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## Staff Report Memorandum

August 17, 2023

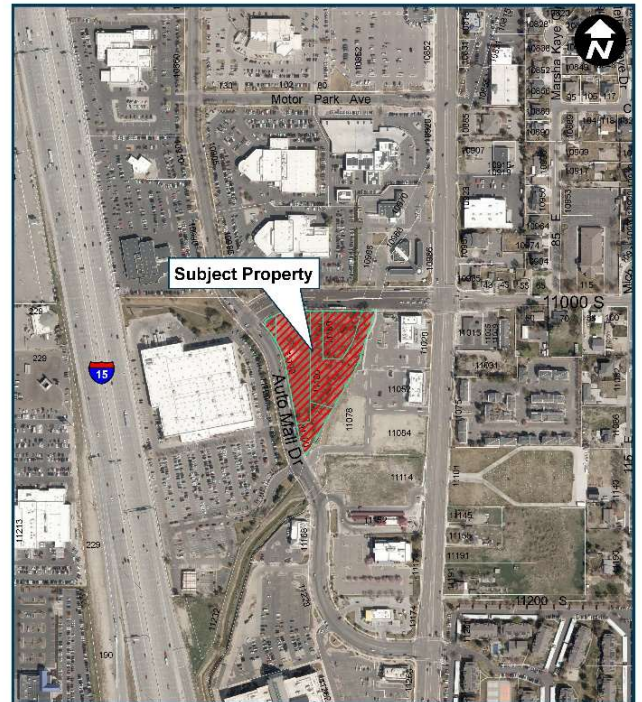
To: City Council via Planning Commission  
From: Community Development Department  
Subject: OneTen Apartments (Code Amendment)  
Amendments to Title 21 of the Land Development Code,  
Chapter 8 - Land Uses in the Commercial, Office, Industrial,  
Office, Industrial, Mixed Use, Transit Corridor, and Research  
and Development District  
109 W. 11000 S.  
(Commercial Area, #9)

CA07252023-0006572

**Public Hearing Notice:** This item has been noticed to property owners within 500 feet of the subject area, on public websites, and at public locations.

### Request

The applicants, Corey Solum & Troy Tueller of Think Architecture (representing the property owner, MICAM, LLC), are requesting to amend Title 21 of the Land Development Code, Chapter 8 - Land Uses in the Commercial, Office, Industrial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development District of the Sandy Municipal Code. The purpose of the Code Amendment is to allow for multiple unit dwellings (apartments) as a permitted use within a limited area of the Central Business District (CBD) Zone district. If approved, it would allow the applicant to proceed with a proposed apartment development for the property located at 109 W. 11000 S. (please refer to the related Site Plan Review file SPR10242022-006427). This full code amendment proposal is included with this report as Exhibit "A" (redlined version) and Exhibit "B" (clean version) with the applicant's letter shown in Exhibit "C".



0 100 200 400 600 800 1,000 Feet

CA07252023-0006572  
SPR10242022-006427  
SUB03292023-006511  
OneTen Apartments  
109 W. 11000 S.

Property Case History	
Case Number	Case Summary
R#91-02	Several areas were rezoned to the Central Business District (CBD). This area was previously zoned Regional Commercial (RC).

**Background**

The property is currently vacant and has never been commercially developed. There have been a few single family homes and accessory buildings on the land in the past and this property has historically been used for farming and agriculture. This property is bordered by auto dealerships to the north (zoned Auto Mall (AM)). There are existing retail centers to the east (The School Yard), south (One Fourteen), and west (Costco) and are all zoned CBD. There is also the Jordan and Salt Lake Canal directly east of the property that is on its own parcel. With these surrounding developments, this vacant parcel has existing infrastructure improvements for streets and utilities.

**Public Notice and Outreach**

The city issued notice of the public hearing for the proposed code amendment on public websites, mailed notice to affected entities and property owners within 500 feet of the affected area, and posted in three public locations at least 10 days prior to the Planning Commission public hearing in accordance with the Land Development Code Sec. 21-36-1 and the Utah State Code § 10-9a-205. A neighborhood meeting was not held as there are not residents located near the proposed site.

**Analysis**

This area has been zoned CBD since 1991. The intended purpose of this zone is shown below:

**Sec. 21-4-11. - Applicability of Zoning Districts.**

- (1) Central Business District (CBD). This district is established to stimulate economic development by providing a unique planning environment for large scale regional commercial, office development, and mixed use development including residential adjacent to Interstate 15. This district encourages creative development and site design for regional commercial and office uses within planned commercial centers which will serve the south valley area.

The inclusion of multiple unit residential dwellings can currently be incorporated into a mixed use development concept that is of sufficient size to assure adequate site development and a satisfactory and safe residential environment or through an overall mixed use masterplan of several properties. The objective of the mixed use concept is to create self-contained communities in which residents may walk to work, shopping, and recreational facilities. This zone allows for mixed used development through the conditional use review permitting process.

There is not an existing mixed use master plan for this area, and it is not part of the Cairns Master Plan. Most of the neighboring properties within the CBD Zone District have been developed with regional retail uses, restaurants, and services (see Figure 1). They have been designed and arranged in a manner focused on vehicular movement rather than on the pedestrian and walkability in the area.



Figure 1 - CBD Zone Area

These parcels are some of the few undeveloped properties within this southern area of the CBD Zone. They have remained undeveloped and underutilized for over 30 years. These parcels lack visibility from the freeway, don't have State Street frontage, are oddly shaped, and have a large change in grade across them. The applicant believes these are reasons why it has not been suitable for other commercial users and has remained undeveloped. The property owners have expressed desires to introduce a residential element into the area to benefit the surrounding retail and restaurant users. They feel it is a better fit for the land given the constraints. Rather than pursuing a mixed use master plan for the overall area to permit this residential element, the applicant has requested to allow for this apartment development through a code amendment. This request would apply to this specific area of the CBD Zone and would not be applied in other areas.

The Planning Commission must review the following criteria when considering a requested Code Amendment:

Is the change reasonably necessary?

Is it in the public interest?

Is it in harmony with the objectives and purposes of the future development of Sandy City?

Is the change consistent with the General Plan?

Staff believes that the intent of the proposed amendment meets the criteria mentioned above. The proposed amendment is preferred by staff over attempting apply the mixed use development provisions of the code. It is a better fit for their proposal and long term land uses in the surrounding area. This area is not contemplated to become a mixed use village area, and the surrounding uses in the area have not been developed with this goal in mind. Allowing a residential use would likely benefit the surrounding commercial areas.

### **Non-Conforming Uses**

This code amendment would not create any non-conforming situations.

### **Land Development Code Purpose Compliance**

The Sandy City Land Development Code in 21-1-3 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

#### *21-1-3 Purpose*

*This Code is adopted to implement Sandy City's General Plan and to promote public health, safety, convenience, aesthetics, welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration. Specifically, this Code is established to promote the following purposes:*

#### *1. General*

- a. To facilitate the orderly growth and development of Sandy City.*
- b. To facilitate adequate provision for transportation, water, sewage, schools, parks, and other public requirements.*
- c. To stabilize property values.*
- d. To enhance the economic well-being of Sandy City and its inhabitants.*

#### *2. Implementation of General Plan*

*To coordinate and ensure the implementation of the City's General Plan through effective execution of development review requirements, adequate facility and services review and other goals, policies, or programs contained in the General Plan.*

3. *Comprehensive, Consistent and Equitable Regulations*

*To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.*

4. *Efficiently and Effectively Managed Procedures*

a. *To promote fair procedures that are efficient and effective in terms of time and expense.*

b. *To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.*

c. *To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.*

The proposed code amendment is consistent with the purpose of the Land Development Code because the proposal promotes efficient use of the land. The proposed Code Amendment would facilitate the orderly growth and development of Sandy City.

### **General Plan Compliance**

The General Plan encourages appropriate development standards for all uses and zoning categories within Sandy City. This code amendment would further that goal and objective. The proposed Code Amendment will facilitate the orderly growth and development of Sandy City.

### **Recommendation**

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to amend Section 21-8 of the Sandy Municipal Code as shown in Exhibit “A”, based on the following findings:

#### **Findings:**

1. The proposed amended is reasonably necessary to allow for a use that fits the existing land constraints.
2. It is in the public interest to allow for reasonable development of land that fulfills the objectives and purposes of the Land Development Code.
3. The amendment is consistent with the General Plan in facilitating orderly growth and development of this area of the city and by establishing appropriate development standards for all uses and zoning categories.
4. The purpose statement of the CBD Zone encourages residential development in certain contexts and areas.

Planner:



Mike Wilcox  
Planning Director

File Name: S:\USERS\PLN\STAFFRPT\2023\CA07252023-0006572 - ONE TEN APARTMENTS\STAFF REPORT\STAFF REPORT.DOCX

Exhibit "A"

**Sec. 21-8-2. Permitted Land Use Matrix by the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts.**

(a) *Matrix Explanation.* The following matrix lists all permitted uses within Sandy City commercial, office, industrial, mixed use, transit corridor, and research and development districts. The letters "P," "C," "S," or "N" shall mean "Permitted," "Conditional," "Special Use," or "Not Permitted," respectively. Refer to special use standards within this title for all land uses allowed with an "S." For those letters which are followed by a slash "/" the second letter shall indicate those location restrictions for businesses located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the Sandy City Transportation Engineer in the Transportation Element of the Sandy City General Plan). For those land uses marked with a superscript number (<sup>1</sup>), refer to Subsection (c) of this section for explanation.

(b) *Table of Uses.*

Land Use Category	CBD	C B D - P	C B D - O	C B D - A & C	C R - P U D	R C	B C	C C	C N	C v C	C N ( H S N )	H B D	L C	P O	I D	A M ( D e a l e r s h i p s )	A M ( C o m m e r c i a l )	M U	T C	R D
Dwelling, multiple unit	<del>N-P</del> <sup>25</sup>	N	C	C	N	N	C <sub>16</sub>	N	N	N	N	N	N	N	N	N	N	P	N	N

(c) *Explanatory Notes for Land Use Matrix.*

25. A multiple unit dwelling is permitted as a standalone use only within the geographic area south of 11000 South, east of Auto Mall Drive, and west of the Jordan and Salt Lake City Canal, and need not be part of a mixed use development. The associated site plan must also utilize the Storefront Conservation Overlay Zone (found in Section 21-14).

Exhibit "B"

**Sec. 21-8-2. Permitted Land Use Matrix by the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts.**

(a) *Matrix Explanation.* The following matrix lists all permitted uses within Sandy City commercial, office, industrial, mixed use, transit corridor, and research and development districts. The letters "P," "C," "S," or "N" shall mean "Permitted," "Conditional," "Special Use," or "Not Permitted," respectively. Refer to special use standards within this title for all land uses allowed with an "S." For those letters which are followed by a slash "/" the second letter shall indicate those location restrictions for businesses located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the Sandy City Transportation Engineer in the Transportation Element of the Sandy City General Plan). For those land uses marked with a superscript number (<sup>1</sup>), refer to Subsection (c) of this section for explanation.

(b) *Table of Uses.*

Land Use Category	CBD	C B D - P	C B D - O	C B D - A & C	C R - P U D	R C	B C	C C	C N	C v C	C N ( H S N )	H B D	L C	P O	I D	A M ( D e a l e r s h i p s)	A M ( C o m m e r c i a l )	M U	T C	R D	
Dwelling, multiple unit	P <sup>25</sup>	N	C	C	N	N	C <sup>16</sup>	N	N	N	N	N	N	N	N	N	N	N	P	N	N

...

(c) *Explanatory Notes for Land Use Matrix.*

...

25. A multiple unit dwelling is permitted as a standalone use only within the geographic area south of 11000 South, east of Auto Mall Drive, and west of the Jordan and Salt Lake City Canal, and need not be part of a mixed use development. The associated site plan must also utilize the Storefront Conservation Overlay Zone (found in Section 21-14).

Exhibit "C"



- + Architecture
- + Landscape Architecture
- + Land Planning
- + Construction Management
- + Interior Design

July 27, 2023

Community Development  
10000 Centennial Parkway  
Sandy, Utah 84070

Re: Code Amendment

To whom it may concern,

We propose to amend the following Section, Section 21-8-2(b) **Permitted Land Use Matrix by the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts** of the Sandy City Code, to indicate a Multiple Unit Dwelling complex is permitted in this zone for the identified area. To accomplish this goal, we propose to add the following superscript number to the Land Use Category – CBD – Dwelling, multiple unit:

"25. A multiple unit dwelling is a permitted use only within the geographic area south of 11000 South, east of Auto Mall Drive, and west of the Jordan and Salt Lake City Canal, and need not be part of a mixed use development. The site plan must utilize the Storefront Conservation Overlay Zone (found in Section 21-14)."

We would like to seek approval of the Ordinance Text Amendment and the site plan for the attached project located within this geographic area contemporaneously. Please let us know if you have any questions.

Sincerely,

Corey R. Solum, AIA

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