple homes to ensure it's use and the safety of the users.

Existing Structures - The lot in the north western most corner of the development currently houses several outbuildings and equipment for the current owner. As part of the overall lot, these structures are considered accessory uses to the existing home. However, the proposal is to divide this area off into a separate lot. It is staff's understanding that this is to be owned by the current property owner along with the existing home. However, zoning would prohibit accessory uses being located on a lot without a primary use. Subdividing this area into its own lot for potential future development would make the structures non-conforming. Not only would they be on the property without a primary use, but they will not comply with current accessory building setback requirements.

Normally, in standard subdivisions, these types of structures must be removed prior to recording the final plat. While staff is not recommending it, the Commission could consider special provisions with this approval under the PUD ordinance that addresses the structures and when they have to be removed. Typically, this is difficult to monitor and in force, thus the requirement to remove non-complying structures before platting. The desire to record a plat after completing an approval process is usually sufficient motivation to appropriately address non-conforming structure situations.

2.2.3 Technical Review - FYI - In addition to the standard Technical Review requirements that will be addressed during the Technical Review process the following issues will need to be addressed during Technical Review as well. It is noted here for general information.

Wetlands - The applicant has provided a study which indicates the existing pond is created by a man made well and thus it is not wetlands and is not subject to wetlands protection or mitigation requirements of the Federal Government. The applicant will need to complete the review process with the U.S. Army Corps of Engineers to determine if the study provided is correct. If the pond can not be removed, the final approval of this project will not be issued.

2.4 Other Issues

Bonding Required for All Landscaping - Once final landscape plans are approved and final recreational facility designs are approved staff will develop bonds for these items, including a bond schedule for each lots' landscaping.

Street Lighting - The applicant will need to provide a street lighting plan for internal to the project. This will probably be minimal but some lighting for safety and security will be necessary. It will also be

important to make sure that there is appropriate lighting around the recreational facilities. County operations may also require street lighting along 4500 South in front of the project. These issues will be addressed during Technical Review.

2.5 Subdivision Requirements

The applicant will need to submit all of the PUD requirements as well as a revised Preliminary Plat for Technical Review before the final Preliminary Plat and Conditional Use Permit are issued. Confirmation of compliance with all requirements will be addressed during Technical Review with staff.

3.0 STAFF RECOMMENDATION

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

- 1) **The minimum main building setbacks** within the project are as follows:
 - Front Yard* - 20 feet to the garage; 18 feet to any other portion of the home;
 - Side Yard* - 6 feet, 12 feet between homes
 - Side Yard (From North Property Line adjacent to Church Property)* - 8 feet
 - Street Side Yard (Internal to Project from Private Rights-of-way)* - 18 feet
 - Street Side Yard (From 4500 South, Public Right-of-way)* - 20 feet
 - Rear Yard* - 15 feet
- 2) **The maximum building height** for homes within the project shall be 35 feet from original grade measured below the ridge-line to the ridge-line of the home's roof.
- 3) **Sidewalks Required** - Five-foot wide sidewalks integral to the curb and gutter shall be provided along both sides of the private rights-of-way within the project. These sidewalks shall connect to: the recreational facilities, including any associated walkways around the facilities; the sidewalk along 4500 South; and the sidewalk along the guest parking stalls. The sidewalks adjacent to the private rights-of-way shall be included in the right-of-way.
- 4) **Fencing along 4500 South** shall be setback a minimum of 5 feet from the sidewalk with additional setback providing horizontal articulation in the fence. The area in front of the fence adjacent to the sidewalk shall be part of the common area of the project and shall be landscaped per approved plans in compliance with County Ordinances.
- 5) **Perimeter Fencing to the North, East and West** - A common style fence shall be installed around north, east and west property lines with adjacent properties. The fencing design shall be a solid visual barrier and shall be of a material that is low maintenance and long lasting to reduce cost to the property owners and the HOA overtime.
- 6) **Pool and Playground Fencing** - Fencing shall be required around the pool and around the playground if it is located near the existing facilities and adjacent to the private rights-of-way. Said fencing shall be an open rot iron fence design that complies with minimum safety requirements.
- 7) **A typical lot landscape plan** shall be provided by the applicant and approved by the County as part of the final approval documents. It shall contain at minimum 2 trees and 8 shrubs for each lot. One tree shall be planted in the front yard as part of a street tree plan; and at least one shall be planted in the rear yard. Bonding for the lot landscaping shall be posted with each lot prior to issuance of a building permit for that lot.
- 8) **The proposed playground shall be relocated** adjacent to the other proposed recreational facilities in a larger consolidated area.
- 9) **The existing accessory structures on the property shall be removed** from all proposed lots prior to recording, except for the existing home and any accessory structures located on the same resulting lot as the existing home.

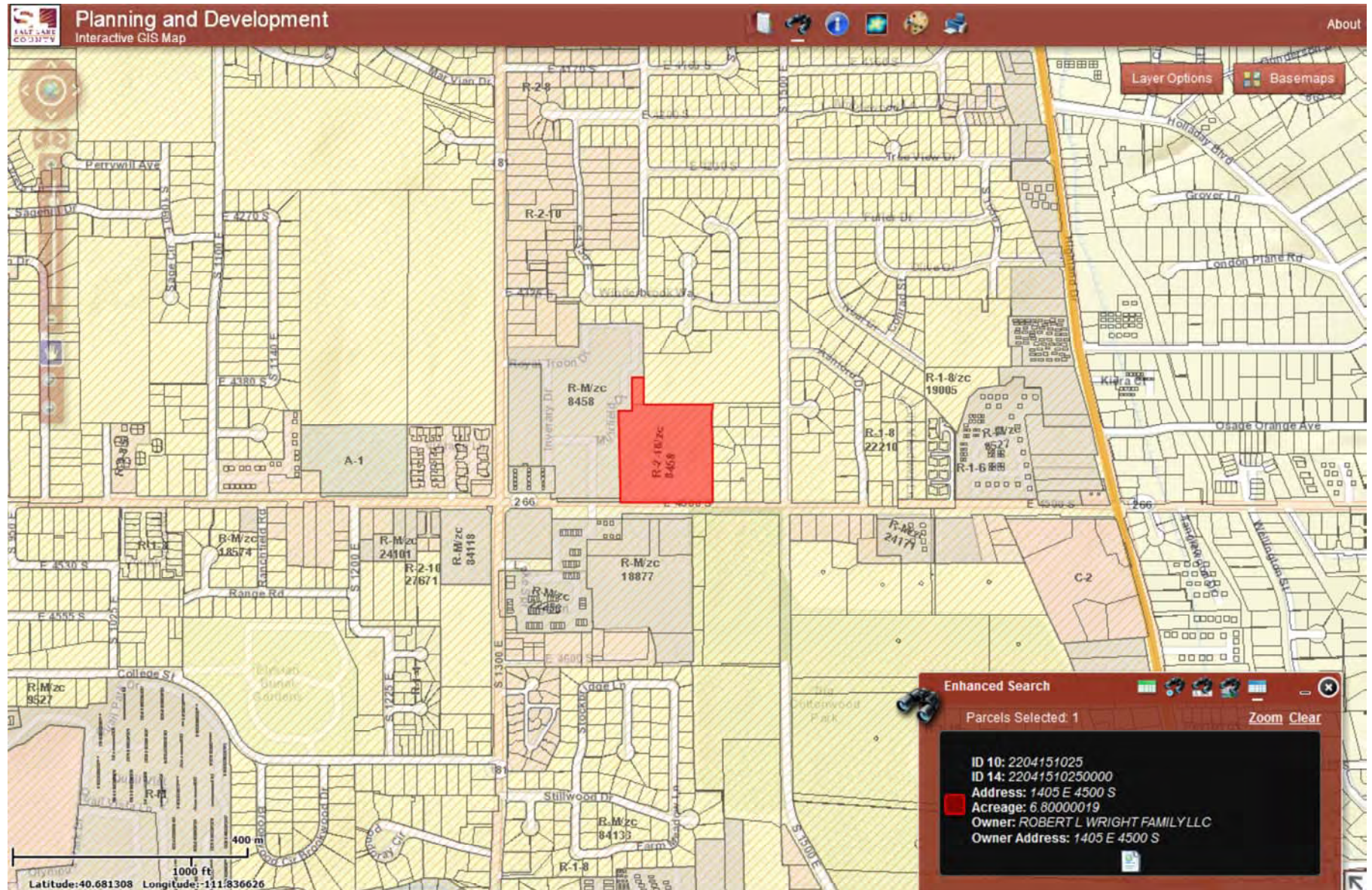
10 **Complete Technical Review with Staff**, complying with all requirements of the staff and outside agencies, including addressing all issues as noted in this report. Technical review shall include but is not limited to the submittal and approval of final landscape plans for all common areas, a fencing plan, a lighting plan, a recreational facilities plan, a street tree plan and a trash removal plan. The Technical Review Process must be completed to the satisfaction of the staff, in accordance with County regulations, prior to final Preliminary Plat approval and Conditional Use Permit issuance.

3.2 Reasons for Recommendation

- 1) The proposal with the recommended conditions will comply with the Conditional Use standards.
- 2) The proposal is consistent with the Millcreek Township General Plan for this area.
- 3) The proposal is supported by both the Millcreek Community Council and the adjacent residents and property owners to the east of the subject property.

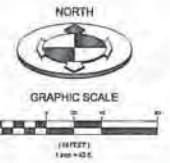
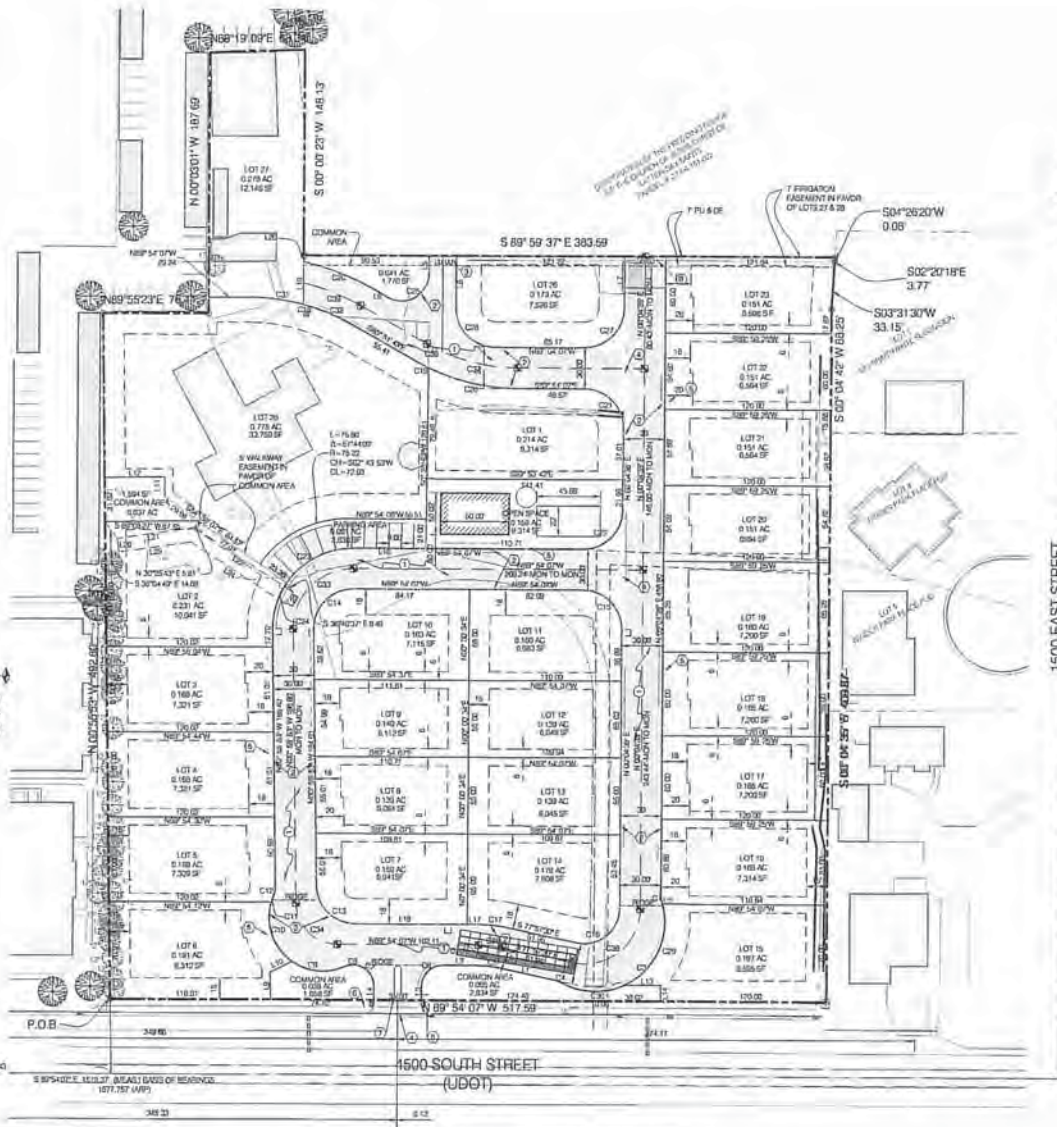
3.3 Other Recommendations

The above noted conditions are not intended to be inclusive of all requirements for approval of this project and recording of the final plat. Additional requirements, modifications or corrections to the plans may be necessary to ensure compliance with all applicable regulations and conditions of approval.



CURVE	LENGTH	RADIUS
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LINE	LENGTH	BEARING
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28	12.18	N 89° 00' 00" W
29	12.18	N 89° 00' 00" W
30	12.18	N 89° 00' 00" W



FOUND SALT LAKE COUNTY BRASS CAP MONUMENT IN THIS AND LID AT 4500 SOUTH AND 1300 EAST STREETS

NO.	DESCRIPTION	DETAIL
1	ADPHALTY FURNISH WITH GRANULAR BASE	2(C)01 (2)
2	CONCRETE HO-BACK CURB AND GUTTER	1(C)01 (1)
3	RELEASE CURB & CUTTER	6(C)01 (1)
4	CONCRETE WATERWAY	5(C)01 (1)
5	CONCRETE SCREW-LOCK PER APWA 221	2(C)01 (2)
6	ADA BMP W/ TRUNCATED DORIES	2(C)01 (2)
7	CURB WALL	3(C)01 (2)

PARTICULARS	SF.	%
FT. BUILDINGS	11,900	4.2
FUTURE BUILDINGS	61,700	22.6
PAVING	18,900	7.1
LANDSCAPE	13,000	4.8
TOTAL	238,117	100

PARTICULARS	SF.	%
PAVING	11,900	4.2
FUTURE BUILDINGS	61,700	22.6
ROADS	48,500	18.2
OPEN AREA	145,900	51.0
TOTAL	238,117	100

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NO.	DATE	BY	DESCRIPTION
1	12/11/24	GL	AS-BUILT RECORD FOR RECORD SET



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THE ENCLAVE P.U.D. GARY LARSON
 1405 EAST 4500 SOUTH
 SALT LAKE COUNTY, UTAH

REVISION	12/11/24
SITE PLAN	
CSP.01	
3 OF 19	

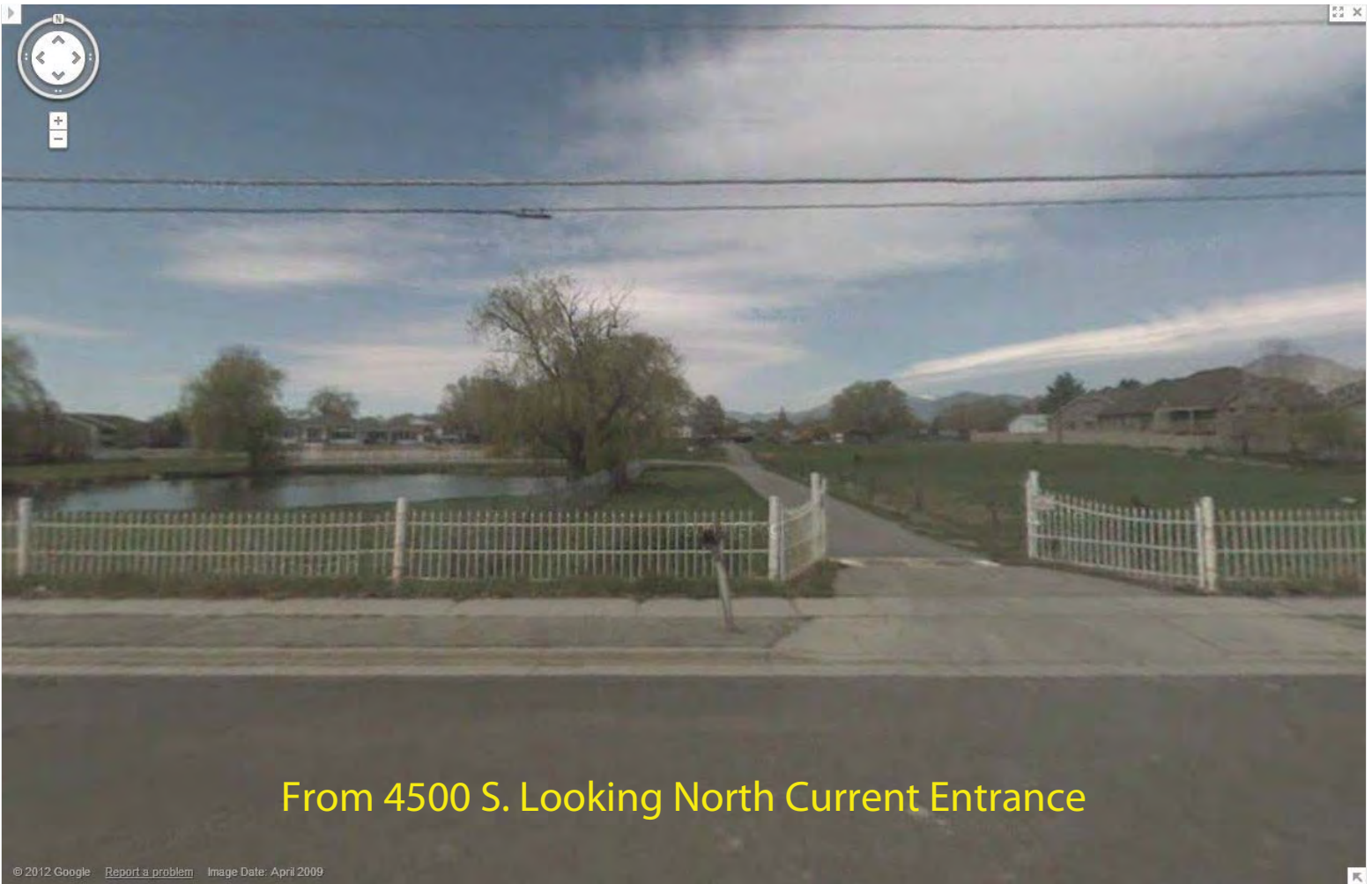






E. Side of Subject Property from 4500 S. (Looking North)

© 2012 Google [Report a problem](#) Image Date: April 2009



From 4500 S. Looking North Current Entrance

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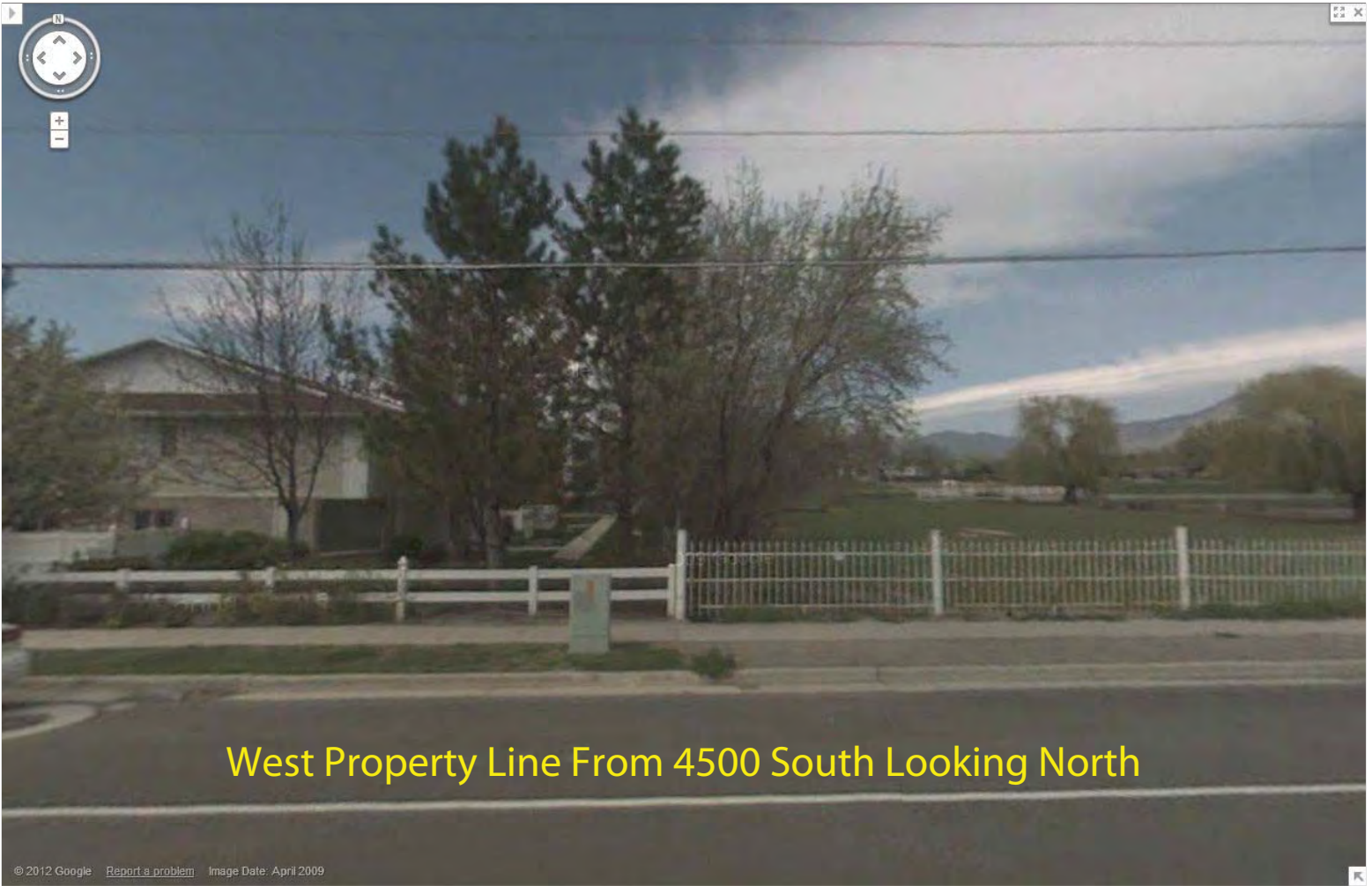
From 4500 S. Looking East

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West Side of Subject Property From 4500 S Looking North

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West Property Line From 4500 South Looking North

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Office Building Across 4500 South

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Senior Living Center Across 4500 South

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Turnbury Apartment West of Subject Property From 4500 S. Entrance

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