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STAFF MEMORANDUM

From: Blaine Gehring, AICP, Planner
To: Millcreek Community Council
Meeting Date: January 7, 2020

RE: Conditional Use for a Dwelling Group with 4 duplexes in an A-1 Zone located at 4046 South and 700 West

Applicant: Rick Whiting

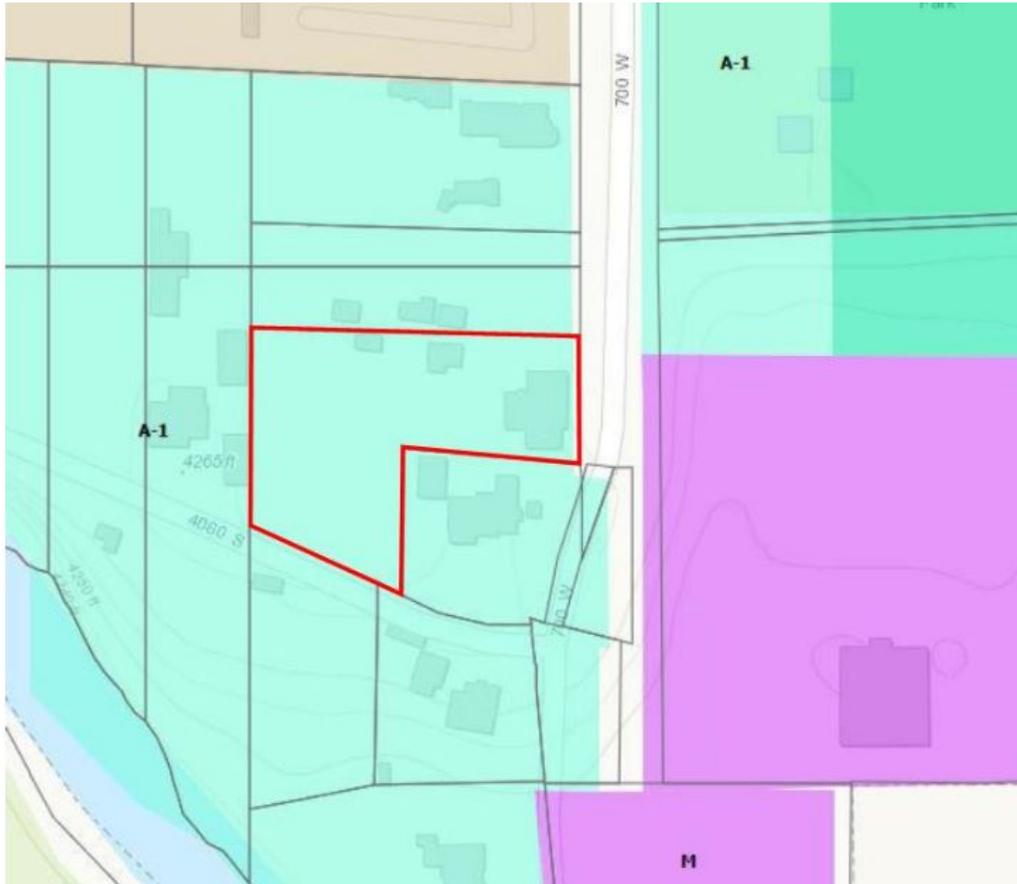
File No.: CU-19-015

Request

Millcreek Planning and Community Development is seeking your input on a request by Rick Whiting for a conditional use permit for a dwelling group consisting of 4 duplexes in an A-1 Zone located at 4046 South 700 West. The subject property consists of a little over one acre, has an existing single-family dwelling and will be accessed off of 700 West.

Two earlier rezone requests have been made by Rick Whiting to rezone the property to build an 11-unit Townhome Planned Unit Development and a 55+ senior housing project. Both proposals have met considerable neighborhood opposition and received negative recommendations from the community council. This is a request for a conditional use permit for an allowed conditional use in the A-1 Zone.

Zoning Map



A dwelling group is defined in the Millcreek Zoning Code as “a group of two or more dwellings located on a parcel of land in one ownership and having any yard or court in common.” It is a conditional use in the A-1 Zone along with two-family dwellings.

There are seven requirements that must be met for a dwelling group as a conditional use in the A-1 Zone:

- 1. The development shall comply with the maximum allowable density for the zone in which it is located.** This parcel has 1.06 acres. The A-1 Zone allows up to 8 units per acre density for two-family dwellings. This project meets that density requirement.
- 2. The distance between the principal buildings shall be equal to the total side yards required in the zone; provided, however, that at the option of the developer, the distance between the principal structures may be reduced to ten feet, provided that the difference between ten feet and the required side yards is maintained as permanently landscaped open space elsewhere on the site. The distance between principal buildings and the nearest perimeter lot line shall not be less than fifteen feet unless demonstrated by the development plan that the yard required for a principal building in the district in which located is more appropriate. The distance between the building and a public street shall be not less than the front yard required in the zoning district, except for corner lots the side yard which faces on a public street shall be not less than twenty feet.**

The project as proposed meets all of the separation and setback requirements as shown on the site plan.

3. Access shall be provided by a private street or right-of-way from a public street; the private street or right-of-way shall not be less than twenty feet wide for one or two rear dwelling units and not less than thirty feet wide for three or more dwelling units.

A thirty-foot access right-of-way is being provided to meet this requirement. This right-of-way meets Unified Fire Authority requirements for access with a turn-around as shown on the site plan. Vehicular access to the development is designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian, and bicycle traffic.

4. A minimum of two parking spaces shall be provided for each dwelling unit. Parking spaces and vehicular maneuvering areas shall be designed to comply with city standards.

Parking has been provided to meet this requirement and the parking requirement in MKC 19.80. that requires one of the spaces to be covered along with guest parking.

5. Every dwelling in the dwelling group shall be within sixty feet of an access roadway or drive.

This requirement has been met as shown on the site plan.

6. The development shall provide landscaping as specified in MKC 19.77. Solid visual barrier fences shall be provided along all property lines unless the planning commission approves otherwise by deleting or modifying the fence requirement.

Landscaping will be provided to meet the ordinance and reviewed as part of the final conditional use technical review. Fencing will be provided as shown on the site plan.

7. The development shall be approved by the Community Development Director and the City fire service provider before final approval is given by the Planning Commission.

Both have approved this plan.

The Planning Commission will discuss this matter at their meeting on **Wednesday, January 15, 2020 at 5:00 pm.**

Existing Land Use and Proposed Change

Currently the subject property is zoned A-1, consisting of approximately 1.06 acres with approximately 117 feet of frontage along 700 West, a public road. The property has an existing single-family dwelling located on the premises which will be demolished and replaced with one of the duplexes. The property is mostly vacant and has served as horse pasture for many years.

Millcreek Code Section 19.84.050 and Utah Code 10-9a-507(2)(a) state that a conditional use must be approved unless reasonable mitigation efforts cannot be determined.

Staff review of potential detrimental effects in MKC 19.84 is as follows:

1. Detrimental effects of decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards, including other reasonable mitigation as determined by a qualified traffic engineer.

Effect: The addition of 8 duplex units will have a minor impact on 700 West traffic. Basic traffic engineering standards do not suggest that 8 units will create many trips generated.

Mitigation: The proposed access to 700 West is sufficient for 8 units. The development will be required to dedicate additional right-of-way and install all public improvements.

2. Detrimental effects on the adequacy of utility systems, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, or preserving existing systems, including other reasonable mitigation as determined by the City's engineering staff, contracted engineers, and utility service providers.

Effect: Utilities in the area are in place and adequate to serve 8 new units.

Mitigation: Utility availability letters will be required as part of the final technical review.

3. Detrimental effects on connectivity and safety for pedestrians and bicyclists.

Effect: The dwelling group will have a minimal effect on the connectivity and safety for pedestrians and bicyclists.

Mitigation: The development will provide sufficient off-street parking and interior traffic and pedestrian circulation. The impact on the safety for pedestrian traffic will be minimal.

4. Detrimental effect by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered acceptable, within a neighborhood including such effects as environmental impacts, dust, fumes, smoke, odor, noise, vibrations, chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance.

Effect: This will be a residential use in a residential neighborhood.

Mitigation: No adverse effects from industrial or commercial type uses will be present.

5. Detrimental effects that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people arising from, but not limited to, waste disposal, 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, as determined by City Engineer, City geologist and other qualified specialists.

Effect: This will be a residential use in a residential neighborhood.

Mitigation: Any detrimental effects, if any, will be addressed and corrected as part of a technical review of the final conditional use permit.

6. Detrimental effects of modifications to or installation of signs or exterior lighting that conflict with neighborhood compatibility.

Effect: There are no signs or exterior lighting other than typical residential lighting associated with this project.

Mitigation: Any exterior residential lighting must be dark sky compliant.

7. Detrimental effects arising from incompatible designs in terms of use, scale, intensity, height, mass, setbacks, character, construction, solar access, landscaping, fencing, screening, and architectural design and exterior detailing/finishes and colors within the neighborhood in which the conditional use will be located.

Effect: The project is an allowed conditional use in the A-1 Zone.

Mitigation: The project has been designed to meet ordinance requirements and to be compatible with the neighborhood. The project is proposing use of a mixture of modern building materials common to residential construction.

8. Detrimental effects on the tax base and property values.

Effect: The project will add 8 new residential units to the tax base. There is no evidence that the project will negatively affect the property values in the neighborhood.

Mitigation: None needed.

9. Detrimental effects on the current level of economy in governmental expenditures.

Effect: The project is in an area where few public improvements exist.

Mitigation: The applicant will be responsible for bonding and installing all public improvements.

10. Detrimental effects on emergency fire service and emergency vehicle access.

Effect: A review by the fire Marshal is necessary as part of the building permit process. In order to obtain a building permit, the applicant will need to meet all fire codes related to the safe occupancy of the development.

Mitigation: A 30-foot wide access drive is required as part of a dwelling group in the A-1 Zone. It will be provided along with a dedicated fire turnaround area. The developer will be required to continuously comply with all applicable fire codes.

11. Detrimental effects on usable/functional/accessible open space.

Effect: There is no specific lot coverage requirement or open space in the A-1 Zone.

Mitigation: Setback and spacing requirements for a dwelling group in the A-1 Zone will maintain a usable and functional open space for the project.

Neighborhood Input

An informal meeting was held by the developers and the neighboring property owners on September 26, 2019. The neighbors expressed support for this concept at that meeting. See attached summary of meeting.

Community Council Action

As per Chapter 2.56.100 of the Millcreek City Code, staff is seeking Millcreek Community Council's input on the proposed conditional use permit. Specifically, if the proposal is an appropriate addition to the existing area and members are encouraged to make recommendations concerning the application to the city planning commission.

Attachments

Application

Affidavit

CUP Supplemental Form

Site plan

Neighborhood Meeting Summary