



3330 South 1300 East
Millcreek, UT 84106
801-214-2700
millcreek.us

STAFF MEMORANDUM

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

RE: Conditional Use for a private education institution in an R-M Zone at 3950 S. 700 E.

Applicant: Myotherapy College of Utah

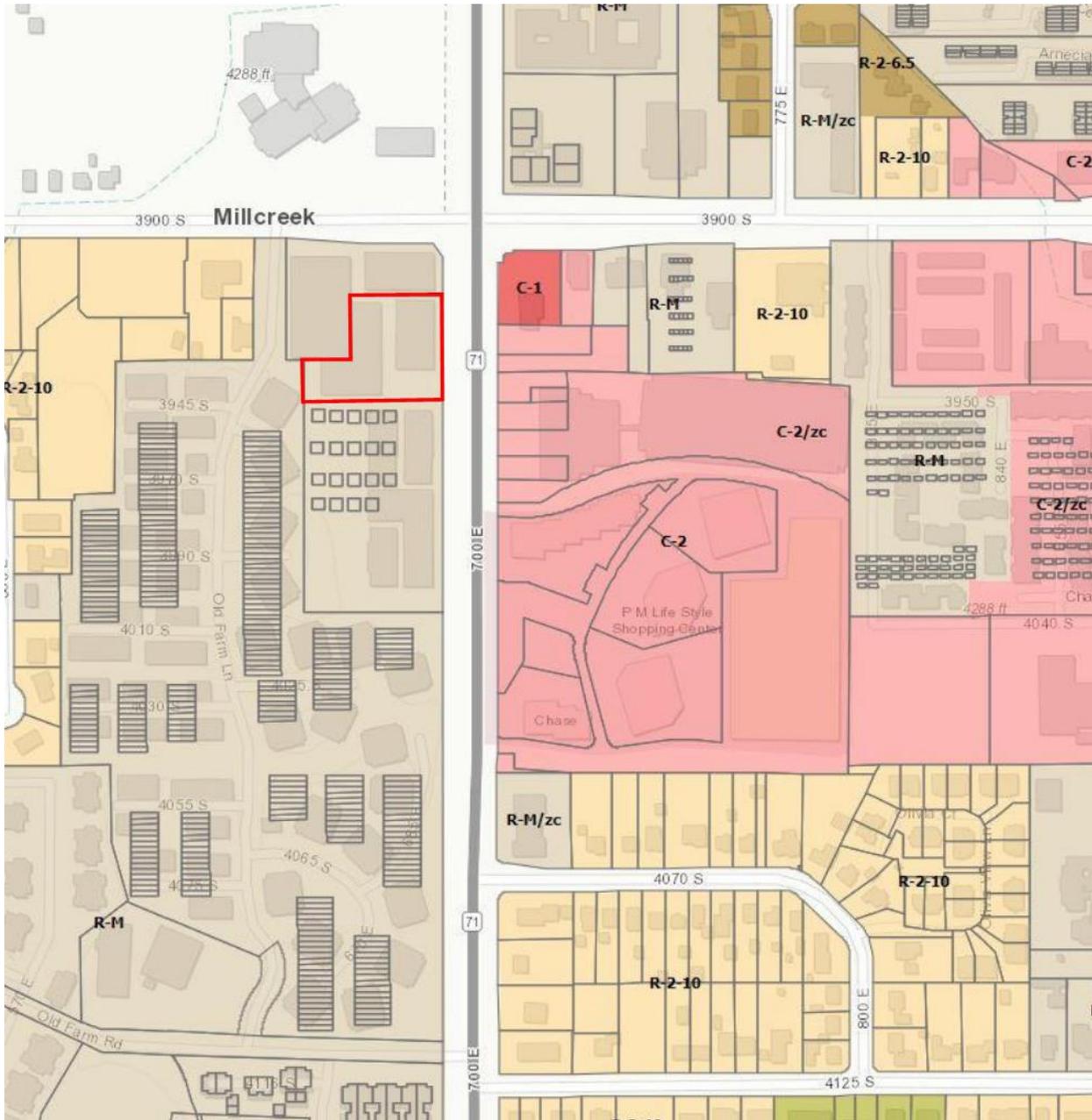
File No.: CU-19-016

Request

Millcreek Planning and Community Development is seeking your input on a request by Myotherapy College of Utah for a conditional use permit for private education institution in an R-M Zone at 3950 S. 700 E. A private education institution is a conditional use in the R-M Zone.

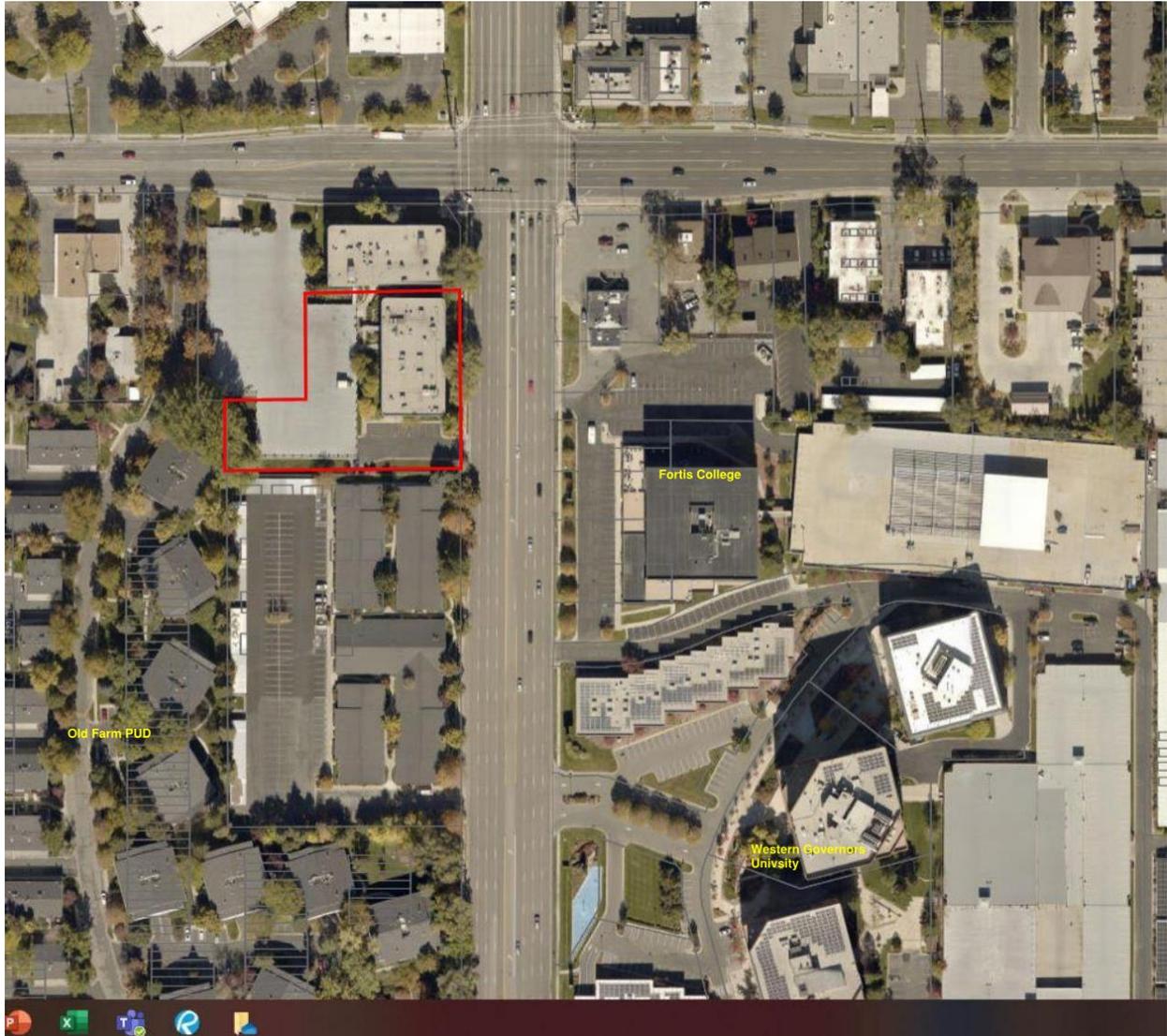
Myotherapy College of Utah is a fully accredited college providing students with a high-quality education and experience to becoming a licensed massage therapist. They would like to occupy office space in the office building at 3950 south 700 East.

Zoning Map



A private education institution is defined in the Millcreek Zoning Code as a private educational institution providing private training which is instructional in nature while not providing direct services other than instruction to the general public. (MKC 19.04.425) Myotherapy College of Utah fits that definition.

Aerial Map



Street View



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

The office building is an existing building located at 3950 South 700 East. It is directly across the street from Western Governors University, Fortis College and Independence University. They are all located in a C-2 Zone.

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: Parking will be onsite with access from both 3900 South and 700 East. Forty-nine stalls have been assigned in the college's lease.

Mitigation: Access off two major streets and adequate parking.

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 currently serving the existing office building.

Mitigation: None needed.

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

Effect: All access and parking will be onsite with no on-street parking allowed. Sidewalks are in place for pedestrian traffic with bicycle traffic allowed on both streets.

Mitigation: The development will provide sufficient off-street parking. 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 in an existing office building/complex adjacent to other office and commercial uses and the Old Farm PUD.

Mitigation: No new adverse effects from office 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 in an existing office building/complex.

Mitigation: No new detrimental effects are anticipated.

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

Effect: There are existing signs for the office building where new tenant signage will go. Site lighting also exists

Mitigation: No new detrimental effects.

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: There will be no new exterior construction. All construction will be tenant finishes inside the office building.

Mitigation: None needed.

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

Effect: An accredited college will add to the overall economy and tax base.

Mitigation: None needed.

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

Effect: The existing office building will continue at the current level of governmental expenditures.

Mitigation: None needed.

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

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

Mitigation: The applicant will be required to continuously comply with all applicable fire codes.

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

Effect: The office building exists with required open space.

Mitigation: None needed.

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
Cover letter