

Millcreek Township Planning Commission

Public Meeting Agenda

Wednesday, July 13, 2016 4:00 P.M.

****AMENDED****

Location

SALT LAKE COUNTY GOVERNMENT CENTER
2001 SOUTH STATE STREET, ROOM N1-110
NORTH BUILDING, MAIN FLOOR
(385) 468-6700

UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707. TTY USERS SHOULD CALL 711.

The Planning Commission Public Meeting is a public forum where the Planning Commission receives comment and recommendations from applicants, the public, applicable agencies and County staff regarding land use applications and other items on the Commission's agenda. In addition, it is where the Planning Commission takes action on these items. Action may be taken which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

PUBLIC HEARING

29972 – (Continued from 06/15/2016) - Salt Lake County Township Services is requesting approval for a rezone from M-1 (Manufacturing & Light Industrial) & M-2 (Manufacturing & Heavy Industrial) to MD-3 (Mixed Development). **Location:** Approx. 4186 S Main Street. **Area:** This request includes eighteen parcels at approximately 22.2 total acres. **Community Council:** Millcreek. **Planner:** Max Johnson

29759 – (Continued from 06/15/2016) - Richard Smith is requesting a rezone from R-2-10 (Medium-Density Residential) to R-M (High-Density Residential). **Location:** 4102, 4108, and 4120 South 900 East, and 849, 857, 865, and 875 East 4125 South. **Community Council:** Millcreek. **Planner:** Jeff Miller

29971 – Michael Smith is requesting approval for a rezone from R-2-10 to R-M. The parcel is 0.32 acres. **Location:** 1212 East 4500 South. **Community Council:** Millcreek **Planner:** Spencer Hymas

BUSINESS MEETING

- 1) Approval of Minutes from the June 15, 2016 meeting.
- 2) Ordinance Issues from today's meeting
- 3) TLC (Transportation/Land Use/Connection) grant for Millcreek General Plan update through the Wasatch Front Regional Council – discussion and application process.
- 4) Neff's Creek flood zone and RCOZ requirements - delegate to staff or RCOZ option C application required?
- 5) Other Business Items (as needed)

ADJOURN

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File # 29972

Staff Report Summary and Recommendation for Rezone Application

Public Body: Millcreek TPC

Meeting Date: July 13, 2016

Parcel ID: Numerous Parcels (16)

Current Zone: M-1 & M-2

Proposed Zone: MD-3

Property Address: 4186 South Main Street (Approximately)

Request: Rezone approximately 22.20 acres

Community Council: Millcreek

Township/Unincorporated: Millcreek

Planner: Max Johnson

Planning Commission Recommendation: Continued from June 15, 2016, to the July 13, 2016 meeting

Community Council Recommendation: The Community Council recommended Approval of rezoning the property from M-1 & M-2 to MD-3

Planning Staff Recommendation: Recommend Approval

Applicant Name: Salt Lake County Township Services (email: mrjohnson@slco.org; phone: (385)468-6699)

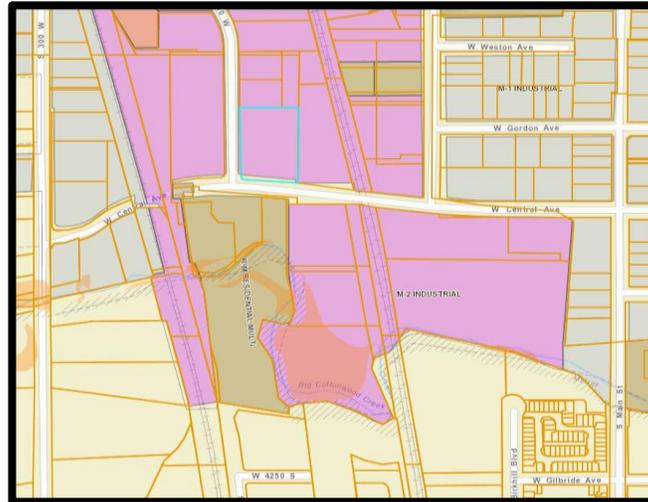
PROJECT DESCRIPTION

Updated July 7, 2016

As there was significant discussion at the Planning Commission meeting of June 15, 2016, which created additional questions to explore, and several affected property owner's concerned with the rezoning request, the planning commission continued this item to the meeting of July 13, 2016.

The applicant, Salt Lake County Township Services, requested approval last month of a zone change from M-1 (light industrial) & M-2 (heavy industrial), to R-M (residential multi-family, which also includes uses such as professional office, and rail transit mixed-use, for example). Based upon significant input from the community, staff has since amended their request from an R-M zone to an MD-3 (mixed-use) zone.

SITE & VICINITY DESCRIPTION (see attached map)



This request proposes to rezone approximately 22.20 acres in the western portion of Millcreek Township, which is illustrated on the zone map above and the area map below. The subject property is adjacent to R-M zoned property on the west, and Murray City on the south. To the north across Central Avenue, both M-1 & M-2 zoning exists, while property to the east across Main Street is zoned M-1 & R-M. This request would not result in negative impacts as recent area developments are of like use and intensity as those projected for future growth in this area. The introduction of an MD-3 zone allows for some retail uses that were not allowable under the R-M zone. This zone would also reduce densities for new multi-family developments by roughly 50 percent.

Property History

The West Millcreek redevelopment project area has an extensive history. It was established in 2009 and includes 184 acres between 3900 South and Big Cottonwood Creek and from State Street, west to the train tracks and I-15.

The Redevelopment Agency collaborated with the Wasatch Choice for 2040 Consortium to facilitate local planning efforts for affordable housing, mass transit, and economic development adjacent to transit as part of the U.S. Housing and Urban Development (HUD) Sustainable Communities Grant. The Redevelopment Agency also partnered with the University of Utah on a comprehensive market analysis of urban growth and real estate opportunities along the southeast boundaries of the West Millcreek Urban Renewal Area (URA).

In 2015, after an additional two year effort, the Millcreek Planning Commission and the Salt Lake County Council approved the Millcreek Meadowbrook Small Area Plan. This plan is an outgrowth of the previous studies. The plan states that: "... the first light rail line ... and the two transit stops within the area has resulted in private market pressure for the area to transition from an industrial area with limited infrastructure to a mixed use area with the infrastructure required to support a significant increase in residents and employees."

Key recommendations of the plan include: 1) The study area should be designated a Transit Supportive District (TSD) with the highest densities within a 1.4 mile radius of each of the two transit stops and slightly lower densities linking the two station areas; 2) Planning and zoning in each jurisdiction (Murray, South Salt Lake, and Salt Lake County) should be revised to encourage the densities and uses most likely to contribute to a vibrant TSD including urban parking ratios, office with structured parking, retail to support area residents and employees, and light industrial compatible with a dense development form; 3) Urban design should enhance and encourage a pedestrian environment providing linkages between the two transit stops and residential and commercial properties within the TSD; 4) Pedestrian and bicycle linkages should include both on-road and dedicated trail options to provide internal connectivity and to connect the TSD to adjacent areas and the valley-wide trail system; 5) A grocery store should be sought for the TSD within the next five years to serve current and new residents within a one mile radius of the area. The preferred location is near 3900 South State Street; and 6) new park

acreage to maintain a level of service of at least 3.5 acres per 1,000 persons within the TSD should be included in development plans.

Since the adoption of the plans in Murray and South Salt Lake, the Fireclay and Birkhill developments have led to the creation of over 975 housing units. South Salt Lake has seen the development of several hundred units and has just approved a new 58 unit development. In Salt Lake County, we have watched the development of the Bud Bailey housing project, Meadowbrook apartments, and most recently, the renovation of the laundry tower and the construction of the Artesian Springs Apartment Complex with 378 units currently under construction. Originally planned as a four phase development with 378 units, by the fall of 2016 all phases will be under construction; three years ahead of schedule.

The property owner of the WindRiver parcel has completed the clean-up of his property from prior code enforcement issues stemming from a concrete crushing facility, and currently has it listed for sale. Over the past six months we have received inquiries from potential buyers to purchase the property and construct a freight distribution center, a bio-diesel plant, and a medical waste disposal incinerator. All are permitted under the existing M-1 or M-2 zoning. Staff has also met with developers who want to construct a mixed use development, similar to Artesian Springs, or the projects in Murray. On June 20, 2016, staff toured the site with a developer from Chicago, interested in constructing a mixed use facility with support retail and residential units.

Staff proposes to rezone this area as MD-3 in keeping with the Master Plan, Small Area Plan, and the Wasatch 2040 Vision. This zoning will allow for continued mixed use residential with support retail, while prohibiting manufacturing uses.

Concerns have been raised by property owners who have existing manufacturing operations at this location which would become non-conforming uses, the Planning Commission who would like to see the rezone area smaller and less dense, which the MD-3 zone would allow, the Community Council and other interested Millcreek citizens who worry about adding more housing when the area could continue to be a commercial revenue generator for the new city, and perhaps should be rezoned C-1 or C-2, if not remain M-1 or M-2.

Staff has also received feedback from Millcreek residents requesting that this area be retained for a grocery store. It is important to note that in 2015, when the former call center tenants moved out of the large building at 3900 South State Street, that had formerly been a Smith's, Pan N Pak, and most recently a call center, staff showed the facility to real estate personnel from Kroger (Smith's) and Associated Foods, and spoke with representatives of smaller chains. Neither Smith's nor Associated Foods was interested, as they felt the building would need to be demolished, in addition to access problems with the site. The smaller stores wanted the building subdivided into smaller units which the owners were unwilling to do. Further, the sale price of \$7,500,000 was considerably more than grocery users were willing to pay.

Millcreek Rezone Parcels



GENERAL PLAN CONSIDERATIONS

All property involved in this request is in the Millcreek RDA area and is within a **Red area** on the official map of the Millcreek Township General Plan. The plan describes the following with respect to a **Red area**:

A **Red area** is one that has obvious potential for the future absorption of growth, and is likely to experience significant change in overall area character over time. The level of stability of Red areas is defined as follows:

- 1- Major changes in land use will occur, and represent a significant diversion from the typical land uses in the area/corridor. Growth in these areas will increase, significantly raising the intensity of land uses. Changes in land uses may affect the majority of the area/corridor, and are not limited to a specific cluster.
- 2- Improvements are likely to occur which will significantly alter the appearance, economics, or sustainability of the area/corridor. Improvements will have a theme, and will create a destination or attraction. Development of this area will likely require consolidation of land and coordinated planning.
- 3- Mobility networks will be redesigned and will include highly connected, formalized, and multi-modal facilities. Public transit will have dedicated or fixed rights-of-way. Walkability and connectivity are critical to the success of the area/corridor.

ZONE CONSIDERATIONS

Requirement	Existing Zone	Proposed Zone – MD-3
Height	M-1 – CU approval M-2 – CU approval	3 stories
Front Yard Setback	M-1 – 20' from street M-2 – 20' from street	30 feet
Side Yard Setback	M-1 – 20' from street M-2 – 20' from street	30 feet
Rear Yard Setback	M-1 – 20' from street M-2 – 20' from street	30 feet
Lot Width	M-1 – None (20' setback from street) M-2 – None (60' setback from street)	250 feet
Lot Area	M-1 - None M-2 - None	3 acres
Parking	M-1 – CU approval M-2 – CU approval	Shared parking encouraged. Chapter 19.80 (Off-Street Parking Requirements) are applicable.
Lot Coverage	M-1 – Limited to 80% of lot area M-2 – Limited to 80% of lot area	Maximum of 40% of lot area
Density	M-1 – N/A M-2 – N/A	Multi-family dwellings allow for 12.0 units per acre

Compatibility with existing buildings in terms of size, scale and height.	Use Dependent
Compliance with Landscaping Requirements Verified.	Reviewed in CU review
Compliance with the General Plan.	Yes

ISSUES OF CONCERN/PROPOSED MITIGATION

The property has changed little over time as this has been a manufacturing area for many years. Over the most recent 5-10 years, however, the property has entered a transitioning phase as the use functionality of the area has become more depressed. There are productive manufacturing uses in the area, though they are few and dispersed. New multi-family developments in the vicinity (both in the County as well as in Murray City) along with two TRAX light rail stations have created opportunities for economic growth and revitalization of the area. As the property is within an RDA area, the County is vested to assist in this effort. Examples include the RDA opportunities as well as investments in roadway infrastructure currently in design to improve Main Street adjacent to the eastern boundary of this property. This design will include efficiency in traffic movement through safe and prudent implementation that will accommodate multi-modal transportation options including elements friendly to pedestrians and bicycles. The proposed change in zoning to an MD-3 zone would also allow for light retail uses.

NEIGHBORHOOD RESPONSE

Updated July 7, 2016

As of July 7, 2016, there have been two comments from affected property owners. One of the responses voiced opposition to the rezone and one response was inquiring into the request with no formal opinion at the time.

Planning Commission Meeting – June 15, 2016

At the Millcreek TPC meeting of June 15th, several affected property owners were in attendance and spoke in opposition to the application. Individuals opposed, who spoke on the record include:

Doug Black – He mentioned that a change to R-M would curtail his ability to properly manage his investments.

Del Davis – He said that he is against this proposal. He has been at his present location for over 35 years and has developed his business. This rezone will reduce his value by approximately \$630,000. In addition, he has paid \$750,000 in property taxes. He uses the access road extensively with semi-trucks both delivering salt and shipping finished product. He does not believe this access road is conducive to high density development.

Chad Pugh – Attorney for Ash Grove Cement Company and Geneva Rock said that both owners are opposed to this application. Mr. Pugh said that Geneva would be tremendously impacted by this rezone. If approved, the non-conforming result of the rezone on Geneva's property would limit the ability for him to expand his business. The features of this property (ease of access, proximity to freeways, and location near a rail line), are features conducive to his business and hard to find in other locations.

Jay Ritchie – Mr. Ritchie of Geneva Rock said that approval of this rezone would require him to do mass pours and create several loads during the nights. Being labeled non-conforming would make his business feel economically unfeasible.

Steve Benton – Mr. Benton asked why the County is initiating this rezone and not Millcreek City.

In addition to affected property owners, three other members of the public spoke on the record. They are identified as follows:

Chris Haller – Representative for the Millcreek Community Council voiced concerns from the Community Council regarding: 1) the result would be an increase in density; 2) the short time frame from when Millcreek will become a city; 3) his council was opposed unanimously; 4) the council was concerned about losing potential tax base; and 5) they would prefer parks and open space.

Jeff Guy – A citizen in the area was concerned that he received notice the day of the meeting.

Hooper Knowlton – Mr. Knowlton, developer of the Birkhill development in Murray and Artesian Springs across the street from the property in question, spoke in favor of the rezone.

Packet of June 15, 2016

As of June 10, 2016, neighborhood response has totaled five comments. There are two affected property owners who are opposed to the rezone, two responses in favor, and one jurisdictional response neutral, though supportive toward working collaboratively to integrate the community and all transportation and trail connections in a responsible and beneficial manner.

COMMUNITY COUNCIL RESPONSE

Updated July 7, 2016

Staff attended the Millcreek Area Council meeting on June 30th to discuss the rezone effort in an effort to bring all of the Millcreek area community council's up to date on this request to rezone. The Council suggested a compromise zoning request that would be more compatible to the area and current site characteristics pertaining to allowable uses. The council supported the effort to rezone the property from M-1 & M-2, but felt that the R-M zone did not provide for commercial opportunities while currently offered excessive densities for the area. The suggestion from the Area Council to the Millcreek Community Council was to rezone to an MD-3 zone, with the intent to revisit the issue when Millcreek City initiates operations in 2017.

At their meeting of July 5, 2016, the Millcreek Community Council unanimously recommended approval of the rezoning request from M-1 & M-2, to MD-3.

Packet of June 15, 2016

The community council voted to continue this application at their meeting of June 7, 2016. In addition, a comment was added to the recommendation suggesting that this effort be postponed until Millcreek becomes a city January 1, 2017.

PLANNING STAFF ANALYSIS

Updated July 7, 2016

Staff recognizes that minor changes to the MD-3 zone may be appropriate in the short-term should permitted and conditional uses be requested, but that an assessment of the overall MD-3 zone does adequately support the ideals of the Millcreek General Plan and the Millcreek Meadowbrook Small Area Plan, and therefore, recommends approval of this request.

Packet of June 15, 2016

The rezoning effort has been initiated by Salt Lake County Township Services to support community desires as described in the Millcreek Township General Plan and the Millcreek / Meadowbrook Small Area Plan. The Millcreek General Plan describes the area as desirous of "focused area of change." Any such area is identified on

the official map as a “red” area, and as such, directs staff to support change and interpret community interest as desirous of change.

The Millcreek / Meadowbrook Small Area Plan recommends designating the subject area as a Transit Supportive District (TSD) and providing for increased densities. The plan suggests density to be highest at the nearest proximity to transit stations and gradually reduce as distances from transit stations increase. The plan suggests creating a vibrant TSD for this area. Creating this change in existing neighborhood character would require:

- a) Revise zoning in the area and develop more conducive long range goals for the area
- b) Increase density
- c) Reduce parking requirements
- d) Allow for office uses and more structured parking opportunities
- e) Infuse retail uses in the area
- f) Be more cognizant of green infrastructure and low impact development needs in the area, particularly near Big Cottonwood Creek.

Following are excerpts from the zoning ordinance, specifically the sections pertinent to the existing zones on the property, M-1 & M-2, as well as the proposed use, R-M.

Description of Existing Zones – M-1

Chapter 19.66 - M-1 MANUFACTURING ZONE

19.66.010 - Purpose of provisions.

The purpose of the M-1 zone is to provide areas in the county for light industrial uses.

(Prior code § 22-29-1)

19.66.020 - Permitted uses.

Permitted uses in the M-1 zone include:

- Accessory uses and buildings customarily incidental to permitted uses;
- Agriculture;
- Animals and fowl for family food production;
- Animal hospitals;
- Assembly of medical supplies;
- Boatbuilding;
- Bottling works, soft drinks;
- Bookbinding;
- Carpenter shop; cabinet shop;
- Carpet and rug cleaning and dyeing;
- Class B beer outlet;
- Construction of buildings to be sold and moved off the premises;
- Dairy;
- Dog and cat kennel and/or grooming;
- Egg candling, processing and sales;
- Electric appliance and/or electronic instruments;

- Express office;
- Garage, public;
- Honey extraction;
- Ice manufacture and storage;
- Knitting mill;
- Laboratory;
- Laundry;
- Machine shop;
- Manufacture and maintenance of the following:
 - A. Business machines,
 - B. Cameras and photographic equipment,
 - C. Electric and neon signs, billboards and/or commercial advertising structures,
 - D. Light sheet metal products, including heating and ventilating ducts and equipment, cornices and eaves, Venetian blinds, window shades and awnings,
 - E. Musical instruments,
 - F. Novelties,
 - G. Rubber and metal stamps,
 - H. Toys;
- Meat products smoking, curing and packing, provided that no objectionable fumes are emitted;
- Monument works;
- Motor vehicles, trailers, bicycles and machinery assembling, painting, upholstering, rebuilding, repairing, rentals, sales and reconditioning;
- Office, business and/or professional;
- Outdoor chemical toilet rental;
- Parking lot;
- Printing, including engraving and photoengraving;
- Radio and television transmitting towers;
- Restaurant liquor license;
- Recycling collection center operated within an enclosed building;
- Rent-all stores;
- Restaurant;
- Sandblasting;
- Service station;
- Sign-painting shop;
- Tire retreading and/or vulcanizing;
- Transfer company;
- Upholstering, including mattress manufacturing, rebuilding and renovating;
- Used car lot;
- Veterinary;

- Warehouse;
- Weaving;
- Wholesale business.

(Ord. 1169 §§ 5, 6, 1991; 1986 Recodification; § 1 (part) of Ord. passed 2/1/84; prior code § 22-29-2)

19.66.030 - Conditional uses.

Conditional uses in the M-1 zone include:

- Airport;
- Auction;
- Automatic automobile wash;
- Bank;
- Battery manufacture;
- Blacksmith shop;
- Building material sales yard, including the sale of rock, sand, gravel and the like, as an incidental part of the main business, but excluding concrete mixing, except as such concrete mixing is necessary in the preparation and manufacture of any of the products specified in this section;
- Class C fireworks store;
- Coal, fuel and wood yards;
- Contractors' equipment storage yard or rental of equipment used by contractors;
- Day care/preschool center;
- Drag strip racing;
- Draying, freighting or trucking yard or terminal;
- Electrical contractor;
- Foundry, casting lightweight nonferrous metal without causing noxious odors or fumes;
- Fertilizer and soil conditioner manufacture, processing and/or sales, providing only nonanimal products and byproducts are used;
- Firearms and/or archery range;
- Gymnasium;
- Impound lot, providing there is no dismantling or demolition of automobiles or other vehicles conducted on the premises;
- Indoor firearms and/or archery range;
- Manufacture, compounding, processing, packaging and treatment of the following products:
 - A. Bakery goods,
 - B. Candy,
 - C. Cosmetics,
 - D. Dairy products,
 - E. Pharmaceuticals,
 - F. Toiletries,
 - G. Food products, excluding the following: Fish, sauerkraut, vinegar, yeast, and the rendering of fat,
 - H. Pickles;

— Manufacturing, compounding, assembling and treatment of articles of merchandise from the following previously prepared materials: Bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fish, glass, hair, horn, leather, paper, paint, plastics, precious or semiprecious metals or stones, rubber, shell, straw, textiles, tobacco, wood or yarn;

— Manufacture of brick, and all clay, ceramic, cinder, concrete, synthetic, cast-stone, plastic and pumice stone products, including, in addition, the manufacture or fabrication of building blocks, tile or pipe from raw material for use in building construction or for sewer or drainage purposes, and excluding rock or gravel crushing of raw materials, except as such rock or gravel crushing of raw materials is incidental to the manufacture or fabrication of the above-described products, and provided that such crushing facilities shall be located not closer than two hundred feet to any property line;

— Metal plating; metal anodizing; metal polishing;

— Motion picture studio;

— Package agency;

— Planing mill;

— Planned unit development;

— Private school;

— Public and quasi-public use;

— Radio and television stations;

— Recreation, commercial;

— Restaurant liquor license;

— Sanitary landfill;

— Sexually oriented business;

— Shared parking;

— Single-family dwelling constructed prior to the passage of the ordinance codified in this section, to be retained on a separate lot;

— State store;

— Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon the completion or abandonment of the construction work;

— Welding shop.

(Ord. 1416 § 2 (part), 1998; Ord. 1170 § 6 (part), 1991; Ord. 1136 § 6, 1990; Ord. 1008 § 3 (part), 1987; 1986 Recodification; prior code § 22-29-3)

19.66.040 - Lot area.

In the M-1 zone:

- A. A single-family dwelling on the same lot with another use(s) allowed in the zone shall occupy a minimum area of five thousand square feet, separated from the other use(s) with a permanent fence;
- B. Single-family dwellings retained on a separate lot from other use(s) shall be a minimum of twenty thousand square feet, exclusive of access rights-of-way;
- C. Other uses: None;
- D. Industrial developments over one acre must follow the conditional use permit procedure pursuant to Section 19.84.020 of this title.

(Prior code § 22-29-4)

19.66.050 - Lot width and yards.

In the M-1 zone:

A. Single-family Dwelling on the Same Lot With Other Uses.

1. The required fence shall constitute the property line for the purpose of yard requirements where an actual property line does not exist.
2. The minimum side yard shall be five feet, and the total of the two required side yards' width shall not be less than sixteen feet. On corner lots, the side yard which faces on a street shall not be less than twenty feet.
3. The minimum depth of the rear yard shall not be less than fifteen feet.
4. The width of the yard at any point shall be equal to, or greater than the maximum width of the dwelling, plus the required side yards.

B. Single-family Dwellings Retained on a Separate Lot.

1. The minimum side yard shall be five feet, and the total width of the two required side yards shall be not less than sixteen feet. On corner lots, the side yard which faces on a street shall not be less than twenty feet.
2. The minimum depth of the rear yard shall be fifteen feet.
3. The minimum depth of the front yard shall be twenty feet.
4. The minimum width of the lot shall be sixty feet.
5. Access shall be from a private right-of-way or public street with a minimum width of thirty feet.

C. Other Uses. None, except that no commercial or industrial building or structure shall be located closer than twenty feet to any street.

(Prior code § 22-29-5)

19.66.060 - Coverage restrictions.

In the M-1 zone, no building, structure or group of buildings, with their accessory buildings, shall cover more than eighty percent of the area of the lot.

(Prior code § 22-29-6)

Description of Existing Zones – M-2

Existing Zone

Chapter 19.68 - M-2 MANUFACTURING ZONE

19.68.010 - Purpose of provisions.

The purpose of the M-2 zone is to provide areas in the county for heavy industrial uses.

(Prior code § 22-30-1)

19.68.020 - Permitted uses.

Permitted uses in the M-2 zone include:

- Accessory uses and buildings customarily incidental to permitted uses;
- Agriculture;
- Animal hospital;
- Assembly of medical supplies;
- Bag cleaning;
- Blacksmith shop;

- Blueprinting, photostating and duplicating;
- Boatbuilding;
- Boiler works;
- Bookbinding;
- Bottling works;
- Breweries;
- Carpenter shop; cabinet shop;
- Carpet and rug cleaning and dyeing;
- Cement, mortar, plaster or paving materials central mixing plant;
- Class B beer outlet;
- Coke ovens;
- Construction of buildings to be sold and moved off the premises;
- Dairy;
- Drive-it-yourself agency;
- Dog and cat kennel and/or grooming;
- Egg candling, processing and sales;
- Electric appliance and/or electronic instruments assembling;
- Employment office;
- Express office;
- Feed, cereal or flour mill;
- Forage plant;
- Foundry;
- Gymnasium;
- Honey extraction;
- Ice manufacture and storage;
- Impound lot, provided there is no dismantling or demolition of automobiles or other vehicles conducted on the premises;
- Knitting mill;
- Laboratories;
- Laundry;
- Lithographing, including engraving and photoengraving;
- Machine shop;
- Manufacture, fabrication, assembly, canning, compounding, packaging, processing, treatment, storage and/or maintenance of the following:
 - A. Airplanes and parts; automobiles and parts; alcohol,
 - B. Bakery goods; brass; business machines,
 - C. Candles; candy, cans, cameras and photographic equipment, including film; cast-stone products; celluloid; cement and cinder products; copper; ceramic products; clay products,
 - D. Dyestuffs,

- E. Electric and neon signs, billboards and/or commercial advertising structures; emery cloth; excelsior,
- F. Feathers; felt; fiber; fish; food products,
- G. Glass; glucose; gypsum,
- H. Hair; hardware,
- I. Ink; iron,
- J. Lampblack; linoleum; lime,
- K. Machinery; malt; matches; meats; musical instruments,
- L. Novelties,
- M. Oilcloth; oiled rubber goods; oxygen,
- N. Paper; paint; pulp; pickles; pottery; plaster; plaster of Paris; plastic,
- O. Salt; sauerkraut; sheet metal; shellac; shoddy; shoe polish; soap and detergents; soda; starch; steel,
- P. Terra cotta; tile; toys; turpentine,
- Q. Varnish; vinegar,
- R. Yeast;
 - Meat products smoking, curing and packing, providing that no objectionable fumes are emitted;
 - Metal plating; metal anodizing; metal polishing;
 - Monument works;
 - Motor vehicles, trailers, bicycles and machinery assembling, painting, upholstering, rebuilding, repairing, rentals, sales, and reconditioning;
 - Office, business and/or professional;
 - Outdoor chemical toilet rentals;
 - Parking lot;
 - Printing and newspaper publishing;
 - Radio and television transmitting towers;
 - Recycling collection center operated within an enclosed building;
 - Rent-all store;
 - Restaurant;
 - Sandblasting;
 - Service station;
 - Sign-painting shop;
 - Tire retreading and/or vulcanizing;
 - Transfer company;
 - Upholstering, including mattress manufacturing, rebuilding and renovating;
 - Used car lot;
 - Veterinary;
 - Warehouse;
 - Weaving;
 - Wholesale business.

(Ord. 1169 § 7, 1991; 1986 Recodification; § 1 (part) of Ord. passed 2/1/84; prior code § 22-30-2)

19.68.030 - Conditional uses.

Conditional uses in the M-2 zone include:

- Airport;
- Auction;
- Automatic automobile wash;
- Bank;
- Battery manufacture;
- Building material sales yard, including the sale of rock, sand, gravel and the like as an incidental part of the main business;
- Class C beer outlet;
- Coal, fuel and wood yards;
- Contractors' equipment storage yard or plant, or rental of equipment used by contractors;
- Day care/preschool center;
- Drag strip racing;
- Draying, freighting or trucking yard or terminal;
- Electrical contractor;
- Fertilizer and soil conditioner manufacturing, processing and/or sales, providing only nonanimal products and byproducts are used;
- Incinerator, nonaccessory, provided that no objectionable fumes and odors are emitted;
- Junkyard, provided the use is fenced with a visual barrier;
- Lumberyard;
- Manufacture, processing, compounding, packaging, treatment and/or storage of the following products:
 - A. Acetylene gas,
 - B. Pharmaceuticals,
 - C. Toiletries and/or cosmetics;
- Manufacturing, compounding, assembling and treatment of articles of merchandise from the following previously prepared materials: Bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fish, glass, hair, horn, leather, paper, paint, plastics, precious or semiprecious metals or stones, rubber, shell, straw, textiles, tobacco, wood or yarn;
- Metals crushing for salvage; metals and metal products treatment and processing;
- Oil or lubricating grease compounding;
- Organic disposal site, minimum lot area fifty acres;
- Package agency;
- Petroleum refining and storage;
- Planing mill;
- Planned unit development;
- Private school;
- Public and quasi-public use;
- Radio and television stations;

- Railroad yards, shop and/or roundhouse;
- Rock crusher;
- Sanitary landfill;
- Shared parking;
- Single-family dwelling constructed prior to the passage of the ordinance codified in this section, to be retained on the same lot with another use allowed in the zone;
- Single-family dwelling constructed prior to the passage of the ordinance codified in this section, to be retained on a separate lot;
- Uses which follow, provided they are located at least three hundred feet from any zone boundary:
 - A. Animal byproducts plants; offal or dead animal reduction or dumping,
 - B. Blast furnace,
 - C. Fat rendering,
 - D. Garbage,
 - E. Gravel pits; quarries; mines,
 - F. Manufacturing, processing, refining, treatment, distillation, storage or compounding of the following: Acid, ammonia, asphalt, bleaching powder and chlorine, bones, chemicals of an objectionable or dangerous nature, coal or wood, creosote, disinfectants or insecticides, fireworks or explosives, furs, gas, gelatine or size, glue, hides, ore, plastic, tallow, grease or lard, potash, pyroxylin, roofing or waterproofing materials, rubber or guttapercha, tar and wool,
 - G. Ore beneficiation,
 - H. Smelting or refining,
 - I. Steel or iron mill,
 - J. Stockyards.

(Ord. 1416 § 2 (part), 1998; Ord. 1170 § 5, 1991; Ord. 1058 § 2, 1989; 1986 Recodification; prior code § 22-30-3)

19.68.040 - Lot area.

In the M-2 zone:

- A. A single-family dwelling on the same lot with another use(s) allowed in the zone shall occupy a minimum area of five thousand square feet, separated from the other use(s) with a permanent fence.
- B. Single-family dwelling retained on a separate lot from other use(s) shall be a minimum of twenty thousand square feet, exclusive of access rights-of-way;
- C. Other uses: None;
- D. Industrial developments over one acre shall follow the conditional use permit procedure pursuant to Section 19.84.020 of this title.

(Prior code § 22-30-4)

19.68.050 - Lot width and yards.

In the M-2 zone:

- A. Single-family Dwelling on the Same Lot With Other Uses.
 - 1. The required fence shall constitute the property line for the purpose of yard requirements where an actual property line does not exist.

2. The minimum side yard shall be five feet and the total width of the two required side yards shall be less than sixteen feet. On corner lots, the side yard which faces on a street shall not be less than twenty feet.
 3. The minimum depth of the rear yard shall not be less than fifteen feet.
 4. The width of the yard at any point shall be equal to or greater than the maximum width of the dwelling plus the required side yards.
- B. Single-family Dwelling Retained on a Separate Lot.
1. The minimum side yard shall be five feet, and the total width of the two required side yards shall not be less than sixteen feet. On the corner lots, the side yard which faces on a street shall not be less than twenty feet.
 2. The minimum depth of the rear yard shall be fifteen feet.
 3. The minimum depth of the front yard shall be twenty feet.
 4. The minimum width of the lot shall be sixty feet.
 5. Access shall be from a private right-of-way or public street with a minimum width of thirty feet.
- C. Other Uses. None, except no commercial or industrial building or structure shall be located closer than twenty feet to any street.

(Prior code § 22-30-5)

19.68.060 - Coverage restrictions.

In the M-2 zone, no building, structure or group of buildings, with their accessory buildings, shall cover more than eighty percent of the area of a lot.

(Prior code § 22-30-6)

Description of Proposed Zone – MD-3

Proposed Zone

Chapter 19.55 - MD-1 AND MD-3 MIXED DEVELOPMENT ZONES

19.55.010 - Purpose of provisions.

The purpose of the mixed use development zone is to provide a variety of uses (limited commercial, office and residential) as an appropriate transition between high-traffic arterial streets and nearby residential uses. This district is intended to ensure compatibility of new development and residential conversions with existing and future residential development. It is also intended to ensure as well as encourage assemblage of properties in a unified plan with a coordinated and harmonious development which will promote outstanding design without unsightly and unsafe strip commercial development. Specific measures to mitigate negative impacts of mixed use developments include standards for perimeter walls, vehicular access, lighting, signage, etc., which will be required at the time of design and site plan approval. Landscaping shall be as specified in Chapter 19.77 of this title.

(Ord. 1609 § 13 (part), 2007; Ord. 1113 § 1 (part), 1990)

19.55.020 - Design and site plan approval.

Design and site plan approval including, but not limited to, architecture, building materials, lighting, signage, vehicular access and noise for all development in the MD-1 and MD-3 zones is required by the planning commission as a conditional use pursuant to the requirements of Sections 19.84.020 through 19.84.130. Landscaping shall be as specified in Chapter 19.77 of this title.

(Ord. 1609 § 13 (part), 2007; Ord. 1113 § 1 (part), 1990)

19.55.030 - Permitted uses.

A. Permitted uses in the MD-1 zone include:

— Accessory uses and buildings customarily incidental to a permitted use or a conditional use;

- Agriculture;
- Antique shop;
- Art gallery;
- Art needlework shop;
- Art shop and/or artist supply;
- Bank or financial institution;
- Barber shop;
- Beauty shop;
- Bed and breakfast homestay;
- Boardinghouse;
- China and/or silver shop;
- Copy service;
- Floral shop;
- Gift shop;
- Greeting card sales;
- Handicraft shop;
- Hobby and/or crafts shop;
- Home occupation;
- Household pets;
- Key and lock service;
- Manicuring, pedicuring and electrolysis of hair;
- Medical, optical and dental labs;
- Notions;
- Office, business or professional;
- Optometrist and/or oculist;
- Parking lot;
- Photographer;
- Public and quasi-public uses;
- Residential facility for elderly persons;
- Residential facility for persons with a disability;
- Stationery shop;
- Tailor shop;
- Temporary buildings for uses incidental to construction work.

B. Permitted uses in the MD-3 zone include:

- Accessory uses and buildings customarily incidental to a permitted use or a conditional use;
- Agriculture;
- Antique shop;
- Art gallery;
- Art needlework shop;
- Art shop and/or artist supply;
- Bank or financial institution;
- Barber shop;
- Beauty shop;
- Bed and breakfast homestay;
- Boardinghouse;
- Bookstore;
- China and/or silver service;
- Copy service;
- Floral shop;
- Gift shop;
- Greeting card sales;
- Handicraft shop;
- Health food store;
- Hobby and/or crafts shop;
- Household pets;
- Key and lock service;
- Manicuring, pedicuring and electrolysis of hair;
- Medical, optical and dental labs;

- Notions;
- Office, business or professional;
- Office supply;
- Optometrist and/or oculist;
- Parking lot;
- Pharmacy;
- Photographer;
- Public and quasi-public uses;
- Residential facility for elderly persons;
- Stationery shop;
- Tailor shop;
- Temporary buildings for uses incidental to construction work;
- Travel bureau.

(Ord. No. 1753, § III, 8-6-2013; Ord. 1535, § 5 (part), 2004; Ord. 1452, § 14, 1999; Ord. 1249, §§ 2, 3, 1993; Ord. 1200, § 6, 1992; Ord. 1198, § 8 (part), 1992; Ord. 1113, § 1 (part), 1990)

19.55.040 - Conditional uses.

A. Conditional uses in the MD-1 zone include:

- Bed and breakfast inn; which may include a restaurant and conference meeting rooms;
- Bicycle shop;
- Bookstore;
- Class B beer outlet;
- Clothes cleaning, dyeing and pressing agency;
- Day care/preschool center;
- Health food store;
- Laundry, automatic self-help type;
- Lodginghouse;
- Nursery and greenhouse excluding retail sales;
- Nursing home;
- Planned unit development;
- Private educational institution;
- Private nonprofit recreational grounds and facilities;
- Reception center;
- Residential uses with a maximum density of seven units/acre, including group dwellings, planned unit developments, apartments, multiple dwellings, etc.;
- Restaurant, excluding fast-food or drive-through window;
- Restaurant liquor license;
- Shared parking;
- Shoe repair shop;
- Short-term rental;
- Tanning studio;
- Veterinary, provided the operation is completely enclosed within an air-conditioned soundproofed building. The noise from the animals shall not be audible at the property line;
- Wedding chapel.

B. Conditional uses in the MD-3 zone include:

- Bed and breakfast inn; which may include a restaurant and conference meeting rooms;
- Bicycle shop;
- Bookstore;
- Class B beer outlet;
- Clothes cleaning, dyeing and pressing agency;
- Day care/preschool center;
- Gymnastics, dance, dramatic, cosmetic, modeling and art studios;
- Health food store;
- Laundry, automatic self-help type;
- Lodginghouse;
- Mortuary;
- Music store;
- Nursery and greenhouse;

- Nursing home;
 - Planned unit development;
 - Private educational institution;
 - Private nonprofit recreational grounds and facilities;
 - Reception center;
 - Residential uses with a maximum density of twelve units/acre, including group dwellings, planned unit developments, apartments, multiple dwellings, etc.;
 - Restaurant, excluding fast-food or drive-through window;
 - Restaurant liquor license;
 - Shared parking;
 - Shoe repair shop;
 - Short-term rental;
 - Tanning studio;
 - Veterinary, provided the operation is completely enclosed within an air-conditioned soundproofed building. The noise from the animals shall not be audible at the property line;
 - Wedding chapel.
- (Ord. 1416 § 2 (part), 1998; Ord. 1361 § 9, 1996; Ord. 1293 § 3, 1995; Ord. 1249 § 4, 1993; Ord. 1198 § 7 (part), 1992; Ord. 1113 § 1 (part), 1990)

19.55.050 - Hours of operation.

Commercial uses shall not be open for business before six a.m. or after eleven p.m.

(Ord. 1113 § 1 (part), 1990)

19.55.060 - Businesses and uses—Conditions.

The uses specified in this chapter for the MD-1 and MD-3 zones shall be permitted only under the following conditions:

- A. No manufacturing is allowed;
- B. No outside storage of any stock, motor vehicles or other property is allowed except for two delivery vehicles three-quarter ton or smaller.

(Ord. 1113 § 1 (part), 1990)

19.55.070 - Area and width.

In the MD-1 and MD-3 zones the minimum lot area and width shall be as follows:

- A. MD-1 Zone.
 - 1. Minimum lot area: one acre;
 - 2. Minimum lot width: two hundred feet.
- B. MD-3 Zone.
 - 1. Minimum lot area: three acres;
 - 2. Minimum lot width: two hundred fifty feet.

(Ord. 1113 § 1 (part), 1990)

19.55.080 - Yard requirements.

In the MD-1 and MD-3 zones the minimum yard requirements for all main and accessory buildings are as follows:

- A. MD-1 Zone.
 - 1. Front yard: thirty feet;
 - 2. Side yard: thirty feet;
 - 3. Rear yard: thirty feet.
- B. MD-3 Zone.
 - 1. Front yard: thirty feet;
 - 2. Side yard: thirty feet;
 - 3. Rear yard: thirty feet.

The planning commission may vary the yard requirements for conversion of an existing use to a mixed development use.

(Ord. 1113 § 1 (part), 1990)

19.55.090 - Building height.

- A. No building or structure located in an MD-1 zone shall contain more than one and one-half stories or exceed twenty feet in height.
 - B. No building or structure located in an MD-3 zone shall contain more than three stories, except a building or structure located within fifty feet of a residential zone boundary line or a residential use shall not contain more than two stories.
 - C. No residential building shall contain less than one story.
 - D. The planning commission may vary the height requirements for conversion of an existing use to a mixed development use.
- (Ord. 1113 § 1 (part), 1990)

19.55.100 - Coverage restrictions.

In the MD-1 and MD-3 zones no building or group of buildings with their accessory buildings, shall cover more than forty percent of the area of the lot.

(Ord. 1113 § 1 (part), 1990)

19.55.110 - Perimeter wall.

All mixed use developments shall have a decorative tinted concrete or masonry wall on all rear and side yards not fronting on a public street.

All perimeter walls shall be a minimum of six feet high unless the planning commission requires a higher wall as part of the conditional use approval.

(Ord. 1113 § 1 (part), 1990)

19.55.120 - Landscaping.

Landscaping shall be as specified in Chapter 19.77 of this title.

(Ord. 1609 § 13 (part), 2007; Ord. 1113 § 1 (part), 1990)

19.55.130 - Lighting.

The maximum height of luminaries shall be eighteen feet unless the planning commission requires a lower height as part of the conditional use approval. The light shall be low intensity, shielded from uses on adjoining lots, and directed away from adjacent property in a residential zone or an adjacent residential use. All parking luminaries, except those required for security, must be extinguished one hour after the end of business hours. The exception for security lighting applies to twenty-five percent of the total luminaries used, unless the planning commission approves a higher percentage as part of the conditional use approval.

(Ord. 1113 § 1 (part), 1990)

19.55.140 - Noise.

The noise level emanating from any use or operation shall not exceed the limits in the health department health regulation number twenty-one, or its successor, regarding noise control. The noise level shall not in any case exceed five decibels above the ambient level of the area measured at the property line. For the purposes of compliance with health regulation number twenty-one all properties located within a mixed development zone shall be considered residential.

(Ord. 1473 (part), 2001; Ord. 1113 § 1 (part), 1990)

19.55.150 - Screening.

When off-street parking areas are situated across the street from a property in a residential zone, a masonry wall or berm a minimum of three feet in height shall be erected in the landscaped front yard or landscaped side yard which faces on a street on corner lots to adequately screen the parking areas from the residential properties.

B. All ground-mounted mechanical equipment including, but not limited to, heating and air conditioning units, and trash receptacle areas shall be completely screened from surrounding properties by a masonry wall or shall be enclosed within a building.

C. The design of all roof appurtenances including, but not limited to, air conditioning units, and mechanical equipment shall be approved by the planning commission to minimize visibility from on-site parking areas, adjacent public street and adjacent residentially zoned property.

D. All utility connections shall be designed to be compatible with the architectural elements of the site so as not to be exposed except where necessary. Pad-mounted transformers and/or meter box locations shall be included in the site plan with an appropriate screening treatment. Power lines and other utility cables shall be installed underground where possible.

(Ord. 1113 § 1 (part), 1990)

19.55.160 - Access.

The number of access points along public streets shall be minimized by sharing and linking parking areas with adjacent properties. Reciprocal ingress and egress, circulation and parking agreements shall be required to facilitate the ease of vehicular movement between adjoining properties. On corner sites access points shall be located as far from the corner as reasonably possible and in no case less than forty feet from the point of intersection of the property lines. Vehicular circulation shall be designed to limit the intrusion of traffic into residential areas, and minimize access on streets used by schoolchildren.

(Ord. 1113 § 1 (part), 1990)

19.55.170 - Odor.

No use shall be permitted which creates odor in such quantity as to be readily detectable beyond the boundaries of the site.

(Ord. 1113 § 1 (part), 1990)

19.55.180 - Design considerations.

In order to meet the purposes of this chapter the planning commission shall consider the following prior to approval of any plan:

- A. Lots should be accumulated to provide the minimum lot area. Individual lots with an area smaller than the minimum lot area are not suitable for a mixed development.
- B. The development shall provided on-site amenities and appropriate buffering to adjacent properties and uses.
- C. The scale of the development shall be in character with the surrounding land uses.
- D. Safe access shall be provided within the site and to public streets.
- E. The development shall have a residential character if adjacent to residential areas.

(Ord. 1113 § 1 (part), 1990)

19.55.190 - Consistency with general plan.

Mixed development uses shall be consistent with the county general plan.

(Ord. 1473 (part), 2001: Ord. 1113 § 1 (part), 1990)

19.54.150 - Applicability to lots of record and waivers from slope requirements. Chapter 19.56 - C-1 COMMERCIAL ZONE

PLANNING STAFF RECOMMENDATION

There have been many inquiries and interest about relocating additional manufacturing uses into the area since one of the largest parcels has recently underwent some major aesthetic improvements. As an effort to preserve the wishes of the community by rezoning the property to uses more functional and appropriate with the future plans and wishes of the overall community, the County is proceeding with this application. The Millcreek CC unanimously recommended approval of the zone change request from M-1 & M-2, to MD-3.

The General Plan and the West Millcreek / Meadowbrook Small Area Plan (MM SAP), support transitioning uses in this portion of the Township from a manufacturing area to more of a multi-family residential focus, which is consistent with recent redevelopment that has occurred in the area. As the MM SAP was recommended for adoption by the Millcreek TPC and adopted by the County Council last summer, the County is addressing the wishes of the community and moving forward to rezone this property, which is located within the Millcreek RDA. Recognizing that some commercial uses are desired and that density in excess of 12 units per acre is currently not desired by the Millcreek Area Council and the Millcreek Community Council, staff is supportive of a zone change to an MD-3 zone rather than the initial request for an R-M zone.

June 13, 2016
Salt Lake County Proposition # 29972
Change in Zoning M1-2 to RM

Morgro Inc.
145 W. Central Ave.
Salt Lake County

Reasons for Opposition to Rezoning

1. Morgro has resided on this property for over 37 years and has paid at least \$750,000 in property taxes.
2. The value of our current property would be diminished by approximately \$630,000 if rezoning should be changed to RM due to the loss of the value of the buildings and improvements which could not be considered in RM zoning.
3. There have been at least 6-8 High Density Developments in a one mile radius in the past 2-3 years.
4. Unified Sheriff Authority has noted that crime incidences increase in high density neighborhoods.
5. Raw land is available along Main Street which could be zoned as RM and not negatively impact property values.

Suggestions and Modifications to the Proposal

1. The RDA has conducted a blight study of the properties in question and has concluded that the area is blighted. They would assist property owners to move or improve according to the needs of the area. Tax funds are deferred to the RDA for this purpose. We submit that this process is more cost effective and palatable to existing property owners.
2. Is it necessary to designate all of the property in the designated area as RM?
 - a. There exists a natural barrier west of tracks and 3rd West which could be excluded from RM zoning.

We at Morgro understand the need for community development and planning. We are simply asking for the opportunity to respond to these needs in a cost efficient and timely manner.

Delbert L. Davis, President



June 15, 2016

R. CHAD PUGH
Direct (801) 578-6998
chad.pugh@stoel.com

VIA HAND DELIVERY AT COMMISSION MEETING

Millcreek Township Planning Commission
Planning and Development Services
2001 South State Street N3600
Salt Lake City, Utah 84114

**Re: Planning Commission Meeting on Proposed Rezone of Property Located at
Approximately 4186 South Main Street -- File 29972**

Dear Commissioners:

Stoel Rives, LLP represents Ash Grove Cement Company ("**Ash Grove**") and Geneva Rock Products, Inc. ("**Geneva Rock**") in regards to Salt Lake County Township Services' ("**Township Services**") request to rezone approximately 22.20 acres at 4186 South Main Street, Millcreek, UT 84107 (the "**Property**") from M-1 and M-2 to R-M (the "**Rezone Request**"). Ash Grove is an owner of a portion of the Property and currently leases its property to Geneva Rock (the "**Ash Grove Property**").

Township Services' request should be denied because (1) the current zoning of the Property is *critical* to the business operations of Geneva Rock and Ash Grove (a supplier of Geneva Rock) in the areas served by the transfer facilities located upon the Property; (2) the Property is uniquely situated for its present business uses and would be impossible to replicate in other locations in Salt Lake County; and (3) the current zoning of the Property and the operations of Geneva Rock and Ash Grove at the Property have no material adverse impacts on the surrounding areas. Accordingly, Ash Grove and Geneva Rock request that the Planning Commission deny the Rezone Request.

A. The Current Zoning of the Property is Critical to the Economic Viability of the Present Business Uses on the Property.

Since at least the early 1980s, Ash Grove and others have used the Ash Grove Property as a storage and transfer station for raw materials used for the production of concrete. The Ash Grove Property is essential to Geneva Rock's business operations throughout Salt Lake County as a central source for concrete raw materials distribution to operations throughout the Salt Lake

Valley. Due to the cyclical demand for concrete, Geneva Rock's use of the Ash Grove Property can vary considerably depending on the time of the year. For example, Geneva Rock is presently using it to transfer significant raw materials to the Salt Lake City Airport. In contrast, at other times during the year when concrete demand is low, there may be little activity at the Ash Grove Property. Given the nature of the concrete business, if the Planning Commission rezones the Property and designates the present uses on the Property as "non-conforming," Ash Grove's and Geneva Rock's business costs would significantly increase because they would be required to continuously operate and use the facility upon the Ash Grove Property year round and during periods of low concrete use. There is real risk that such a requirement would make its current uses economically unfeasible. In addition, the Property's current zoning is essential because Ash Grove and Geneva Rock need the ability to expand or adapt their operations upon the Property in the future as demand and product requirements dictate, which would be impossible if the Property is rezoned R-M. Consequently, it is critical to Ash Grove and Geneva Rock's businesses to maintain the current zoning on the Property.

B. The Property is Uniquely Situated for its Present Business Use and Would Be Impossible to Replicate.

The Property is exceptionally well located for Ash Grove and Geneva Rock's businesses. The Property is centrally located in Salt Lake County, has close access to major freeways such as I-15, and has a rail spur and rail service through the nearby light rail. Ash Grove and Geneva Rock have searched for similar available properties in Salt Lake County and has been unsuccessful locating any property that meets these criteria, and in that sense, the Property is absolutely unique to their requirements. In short, the Property is irreplaceable for Ash Grove and Geneva Rock, and as summarized above, the current zoning is critical to Ash Grove and Geneva Rock's business operations in this area.

C. The Current Zoning of the Property Has No Adverse Impacts on the Surrounding Areas.

The Property is presently surrounded by many other industrial uses. These businesses are operated in this area for important reasons, namely the Property's central location in Salt Lake County and its close proximity to major freeways and rail lines. No serious claim can be made that Ash Grove and Geneva Rock's current business uses of the Property are negatively impacting the surrounding areas in a material way. Specifically, Ash Grove and Geneva Rock's uses are "low traffic" and are "clean" -- i.e. all transfers of materials are received, stored and shipped through closed containers and sealed steel silos.

Millcreek Township Planning Commission
June 15, 2016
Page 3

Based on the foregoing, Ash Grove and Geneva Rock urge the Planning Commission to reject the Rezone Request and maintain the current zoning on the Property.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Chad Pugh". The signature is written in a cursive style with a large, sweeping flourish at the end.

R. Chad Pugh

File # 29759

Rezone Summary and Recommendation

Public Body: Millcreek Township Planning Commission Meeting Date: July 13, 2016

Parcel ID: 16-32-376-026, 16-32-376-030, 22-05-126-003,

22-05-126-002, 16-32-376-029, 16-32-376-028,

and 16-32-376-027

Current Zone: R-2-10

Proposed Zone: R-M

Property Address: 4102, 4108 and 4120 South 900 East,

and 875, 865, 857, & 849 East 4125 South

Request: Rezone from R-2-10 (Medium Density Residential) to R-M (High Density Residential)

Community Council: Millcreek

Township: Millcreek Township

Planner: Jeff Miller

Planning Commission Recommendation: Not yet received

Community Council Recommendation: Approval with condition

Planning Staff Recommendation: Approval with condition

Applicant Name: Richard Smith

PROJECT DESCRIPTION

Richard Smith is requesting a rezone from R-2-10 to R-M. The requested rezone includes two parcels, which are owned by Richard Smith, as well as five other parcels owned by adjoining property owners. The seven parcels total 2.28 acres. The requested rezone will correct a zoning violation for the parcel located at 4108 South in regards to case #19979. In addition, the applicant has informed Planning Staff that the rezone of all seven parcels will encourage redevelopment of the parcel to the north, located at 4102 South, which is currently a narrow and long parcel with limited options for redevelopment. The Residential Compatibility Overlay Zone (RCOZ) does not apply in the R-M zone.

SITE & VICINITY DESCRIPTION (see attached map)

The proposed parcels to be rezoned R-M are surrounded by large areas zoned R-M directly north on both sides of 900 East. Some of these parcels are used as high-density residential, and others are primarily used as single-family residential. Directly to the east is a large area zoned R-1-10, which is currently undeveloped and appears to be used for some type of agricultural purpose. Southeast of the parcels to be rezoned are three parcels that are zoned R-M. Surrounding the parcels on the south and on the west are parcels zoned R-2-10, and used as single-family residential. Further south are large areas zoned R-1-5 and R-1-8, and used as single-family residential.

GENERAL PLAN CONSIDERATIONS

The proposed parcels are located in an area of "Moderate Change" according to the Millcreek Township General Plan. Moderate changes in land uses will occur in this area, and may represent reasonable changes to the typical land uses for the area/corridor. Changes may occur in clusters, while the land uses of the overall area/corridor will remain largely consistent. Growth in these areas will begin to trend upward, allowing for a transition to more intensive land uses.

ZONE CONSIDERATIONS

Requirement	Existing Zone (R-2-10)	Proposed Zone (R-M)
Height	35 feet	75 feet
Front Yard Setback	30 feet	25 feet
Side Yard Setback	8 feet, no setback between two units of a family dwelling. Minimum of 20 feet facing a public street	8 feet, no less than 18 feet
Rear Yard Setback	15 feet with garage, 30 feet without	Buildings: 30 feet Accessory buildings: 1 foot (10 feet on corner lots)
Lot Width	65 feet, at a distance 30 feet from the front lot line	50 feet, 25 feet from the front lot line
Lot Area	5,000 square feet for a lot containing 1 unit of a two-family dwelling. 10,000 square feet for any other main building	The minimum lot area in the R-M zone shall be five thousand square feet for each one-family dwelling, with seven hundred fifty additional square feet for each additional dwelling unit in a dwelling structure having more than one dwelling unit. For group dwellings, the minimum lot area shall be not less than five thousand square feet for the first separate dwelling structure, with three thousand square feet for each additional separate dwelling structure, and with seven hundred fifty square feet additional for each additional dwelling unit in excess of one dwelling unit in each separate dwelling structure, not less than five thousand square feet for any other main building.

Compliance with the General Plan.	Yes
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ISSUES OF CONCERN/PROPOSED MITIGATION

The allowable height of 75 feet in the R-M zone could be an issue of concern for the owners of the single-family homes surrounding the property to the south and to the west. In order to mitigate against this concern, Planning Staff recommends limiting the height of the proposed parcels to be rezoned to a maximum height of 35 feet.

NEIGHBORHOOD RESPONSE

The property owner of the parcel located at 4102 South, which is the narrow parcel to the north, called and spoke to Planning Staff regarding the application. He wanted to clarify a few things that were mentioned regarding his property at the last Millcreek Township Planning Commission, where this requested rezone was discussed and continued.

He wanted it to be made known that the reason that he has had so much construction equipment in the back of his property is because he had to relocate some of his equipment for his construction company from a storage facility during the recession. Also, he wanted to mention that for a number of years he allowed an income limited family to rent his home towards the front of the property at a price below market value, and has been in the process of remodeling the home since the tenant has vacated the property.

COMMUNITY COUNCIL RESPONSE

The Millcreek Community Council has discussed this item at three separate meetings (March 1st, June 7th, and July 5th) due to the applicant making various changes to the properties that were to be included in the requested rezone. At all three meetings, the Millcreek Community Council gave a favorable recommendation of approval for the rezone request. The motions also included a recommendation to limit the maximum height to 35 feet.

PLANNING COMMISSIONS' RESPONSE

This item was heard by the Millcreek Township Planning Commission on April 13, 2016 and was continued to a future meeting, so that the applicant could finalize a few details regarding his requested rezone proposal. Additionally, it was requested that the applicant provide conceptual plans for his future development. Please see the attached conceptual site plan and conceptual rendering which have been provided by the applicant. Planning Staff has not thoroughly analyzed these conceptual plans for feasibility. Any future proposal by the applicant will be taken through the conditional use approval process.

REVIEWING AGENCIES RESPONSE

Compliance with current building, construction, engineering, fire, health, landscape and safety standards will be verified prior to final approval of any proposed structures to be built on these parcels.

PLANNING STAFF ANALYSIS

Planning Staff has analyzed the proposed rezone from R-2-10 to R-M, and has found that the request may be cohesive with the surrounding uses and zones, with the exception of reducing the allowable height to 35 feet to be more compatible with the surrounding single-family residential areas.

Please see the attached exhibits below for the permitted uses and conditional uses, which are allowed in the R-M zone.

PLANNING STAFF RECOMMENDATION

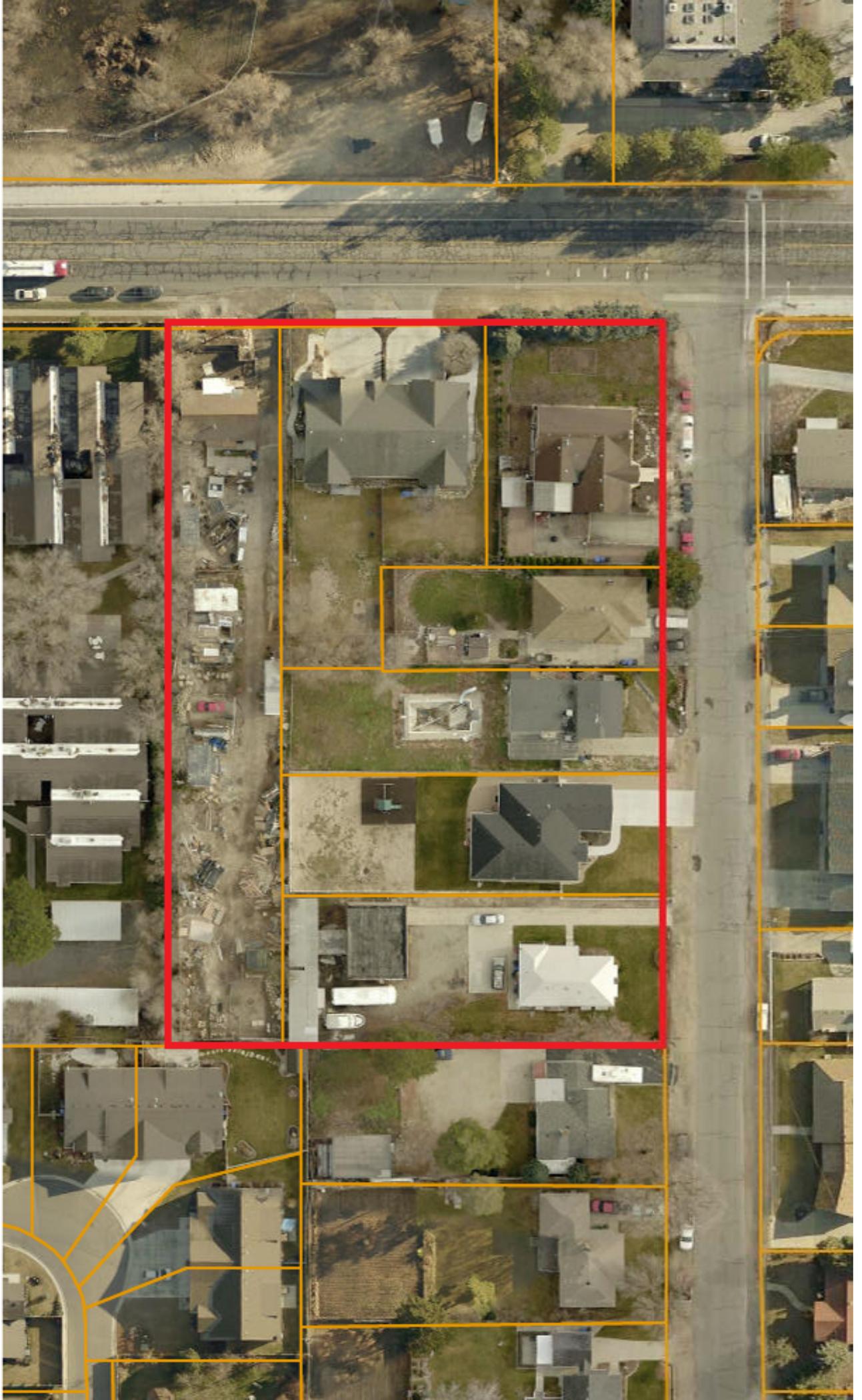
County Ordinance [19.90.030] “The county council, after review of the recommendation of the planning commission, may approve, deny, alter or remand for further review and consideration any application for zone change referred to the council by the planning commission.”

Request: Rezone from R-2-10 (Medium Density Residential) to R-M (High Density Residential) **File #:** 29795

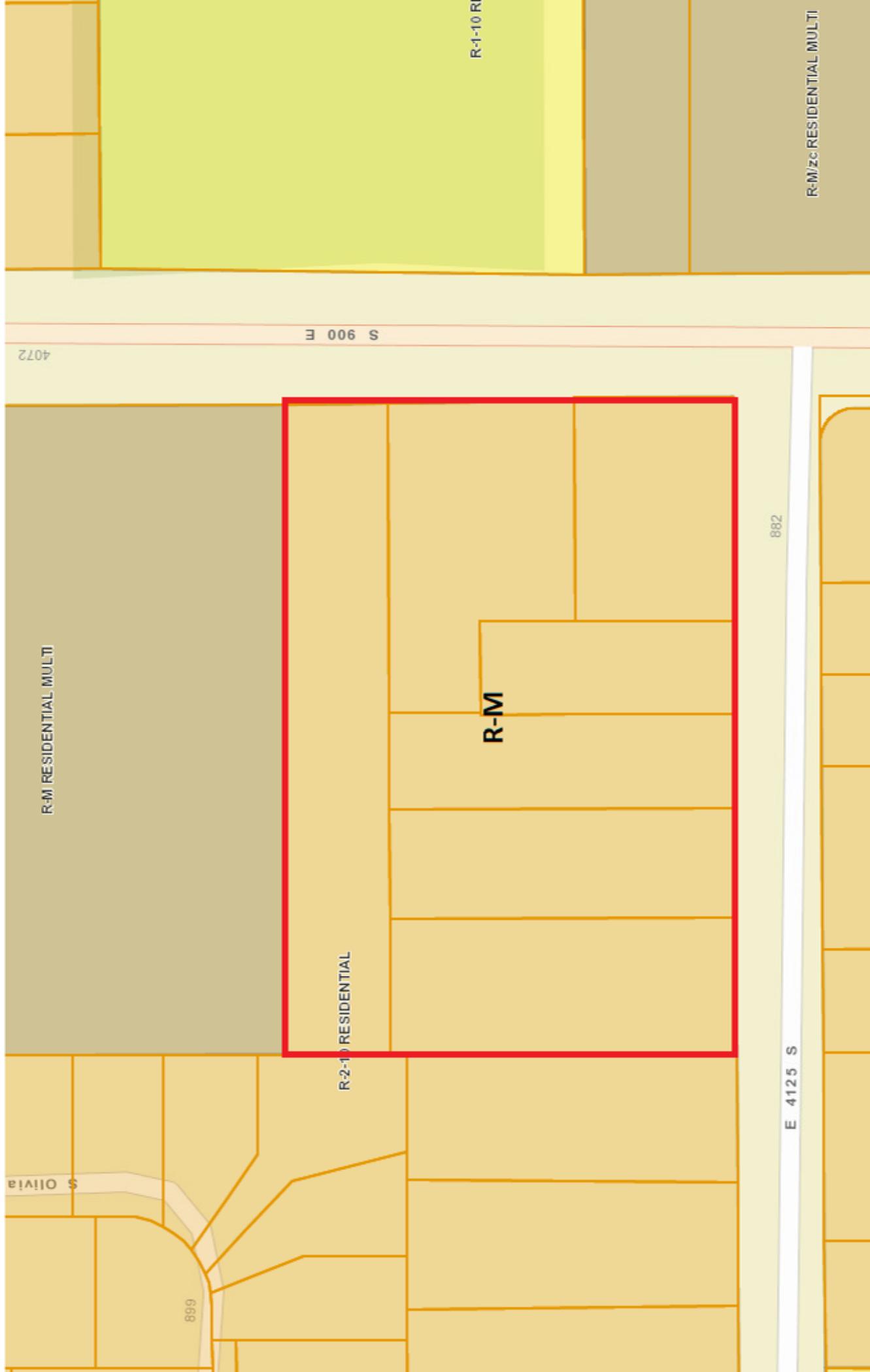
Planning Staff has reviewed this rezone request for compliance with the Millcreek Township General Plan, standards set forth in the Salt Lake County Zoning Ordinance (Title 19), and for compatibility with existing neighboring land uses. Staff recommends that the rezone request from R-2-10 to R-M be approved with the following condition of approval:

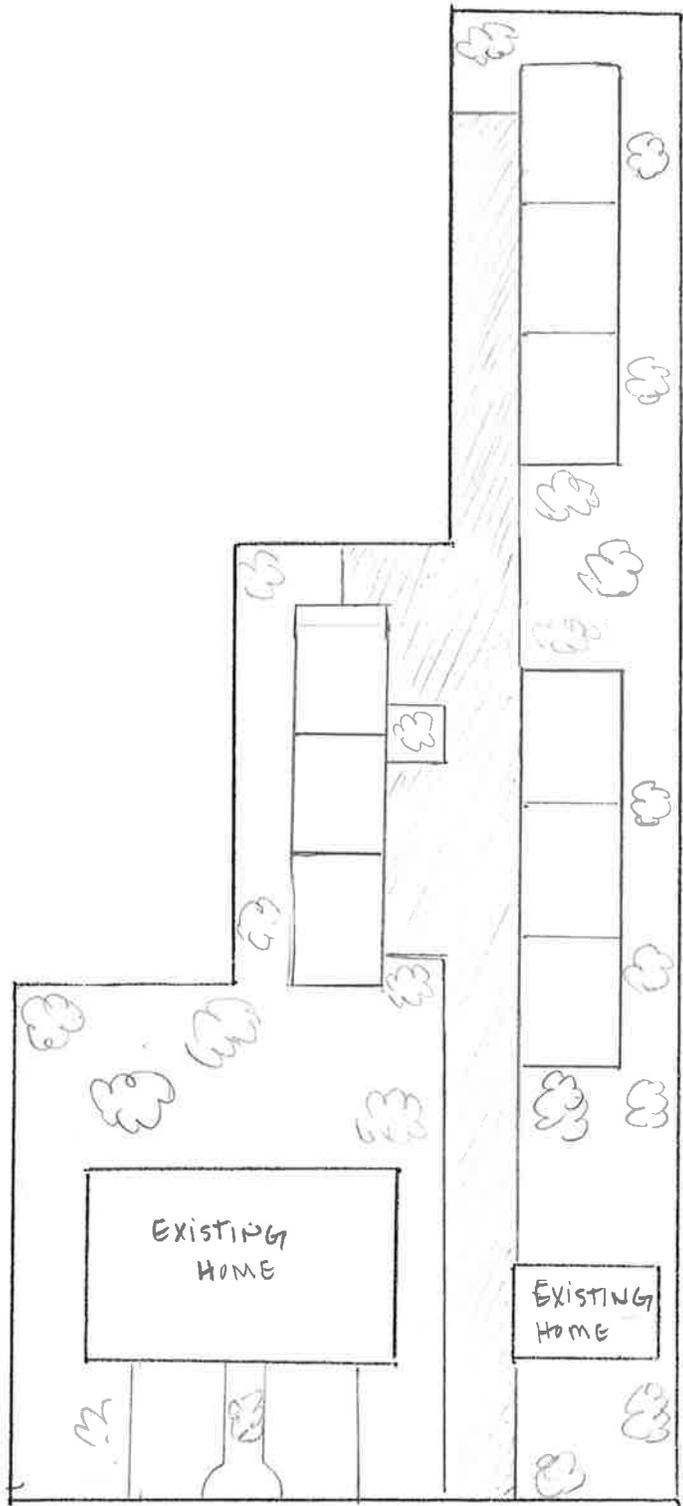
1. A zoning condition limits the maximum allowable height for the rezoned parcels to 35 feet.

29759 - Aerial Map



29759 - Zoning Map







19.44.020 - Permitted uses.

Permitted uses in the R-M zone include:

- Agriculture;
- Home business, subject to Chapter 19.85;
- Home day care/preschool, subject to Section 19.04.293;
- Household pets;
- Residential development, with a maximum number of two units per structure per lot;
- Residential facility for elderly persons.

(Ord. 1535 § 4 (part), 2004; Ord. 1200 § 5 (part), 1992; Ord. 1179 § 5 (part), 1992; § 1 (part) of Ord. passed 2/1/84; prior code § 22-22-2)

19.44.030 - Conditional uses.

Conditional uses in the R-M zone include:

- Airport;
- Apartments;
- Apartments for elderly persons;
- Banks;
- Bed and breakfast homestay (provided it is located on a lot which has a minimum area of ten thousand square feet);
- Bed and breakfast inn, which may include conference meeting rooms;
- Boardinghouse;
- Cemetery, mortuary, etc.;
- Day care/preschool center;

- Dwelling group.
- A. The development shall comply with the maximum allowable density for the R-M zone.
- B. 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 it is 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.
- C. Access shall be provided by a private street or right-of-way from a public street; such 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.
- D. 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 county standards.
- E. Every dwelling in the dwelling group shall be within sixty feet of an access roadway or drive.
- F. The development plan shall provide landscaping as specified in Chapter 19.77 of this title. Solid visual barrier fences shall be provided along all property lines unless the planning commission approves otherwise by deleting or modifying the fence requirement.
- G. The development shall be approved by the development services director and the county fire chief before final approval is given by the planning commission.
 - Electrolysis of hair;
 - Golf course;
 - Gymnastics, dance, dramatic, cosmetic, modeling and art studios for instructional purposes only;
 - Home day care/preschool, subject to Section 19.04.293;
 - Hospital;
 - Hotel;
 - Lodginghouse;
 - Massage (every massage technician shall be licensed by the state);

- Medical, optical and dental laboratories, but not to include the manufacture of pharmaceutical or other products for general sale or distribution, and also not to include the use of animals;
- Mobile home park;
- Nursery and greenhouse, excluding retail sales;
- Nursing home;
- Office, business and/or professional;
- Parking lot;
- Pigeons, subject to health department regulations;
- Planned unit development;
- Private educational institutions having an academic curriculum similar to that ordinarily given in public schools;
- Private nonprofit recreational grounds and facilities;
- Public and quasi-public uses;
- Rail transit mixed-use, provided it meets the following requirements:
 - A. The planning commission shall determine the density based on the specific development proposal, site location and surrounding land uses.
 - B. The property is located within one-quarter mile of a rail station.
 - C. Buildings and impervious areas shall not cover more than eighty percent of the site.
 - D. Office uses shall be allowed on the first and second floor of buildings fronting on a public street.
 - E. Parking is not allowed between the building and the public street.
 - F. The front yard setback shall be fifteen feet and the side and rear yards shall be twenty feet minimum. Corner lots are deemed to have two front yards.
 - G. The front yard setback is the build-to-line. At least fifty percent of the front elevation of the building must be built within ten feet of the build-to-line or as approved by the planning commission.
 - H. The planning commission shall determine the amount of parking required based on projected transit usage and other guidelines found in Section 19.80.090, "Planning Commission Exceptions."

- I. All development in the rail transit mixed-use area shall conform to the Rail Transit Mixed-Use Development Guidelines adopted by the planning commission. The planning commission has the authority to modify or waive guidelines as necessary during development review.
 - Reception center and/or wedding chapel;
 - Reiki business provided it meets the following requirements:
 - A. Hours of operation shall be between 7:00 a.m. and 10:00 p.m.
 - B. Each practitioner that is not an employee of the business licensee shall have a Salt Lake County business license.
 - C. Neither clients nor practitioners shall appear on the premises in a state of nudity or semi-nudity, as defined in the Sexually Oriented Business Chapter of Title 5 of this Code; and
 - D. The premises shall not be used for any conduct that violates Section 58-47b-501 of the Utah Massage Therapy Practice Act (2013) or sexual conduct that violates Title 76 of the Utah Criminal Code.
 - Residential development with any number of dwelling units per structure per lot, pursuant to Section 19.44.040;
 - Shared parking;
 - Short-term rental provided:
 - A. A full-time manager lives on the property. The full-time manager may be the owner of the property; and
 - B. Except for the manager's dwelling unit, all of the dwelling units on the property, lot, planned unit development, or dwelling group shall be rental units, short-term or long-term.
 - Sportsman's kennel (minimum lot area one acre);
 - Tanning studio;
 - Temporary buildings for uses incidental to construction work, which buildings must be removed upon the completion or abandonment of the construction work. If such buildings are not removed within ninety days upon completion of construction and thirty days after notice, the buildings will be removed by the county at the expense of the owner;
 - Veterinary; provided, that:
 - A. The operation is completely enclosed within an air-conditioned soundproofed building. The noise from the animals shall not be audible at the property line,
 - B. There is no sale of merchandise on the premises, and

C. There is no overnight boarding of animals.

(Ord. No. 1779 § III, 1-6-2015; Ord. No. 1753, § VI, 8-6-2013; Ord. 1609, § 10, 2007; Ord. 1574, § 2 (part), 2005; Ord. 1539, § 12, 2004; Ord. 1535, § 5 (part), 2004; Ord. 1473 (part), 2001; Ord. 1416, § 2 (part), 1998; Ord. 1367, § 7, 1996; Ord. 1331, § 4, 1996; Ord. 1293, § 2, 1995; Ord. 1228, § 2 (part), 1993; Ord. 1216, § 2, 1992; Ord. 1198, §§ 9 (part), 11, 1992; Ord. 1179, § 6 (part), 1992; Ord. 1118, § 6 (part), 1990; Ord. 1115, § 5 (part), 1990; Ord. 1088, § 6 (part), 1989; (part) of Ord. passed 12-15-1982; prior code § 22-22-3)



File # 29971

Rezone Summary and Recommendation

Public Body: Planning Commission

Parcel ID: 22-05-432-001

Property Address: 1212 East 4500 South

Request: Rezone

Community Council: Millcreek

Planner: Spencer Hymas

Planning Commission Recommendation: Not Yet Received

Community Council Recommendation: Approval see below

Planning Staff Recommendation: Approval

Applicant Name: Michael Smith

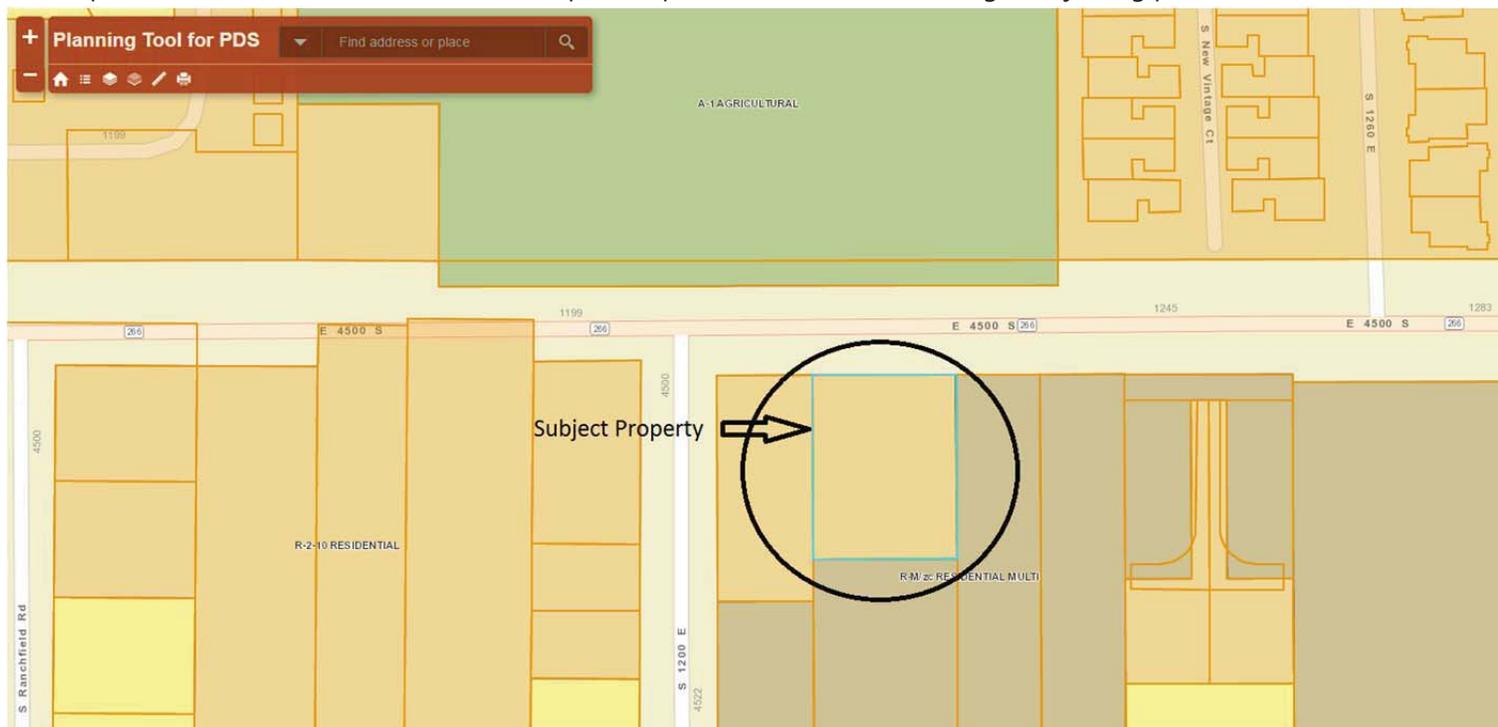
Meeting Date: July 13, 2016

Current Zone: R-2-10 **Proposed Zone:** R-M

Township: Millcreek

PROJECT DESCRIPTION

The rezone proposal is to rezone 0.32 acres from R-2-10 (Residential – Medium Density) to R-M (Residential – High Density). The rezone, if approved, would open up the opportunity for the development application of a dental/medical office development. This rezone proposal is in a stable area but along the 4500 South corridor. The request is in line with the Millcreek General plan map and consistent with zoning of adjoining parcels.



SITE & VICINITY DESCRIPTION (see attached map)

There are various uses in the vicinity. To the North is the 5 acre Garden Terrace assisted living center. To the West is a single family home zoned R-2-10. To the East is a single family home zoned R-M. To the South is a vacant lot zoned R-M and a Church. All of the R-M zoning surrounding the property has a zoning condition which limits density to 12 units per acre and a height limitation to 35 feet.

GENERAL PLAN CONSIDERATIONS

The Millcreek General Plan map identifies this parcel as being stable, however, it is also along the 4500 South corridor which allows adaptive/flexible changes.

Redevelopment of this area may contribute to the following goals and objectives identified in the general plan:

Objective 4.3: Develop neighborhood level retail, commercial activity and professional services for quick and easy access by residents.

Objective 4.6: Improve the quality of streetscape along key corridors in Millcreek's neighborhoods, especially along major arterial streets.

The Plan also encourages pedestrian-friendly mixed-use along major corridors. The appropriate mix of uses and density is dependent on the location, surrounding land uses and the specific development proposal. Allowing mixed-use development will encourage twenty-four hour human activity, resulting in healthier, safer, more active communities.

Planning staff believes that the rezone proposal is in harmony with the general plan.

ZONE CONSIDERATIONS

Requirement	Existing Zone (R-2-10)	Proposed Zone (R-M)
Height	35 feet	75 feet
Front Yard Setback	30 feet	25 feet
Side Yard Setback	8 feet	8 & 10 feet
Rear Yard Setback	30 feet	30 feet
Lot Width	65 feet	50 feet
Lot Area	5,000 square feet for a lot containing 1 unit of a two-family dwelling 10,000 square feet for any other main building	5,000 square feet

Compliance with the General Plan.	Yes
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NEIGHBORHOOD RESPONSE

No negative responses have been received at the time of this report, July 6, 2016.

COMMUNITY COUNCIL RESPONSE

This proposal was heard by the Millcreek Community Council at their July 5th, 2016 meeting and received a favorable recommendation with the zoning condition to limit density to 12 D/U per acre and max height 35 feet.

PLANNING COMMISSIONS' RESPONSE

Not yet received

REVIEWING AGENCIES RESPONSE

AGENCY: Planning

DATE: 7/6/16

RECOMMENDATION: Approval

The uses associated with the R-M rezone proposal is compatible with adjacent properties. The proposal is along the 4500 South corridor and in harmony with the goals and objectives identified in the general plan.

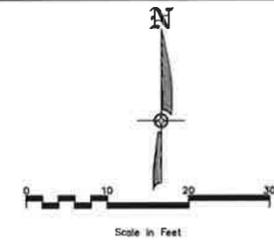
Compliance with current building, construction, engineering, fire, health, landscape and safety standards will be verified prior to final approval.

PLANNING STAFF RECOMMENDATION

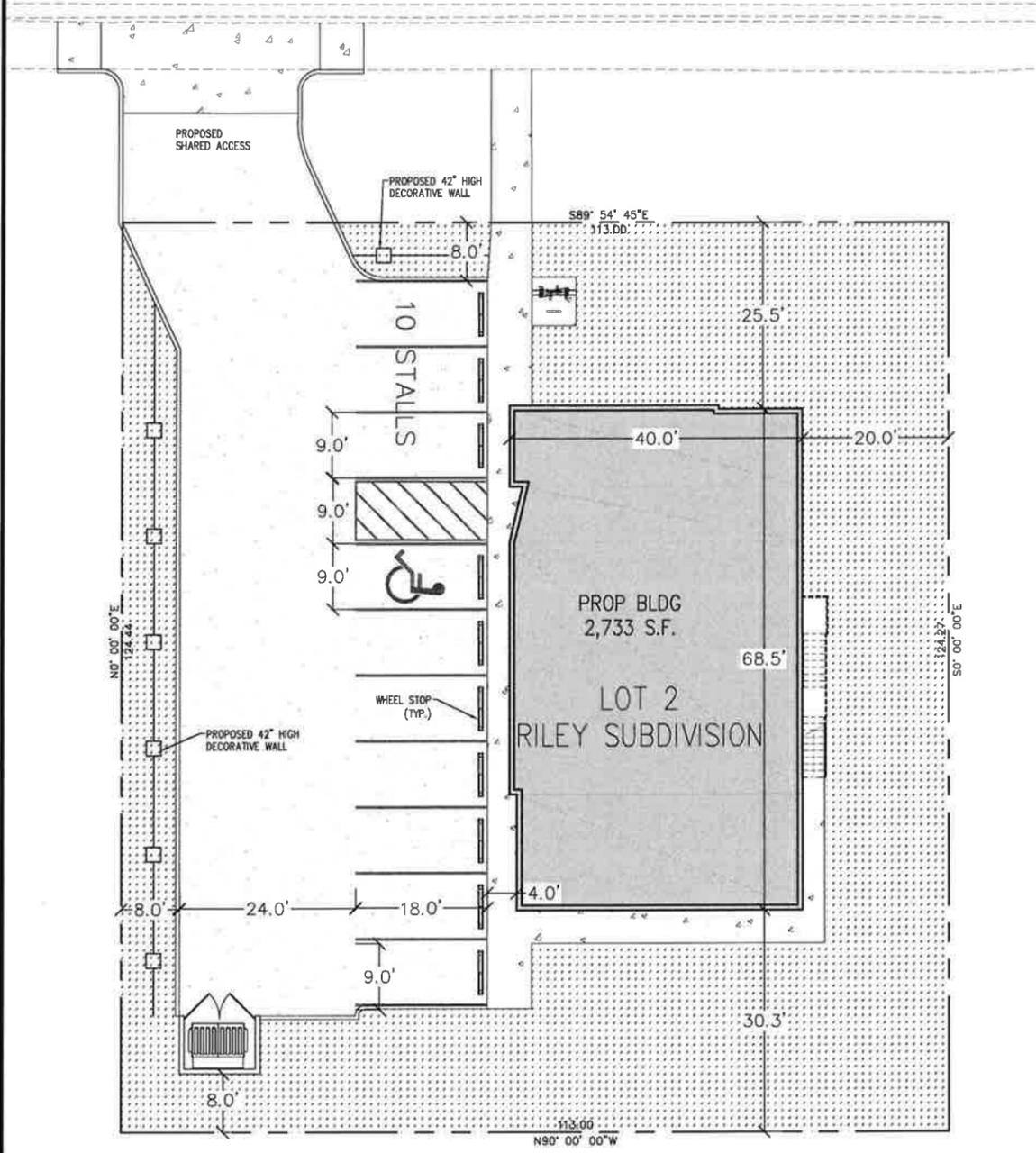
Planning Staff has reviewed the request to rezone this parcel from R-2-10 to R-M and recommends approval of the rezone.

CONCEPTUAL SITE PLAN - HAS NOT BEEN REVIEWED/APPROVED BY PLANNING STAFF FOR COMPLIANCE

4500 SOUTH STREET



- LEGEND**
- PROPOSED 6" CURB WALL
 - PROPOSED CURB & GUTTER
 - PROPERTY LINE
 - - - EASEMENT LINE
 - ▨ PROPOSED CONCRETE
 - ▩ PROPOSED ASPHALT
 - ▧ PROPOSED LANDSCAPING



LOT AREAS:

LOT	SQ. FT. / ACRES
BUILDING FOOTPRINT	2,733 SQ. FT. / 0.32 ACRES
ASPHALT	4,448 SQ. FT.
TOTAL LANDSCAPING	5,882 SQ. FT. (42.6%)
CONCRETE	989 SQ. FT.

NOTE:
1. ALL AREA CALCULATIONS ARE APPROXIMATE AND CAN CHANGE DUE TO CONSTRUCTION TOLERANCES.

CIR
ENGINEERING, L.L.C.
3032 SOUTH 1030 WEST, SUITE 202
SLC, Utah 84119

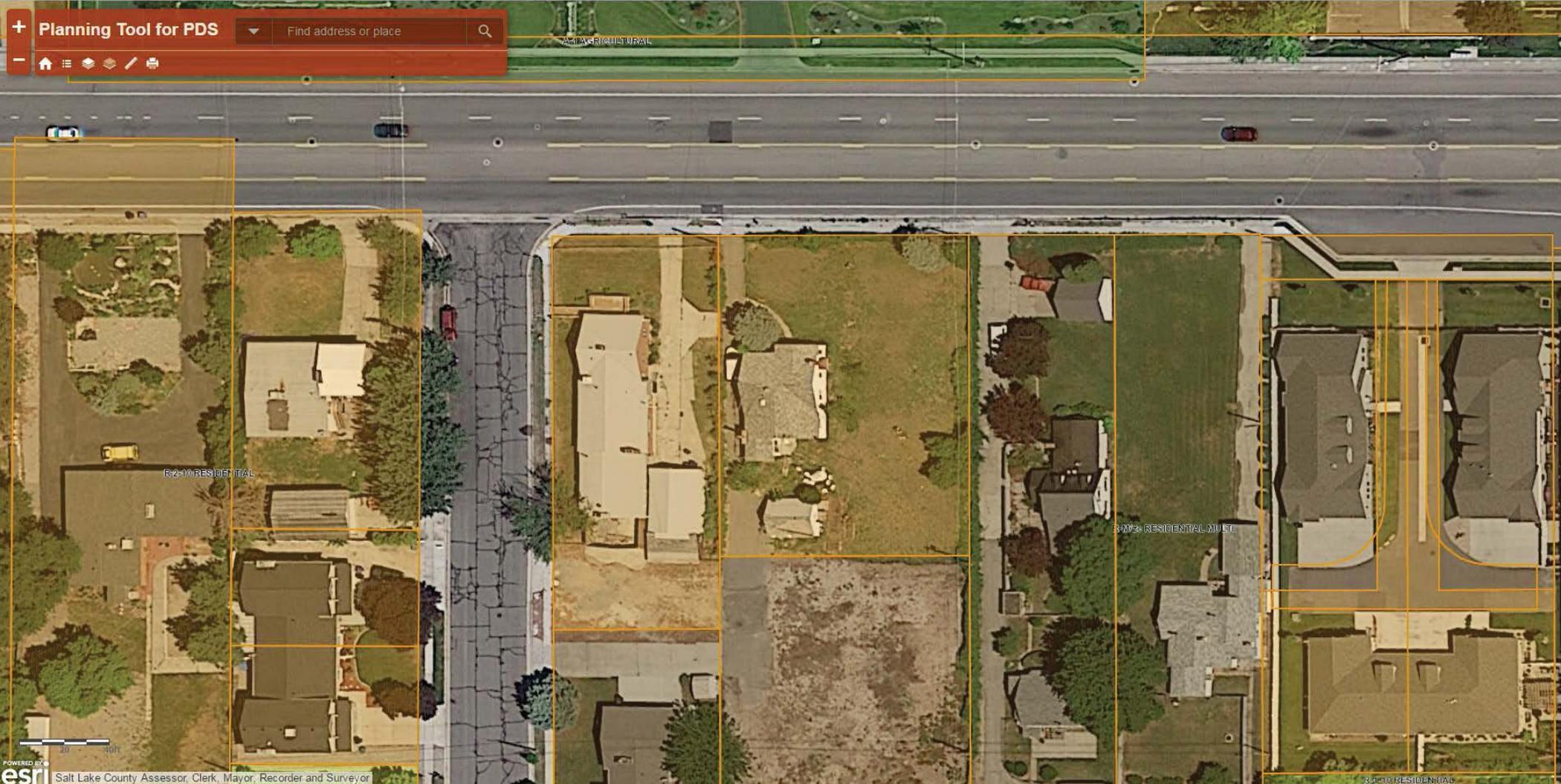
DR. SMITH DENTAL OFFICE
1212 EAST 4500 SOUTH, MILLCREEK, UTAH
SITE PLAN

SHEET NO.	
C1	
PROJECT ID	DATE
S1013-01	05/06/16
FILE NAME	SCALE
PRJ-DSM	1"=10'

DESIGNER	NO.	REVISIONS	BY	DATE
PROJECT ENGINEER	SDT			

+ Planning Tool for PDS **-** Find address or place **Q**

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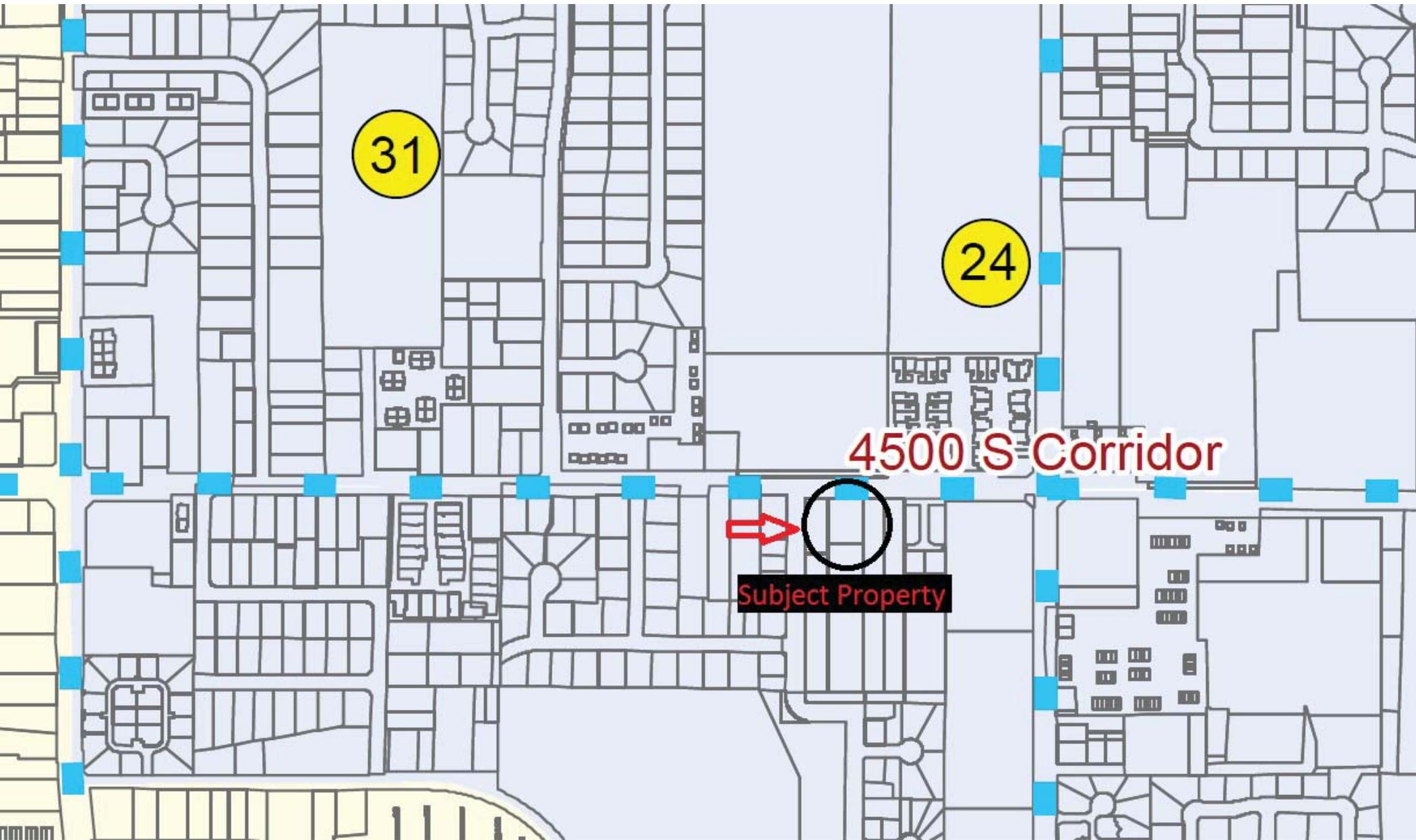


AGRICULTURAL

R-2-10 RESIDENTIAL

R-10-30 RESIDENTIAL MULT

R-4-30 RESIDENTIAL



31

24

4500 S Corridor

Subject Property