



STAFF REPORT

Executive Summary									
Hearing Body:	Millcreek Township Planning Commission								
Meeting Date and Time:	Wed. December 12, 2012	04:00 PM	File No:	2	8	0	3	8	
Applicant Name:	Nathan Anderson	Request:	Conditional Use						
Description:	24 unit apartment building								
Location:	1431 E. 3900 S.								
Zone:	R-M Residential Multi-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

The applicant is requesting approval of a Conditional Use Permit for a 24-unit apartment building on a 0.83 acre property currently zoned RM (Residential Multi-family and Office). The proposed project would have private garage parking on the main floor with 24-units on three floor above; 8 units per floor. The following are the specifications of the project:

Density: 24 units on 0.83 acres = 28.92 units per acre.

Access: Two accesses off of 3900 South, one for the east side of the building and one for the west

Parking: 38 Private Garage Spaces + *20 Surface Parking Spaces = 58 Total Spaces

**5 of the surface parking spaces are proposed as provisional parking spaces grass block*

Building Height: Approximately 42 feet from finished grade to parapet top

Setbacks:

Front: 20 feet to main wall; approximately 13 feet to balconies

West Side: 37 feet to main wall; approximately 32 feet to one balcony

East Side: 59 feet to main building; balconies are setback 3-10 feet further than garage level

Rear: 30 feet to main building; approximately 25 feet to balconies

Recreational Facilities:

Quantity: 4 total, 2 more facilities than required by standards. One of the items offered in exchange for increase in density by 4 units over standard density; also offered in exchange for a reduction to standard open space by 4% as allowed by the Recreational facilities and open space standards.

Type: Playground/Exercise Area; Sports Court; Gazebo/Picnic Area; Raised Bed Garden

Features: Units are 2-bedrooms, 2 baths, Great Room Kitchen and Balconies; Private Garages; Secure internal access from garage to units; Central Lobby and Corridors; Elevator Access; Garbage Shute; Secure Storage.

1.2 Hearing Body Action

The item is on the Commission's agenda for preliminary approval of the site plan and Conditional Use. Final approval would be issued by staff after technical review. The Commission could request the final site plan come back to the Commission for final approval before issuance.

1.3 Neighborhood Response

Several adjacent residents were present and the Millcreek Community Council on December 4, 2012. The expressed concerns regarding building height, views, noise, traffic, impacts on privacy and affects on home values.

Staff has also received several phone calls regarding the proposal. Some calls were just asking details about the proposal, the meeting, the commission's procedures and options. Others, raised concerns about the proposal similar to those noted and the Community Council meeting.

1.4 Community Council Response

The Community Council held their initial meeting on this item on November 6, 2012 at the request of the applicant. No residents were present and the Council recommended approval of the project subject to compliance with county regulations. Staff scheduled a second meeting with the Millcreek Council just after receiving a complete application from the applicant. This time residents were present and expressed their opposition to the project. Most notable were the adjacent residents directly to the north who expressed concerns about the building height blocking views and effecting their privacy. Also a concern about an apartment building over some other use. They indicated that they had been told that the building height was limited to 1.5 stories with previous use of the property.

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 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>
		While the detail information may not be sufficient to verify these requirements fully, it is staff's opinion that the plan can likely comply with modifications.
YES <input 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>
		With the recommended condition of bringing the final site plan back to the Commission for final approval and final approval of the Conditional Use Permit will confirm that this criterion is met.

YES <input 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>
		It is not anticipated by the Transportation Engineer that the proposed project will pose a traffic hazard or impose a significant impact on the surrounding area. However, if the Commission feels it necessary to have a traffic study completed which can confirm the Engineer's assumption based on experience, the commission can certainly require such a study be completed prior to final conditional use approval, including providing the results of such a study to the Commission with final request for approval.
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>
		With the recommended conditions the proposed use and site will not pose a threat to safety as noted in this criterion.
YES <input 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 the recommended conditions, the Commission will be able to more fully evaluate this criterion with more detailed plans submitted for final review and approval. Staff will recommend the Commission clarify for the applicant any issues they deem necessary for the applicant to address in order to comply with this criterion.

2.2 Zoning Requirements

Note above that staff has not indicated whether or not the application complies with the above Conditional Use Criteria for approval. It is staff's position that, while the plans are sufficient to understand the proposed project mostly, there are a number of issues that need more detailed plans to confirm compliance with the above criteria and the criteria for granting additional density. Staff is recommending that the Commission grant a conceptual approval of the project, addressing specific issues that will help guide the applicant to a successful approval. However, the final site plan be brought back to the Commission for final approval an final approval of the Conditional Use Permit to confirm among other issues noted in this report, that the above criteria are satisfied. The above table would be more fully filled out upon return to the Commission.

The analysis below includes Proposed, Ordinance Requirements and where applicable the Development Standards for Medium and High Density Residential. Ordinances are the adopted minimum standard that can not be violated unless a variance is approved by the Board of Adjustment. The Development Standards are a policy document that was approved by the Planning Commission a number of years ago to give guidance to staff with minor conditional use application that were allowed to be approved by staff if the proposal met the Development Standards. Now, all conditional uses are reviewed and approved by the Planning Commissions and the Development Standards have been used as a tool to provide consistency in making decisions regarding conditional uses. Nevertheless, the Development Standards are policy established by the Commission and can be modified by the Commission through the Conditional Use process.

2.2.1 Maximum Density:

Proposed: 28.92 units per acre

Ordinance: 25 units per acre standard, up to 32 units per acre with PC approval as follow:

*19.44.110 Density (Note to maximum density listed in table) *Where supported by the community general plan, and found by the planning commission to be compatible with land uses in the vicinity, multi-family residential development which incorporates innovations of design, amenities, and features, may be approved by the planning commission for higher densities than shown above (in the density table), but shall in no case be higher than 32.0 units per acre.*

Conclusion: PC must determine if the proposal meets the tests noted above justifying the increased density.

"Supported by the Community General Plan" - The Millcreek General Plan designates the subject property and surrounding area as yellow, signifying moderate change over time. In addition, the subject property is located along a designated corridor on the General Plan that also anticipates growth and increase intensity uses. There are a number best practices including housing, mobility, corridors and sustainability that would seem to support multi-family at this location.

"Compatible with Land Uses in the Vicinity" - The subject property is located midway between 1300 East and Highland Drive, approximately 1600 East.

1300 East and 3900 South - A combination of Office, Small retail and the St. Marks Hospital Complex.

Highland Drive and 3900 South - Office, Retail, and large and small multi-family developments.

General Area - The proposed building is taller than most of the other buildings in the immediate vicinity by at least one and maybe two stories. However, there are taller office and retail in the general area, including St. Marks Hospital and the Doxey Hatch building across the street from St. Marks.

Immediately adjacent to the subject property

WEST - a dental office building.

EAST - single-family homes zoned R-2-8.5 and offices zoned RM.

SOUTH (Across 3900 South) - single and two-family homes zoned mostly R-2-6.5 with a couple of properties zoned RM and utilized for office.

NORTH - An existing single-family residential neighborhood. While there is no direct connection to the single-family residential neighborhood to the north the proposed project is adjacent. Special attention should be placed on the buffering between the two uses. The other uses along 3900 South are probably more compatible with the proposed use than the single-family homes to the north. Nevertheless, 3900 South should provide more mobility for the residents of the project by providing them access to transit currently servicing 3900 South.

"Incorporates Innovative Design, Amenities and Features"

Design - The building is fairly innovative in providing private garages for all the residents with secure access to the units from inside the building. The applicant has indicated that their target market is individuals who are 50-70 years old looking for a secure low maintenance facility with private parking. The building also includes an elevator in order to make the units fully ADA accessible. There may be other innovations but they have not been outlined on the plans.

Amenities - Three of the four proposed amenities are fairly typical for multi-family development. However the fourth, the raised garden beds, is a fairly new idea for this type of the development.

Often people who live in an apartment do not have an opportunity to tend a vegetable garden or they try to do container garden on the porches or balconies. Community gardens are a fairly new innovative concept. Having a common garden to tend with neighbors can often provide benefits for the individual residents, including health, community and socialization. However, there is not currently enough detailed information to evaluate any of the proposed recreational facilities. It is unclear how much square footage is associated with each amenity and what are the facilities' designs. Without this information it is difficult to determine whether or not they are innovative.

Features - The Building will feature a main floor lobby and private storage near the tenants' units. The applicant is also proposing that some of the surface parking be developed as provisional parking spaces; grass block surfacing that retains a green planted appearance, allows water to percolate into the soil, but is able to withstand vehicle parking without breaking down. The idea is that the surface parking may not always need to be fully utilized and having provisional spaces allows those spaces to be perceived as part of the open space area but are available as needed for guests. There may be additional amenities features such as "green" or "energy efficient" features that are not apparent in the plans.

2.2.2 Minimum Parking:

Proposed: 58 Total Spaces;

Ordinance: 2 spaces per unit and PC can require more for guest parking;

Development Standards: 2 spaces + 1/2 space guest parking per unit if private garages are utilized.

Result: 60 spaces required for 24 units

Conclusion: **Proposal needs two additional parking spaces**, these can be found elsewhere on site, but may reduce total open space calculations.

2.2.3 Maximum Building Height:

Proposed: 42 feet, 4 stories;

Ordinance: 75 feet, 6-stories (to achieve heights over 35 feet 1 foot additional side yard setback is required for each 2 feet of building height; Result - 8 feet minimum side setback + (42 feet - 35 feet = 7 feet 7, 7 feet / 2 = 3.5 or 3 additional feet setback) = 11 feet minimum side yard setback for a 42-foot high building. The ordinance does not require additional rear yard setback which is 30 feet minimum.

Development Standards: 15 feet additional perimeter setback required, over the 15-foot minimum setback adjacent to 1 or 2-family residential, for each story over two stories. 4-stories would require a 45-foot minimum setback from the single family residential development to the north and east.

Conclusion: The proposal **complies with** the maximum height allowed under **ordinance** since the proposed side yard setback exceeds the additional setback required for the proposed height. However, the proposal **does not comply with the Development Standards** since the proposed rear setback is 25 feet to the balconies and 45 feet would be required.

2.2.4 Minimum Setbacks:

Front:

Proposed: 20 feet to main wall; approximately 13 feet to balconies

Ordinance: 20 feet with upgraded landscape per landscape ordinance

Conclusion: **Main building complies, but balconies do not**

West Side:

Proposed: 37 feet to main wall; approximately 32 feet to one balcony

Ordinance: 11 feet for 42-foot high building

Development Standards: 15 feet since use to the west is office

Conclusion: Proposed setback **complies with both** Ordinance and Development Standard

East Side:

Proposed: 59 feet to main building; balconies are setback 3-10 feet further than garage level

Ordinance: 11 feet for 42-foot high building

Development Standards: 45 feet for 4 stories since the use to east is single family residential

Conclusion: Proposed setback **complies with both** Ordinance and Development Standard

Rear:

Proposed: 30 feet to main building; approximately 25 feet to balconies

Ordinance: 30 feet

Development Standards: 45 feet for 4 stories since the use to east is single family residential

Conclusion: Proposed setback **complies with the Ordinance**, but **does not comply and Development Standards**

2.2.5 Recreational Facilities & Open Space: The *Recreational Facilities and Open Space Standards* is a policy document similar to the *Development Standards for Medium and High Density Residential*. It is a policy approved by the Planning Commission and may be modified by the Planning Commission under Conditional Use.

Number of Amenities and Open Space %: The proposed number of amenities of amenities (4) meets the requirement to reduce the opens space by 4% (2% for each additional amenity over the minimum required) from 50% to 45% minimum open space required. The three of the four proposed facilities are facilities listed in the Standards as possible options. The 4th, the raised bed gardens are not.

Provisional Parking and Open Space - The plan counts the provisional parking spaces and driveway as part of the open space for the project. If the provisional parking does not end up being heavily utilized, this could be a positive. However, if it is used an a very regular basis it will fill like the open space is less than the 46%. However, if all the amenities are adequately provided and there is sufficient parking on the site, this may not be an important issue.

Details: None of the facilities are fully designed and detailed, so it is difficult to confirm their acceptability under the policy. Additional detail will be need to confirm compliance with this development standard. It is important to note here that the current location of the garden beds will likely need to change. They should be relocated to the more consolidated recreation area to the rear of the building so that the required landscaping, including 1 tree for every 25 lineal feet can be met along the side property lines.

2.2.6 Landscaping - The preliminary landscape plan submitted does not provide sufficient information to confirm that the final plan will comply with County landscape ordinance. A number of details will need to be provided and the landscape plan refined. For example, there will likely need to be more trees along the site property lines as well as in the front setback behind the sidewalk. Nevertheless, the current plan does outline the applicant's idea behind providing a fairly solid landscape buffer along the south property line. The applicant has said that the variety and quantity of trees along the rear property line are intended to create a green visual buffer for the residents of the neighborhood to the north. A mixture of

evergreen and deciduous trees are proposed to be used that will get quite tall and create a year-round screen. The applicant has indicated that this screen will help block his proposed building from view by the northern residents. A revised preliminary landscape plan will need to be provided that reflects this intent as well as reflect the requirements of the County's Water-wise Landscape Ordinance. It will also important to help soften the building from the street with adequate landscape. While the current plans do not fully satisfy preliminary landscape plan requirements. It does appear that there will be enough area provided to achieve compliance.

2.2.7 Lighting - The applicant has not yet provided any information on proposed lighting. It will be important to have a lighting plan that protects the adjacent residents from impacts of direct light; avoids distracting light for motorists on 3900 South; reduces an over abundance of light while providing sufficient lighting for safety and security.

2.2.8 Trash Removal - The proposed plans indicate a dumpster on the north side of the building, adjacent to the building. The dumpster will be accessed by the residents via a trash chute from inside the buildings north internal stair case. The intent is to avoid residents from having to go all the way outside to deposit their trash. The dumpster is also a significant distance away from the residents homes so odors and other nuisances related to the dumpster should be minimal. The dumpster is proposed to be enclosed within an enclosure wall that matches the building. Trash pick up would be accessed from the eastern driveway.

2.3 Other Agency Recommendations or Requirements

Building

Accessible ADA surface parking and garage parking will need to be identified in accordance with building code requirements, along with the accessible route from said spaces to and within the building.

Accessible units, Type A and Type B will need to be identified shown how they comply with the applicable requirements.

Transportation Engineer -

A more detailed right-of-way and access plan will need to be provided and stamped by a licensed civil engineer.

Expected Impact on 3900 S. Traffic: Base on the Transportation Engineer's experience with similar project son similarly sized and heavily traveled roadways, the proposed project will likely have negligible impact on the existing traffic along 3900 South. Also based on this experience the Transportation Engineer would not recommend a transportation study be completed.

2.4 Other Issues

Development Standards vs. Zoning Regulations The Development Standards have been utilized for more than 10 years. However, from time to time, as a site situation seems to indicate, the Commission has approved projects that do not necessarily comply with all of the Development Standards. It will be important for the Commission to determine with this project which standard will need to be held to where the proposal does not comply with both Development Standards or Ordinance.

Specifically, the Commission will need to determine whether or not to require Development Standards. if the are more restrictive. For example, the 45 foot rear setback required by the Development Standards for a 4-story building, or 30-foot rear setback Ordinance requirement of the RM zone.

3.0 STAFF RECOMMENDATION

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

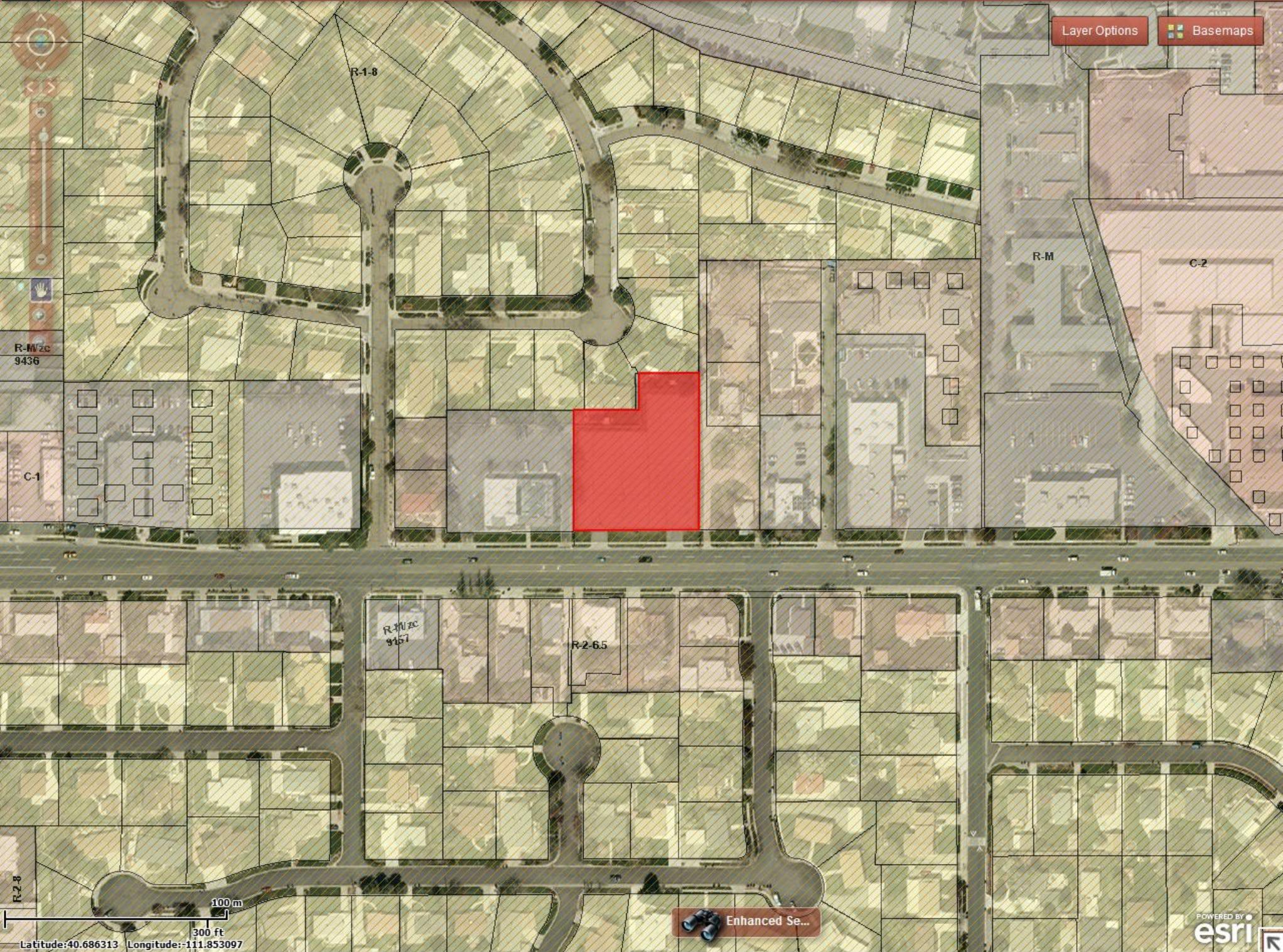
- 1)The applicant complete the Technical Review with staff, addressing all the issues noted in this report as well as any that may arise during the Technical Review Process with the staff or outside agencies, prior to issuance of the final Conditional Use Permit.
- 2)The building setback shall be 30 feet from the rear property line as outlined in the proposal and that a significant and densely planted screen of trees and shrubs be installed to reduce the visual impact and possible impact on privacy on the adjacent residents.
- 3)The balconies on the north and south sides of the building be eliminated or relocated to the sides of the building in order for the building to be in compliance with setback requirements.
- 4) The applicant revise the site plan to obtain the minimum 60 parking spaces in a manner acceptable to the staff without impacting the main open space area to the rear of the building.
- 5)The maximum density of the project shall not exceed 28.92 dwelling units per acre, or 24 total units. However, this must be finalized by the Planning Commission after review of the final site plan at a public meeting.
- 6)That the final site plan be placed on the Planning Commission's Agenda for final review and approval of the Conditional Use Permit, to verify that all applicable requirements have been met; the Conditional Use Criteria for approval noted in this report are satisfied; and that the increase in density over 25 dwelling units per acre or (20 units) to 28.92 dwelling units per acre (or 24 total units) is justified by the design of the final product.

3.2 Reasons for Recommendation

- 1) The project appears to be consistent with the Millcreek township General Plan, however, additional information and revised plans are necessary to confirm.
- 2) The proposed plan should be able to comply with all requirements. However, additional information is necessary to verify full compliance with zoning requirements.
- 3) Returning the final site plan to the Planning Commission for final approval of the plan and Conditional Use Permit will verify that the project will comply with the Conditional Use Criteria for approval and confirm that the proposed final design justifies the increased density for the site.

3.3 Other Recommendations

Staff recommends that the Commission, regardless of approval or continuance, direct the applicant regarding any specific issues the Commission feels are necessary for the applicant to achieve a project acceptable for final approval. For example, addressing issues related to Development Standards vs. Ordinance; compliance with criteria for conditional use approval; compliance with findings necessary for the Commission to grant additional density over the standard 25 dwelling units per acre.



Layer Options

Basemaps

R-1-8

R-M

C-2

R-M2C
9436

C-1

R-M2C
9457

R-2-65

R-2-8

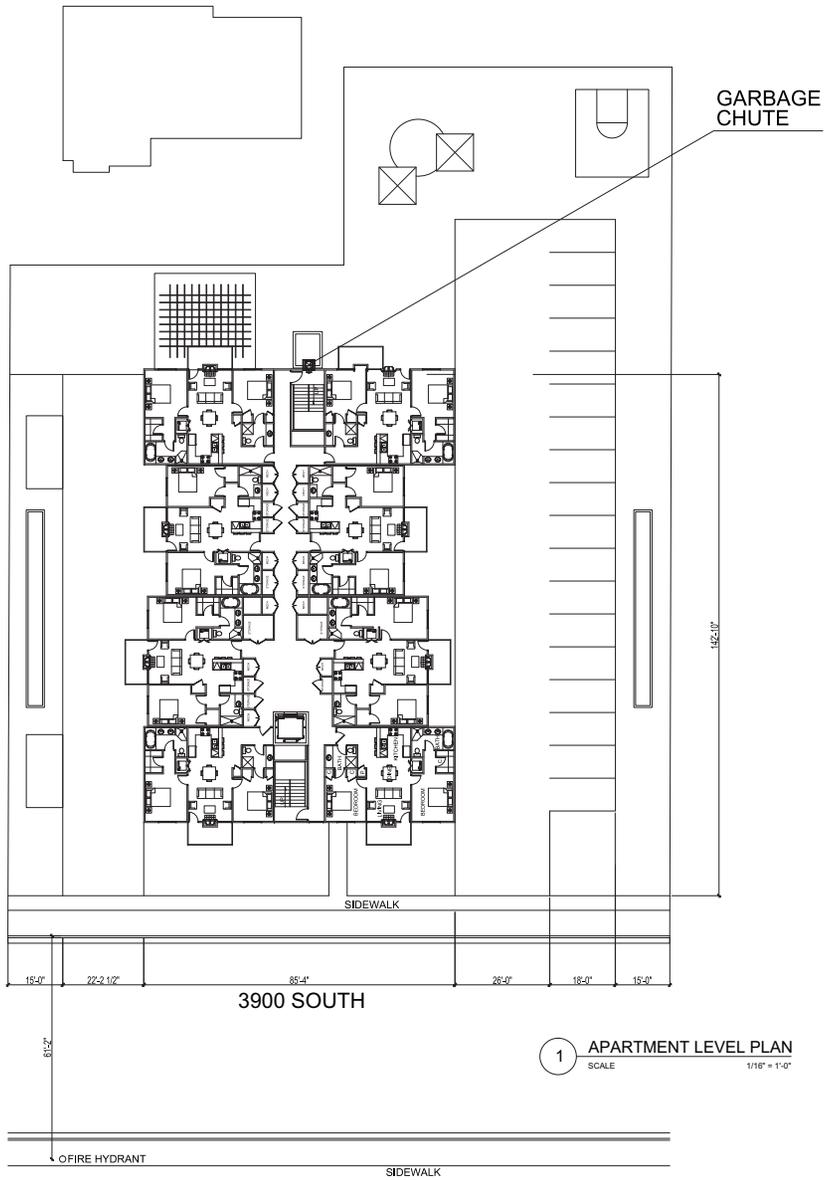
100m

300ft

Latitude: 40.686313 Longitude: -111.853097

Enhanced Se...





1 APARTMENT LEVEL PLAN
SCALE 1/16" = 1'-0"

RPA
RUSSELL PLATT ARCHITECTURE
4141 HIGHLAND DRIVE SUITE 111
HOLLADAY, UTAH 84117
901-590-0181

APARTMENT BLDG
1431 EAST 3900 SOUTH

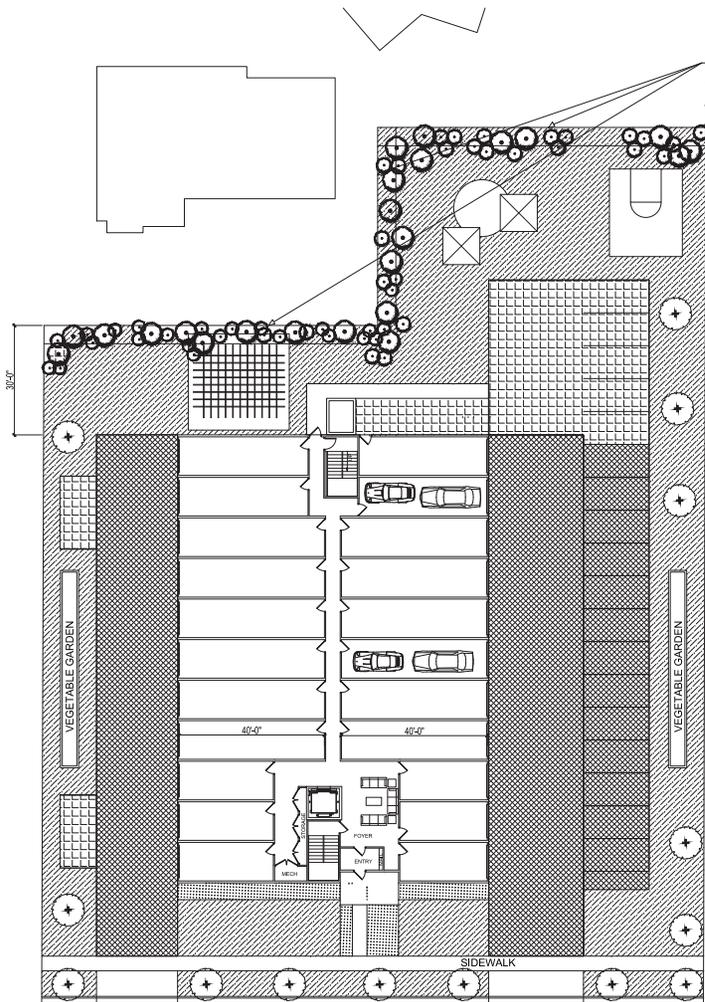
DATE: 10-17-12

NO	DATE	REVISIONS

SHEET TITLE
FLOOR PLAN

SHEET NUMBER

A2



EXIST. 6' HIGH
CMU WALL
5' WIDE PLANTING
AREA INSIDE WALL

PLANT SCHEDULE -- PARCEL F3A

SYMBOL	TREES	BOTANICAL / COMMON	CONT. / SIZE
		Fastigiata / Cedar	7-8'
		Quercus Robar / Columnar English Oak	7-8'
		Lyndon / American Centry	15 gal
		Mountain Ash / Cardinal Royal	15 gal

GROUP "B" (Plant 2 feet O.C.)
 Aquilegia coerulea / Rocky Mountain Columbine
 Coreopsis lanceolata / Lanceleaf Tickseed
 Echinacea purpurea 'Magnus' / Purple Coneflower
 Erigeron speciosus / Aspen Daisy
 Lupinus argenteus / Silver Lupine
 Penstemon cyananthus / Wasatch Penstemon
 Rudbeckia occidentalis / Western Coneflower

GRASS

LANDSCAPE BLOCK

DRIVEWAY AND PARKING

3900 SOUTH

1 LANDSCAPE PLAN
SCALE 1/16" = 1'-0"



RPA
RUSSELL PLATT ARCHITECTURE
4141 HIGHLAND DRIVE SUITE 111
HOLLADAY, UTAH 84117

APARTMENT BLDG
1431 EAST 3900 SOUTH

DATE: 10-17-12

REVISIONS:

NO	DATE	REVISIONS

SHEET TITLE

LANDSCAPE

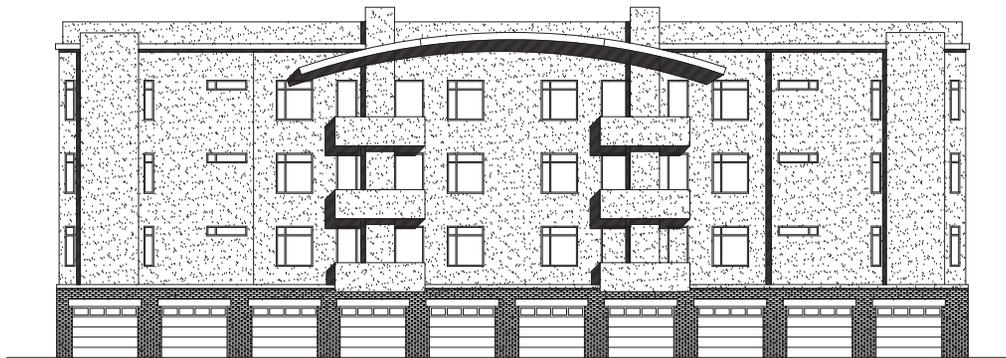
SHEET NUMBER

L1

901-590-0181



1 SOUTH ELEVATION
SCALE 1/8"=1'-0"



2 EAST ELEVATION
SCALE 1/8"=1'-0"

RPA
RUSSELL PLATT ARCHITECTURE
4141 HIGHLAND DRIVE SUITE 111
HOLLADAY, UTAH 84117
907-590-0181

APARTMENT BLDG
1431 EAST 3900 SOUTH

DATE: 10-17-12

REVISIONS:

NO.	DATE	REVISIONS
1		
2		
3		
4		

SHEET TITLE

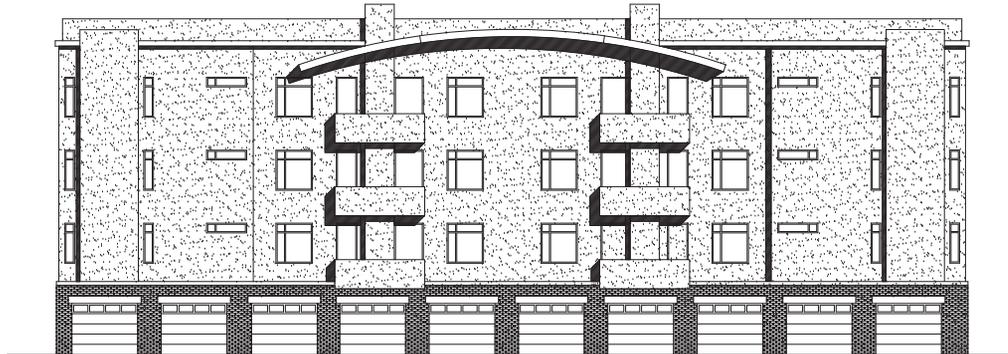
ELEVATIONS

SHEET NUMBER

A3



3 NORTH ELEVATION
SCALE 1/8"=1'-0"



4 WEST ELEVATION
SCALE 1/8"=1'-0"

RPA
RUSSELL PLATT ARCHITECTURE
4141 HIGHLAND DRIVE SUITE 111
HOLLADAY, UTAH 84117
901-590-0181

APARTMENT BLDG
1431 EAST 3900 SOUTH

DATE: 10-17-12

REVISIONS:

NO.	DATE	REVISIONS

SHEET TITLE
ELEVATIONS

SHEET NUMBER

A4

