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CHIEF ADMINISTRATIVE OFFICER

Staff Report Memorandum

June 1, 2023

To: Planning Commission
From: Community Development Department
Subject: Interpretation of the term "Mixed Use Development"
OneTen Apartments
109 W. 11000 S.
(Commercial Area, #9)

MSC05262023-006538
CBD Zone District
2.8 Acres, 254 Units,
7,425 Sq. Ft. Retail

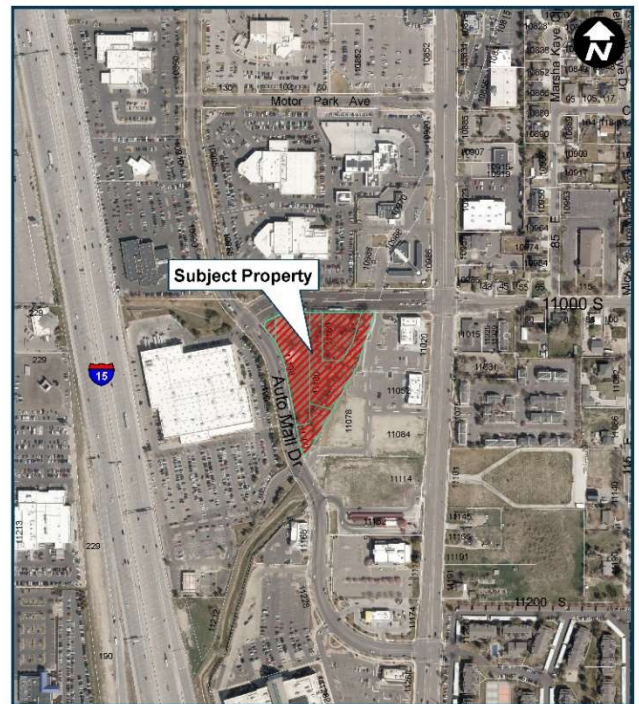
Public Meeting Notice: This item has been noticed to property owners within 500 feet of the subject area, on public websites, and at public locations.

Request

The Community Development Director, James Sorensen, is requesting the Planning Commission provide the interpretation of the term "mixed use development" as applied in the context of a conditional use permit and site plan review applications on a property located at 109 W. 11000 S. The applications seek review and approval of a mixed use development for this site. This property is zoned Central Business District (CBD) which generally allows only commercial uses, but also allows for a mixed use development as a conditional use.

Prior to proceeding with the review of their conditional use permit and site plan review applications, the Director has called upon the Planning Commission to provide a final interpretation on this matter. In [section 21-1-6](#) of the Land Development Code, it states:

"In the event that there is a need of further interpretation by any person, firm or corporation, or official of Sandy City, they shall submit the question to the Planning Commission, which, unless otherwise provided, is authorized to interpret the title and such interpretation shall be final."



0 100 200 400 600 800 1,000 Feet

CUP09302022-006413
SPR10242022-006427
SUB03292023-006511
OneTen Apartments Mixed Use
109 W. 11000 S.

The key determination to be made is whether this proposal qualifies as a mixed use project under the Sandy City Code. If not, the proposal is not allowed in this zone or at this location. If yes, then the applicant will proceed with their conditional use and site plan review applications at a future Planning Commission meeting.

Background

Staff received a conditional use permit application for a mixed use development (see Exhibit “A” for the application materials of the proposed mixed use master plan) and we’ve also reviewed a site plan for a proposed mixed use development (see Exhibit “B” for the application materials of the site plan review). These applications seek review and approval of a mixed use development land use in the Central Business District (CBD) zone district. They have been prepared by Corey Solum & Troy Tueller of Think Architecture (representing the property owner, MICAM, LLC).

The property is vacant and has never been developed. 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.



Figure 1 - CBD Zone Area

Public Notice and Outreach

This item has been noticed to property owners within 500 feet of the subject area. No neighborhood meeting has been held as this property is within a commercial area with no existing residential properties near the proposed development.

Analysis

The concept of residential and mixed use is allowed in the CBD Zone through a conditional use permit and represents a departure from traditional zoning to the extent that it encourages a combination of land uses which might normally be regarded as incompatible. The inclusion of residential dwellings is allowed on sites of sufficient size to assure adequate site development and a satisfactory and safe residential environment. Where residential uses are included, 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.

The applicant has put forward a proposed mixed use master plan (see Figure 2) for a portion of this area after they expressed interest to



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Figure 2 - Master Plan Exhibit

place an apartment building on the subject properties. A mixed use master plan is required in order to approve a mixed use development. The purpose of the master plan is to coordinate and guide future development and redevelopment of an area into a walkable village and ensure a proper mix of uses is realized over time.

Staff members have had multiple conversations with the applicant regarding the type of development and associated master plan that would meet the definition of mixed use. We’ve seen several iterative plans that partially addressed the code requirements, but never fully incorporated a true mixed use development proposal. The applicant made a complete submittal of all required materials for a conditional use and site plan review applications based on this proposal. While reviewing the applications, staff continued to have concerns that the proposed development did not meet the definitional standard of “mixed use development” as outlined in the Land Development Code.

To assist the Planning Commission in making this determination, staff has highlighted a few areas of the Land Development Code that define and describe the composition of a mixed use development. The following are the definitions of the related terms found in [section 21-37-14\(10-14\)](#):

Sec. 21-37-14. - "M" Definitions.

- (10) *Mixed use, commercial and residential development*, means a development consisting of a mixture of residential and commercial uses with an approved ratio, developed according to a master site plan. The development of the uses is of sufficient size and physical improvement to protect surrounding areas and the general community, and to ensure a harmonious integration into the neighborhood.
- (11) *Mixed use development* means a development project that includes residential and one or more of the following land uses: retail, service, commercial, or office; and which, vertically or horizontally, integrates critical massing of physical and functional components into a coherent plan that promotes walkability through uninterrupted pedestrian connections, and reduces traffic and parking impacts.
- (12) *Mixed use, horizontal*, means commercial and residential uses, etc., which are in close proximity to each other and designed in a village manner, but not necessarily within the same building structures.
- (13) *Mixed use, residential and office use*, means a development consisting of a mixture of residential and office uses with an approved ratio, developed according to a master site plan. The development of the uses is of sufficient size and physical improvement to protect surrounding areas and the general community, and to ensure a harmonious integration into the neighborhood.
- (14) *Mixed use, vertical*, means commercial, office, or residential uses, etc., designed in a village manner which are within close proximity to each other within the same building structure.

The land development code contemplates a variety of different types and configurations of a mixed use development (horizontal, vertical, etc.) through these various definitions, but there are commonalities among them and the same requirements for each mixed use development that are found in [Section 21-23-24](#). If a conditional use permit for a mixed use development is approved for the properties, the code requirements for a mixed use development are applied to the property similar to an overlay zone. The additional regulations specific to a mixed use land use must be met in addition to the base zone requirements. They are essential to ensure that a mixed use development is realized. These requirements can be summarized in three categories: Village/Variety, Village/Walkable, and Master Planning/Coordination. Staff has analyzed these code requirements to the applicant’s proposal. Based on these criteria, staff finds that this proposal does not qualify as a mixed use development. This analysis is summarized in the tables below:

<u>Village/Variety</u>	
Sandy City Code (left)	Proposed Project Analysis (right)
<p>A mixed use development must consist of more than just a collection of types of uses that are adjacent (vertically or horizontally) to one another. It requires that they be designed to function as a walkable village center providing a variety of housing, employment opportunities, goods and services that support the existing and proposed residents of a given area. A development that is focused on commercial retail and office uses that harmoniously integrates a residential element into the overall development scope to create a village center would be an appropriate application of a mixed use development. It also must be of sufficient size and area to accomplish these objectives.</p>	
<p>A mixed use development:</p> <ul style="list-style-type: none"> • “encourages a combination of land uses which might normally be regarded as incompatible.” (Sec. 21-23-24(a)(1)) • creates a self-sustaining, walkable village where residents can “walk to work, to shopping, to recreational facilities, and have access to mass transit.” (Sec. 21-23-24(a)(2)) • provides “a variety of housing opportunities and choices that include a range of household types, family sizes, and incomes.” (Sec. 21-23-24(a)(2)). “Where size and scale permit, housing units shall include a mix of housing types, housing size, and number of bedrooms, encouraging neighborhoods with a mix of family cycles and incomes.” (Sec. 21-23-24(d)(1)b) • is “designed in a village manner.” (Sec. 21-37-14 (12), (Sec. 21-37-14 (14)) 	<p>While it has many of the elements needed for a village area, they are not integrated into the master plan nor are they designed be walkable and interconnected. The existing developments are merely adjacent and designed around the vehicle, not the pedestrian. There is only one pedestrian improvement proposed in the area in the form of a midblock crossing on Auto Mall Drive.</p> <p>There are no mass transit options within a walkable distance.</p> <p>The amount of proposed retail uses represents 3% of the overall building square footage (not including the structured parking areas).</p> <p>This project would add housing to an area that lacks housing options, but this site alone doesn’t provide a variety of housing opportunities.</p> <p>The proposal is not designed in a walkable village manner.</p>

<u>Village/Walkable</u>	
Sandy City Code (left)	Proposed Project Analysis (right)
<p>A mixed use development is required to function as a walkable village center, providing a mix of uses within close proximity, and uninterrupted pedestrian connections, thereby reducing traffic and parking impacts.</p>	
<p>A mixed use development:</p> <ul style="list-style-type: none"> • creates a self-sustaining, walkable village where residents can “walk to work, to shopping, to recreational facilities, and have access to mass transit.” (Sec. 21-23-24(a)(2)) • has “convenient pedestrian commercial services, employment opportunities.” (Sec. 21-23-24(a)(2)) • “integrates critical massing of physical and functional components into a coherent plan that promotes walkability through uninterrupted 	<p>The proposal does not integrate the critical massing of physical and functional components as part of the existing approved master plan for this area that promotes walkability through uninterrupted pedestrian connections and reduces traffic and parking impacts.</p> <p>The plan doesn’t illustrate walkability improvements by changing the physical massing of surrounding areas. It doesn’t increase the functional components that would improve walkability in the area.</p>

<p>pedestrian connections, and reduces traffic and parking impacts.” (Sec. 21-37-14 (11))</p> <p>Mixed use developments “without the above walkable elements are unacceptable and will not be approved.” (Sec. 21-23-24(a)(2))</p>	<p>Merely placing a housing complex adjacent to other uses and existing developments does not make it walkable.</p>
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<u>Master Planning and Coordination</u>	
Sandy City Code (left)	Proposed Project Analysis (right)
<p>A mixed use development requires coordination and master planning.</p>	
<p>To achieve a walkable development, the following are required to be coordinated with adjacent property owners (Sec. 21-23-24(d)):</p> <ul style="list-style-type: none"> • appropriate land uses • pedestrian connections • cross-easements • common driveways • no drive-thru windows <p>A “walkable Mixed Use Master Plan . . . must show all phases of the development (including any phasing plans) and both existing and reasonable projected development on adjoining properties, determined through consultation with City staff and adjoining property owners.” (Sec. 21-23-24(e)(1)).</p> <p>A mixed use development:</p> <ul style="list-style-type: none"> • demonstrates “harmonious integration into the neighborhood” (Sec. 21-37-14 (10), 21-37-14 (13)) • “integrates critical massing of physical and functional components into a coherent plan that promotes walkability through uninterrupted pedestrian connections, and reduces traffic and parking impacts.” (Sec. 21-37-14 (11)) 	<p>The proposal does not demonstrate coordination and master planning with surrounding property owners or integrate surrounding existing/future uses despite being the primary owner of the majority of the master plan area.</p> <p>The plan shows no intent for future changes or adaptations to the existing developed areas that they own nor has coordinated with neighboring property owners.</p> <p>The proposal creates an element that is foreign to the auto oriented surrounding developments. There is no illustrated effort to change or improve the surroundings to make the surrounding area more walkable and harmonious with this type of development.</p>

Staff Concerns

As described in the tables above, the design proposed by the applicant fails at creating a true mixed use development. The proposal mostly consists of apartments, which are defined in the code as “multiple unit dwellings”. This land use is not permitted in the Central Business District (CBD) zone as a standalone development, but only in the context of a mixed use development that creates a walkable mixed use village development. The area defined in the master plan is small and attempts to use the existing surrounding development to show a variety of land uses while not illustrating how those would become integrated and connected now or in the future. It lacks real connection with those existing uses and does not show a coherent master plan that achieves the desired walkable village setting.



Figure 3 - School Yard

Mix of Uses. The proposal does not include enough other non-residential elements to be considered mixed use by itself. A similarly sized property in the area created approximately 16,000 sq. ft. of retail (see Figure 3). The proposal includes less than half of that amount. Attempting to utilize other existing adjacent land uses in the nearby vicinity should not count towards meeting the requirement when there has been no coordination or proposed improvements to those areas to make those existing uses connected and not just proximate. In other words, the project appears to have been designed as an apartment project without much regard to the other required elements of creating a mixed use development.

Those other properties are shown on the plan as adjacent to, but not integrated with a mixed use master plan concept. The applicant currently owns the majority of the land in the area yet has not shown any incremental improvements to make the area into a walkable village. Staff would suggest that the applicant needs to better coordinate with the surrounding property owners and existing developments by improving pedestrian connections in the area and linkages from this development to the surrounding properties.

Master Planning and Coordination. The mixed use master plan only includes a portion of the nearby CBD Zone District area. It doesn’t include the surrounding properties (not even the ones owned by the

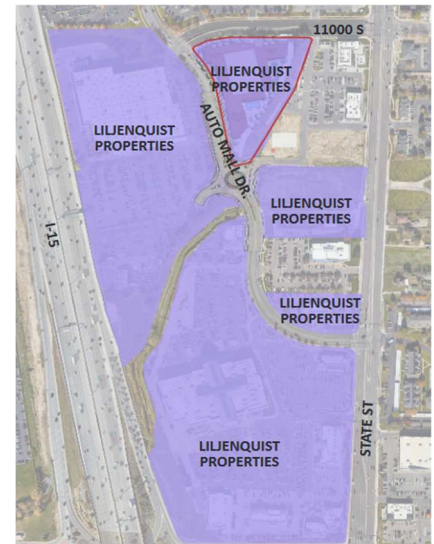


Figure 4 - MICAM, LLC (Liljenquist)

Walkability. The applicant fails to demonstrate significant changes to the built environment surrounding this proposal that would improve walkability and connectivity within the vicinity. While they are proposing one midblock pedestrian crossing and a roundabout is shown on the master plan but would be constructed by the city in the near future (5-10 years), nothing in this plan directly leads to it becoming a walkable mixed use village as described in the land development code. The existing area and improvements score low as a car dependent area. The

proposed improvement might raise walkability scores, but not to the point of becoming even somewhat walkable and not car dependent.

Walk Score Get Scores My Favorites Add to Your Site

Type an address, neighborhood or city **Go**

South Auto Mall Drive
Sandy, Utah, 84070

Commute to **Downtown Sandy**

11 min 24 min 60+ min View Routes

Favorite Map Nearby Sandy Apartments on Redfin

Looking for a home for sale in Sandy?

Walk Score 40 Car-Dependent
Most errands require a car.

Transit Score 31 Some Transit
A few nearby public transportation options.

Bike Score 41 Somewhat Bikeable
Minimal bike infrastructure.

About your score
Add scores to your site

Figure 5 - Walk Score for this Location (walkscore.com)

A larger area that includes a several phases of adjacent master-planned developments that are focused first on commercial retail and office uses (which are permitted in the zone) that harmoniously integrates a residential element into the overall development scope and the surrounding areas would help create a walkable village center and meet the definitional standard of a mixed use development. This proposal does not do that. The proposal does not include enough other non-residential elements, does not exhibit efforts to coordinate the future development of the area, and does not create enough of a change to the walkability of the area to meet the definitional standard of a mixed use development. Merely adding residential use to an area that lacks the connective elements and long-term vision to create a vibrant mixed use environment both now and into the future should not be approved.

Recommendation

Staff recommends that the Planning Commission determine that this request does not meet the definitional standard of a “Mixed Use Development” as outlined in the Land Development Code based on the following findings:

Findings:

1. A mixed use development must consist of more than just a collection of types of uses that are adjacent (vertically or horizontally) to one another. It requires that they be designed to function as a walkable village center providing a variety of housing, employment opportunities, goods and services that support the existing and proposed residents of a given area. The proposal does not meet this requirement.
2. A mixed use development is required to function as a walkable village center, providing a mix of uses within close proximity, and uninterrupted pedestrian connections, thereby reducing traffic and parking impacts. The proposal does not meet this requirement.
3. A mixed use development requires coordination and master planning to successfully create a walkable community. The proposal does not meet this requirement.
4. The development proposal does not meet the definition of a “Mixed Use Development” as found in [section 21-37-14\(10-14\)](#).
 - a. The proposal shows that there has been no effort to coordinate and master plan with surrounding property owners and integrate those existing uses or future development. After evaluating this proposal within its development area only, and not including the surrounding existing properties and uses, the Planning Commission finds there is not a sufficient mix of uses.
 - b. The proposal is not of sufficient size and physical improvement to protect surrounding areas and the general community, and to ensure a harmonious integration into the neighborhood.
 - c. The proposal does not integrate critical massing of physical and functional components into a coherent plan that promotes walkability through uninterrupted pedestrian connections and reduces traffic and parking impacts.
 - d. The proposal is not designed in a walkable village manner.
 - e. The amount of proposed retail uses represents only 3% of the overall building square footage (not including the structured parking areas).
5. This development proposal is focused on creating a multi-unit dwelling development, which is a use that is not permitted as a standalone use in the CBD Zone and does not provide sufficient office/retail elements to achieve a mixed use development.
6. A mixed use development that is focused on commercial retail and office uses that harmoniously integrates a residential element into the overall development scope to create a village center would be an appropriate application of a mixed use development. Mixed use developments must be part of a large enough area as to create a self-contained village and offer the variety of uses that are within a walkable distance. These must also contain walkability improvements that connect all of these elements such that they are not dependent on a car to meet their day to day needs.

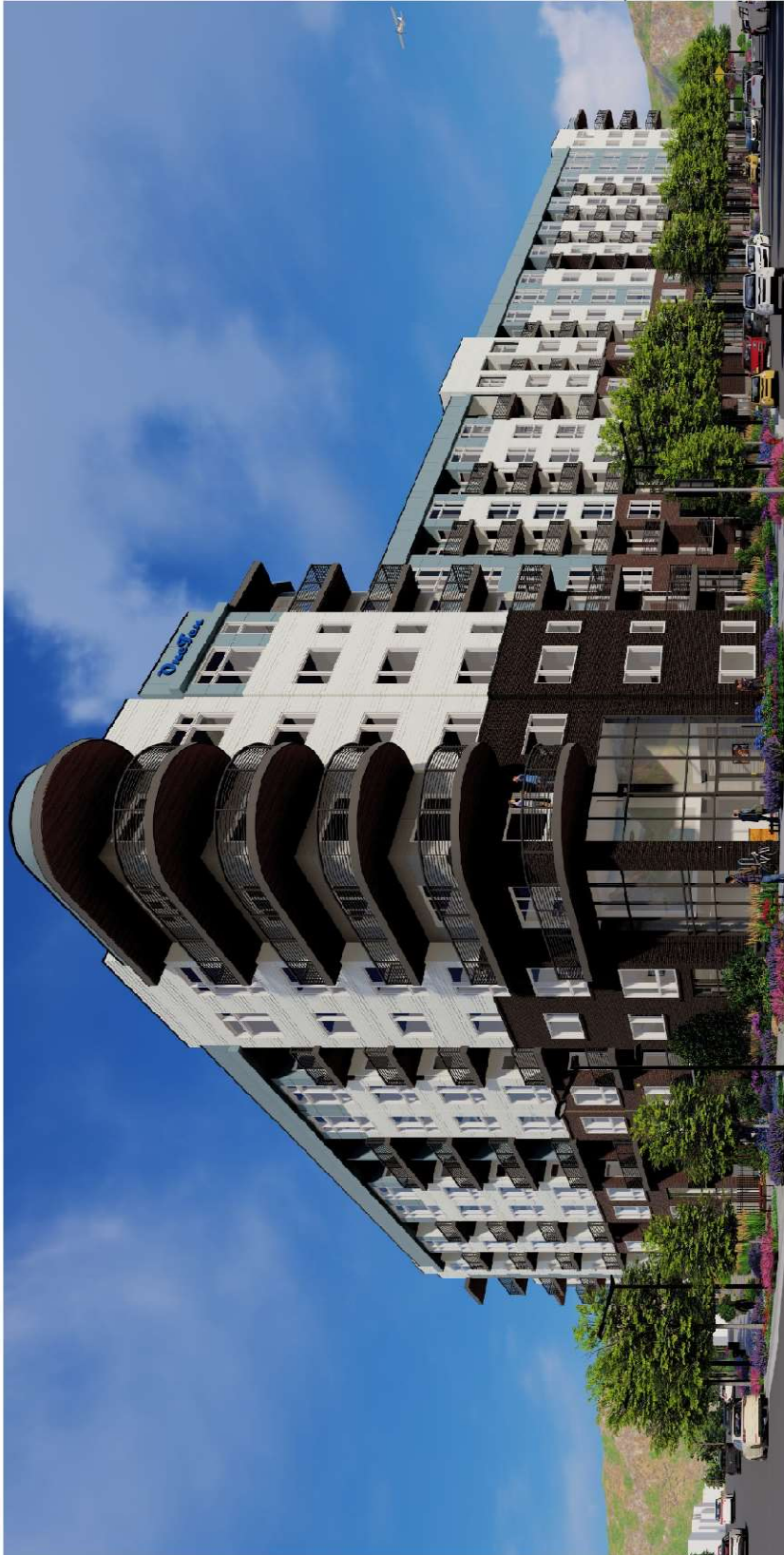
Planner:



Mike Wilcox
Planning Director

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Exhibit "A" – See the attached file for full information









ONE TEN MIXED USE

Architectural Design Review
Sandy, Utah




Exhibit "B" – See the attached file for full information.



SANDY ONETEN APARTMENTS

SHEET INDEX	
C.001	COVER SHEET
C.002	GENERAL LOTES
C.003	EXIST SITE & DEMOLITION PLAN
C.004	"TICKED" SITE PLAN
C.005	HORIZONTAL CONTROL PLAN NORTH
C.006	HORIZONTAL CONTROL PLAN SOUTH
C.007	HORIZONTAL CONTROL POINT TABLE
C.008	UTILITY PLAN NORTH
C.009	UTILITY PLAN SOUTH
C.010	SEWERING PLAN NORTH
C.011	SEWERING PLAN SOUTH
C.012	PLAN AND PROFILE
C.013	DETAILS
C.014	DETAILS
C.015	DETAILS
C.016	DETAILS
C.017	DETAILS
ER.101	EROSION CONTROL PLAN
ER.102	EROSION CONTROL DETAILS



VICINITY MAP

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PROJECT # AIM.056.22
MARCH 2023

**LOCATED AT 109 WEST 11000 SOUTH,
IN THE CITY OF SANDY, UTAH**

