

## Millcreek Township Planning Commission

### Public Meeting Agenda

**Wednesday, September 14, 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

**30032 – (Continued from 08/10/2016)** - Dan Bourque is requesting approval for a rezone from R-2-10 to R-M. **Location:** 4255 South 615 East. The parcel is 4.74 acres. **Community Council:** Millcreek. **Planner:** Spencer Hymas

**30060** – David Richardson is requesting a rezone from R-1-8 (Single Family Residential) to R-2-6.5 (Medium-Density Residential). **Location:** 3437 South 1300 East. **Community Council:** Millcreek **Planner:** Jeff Miller

**30042** – Laird Ashton is requesting a declaration of non-conforming use for the storage of heavy equipment and building material. **Parcel:** .44 acre. **Location:** 3552 South 1300 East. **Zone:** R-2-8. **Community Council:** Millcreek. **Planner:** Tom Zumbado

**30067** – Michael Smith is requesting a conditional use for a new medical office. **Location:** 1212 East 4500 South. **Zone:** R-M (Pending). **Community Council:** Millcreek. **Planner:** Spencer Hymas

**30094** – Ron Spratling is requesting an exception to curb, gutter and sidewalk requirement for a subdivision file currently being processed. **Parcel:** .44 acre. **Location:** 2368 East 3395 South. **Zone:** R-1-8. **Community Council:** East Mill Creek. **Planner:** Tom Zumbado

**BUSINESS MEETING**

- 1) Approval of Minutes from the August 10, 2016 meeting.
- 2) Ordinance Issues from today's meeting
- 3) Other Business Items (as needed)

**ADJOURN**

File # 30032

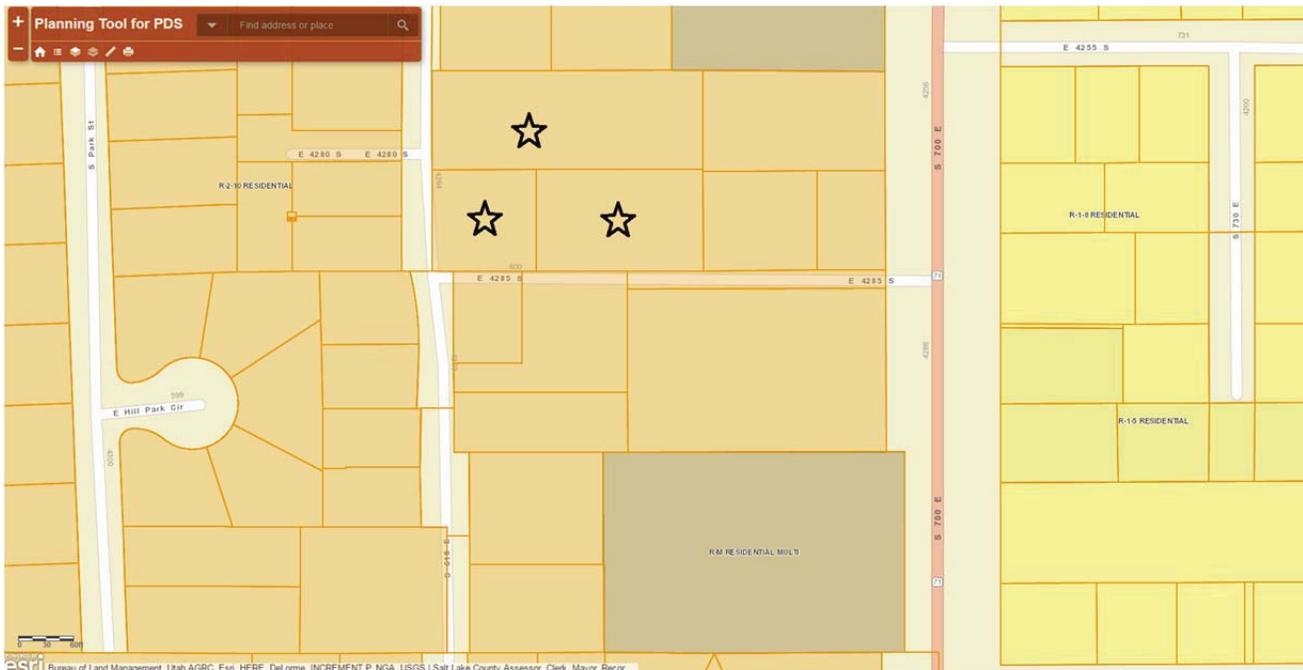
## Rezone Summary and Recommendation

**Public Body:** Planning Commission  
**Parcel ID:** 22-06-232-006  
**Property Address:** 4255 South 615 East  
**Request:** Rezone  
**Community Council:** Millcreek  
**Planner:** Spencer Hymas  
**Planning Commission Recommendation:** Not Yet Received  
**Community Council Recommendation:** Not Received at the time of this report 9/1/16  
**Planning Staff Recommendation:** Approval  
**Applicant Name:** Brian McMullin

**Meeting Date:** September 14, 2016  
**Current Zone:** R-2-10 **Proposed Zone:** R-M  
**Township:** Millcreek

### PROJECT DESCRIPTION

The rezone proposal is to rezone 1.47 acres from R-2-10 (Residential – Medium Density) to R-M (Residential – High Density). There are 3 parcels that comprise the 1.47 acres indicated on the map below. The rezone, if approved, would open up the opportunity for a town house development. Currently the parcels have a single family home and a large storage garage. The **general plan** shows this area as one for **moderate change**. Planning staff believes the request is in line with the Millcreek General plan map and consistent with uses/zoning of parcels to both the north and south. The proposed density would provide a buffer to the eastern parking lot.



## SITE & VICINITY DESCRIPTION (see map)

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There are 3 parcels incorporated in the rezone application. These parcels are identified with a star symbol. Along 700 East there are various uses. Several parcels of property along the corridor are zoned RM and used as professional office and apartments. Immediately to the north is the law office for Robert J. Debry and the Fox Point apartments. To the east the properties are mostly single family with zones ranging from R-1-5 to R-1-8. To the south is an apartment complex and more professional office. The property to the west is a mix of single family and duplexes all zoned R-2-10. Many of the surrounding parcels are being used as a parking lot for the adjacent church and the use of a parking lot is consistent with the RM zone even though it is zoned R-2-10.

## GENERAL PLAN CONSIDERATIONS

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The **Millcreek General Plan** map identifies this parcel for **moderate change**. It is also close to the 700 East corridor which allows adaptive/flexible changes.

The rezone may contribute to the following objectives identified in the general plan:

Objective 4.2: Consider a mixed-use pattern of development for major centers, arterials and nodal points to create density and critical population mass to support diverse activities.

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

Objective 5.1: Provide sufficient housing for current and future populations that are appropriate, safe, and affordable, where all citizens are welcome to live.

Objective 5.2: Consider life-cycle housing alternatives that allow for aging populations to age in place, as well as provide diverse housing choice for other demographic groups.

Objective 5.3: Develop residential neighborhoods that integrate multiple community facilities and services such as retail, recreation, professional services, schools, churches, etc.

Objective 5.4: Encourage residential development that establishes a variety of lot sizes, dwelling types, densities, and price points, as well as an appropriate balance of owner occupied and rental units.

Some of the residents may feel like the proposal does not contribute to the following objectives in the general plan:

Objective 5.7: Preserve and protect the quality and character of existing neighborhoods, including sensitivity of compatible infill development.

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 as it is identified as an area for moderate change, and the proposals ability to contribute to several goals and objectives within the general plan.

## ZONE CONSIDERATIONS

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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

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A neighbor in the area called to express her belief that this rezone will bring down property values in the area. Other concerns heard at the community council meeting were that the rezone would allow apartments and 75 foot tall buildings; density of 25 units per acre are too high for this area; as well as traffic and safety concerns. Emails from the community have been attached to the end of this staff report.

## COMMUNITY COUNCIL RESPONSE

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This proposal was heard by the Millcreek Community Council at their August 2, 2016 meeting and again at their September 6, 2016 meeting and received a recommendation to deny this proposal, but if it were approved, they would like zoning conditions to limit the height to 32 feet and density at no more than 14 units per acre.

## REVIEWING AGENCIES RESPONSE

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AGENCY: **Planning**

DATE: 9/1/16

RECOMMENDATION: Conditional Approval

The conceptual proposal that was received in conjunction with this application for the 1.47 acres that is mostly vacant, would improve the parcels which have been an issue to some of the residents. The conceptual proposal would be 14.28 units per acre and a total of 21 units. This potential townhome project would be a healthy buffer to the adjacent parking lots, law office and church. **Current County ordinance would require a conditional use permit** for this development type which would give the community an opportunity to review details of the site plan, elevations, and required landscaping as well as place conditions of approval to mitigate against negative impacts.

The existing zone would currently allow 10-12 units (8 units per acre) as a duplex development. Townhomes are not allowed in the current zone. The conceptual proposal will increase the density by 7 units per acre and also allow the use to develop townhomes. The development proposal would provide an opportunity to bring the streets up to standard to make them safer including the addition of needed sidewalk along 4285 South and 615 East along the perimeter of the development. Staff believes the potential development would improve the character of the neighborhood.

Staff recommends zoning conditions to be placed on the rezone. Density maximums allowed in the RM zone may not be compatible with the surrounding neighborhood. **Staff recommends** a zoning condition to limit density to no more than 15 units per acre.

The rezone would not be subject to the RCOZ ordinance. **Staff recommends** that a height limitation of 30 feet be placed on the property to ensure that the property is compatible with the surrounding residential development.

The rezone includes some uses that may not be compatible with the surrounding neighborhood. **Staff recommends** that a zoning condition to limit uses to residential only would be appropriate for this area.

The site plan that has been provided in conjunction with this report is conceptual and has not been reviewed by county agencies for compliance with health, safety, and welfare requirements. It is provided to illustrate the intentions if the rezone were approved. There is the potential that the site may not accommodate all 21 units in order to meet all the County's standards.

Compliance with current building, construction, engineering, fire, health, landscape and safety standards will be verified prior to final approval of any permitted or conditional use.

### **PLANNING STAFF RECOMMENDATION**

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Planning Staff has reviewed the request to rezone this parcel from R-2-10 to R-M and recommends approval of the rezone with the added zoning conditions to limit density to 15 units per acre, height to 30 feet, and residential uses only. Staff believes that the implementation of the zoning conditions will make the proposed rezone compatible with the neighborhood and provide a buffer from the existing parking lot to the east.



**Legend**

- GP Millcreek Projects
- ↔ Millcreek Corridors - Adaptable-Flexible Changes
- General Plan Boundary
- Focused Area of Change
- Little To No Change
- Moderate Change
- Stable Areas





## Spencer Hymas

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**From:** dmgee36@comcast.net  
**Sent:** Monday, August 08, 2016 1:09 PM  
**To:** Spencer Hymas  
**Subject:** Rezoning property at 4255 South 615 East

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Following is our comment regarding the request of Dan Bourque to rezone the property adjacent to our home from R-2-10 to R-M.

We are strongly against the rezoning of this property. This area has been a family residential area and not a high-rise, town home, condominium, apartment or any other type of zoning. It is especially not one in which a non-resident wants to place an over-abundance of buildings with little or no side-yards and/or back-yards abutting next to residential property. It appears that the property would be inefficient to handle any vehicles which might come to visit or party with any of residents of the proposed property. The streets in this area are not sufficiently wide to handle the additional traffic which would exist if the rezoning was allowed in this area.

We would only agree to allow single family residential homes in the area in order to maintain the quiet and family oriented neighborhood. We know that the County and the proposed contractor are just looking for more money to come into the coffers and pocket of those who favor the rezoning of this area. **WE WANT TO RETAIN THIS AREA AS A SINGLE-FAMILY RESIDENTIAL AREA.** We do not want any town-houses or condominiums in this area.

We hope you can understand our desire to not have any high-rise structures with resident staring at our home and any activity we might have with our family and friends. The proposed construction of the facilities is over-populated for the area. Twenty-two units is ridiculous! Please do not change the zoning. If the contractor wants to build in this area, he should only build single-family residences.

We hope that you will let those who attend the August 10, 2016 meeting know of our vote against the rezoning request. Thank you!

Sincerely,  
Ronald F. Gee  
Diana M. Gee  
Donald M. Gee  
Linda S. Gee



- **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.



Objective 5.1: Provide sufficient housing for current and future populations that are appropriate, safe, and affordable, where all citizens are welcome to live.

Objective 5.2: Consider life-cycle housing alternatives that allow for aging populations to “age in place,” as well as provide diverse housing choice for other demographic groups.

Objective 5.4: Encourage residential development that establishes a variety of lot sizes, dwelling types, densities, and price points, as well as an appropriate balance of owner occupied and rental units.

Objective 5.5: Develop safe and visually pleasing residential neighborhoods that are integrated into the natural environment with open space, trails and green systems.

Objective 5.6: Develop programs and neighborhoods that will make home ownership attractive and possible for all members of the community.

Objective 5.7: Preserve and protect the quality and character of existing neighborhoods, including sensitivity of compatible infill development.

### **ZONE CONSIDERATIONS**

<b>Requirement</b>	<b>Existing Zone (R-1-8)</b>	<b>Proposed Zone (R-2-6.5)</b>
Height	35 Feet	35 Feet
Front Yard Setback	25 Feet	25 Feet
Side Yard Setback	20 Feet	8 feet, however, no side yard setback is required from the property line dividing two units of a two family dwelling. Side yard facing a public street is required to have a minimum setback of 20 feet.
Rear Yard Setback without Garage	30 Feet	30 Feet
Rear Yard Setback with Garage	15 Feet	15 Feet
Lot Width	65 Feet	60 feet at a distance 25 feet from the front lot line
Lot Area	8,000 Square Feet	4,000 square feet for a lot containing 1 unit of a two-family dwelling 6,000 square feet for a single-family dwelling 6,500 square feet for a two-family dwelling 8,000 square feet for any other main building
Density (per acre)	4.5 Units	7 Units Per Acre for Single-Family Dwellings (10.01 units for subject property based on 1.43 acres), 12 Units Per Acre for Two-Family Dwellings (17.16 units for subject property based on 1.43 acres).

Compatibility with existing buildings in terms of size, scale and height.	Yes
Compliance with the General Plan.	Yes

## ISSUES OF CONCERN/PROPOSED MITIGATION

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Planning Staff has not identified any issues of concern with the proposed rezone request.

## NEIGHBORHOOD RESPONSE

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When this item was presented to the Millcreek Community Council on September 6th, there were a large number of neighbors that were in opposition to the requested rezone. These neighbors were concerned about the impact that a future residential development would have on traffic issues in the area. The neighbors were also concerned about changing the single-family feel of the surrounding neighborhood with the potential addition of two-family dwellings on the subject property. The applicant provided a map of surrounding homes in the area that are currently being used as two-family dwellings (please see the attached map below from the applicant. Staff has not confirmed the accuracy of this map provided by the applicant).

## COMMUNITY COUNCIL RESPONSE

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This item was heard by the Millcreek Community Council on Tuesday, September 6, 2016. They made a recommendation of denial for the requested rezone.

## REVIEWING AGENCIES RESPONSE

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Planning Staff has reviewed the application for compliance, as well as in accordance with best practices and policies included in the General Plan for the Millcreek Township.

Compliance with current building, construction, engineering, fire, health, landscape and safety standards will be verified prior to final approval of any residential development on this property, if the property is rezoned to R-2-6.5.

## PLANNING STAFF ANALYSIS AND RECOMMENDATION

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*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.”*

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, and recommends the following considerations to the Millcreek Township Planning Commission:

### **Considerations for recommending approval to the Council:**

1. The proposed zone change is consistent with the Millcreek Township General Plan as a site dedicated to absorb future growth.
2. Specific site and use related issues and mitigation measures will be addressed during the conditional use review process for any proposed conditional use on this site.
3. The proposed zone change is consistent with several Best Practices found within the Millcreek Township General Plan including Housing, Land Use and Mobility.
4. The zone change is consistent with the Goals and Objectives of the Millcreek Township General Plan.

5. The proposed zone change is compatible with the surrounding neighborhood.
6. The proposed zone change is located along a corridor on the General Plan Map.

**Consideration for recommending denial to the Council:**

1. The proposed zone change is not appropriate for the location.
2. The proposed zone change is not compatible with the surrounding neighborhood.
3. The zone change is not consistent with the Goals and Objectives of the Millcreek Township General Plan.
4. There may be a more suitable zoning designation than an R-2-6.5.

**Other Considerations**

19.90.060 Conditions to zoning map amendment.

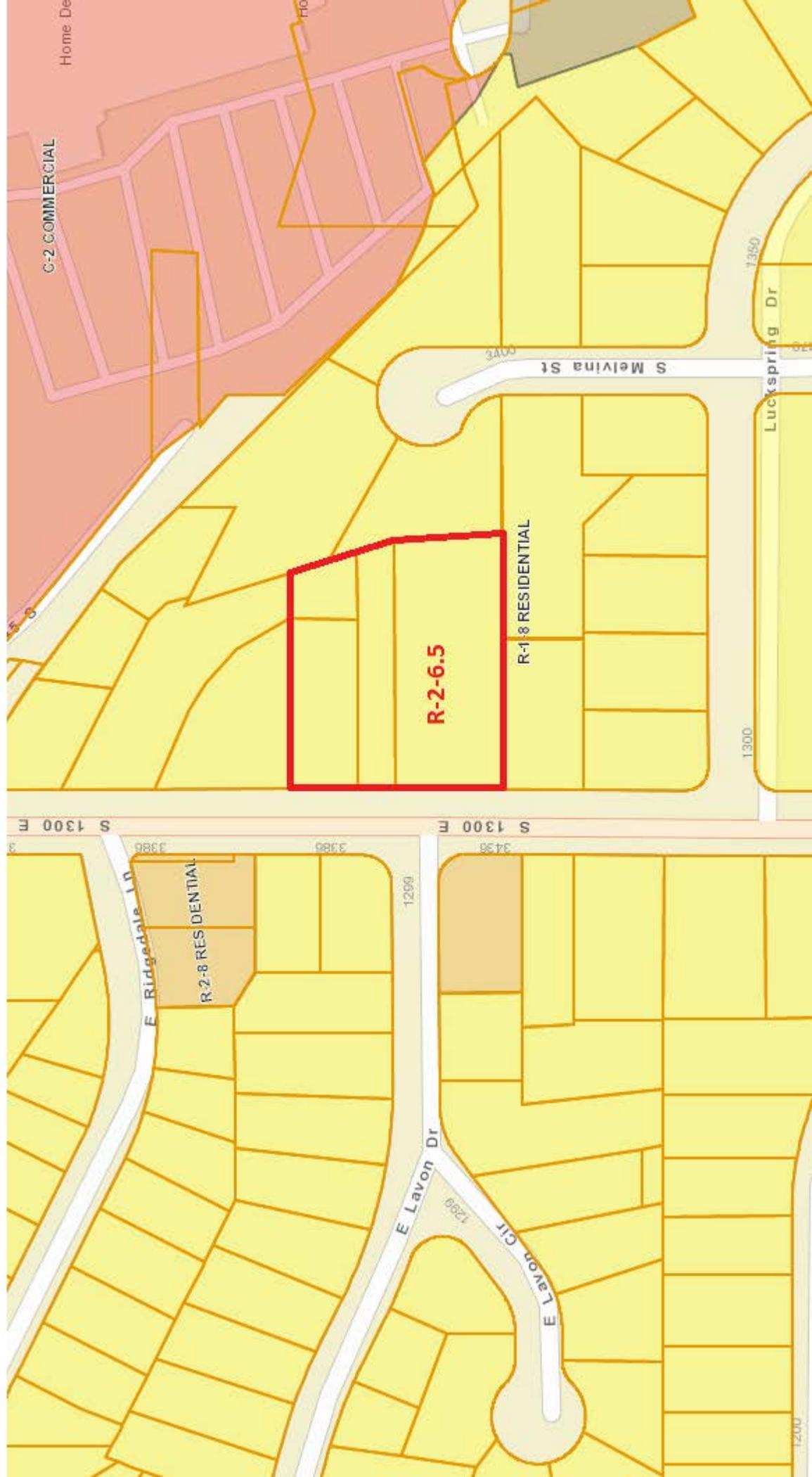
A. In order to provide more specific land use designations and land development suitability; to insure that proposed development is compatible with surrounding neighborhoods; and to provide notice to property owners of limitations and requirements for development of property, conditions may be attached to any zoning map amendment which limit or restrict the following:

1. Uses;
2. Dwelling unit density;
3. Building square footage;
4. Height of structures.

B. A zoning map amendment attaching any of the conditions set forth in subsection A shall be designated ZC after the zoning classification on the zoning map and any such conditions shall be placed on record with the planning commission and recorded with the county recorder.

# 30060

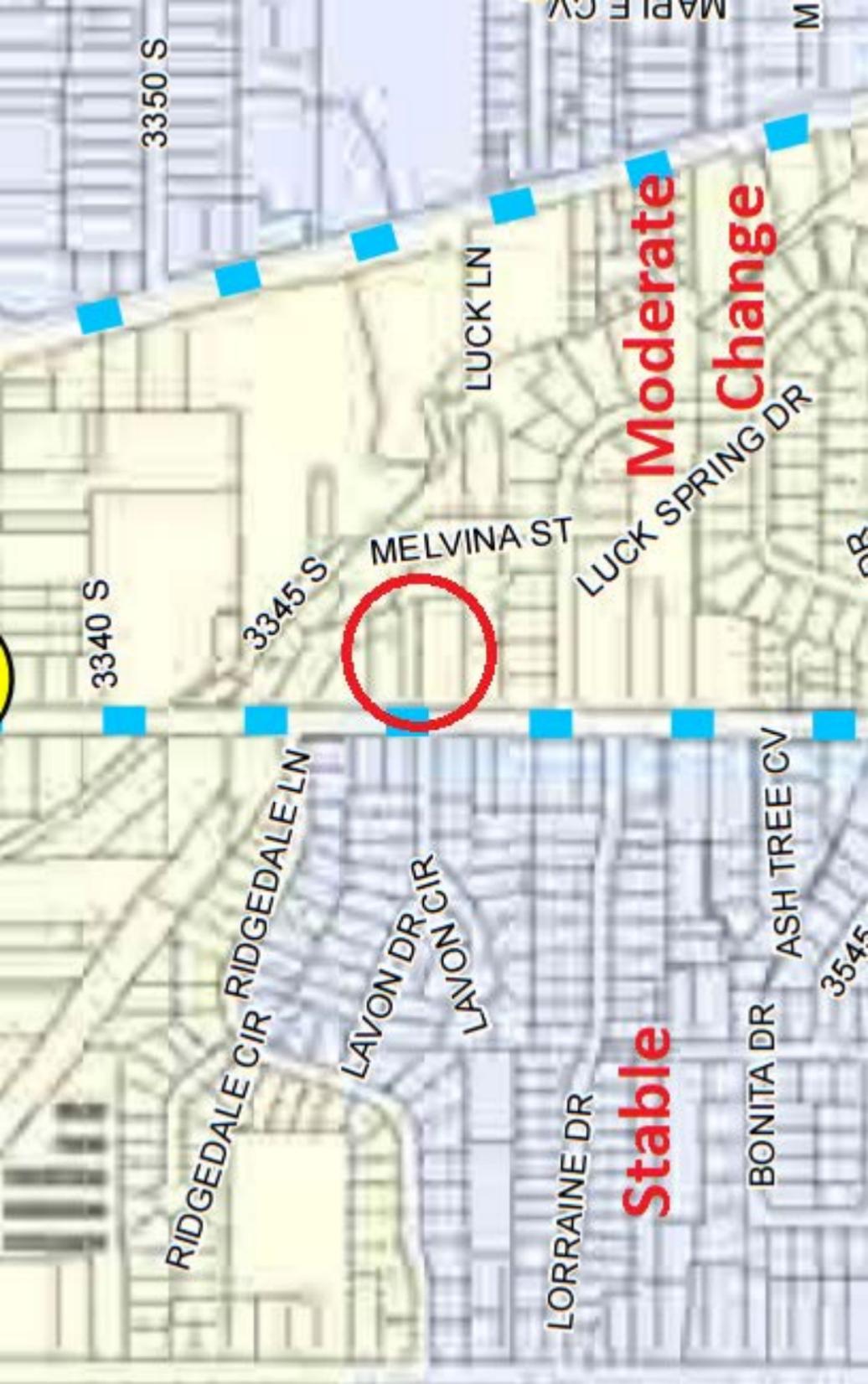
## Zoning Map



**30060**

**Aerial Map**





3350 S

**Moderate  
Change**

LUCK LN

3345 S

MELVINA ST

LUCK SPRING DR

3340 S

RIDGEDALE CIR  
RIDGEDALE LN

LAVON DR CIR  
LAVON CIR

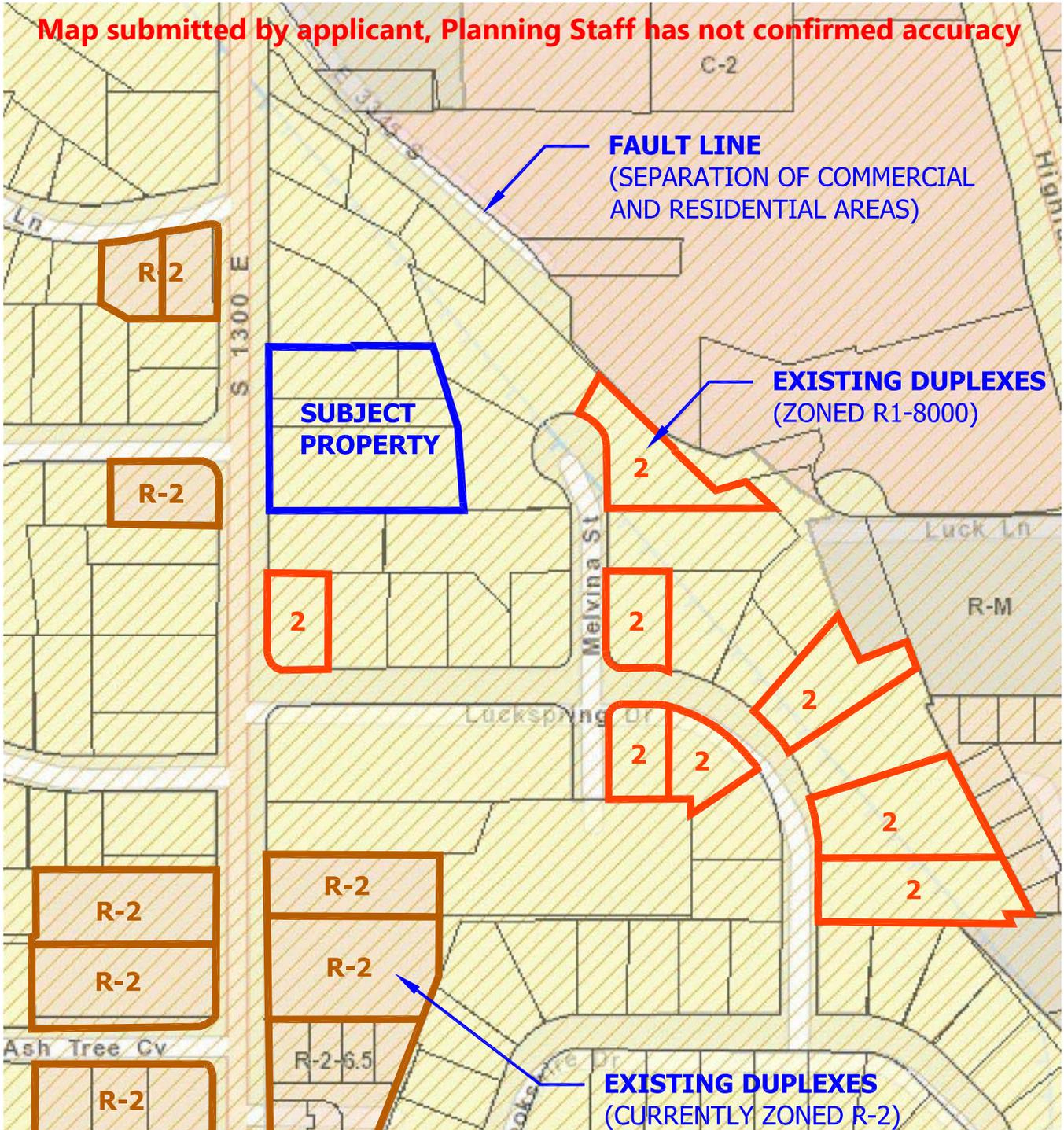
LORRAINE DR

**Stable**

BONITA DR  
ASH TREE CV

3545 S

Map submitted by applicant, Planning Staff has not confirmed accuracy



(Underlay is SLCO Millcreek Zoning Map)

## NEIGHBORHOOD PLAN

NOT TO SCALE



**DUPLEX HOMES**  
**WITHIN PREDOMINATLY R1-8000 ZONE**

Near 3437 South 1300 East, Millcreek

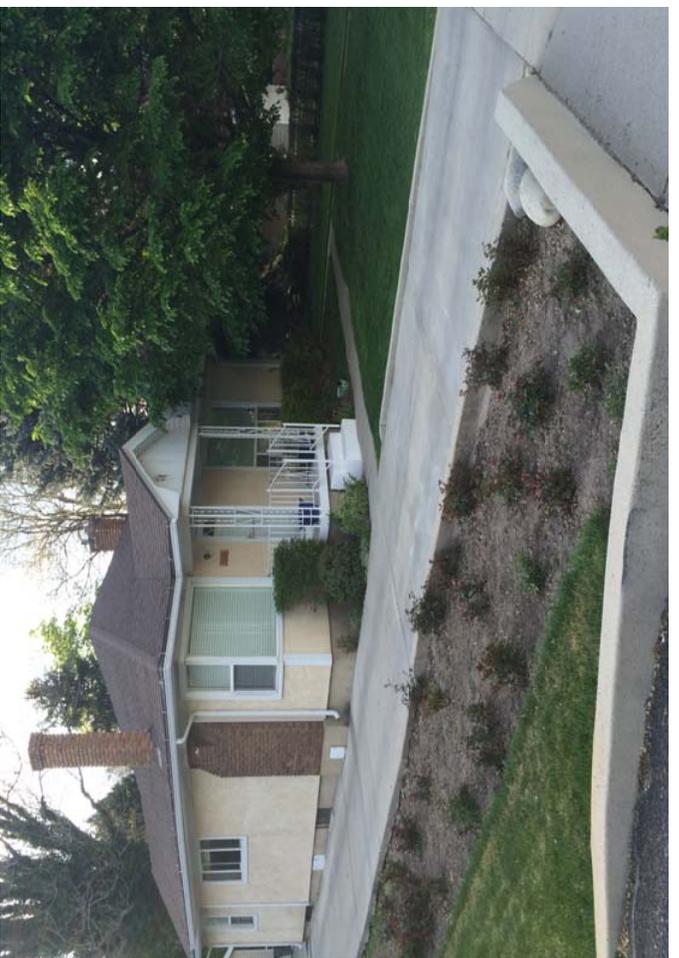
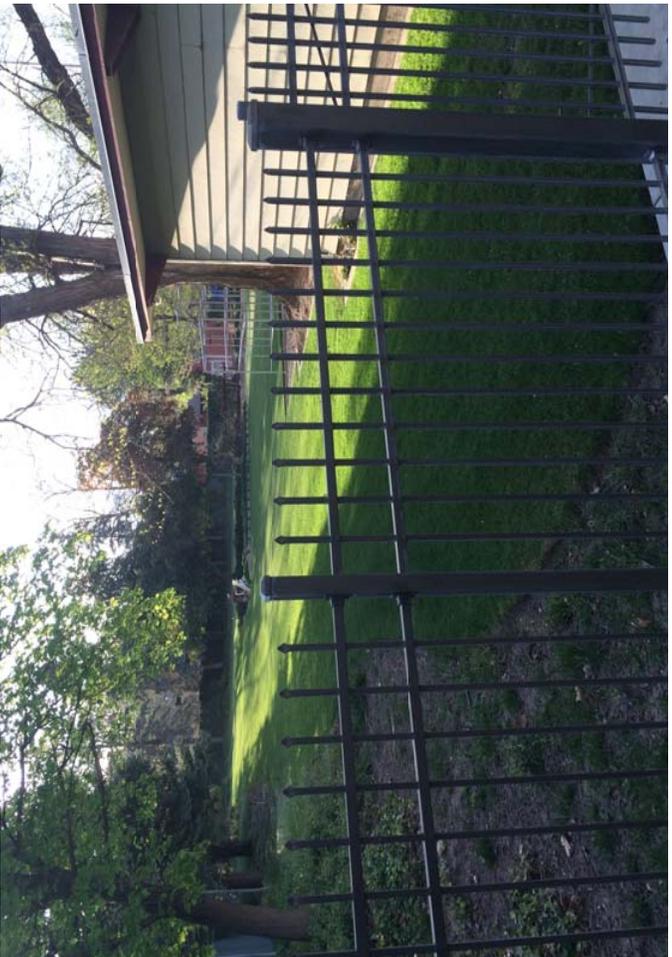
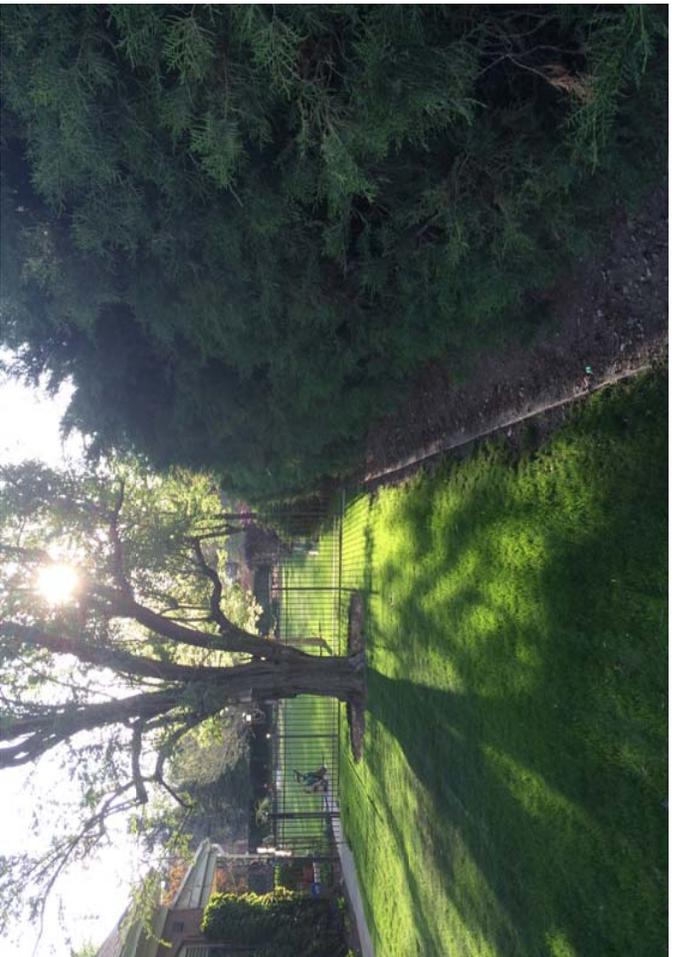
**David S. Richardson, AIA, PE**

architecture, engineering, interiors, planning, construction

814 East 100 South, Salt Lake City, Utah 84102  
telephone (801) 533-0204, facsimile (801) 539-0641

7/28/16

**SK**  
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File # 30042

## Nonconforming Use Declaration Summary and Recommendation

**Public Body:** Millcreek Planning Commission

**Parcel ID:** 1632231097

**Property Address:** 3552 South 1300 East

**Request:** Nonconforming Use Declaration

**Meeting Date:** September 14 2016

**Current Zone:** R-2-8

**Community Council:** Millcreek Community Council

**Planner:** Tom C. Zumbado

**Community Council Recommendation:** Approval

**Planning Staff Recommendation:** Approval

**Applicant Name:** Laird Ashton

**Township/Unincorporated:** Millcreek Township

### PROJECT DESCRIPTION

Laird Ashton is requesting a declaration of non-conforming use for the storage of heavy equipment and building material.

### SITE & VICINITY DESCRIPTION (see attached map)

The subject property is divided into two parts. The easternmost section contains a single family residence, garage and accessory building along with a landscaped area.\* The westernmost section constitutes the storage area for building materials and heavy construction equipment. From a zoning standpoint, the property is bordered to the north and south by R-2-8 areas. Directly to the west is a large blanket of R-1-8 zoning. Across the street is an area of R-2-6.5 zoning, followed by another large segment of R-1-8.

*\*See aerial photograph for greater detail.*

**File #30042: Zoning Map**

**Nonconforming Use Declaration Request**

3552 South 1300 East

(Subject property outlined in red.)



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### NEIGHBORHOOD RESPONSE

Several affidavits from the community have been included with this file in support of the Applicant's claim of preexisting nonconformity. As of September 6 2016, there have been no complaints regarding File #30042.

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### COMMUNITY COUNCIL RESPONSE

At their regularly scheduled meeting on September 6 2016, the Millcreek Community Council voted in favor of a recommendation for approval. The vote was 7 in favor with 2 abstaining.

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### PLANNING STAFF ANALYSIS

*SLCo Ordinance 19.04.385 - Nonconforming Use: "Nonconforming use" means a use which lawfully occupied a building or land at the time the ordinance codified in this title became effective and which does not conform with the use regulations of the zone in which it is located.*

Staff has verified that File #30042 constitutes a nonconforming use.

SLCo Ordinance 19.88.010 - Continuation of Use: *The occupancy of a noncomplying structure or of a building or structure by a nonconforming use, existing at the time this title became effective, may be continued, provided that the use has not been abandoned or the building left vacant as provided in Section 19.88.120.*

Staff has verified that the property for File #30042 is neither abandoned nor vacant.

SLCo Ordinance 19.88.140 - Application to have a use violation declared legal through special exception

- A. *Whenever land or a structure is used in violation of this title, the owner may file an application with the planning commission to have the use declared legal through special exception. The planning commission may approve such an application only when the evidence establishes all of the following:*
1. *The use exists on the property at the time of the application and has been in continuous violation of the zoning ordinance for a period exceeding ten years;*
  2. *No complaint has been made to the development services division concerning the violation for a period exceeding ten consecutive years during which the violation existed;*
  3. *Continuation of the use will not have a detrimental effect on the health, safety or welfare of persons or property in the vicinity.*

Staff believes that the evidence presented by the Applicant and the current use of this property meets the above three criteria.

- B. *The planning commission may consider as evidence:*
1. *Documents that are part of the public record, such as tax appraisals, utility records, aerial photographs, building permits, etc.*
  2. *Documentation from third parties, such as affidavits, photographs, etc.*
  3. *Documentation from current or past property owners, such as tax records, rental/lease agreements, appraisal records, etc.*

*In approving an application hereunder, the planning commission may set any conditions it deems necessary for protection of adjacent properties or the public welfare including provisions limiting the period of time the use may continue. This section shall in no way be interpreted to permit the continuation of any violation which exists on the effective date of the ordinance codified in this section. Any person shall have the right to appeal to the land use hearing officer a decision rendered by the planning commission pursuant to this section. Appellants shall follow the appeal procedures set forth in Section 19.92.050 of this title.*

## **PLANNING STAFF RECOMMENDATION**

---

Staff recommends the approval of File #30042, declaring a nonconforming use for the property at 3552 South 1300 East.

## Non-Conforming Uses and Non-Complying Structures Supplemental Form

File # 30042

### WHAT IS YOUR REQUEST?

- Verification of Legal Status
- Declaration of Non-Conforming or Non-Complying Status [19.88.140, 19.88.150]
- Change from one Non-Conforming Use to a Different Non-Conforming Use [19.88.091]

What is the current use of the property?

RESIDENCE WITH REAR YARD USED AS STORAGE FOR EQUIPMENT AND MATERIALS FOR USE ON CONSTRUCTION AND FOR 'BIG COTTONWOOD LOWER CANAL' IRRIGATION COMPANY

In what way is the current use non-conforming or building non-complying?

I HAVE BEEN TOLD THAT THIS IS A RESIDENTIAL NEIGHBORHOOD ONLY, AND I HAVE TO COMPLY.

How long has the building or use been in existence at the above property?

(Please provide evidence to verify, such as: tax records, utility bills, photographs, affidavits, etc.).

SINCE ABOUT 2002, THE LANDS HAVE BEEN USED IN THE PAST ~~FOR~~ 60 YEARS ~~FOR~~ AS A CONSTRUCTION STORAGE YARD

Have there been any complaints filed with Salt Lake County against this property? If yes, please list and explain.

I WAS INFORMED THAT I CANNOT USE MY PROPERTY ~~FOR~~ FOR STORING MY EQUIPMENT AND MATERIALS ~~BEHIND~~ THAT IS STORED IN REAR YARD.

I HAVE TALKED WITH ALL OF MY ADJOINING NEIGHBORS AND ALL OF THEM DID NOT HAVE A PROBLEM WITH MY USE OF THE PROPERTY.

LAIRD ASHTON RESIDENCE SCALE 1" = 40'

256.2'

35.7'

6' High Block and Vinyl Fencing All The Way Along The North Property Line Up To Front of Homes.

Partial 6' High Cedar Slat Fence

1/2 Acre

Rear Yard 6 Foot Chain Link Fence

Existing Garage

Gravel Driveway

Ashton Existing Home

Grass 3552 S.

Chain Link Gate to Rear Property

Milcreek Stream Channel

279.6'

Gravel Drive to Rear

Tree Line Here



159.5'

1300 East



# Ashton Property 2007



© 2007 Pictometry

03/17/2007



04/07/2009 < 1 of 8 > (2009) ▾

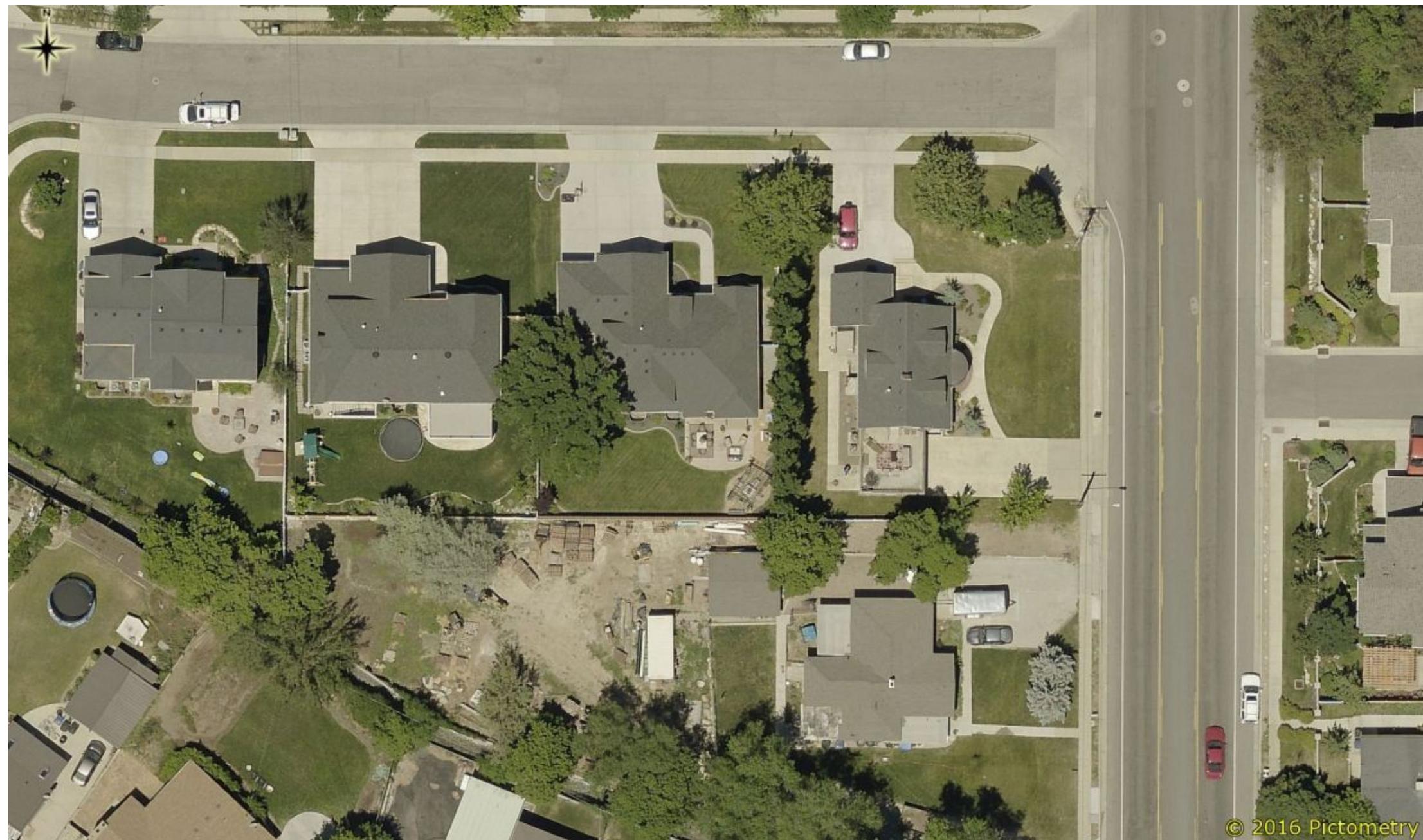




11/26/2011 2 of 28 (2011)



# Ashton Property 2016



06/19/2016

**“Big Cottonwood Lower Canal” Irrigation Co.**

**C/O Daryl Bouck – President**

**1268 E. Ash Tree Cove**

**Salt Lake City, Utah 84106**

**801-893-1268**

8 July 2016

**A Letter to Salt Lake County Planning and Zoning**

The property owned by Laird Ashton at 3552 S. 1300 E. has been used for more than 10 plus years as the residents and staging area for equipment and materials used by Big Cottonwood Lower Canal” (BCLC) irrigation company.

Laird Ashton has been a part of “Big Cottonwood Lower Canal” Irrigation Company for more than 25 years in various capacities. For at least 13 of those years he has served as its president, and has also served for 5 plus years before that as a director. Laird continues to serve as a director as of today July 2016.

The BCLC irrigation company has served the Millcreek area for more than 100 years and has been a great asset for the community. Hundreds of members rely heavily on being able to use irrigation water for watering their gardens, shrub, lawns and trees. Mr. Ashton has worked hard to help make it possible for this water to continue to serve them.

Another service that BCLC provides for the Millcreek area is that its water channels also provide drainage for SLCo storm runoff. Laird has repaired and helped maintain these water ways so that flooding can be prevented. His machines and expertise have made it possible for the county to maintain flood control.

A very small area behind his home at 3552 S. 1300 E. has stored his equipment and materials for at least 14 years. This area is over 200 feet away from 1300 East and is fenced all the way around. All the direct neighbors adjoining his property have been contacted and have said they were not bothered by its use, and were hopeful that Mr. Ashton could continue to serve the irrigation company. All of these neighbors use the irrigation water.

Mr. Ashton is hoping to continue to serve the irrigation company, but will not be able to do so if he does not receive a non-conforming use permit. If this happens, BCLC will be put at a hardship and will also not be able to continue in a viable manner. We hope this will not be the case.

Sincerely,

Board Members and Leadership of "Big Cottonwood Lower Canal"

Pres. Daryl Bouck Daryl Bouck

"Director - Laird Ashton" Laird Ashton

Director - Chris Haller Chris Haller

Director - Nathan Miller Nathan Miller

Director - Todd Meadows Todd Meadows

Ron Carlston -- Water Master Ron Carlston

Secretary - Patsy Lyman Patsy Lyman

Auditor/Treasure - Art Lauritzen Art Lauritzen

Legal Counsel - Paul Ashton Paul Ashton

Eric Carlston Eric Carlston

Shirman Nielsen Shirman Nielsen

PAUL H. ASHTON (3697)  
BOYACK ASHTON LC  
Attorneys for Applicant  
1237 E. Lorraine Drive  
Salt Lake City, UT 84106  
Telephone: (801) 558-8043

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IN RE. APPLICATION FOR NON-CONFORMING USE AND  
CONDITIONAL USE PERMIT - MILLCREEK, SALT LAKE COUNTY  
LAIRD H. ASHTON - APPLICANT

---

AFFIDAVIT OF DARYL T. BOUCK

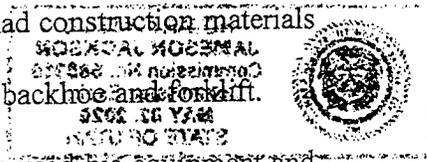
STATE OF UTAH            )  
                                  ss.  
COUNTY OF SALT LAKE )

I, Daryl Bouck, after first being duly sworn upon oath, deposes and states as follows:

1. I am resident of Millcreek, Salt Lake County, living at 1268 E. Ash Tree Cove. I and my wife have resided at this location for 6 plus years and have lived in this neighborhood for more than 15 years. I understand that the aforementioned conditional use permit is not transferrable and is not permanent. I am over the age of eighteen years, and I have personal knowledge regarding the facts set forth herein.

2. For a number of years, including at least the last ten years, the property located at 3552 South 1300 East, owned by Laird Ashton, has had construction materials stored on it as well as some construction equipment, including a backhoe and forklift.

3. I have personal knowledge that Laird Ashton has used his equipment and material to benefit the Big Cottonwood Lower Canal Company (the local irrigation company) that has water channels that run throughout the Millcreek and Salt Lake



County area. Mr. Ashton has been a director/president of this irrigation company for over 20 plus years and has used his property at 3552 S. 1300 E. to store his equipment and materials.

4. My property joins Mr. Ashton's property along my south rear property boundary line, and is separated by a 6' high vinyl fence.

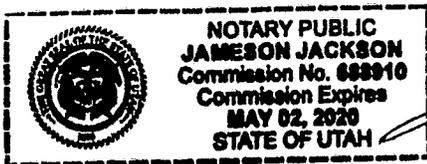
5. Allowing Laird Ashton to continue to use his property as he has done so for the past ten plus years is in the best interest of some in the neighborhood, as it will allow him to continue to provide essential services to the irrigation company. From my knowledge, I am not aware of any physical harm caused to surrounding properties or any resident by Laird Ashton's continued use of his property.

DATED this 11 day of July, 2016.

  
\_\_\_\_\_  
Daryl T. Bouck

STATE OF UTAH            )  
                                  ss.  
COUNTY OF SALT LAKE )

Subscribed and sworn to before me this 11 day of July, 2016.





PAUL H. ASHTON (3697)  
BOYACK ASHTON LC  
Attorneys for Applicant  
1237 E. Lorraine Drive  
Salt Lake City, UT 84106  
Telephone: (801) 558-8043

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IN RE. APPLICATION FOR NON-CONFORMING USE AND  
CONDITIONAL USE PERMIT – MILLCREEK, SALT LAKE COUNTY  
LAIRD H. ASHTON - APPLICANT

---

AFFIDAVIT OF DOUGLAS BACK

---

STATE OF UTAH            )  
                                  ss.  
COUNTY OF SALT LAKE)

I, Douglas Back, after first being duly sworn upon oath, deposes and states as follows:

1. I am longtime resident of Millcreek, Salt Lake County, living at 1258 E Ash Tree Cove for the last six plus years and prior to that on Iris Lane. I am over the age of eighteen years, and I have personal knowledge regarding the facts set forth herein.

2. I am personally familiar with the Laird Ashton property located at 3552 South 1300 East (hereafter “Subject Property”), with my current residence being located directly to the rear of the Subject Property.

3. The Subject Property has been used to stage construction equipment and materials, including a backhoe, dump trailer and blocks/bricks for at least the last fourteen plus years.

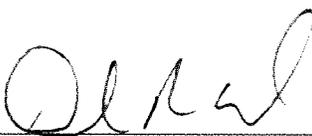
4. As a shareholder in the Big Cottonwood Lower Canal Company (“Irrigation

Company”), I am aware that Laird Ashton uses his construction equipment and materials to benefit the Irrigation Company by cleaning out water channels, excavating in roadways, fixing leaking pipes and replacing the same, and general repair and maintenance of the water system.

5. I use water from the Irrigation Company to irrigate my lawns and to conserve culinary water that I buy from Salt Lake City public utilities at great cost.

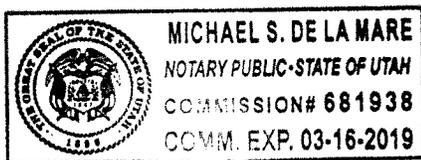
6. Allowing Laird Ashton to continue to use his property for the use of maintaining the irrigation company, benefits those neighbors who are a part of the irrigation company, and allows the Irrigation Company to meet its obligations to the shareholders/water users.

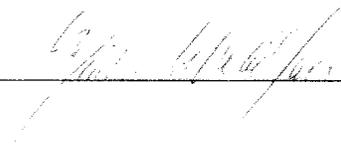
DATED this 5 day of July, 2016.

  
\_\_\_\_\_  
Douglas Back

STATE OF UTAH            )  
                                  SS.  
COUNTY OF SALT LAKE )

Subscribed and sworn to before me this 5 day of July, 2016.



  
\_\_\_\_\_

PAUL H. ASHTON (3697)  
BOYACK ASHTON LC  
Attorneys for Applicant  
1237 E. Lorraine Drive  
Salt Lake City, UT 84106  
Telephone: (801) 558-8043

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IN RE. APPLICATION FOR NON-CONFORMING USE AND  
CONDITIONAL USE PERMIT - MILLCREEK, SALT LAKE COUNTY  
LAIRD H. ASHTON - APPLICANT

---

AFFIDAVIT OF LAIRD ASHTON

---

STATE OF UTAH            )  
                                  ss:  
COUNTY OF SALT LAKE)

Laird Ashton, after first being duly sworn upon oath, deposes and states as follows:

1. I am resident of Millcreek, Salt Lake County, living in the Millcreek Area throughout my life, first on Lorraine Drive, then Ashtree Cove, and finally at the subject property at 3552 South 1300 East. I am over the age of eighteen years, and I have personal knowledge regarding the facts set forth herein.

2. My family, including my Father and Grandfather owned property within Millcreek since the 1940s and ran a large construction company. As part of the work, various pieces of construction equipment, including cranes, forklifts, backhoes, scaffolding etc., plus construction material have been staged off of property south of Lorraine Drive and west of 1300 East. The company has now been greatly reduced and except for a few odd jobs, the only work I currently undertake is mostly on behalf of the 'Big Cottonwood Lower Canal' irrigation company, a local irrigation company, for which I have voluntarily served as a Director and/or

President for more than 20 years. The work undertaken for the Irrigation Company is at a reduced cost and requires construction equipment, including a backhoe, forklift, generator, as well as misc. pieces block, brick, other construction materials, and pipe staged out of the subject property.

3. The irrigation company has a vast network of channels and ditches which cover more than 30 miles of main lines. With this much service area to serve, it is critical that the irrigation company have easy, quick access to these channels. My property has been very central to this need. (See attached BCLC irrigation company service area maps.)

4. For a minimum of 14 years, I have staged the construction equipment needed for the irrigation company work at 3552 South 1300 East (hereafter "Subject Property"), behind chain link gates/fence and over 200 feet to the west of 1300 East and behind my residence. The residential property owners to the north of my rear lot area, each knew about the use of the Subject Property at the time that they built and/or purchased their lots. These lots were developed from portions of the old construction-staging yard for the old construction company.

5. I want, and believe, that I am a good neighbor and I have not received any complaints from surrounding property owners about my continued use of the Subject Property as it has been historically used for more than 10 plus years. Even so, I am willing to mitigate, to the extent practicable, any adverse affects of the use, including adding privacy slates into the chain link gate/fence separating the back yard from the street.

6. The busiest time of the year for use of the staged equipment and material is during the irrigation season that runs from approximately March through October. Since much of the work I do for the irrigation company is voluntary and at cost, I would appreciate patience to allow the irrigation season to be completed. If I cannot continue to use my property as I have

done for the last fourteen plus years, it will force me to cease all further help to the irrigation company which will have a direct negative effect on surrounding properties that rely heavily upon the irrigation waters and the handling of flood storm water.

7. I have been trying to work cooperatively with Salt Lake County planning ever since we first received notice of a complaint from County code enforcement about our continued use of the property. While most county personnel have understood our historic use of the property, others have not cared, and have stated that they are simply the "messenger" and I must do as I am told or pay heavy fines. I feel that this is the wrong approach to communications. Instead, a thoughtful dialog over the property use needs to be maintained, with patience and decorum, instead of threatening and bullying letters that disrupt peaceful progress.

8. I want to thank those in the County that have worked with me so that the proper applications can be made to continue the historic use of the Subject Property. I simply want to continue to peacefully help the many hundreds of water users that use the irrigation water to water their gardens, grass, and shrubs.

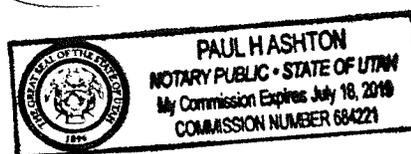
DATED this 30<sup>th</sup> day of June, 2016.

Laird W Ashton  
Laird Ashton

STATE OF UTAH            )  
  ss.  
COUNTY OF SALT LAKE )

Subscribed and sworn to before me this 30 day of June, 2016.

Paul Hashton



PAUL H. ASHTON (3697)  
BOYACK ASHTON LC  
Attorneys for Applicant  
1237 E. Lorraine Drive  
Salt Lake City, UT 84106  
Telephone: (801) 558-8043

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IN RE. APPLICATION FOR NON-CONFORMING USE AND  
CONDITIONAL USE PERMIT – MILLCREEK, SALT LAKE COUNTY  
LAIRD H. ASHTON - APPLICANT

---

AFFIDAVIT OF RON CARLSTON

---

STATE OF UTAH            )  
                                  ss.  
COUNTY OF SALT LAKE)

Ron Carlston, after first being duly sworn upon oath, deposes and states as follows:

1. I am resident of Millcreek, Salt Lake County, living at 3615 South 1260 East for the last twenty plus years. I am over the age of eighteen years, and I have personal knowledge regarding the facts set forth herein.

2. For the past 15 plus years I have served as the Water Master for the 'Big Cottonwood Lower Canal' irrigation company (hereafter "Irrigation Company"), and have been responsible for maintaining irrigation channels, ditches and pipes of the Irrigation Company. I ensure water flows freely to residents within the service area, and to coordinate efforts with Salt Lake County public works for *storm* water flood prevention.

3. I am personally familiar with the Laird Ashton property located at 3552 South 1300 East (hereafter "Subject Property"), first as a child growing up in the neighborhood and

then as an adult who has chosen to raise my own family here in the area. As long as I can remember, 40 years plus, the Subject Property has been used to stage construction equipment and materials, including backhoes, trucks and blocks/bricks.

4. As Water Master for the Irrigation Company, I can state the company has extensive need of the construction equipment and materials located on the Subject Property, and having the equipment near the various irrigation ditches and pipes has prevented flooding and other damage to properties within the service area.

5. Having this equipment at this central location is critical for the irrigation company so that floods may be prevented and water channels may be repaired and maintained quickly.

6. Although the Irrigation Company works cooperatively with Salt Lake County Public Works, it is doubtful the County could fill the void that would be created if Laird Ashton could no longer use the Subject Property as he has done so for the last ten plus years.

7. I have personal knowledge that Laird Ashton has used his equipment and material to benefit the Irrigation Company by cleaning out ditches, excavating in roadways, fixing leaking pipes and replacing the same. Once again, not only do the residents in Millcreek City and surrounding Salt Lake County benefit from this equipment and materials, at this property, but so does SL County, who relies upon those ditches for storm water drainage.

8. Allowing Laird Ashton to continue to use his property as he has done so for more than twenty plus years, is in the best interest of Millcreek City and Salt Lake Co., as it will allow him to continue to provide essential services to the Irrigation Company.

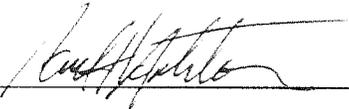
9. From my personal knowledge, I am not aware of any harm caused to surrounding properties or any resident by Laird Ashton's continued use of his property.

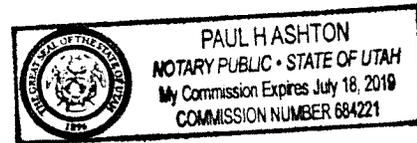
DATED this 29 day of June, 2016.

  
\_\_\_\_\_  
Ron Carlston

STATE OF UTAH            )  
                                  ss.  
COUNTY OF SALT LAKE )

Subscribed and sworn to before me this 29<sup>th</sup> day of June, 2016.

  
\_\_\_\_\_



PAUL H. ASHTON (3697)  
BOYACK ASHTON LC  
Attorneys for Applicant  
1237 E. Lorraine Drive  
Salt Lake City, UT 84106  
Telephone: (801) 558-8043

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IN RE. APPLICATION FOR NON-CONFORMING USE AND  
CONDITIONAL USE PERMIT – MILLCREEK, SALT LAKE COUNTY  
LAIRD H. ASHTON - APPLICANT

---

AFFIDAVIT OF WILLIAM R. HALL

---

STATE OF UTAH            )  
                                  ss.  
COUNTY OF SALT LAKE)

I, William Hall, after first being duly sworn upon oath, deposes and states as follows:

1. I am a resident of Millcreek, Salt Lake County, living at 1259 E. Ash Tree Cove, for more than 10 plus year. I am over the age of eighteen years, and I have personal knowledge regarding the facts set forth herein.

2. I am personally familiar with the Laird Ashton property located at 3552 South 1300 East (hereafter “Subject Property”), with my current residence being located within 150 ft of the Subject Property.

3. The Subject Property has been used to stage construction equipment and materials, including a backhoe, forklift, dump trailer, plus misc. pipe and materials for at least the last fourteen plus years.

4. As a shareholder in the Big Cottonwood Lower Canal Company (“Irrigation

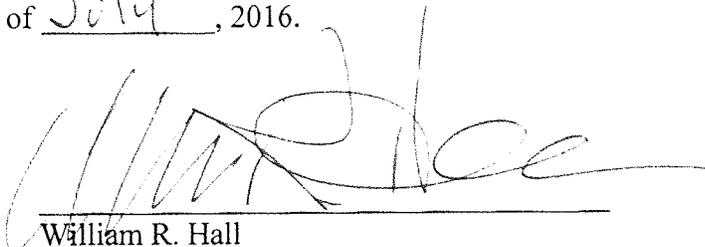
Company”), I am aware that Laird Ashton uses his construction equipment and materials to benefit the Irrigation Company by cleaning out water channels, excavating in roadways, fixing leaking pipes and replacing the same, plus general repair and maintenance of the water system,

5. I use water from the Irrigation Company to irrigate my property which includes lawns, shrubs and a garden, and would be put at a hardship if I could not use the irrigation water. I believe that using irrigation water helps to conserve culinary water for use within our homes.

6. Allowing Laird Ashton to continue to use his property, as he has done so for more than fourteen plus years, benefits the community and neighborhood, and allows the Irrigation Company to meet its obligations to the shareholders/water users.

7. From my personal knowledge, I am not aware of any harm caused to surrounding properties, including my own, by Laird Ashton’s continued use of his property.

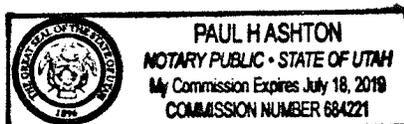
DATED this 5 day of July, 2016.

  
\_\_\_\_\_  
William R. Hall

STATE OF UTAH                    )  
  ss.  
COUNTY OF SALT LAKE    )

Subscribed and sworn to before me this 5<sup>th</sup> day of July, 2016.

Notary Public 



File # 30067

## Millcreek Planning Commission Summary and Recommendation

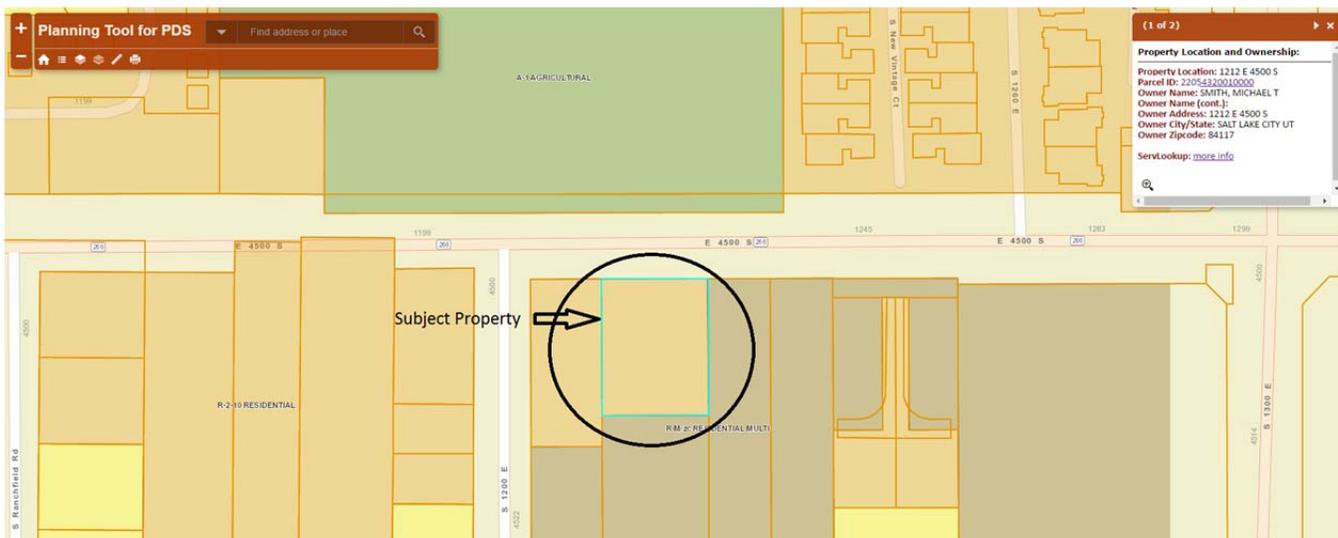
**Public Body:** Planning Commission  
**Parcel ID:** 22-05-432-001  
**Property Address:** 1212 East 4500 South  
**Request:** Conditional Use (Office)

**Meeting Date:** September 14, 2016  
**Current Zone:** RM

**Community Council:** Millcreek  
**Planner:** Spencer Hymas  
**Community Council Recommendation:** Approval  
**Planning Staff Recommendation:** Approval  
**Applicant Name:** Michael Smith

### PROJECT DESCRIPTION

The proposal is for a new 2 story dental office that has a footprint of 2,733 square feet. The parcel is sized at 0.32 acres and has 10 parking stalls. 42.6% of the site will be landscaped and the building meets the landscaping buffers of 20 feet to the east and 30 feet to the south to minimize impacts to the potential residential uses. The rezone to RM was recently approved by the Salt Lake County Council with the Planning Commission's recommended zoning conditions.



## SITE & VICINITY DESCRIPTION (see attached map above)

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.

## LAND USE CONSIDERATIONS

Requirement	Standard	Proposed	Compliance Verified
Height	75 feet (zoning condition limits to 35 feet).	30 feet to peak	Yes
Front Yard Setback	25 feet	25 feet	Yes
Side Yard Setback	18 feet total no less than 8 feet on either side	72 feet	Yes
Rear Yard Setback	30 feet	30 feet	Yes
Landscaping Buffer/Setbacks	20 feet minimum when adjacent to residential.	20 feet	Yes
Lot Width	50 feet	113 feet	Yes
Parking	6 spaces per doctor	10 spaces	Yes
Bike Parking	2 spaces	None – details to be added before final approval.	No
Lot Coverage	No more than 60%	Building 20%	Yes
Lot Area	5,000 square feet	14,052 square feet	Yes

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

## GENERAL PLAN CONSIDERATIONS

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 human activity, resulting in healthier, safer, more active communities.

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

## ISSUES OF CONCERN/PROPOSED MITIGATION

Staff has not identified any issues of concerns with this proposed development.

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## NEIGHBORHOOD RESPONSE

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I have received a comment from the adjacent property owner that is concerned that commercial development on this parcel will have a negative impact on adjacent property values.

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## COMMUNITY COUNCIL RESPONSE

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The Millcreek Community Council gave a favorable recommendation for this application at their September 6, 2016 meeting.

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## REVIEWING AGENCIES RESPONSE

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AGENCY: Geology DATE: 8/16/16

RECOMMENDATION: Conditional Approval

- 1- Geotechnical report is required with liquefaction analysis
- 2- liquefaction analysis is to follow the County Natural hazards ordinance
- 3- Record disclosure on the property

AGENCY: Grading DATE: 9/2/16

RECOMMENDATION: Conditional Approval

- 1- Submit a storm water maintenance agreement and management plan
- 2- Submit grading and drainage plans for technical review

AGENCY: Hydrology DATE: 8/3/16

RECOMMENDATION: Conditional Approval

A technical review is required which addresses the following:

- 1. How is storm water quality being addressed before storm water enters detention/retention basin, infiltrates into the ground, and/or approved storm water system?
- 2. Provide drainage plan and calculations showing how storm water from 10 year 24 hour storm will be contained on the property or routed to an approved Salt Lake County system.
- 3. Provide calculations for orifice plate and show location of orifice plate on plans. Maximum release rate into county facility is 0.2 cfs/acre.
- 4. Provide details of how 100 year storm will be directed safely away from adjoining properties.
- 5. Show percentage of grade and direction of flow, elevations at appropriate locations, and existing and proposed 1' contour lines.
- 6. Final Grading and Drainage Plan is required to be stamped and signed by a Utah Professional Engineer (Section 17.20.150.A).
- 7. Check cover on all pipes. Cover is to be 2 feet on all pipes, except 1 foot cover is acceptable on all RCP pipes.
- 8. If there is an irrigation component, water master must approve all drawings that show irrigation. Water master's approval is required as a signature block on the final irrigation drawings prior to approval.
- 9. All catch basins and manholes must conform to salt lake county standards.
- 10. Provide detail of proposed swales including side slope, depth, and width.
- 11. Provide details of proposed detention basins including side slope, High water mark and freeboard.
- 12. All road cuts in High Country Lane must be restored to Salt Lake County Standards. Show details conforming to Salt Lake County standards.
- 13. Provide Engineer's estimate of storm drain improvements for bond estimate after plans are finalized. (Section 17.20.150.A)

AGENCY: Planning

DATE: 8/16/16

RECOMMENDATION: Conditional Approval

Technical review required

1. Please submit a landscaping and irrigation plan that incorporates all the elements within the Water Allowance Handout PDF. Plans that do not follow the guide will not be approved. A more thorough review of the landscaping plans will be done in the technical review - please have the landscape architect review 19.77 of the SLCO ordinance in its entirety before submitting.
2. Any conditions of approval from the planning commission will need to be addressed in the technical review plan set.
3. Planning Commission date is tentatively set for September 14, 2016
4. This request will need to go before the Millcreek Community Council date is TBD but tentatively set for September 6, 2016.
5. Please make an appointment before submitting the technical review and include the Plan of Action checklist.
6. Any removal of trees must be approved by Salt Lake County and replacement of removed trees are required as per 19.77.040.
7. Bonding required for landscaping

AGENCY: Health

DATE: 8/16/16

RECOMMENDATION: Conditional Approval

1. Submit water and sewer availability letters

AGENCY: Traffic

DATE: 8/16/16

RECOMMENDATION: Conditional Approval

1. Submit copy of UDOT approval for access off 4500 South
2. Repair any damaged curb, gutter, and sidewalk
3. Bond for all improvements including drive approach and parking lot

AGENCY: Fire

DATE: 8/16/16

RECOMMENDATION: Conditional Approval

1. Provide fire flow letter and comply with all elements identified in agency review.

AGENCY: Building

DATE: 8/16/16

RECOMMENDATION: Conditional Approval

1. Demolition permits are required to remove any structure on the property.
2. Building permits will be required once land use approval is given.

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

### PLANNING STAFF ANALYSIS

**19.84.050 - Approval/denial authority.**

*The planning commission has the authority to approve, deny, or approve with conditions conditional use applications.*

*A.Planning Commission Approval.*

- 1.The planning commission shall review and approve or deny each application during a public meeting.*
- 2.The planning commission's decision shall be based on information presented through the public meeting process, including: the materials submitted by the applicant, the recommendation of the director or director's designee, and input from interested parties and affected entities.*

*3.If conditions are specified, the director or director's designee shall issue a final approval letter upon satisfaction of the planning commission's conditions of approval.*

*4.If the applicant fails to meet all conditions of approval within twelve months of the planning commission's decision, the application is deemed denied. A twelve-month extension may be granted upon the payment of an additional filing fee equal to the original filing fee.*

*5.A planning commission decision shall be made on a complete conditional use application within a reasonable time frame, not to exceed ninety days. The planning commission is authorized to review and take action on an application as outlined in Section 19.84.040 after having notified the applicant of the meeting date.*

*6.Failure by the applicant to provide information that has been requested by the planning commission, the director or director's designee to resolve conflicts with the standards in Section 19.84.060(above) may result in an application being denied.*

*B.Decision. Each conditional use application shall be:*

*1.Approved if the proposed use, including the manner and design in which a property is proposed for development, complies with the standards for approval outlined in Section 19.84.060; or*

*2.Approved with conditions if the anticipated detrimental effects of the use, including the manner and design in which the property is proposed for development, can be mitigated with the imposition of reasonable conditions to bring about compliance with the standards outlined in Section 19.84.060; or*

*3.Denied if the anticipated detrimental effects of the proposed use cannot be mitigated with the imposition of reasonable conditions of approval to bring about compliance with the standards outlined in Section 19.84.060.*

Staff believes the applicant has complied with the procedures outlined above and all elements will have been followed before final approval.

***19.84.060 - Standards for approval.***

*Prior to approval, all conditional uses and accompanying site development plans must be found to conform to the following standards:*

*A.The proposed site development plan shall comply with all applicable provisions of the zoning ordinance, including parking, building setbacks, and building height.*

*B.The proposed use and site development plan shall comply with all other applicable laws and ordinances.*

*C.The proposed use and site development plan shall not present a serious traffic hazard due to poor site design or to anticipated traffic increases on the nearby road system which exceed the amounts called for under the county transportation master plan.*

*D.The proposed use and site development plan shall not pose a serious threat to the safety of persons who will work on, reside on, or visit the property nor pose a serious threat to the safety of residents or properties in the vicinity by failure to adequately address the following issues: fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.*

*E.The proposed use and site development plan shall not adversely impact properties in the vicinity of the site through lack of compatibility with nearby buildings in terms of size, scale, height, or noncompliance with community general plan standards.*

Staff believes the proposal meets the above standards for approval. Staff believes the proposed office will be compatible in terms of size, scale, height, or noncompliance with community general plan standards.

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## **PLANNING STAFF RECOMMENDATION**

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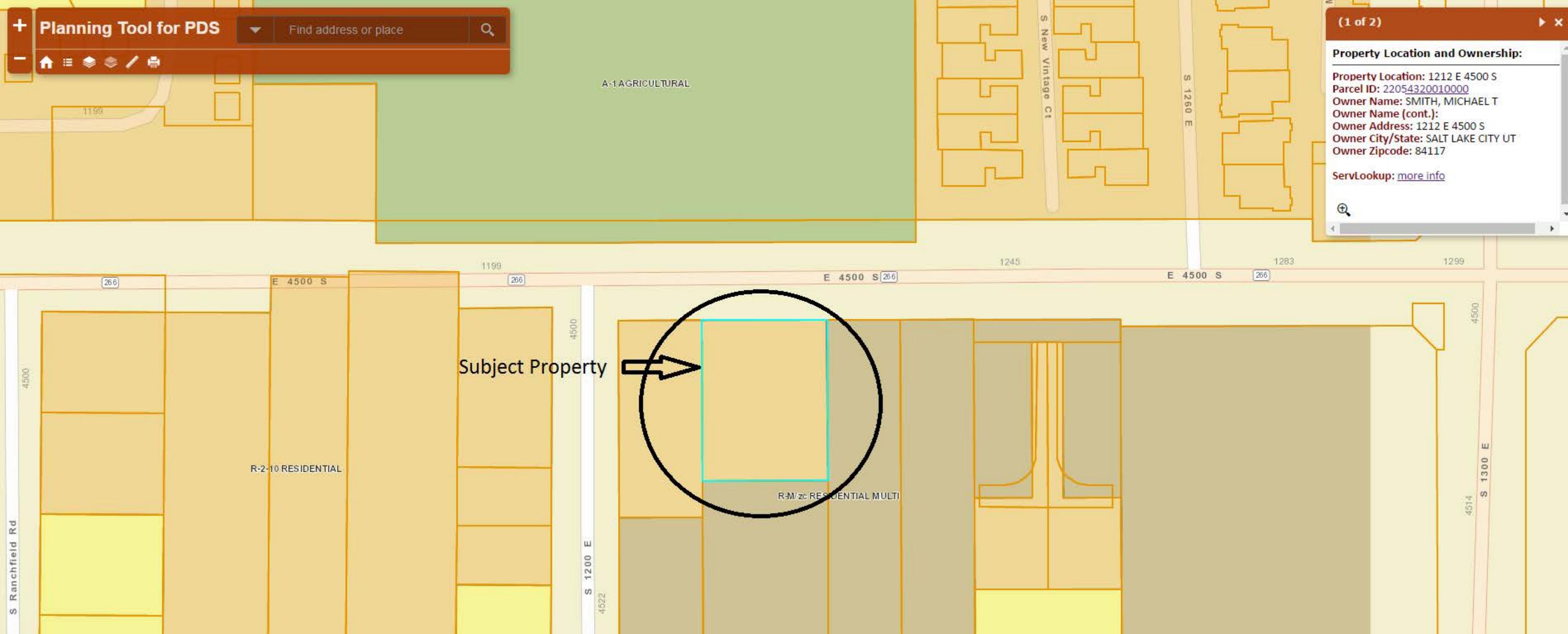
Planning staff recommends approval subject to the applicant completing a technical review and adding bike parking in association with the parking ordinance prior to final approval.

**(1 of 2)**

**Property Location and Ownership:**

**Property Location:** 1212 E 4500 S  
**Parcel ID:** 22054320010000  
**Owner Name:** SMITH, MICHAEL T  
**Owner Name (cont.):**  
**Owner Address:** 1212 E 4500 S  
**Owner City/State:** SALT LAKE CITY UT  
**Owner Zipcode:** 84117

**ServLookup:** [more info](#)





1212 E 4500 S

Image Landsat  
© 2016 Google

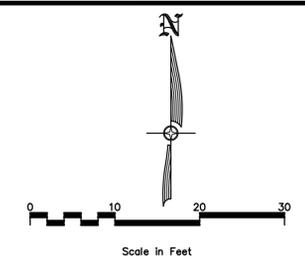


4500 SOUTH STREET



Conceptual Site Plan Approval

Planning	Approved- See Comments Sheet shymas: 30067_Site Plan 08/16/2016
Grading	Approved- See Comments Sheet shymas: 30067_Site Plan 08/16/2016
Geology	Approved- See Comments Sheet shymas: 30067_Site Plan 08/16/2016
Hydrology	Approved- See Comments Sheet chulbert: 30067_Site Plan 08/16/2016
Boundary	Approved B Mitchell: 30067_Site Plan 08/05/2016
Traffic	Approved- See Comments Sheet jcaover: 30067_Site Plan 08/16/2016
UFA	Approved- See Comments Sheet dbuckley: 30067_Site Plan 08/16/2016
Health	Approved- See Comments Sheet Mbrimage: 30067_Site Plan 08/16/2016
Building	Approved - See Comments Sheet T Sorensen: 30067_Site Plan 08/03/2016
Operations	Approved ksmeltzer: 30067_Site Plan 08/17/2016



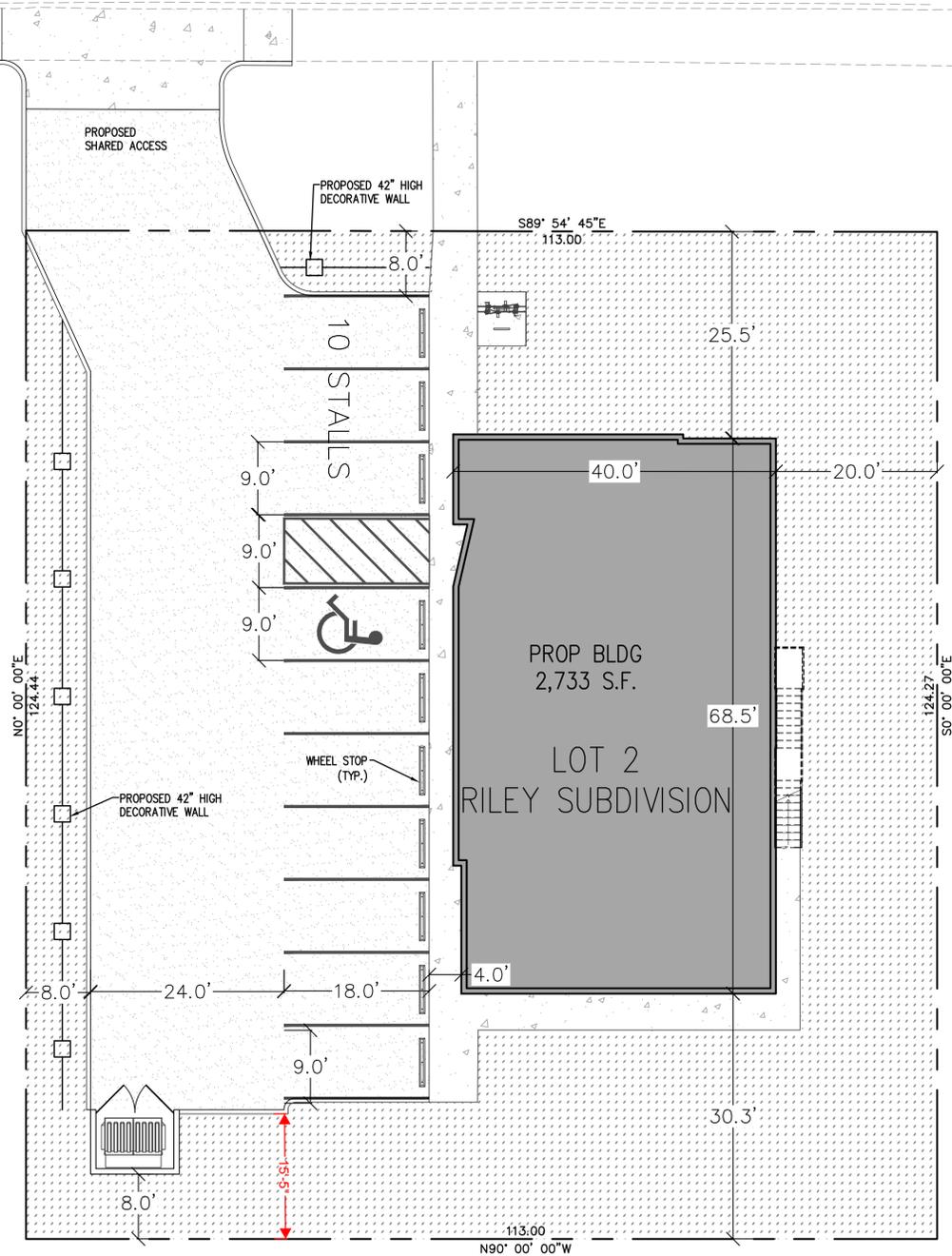
LEGEND

	PROPOSED 6" CURB WALL
	PROPOSED CURB & GUTTER
	PROPERTY LINE
	EASEMENT LINE
	PROPOSED CONCRETE
	PROPOSED ASPHALT
	PROPOSED LANDSCAPING

LOT AREAS:

LOT	SQ. FT. / ACRES
LOT	14,052 SQ. FT. / 0.32 ACRES
BUILDING FOOTPRINT	2,733 SQ. FT.
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.



NO.	REVISIONS	BY	DATE

**CIR**  
ENGINEERING, L.L.C.  
3032 SOUTH 1030 WEST, SUITE 202  
S.L.C. Utah 84119 - 801-949-6296

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

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









File # 30094

## **Curb, Gutter & Sidewalk Exception Summary and Recommendation**

**Public Body:** Millcreek Planning Commission

**Parcel IDs:** 1627453020 & 1627453021

**Property Address:** 2368 East 3395 South

**Request:** Curb, Gutter & Sidewalk Exception

**Meeting Date:** September 14 2016

**Current Zone:** R-1-8

**Community Council:** East Mill Creek

**Planner:** Tom C. Zumbado

**Community Council Recommendation:** Approval

**Planning Staff Recommendation:** Approval

**Applicant Name:** Ron Spratling III

**Township/Unincorporated:** Millcreek Township

### **PROJECT DESCRIPTION**

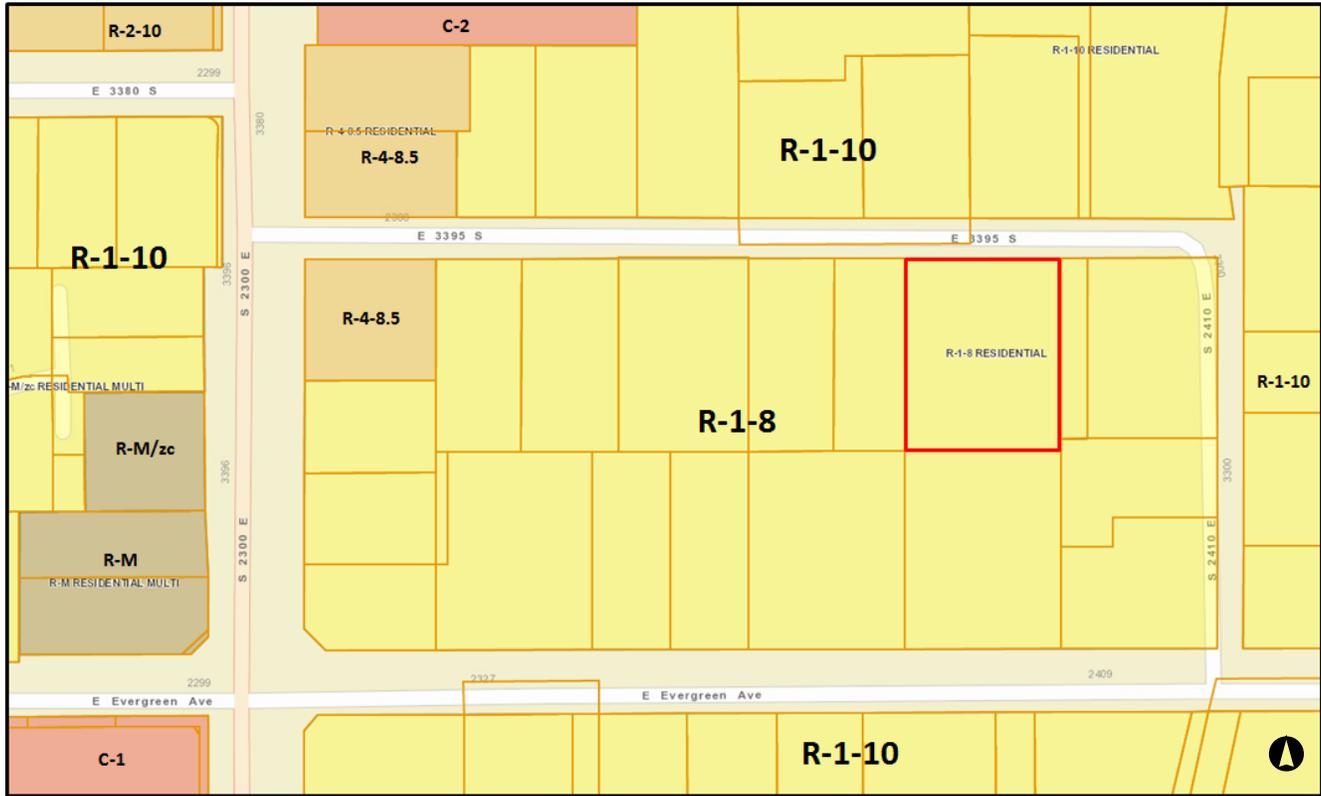
Ron Spratling is requesting an exception to the curb, gutter and sidewalk requirement for a subdivision file currently being processed.

### **SITE & VICINITY DESCRIPTION** (see attached map)

Located on 3395 South, the subject property is located in an East Mill Creek neighborhood with no curb, gutter or sidewalk spanning the entire road. It is bordered to the west, south and east by R-1-8 zoning. Directly across the street to the north is an area of R-1-10 zoning. At the west end of 3395 South is a section zoned R-4-8.5.

**File #30094: Zoning Map**

Curb, Gutter & Sidewalk Exception Request  
 2368 East 3395 South  
 (Subject property outlined in Red)



**LAND USE CONSIDERATIONS**

Requirement	Compliance Verified
Compatibility with existing buildings in terms of size, scale and height.	Yes
Compliance with Landscaping Requirements Verified.	Yes

**NEIGHBORHOOD RESPONSE**

As of September 6 2016, there has been no neighborhood response to File #30094.

**COMMUNITY COUNCIL RESPONSE**

At their scheduled meeting on September 1 2016, the East Mill Creek Community Council unanimously voted to recommend approval for File #30094.

**TRAFFIC ENGINEER COMMENTS**

I recommend approval of an exception to roadway standards for the installation of curb, gutter, and sidewalk on 3395 South Street. The street is not shown as a priority route in the Walk Millcreek draft manual and there is no

other curb, gutter, or sidewalk on the street. There was an exception approved at 2346 East, 3 lots to the west, on November 4, 2010. In 2006, an exception request on the other side of the street, at 2361 East, was denied but an extension of time agreement for installation of improvements was approved.

Assistant Transportation Engineer, Office of Township Services

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## **PLANNING STAFF ANALYSIS**

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### SLCo Ordinance 14.12.150 – Exceptions

*In cases where unusual topographical, aesthetic, or other exceptional conditions or circumstances exist, variations or exceptions to the requirements of this chapter may be approved by the mayor after receiving recommendations from the planning commission and the public works engineer; provided, that the variations or exceptions are not detrimental to the public safety or welfare.*

Staff has consulted the Assistant Transportation Engineer for her recommendation.

### SLCo Ordinance 18.24.090 – Curbs and Gutters

- A. *After October 7, 1963, curbs and gutters on all streets shall be concrete of the standard high-back-type unit, not less than two feet, six inches in overall width, and not less than seven inches thick where the curb abuts the street pavement.*
- B. *All curb corners shall have a radius of not less than twenty-five feet or thirty-five feet on streets designated as collector or arterial streets.*
- C. *The subdivider shall install curbs, gutters and sidewalks on existing and proposed streets in all subdivisions.*

Staff has verified that the proposed exception for File #30094 is in regards to the installation of curb, gutter and sidewalk on the subject property.

### SLCo Ordinance 18.08.020 – Exceptions: Permitted When

*In cases where unusual topographic, aesthetic or other exceptional conditions exist or the welfare, best interests and safety of the general public will be usefully served or protected, variations and exceptions of this title may be made by the county mayor after the recommendation of the planning commission, provided, that such variations and exceptions may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this title.*

Staff has concluded that File #30094 meets the requirements for a curb, gutter and sidewalk exception.

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## **PLANNING STAFF RECOMMENDATION**

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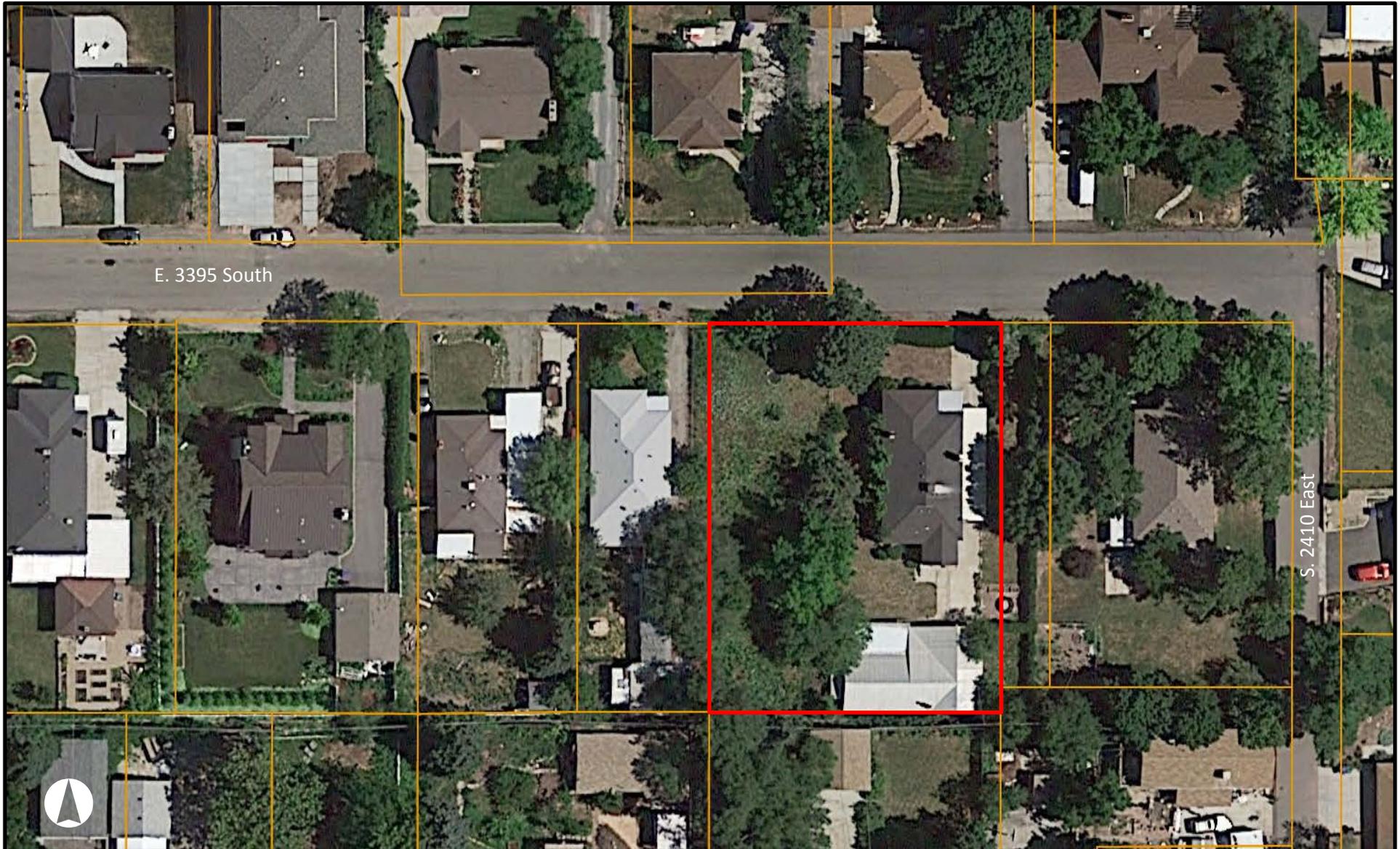
Staff recommends that the Planning Commission give a recommendation for approval for File #30094 to the Mayor's designee, allowing an exception to the installation of curb, gutter and sidewalk at 2368 East 3395 South.

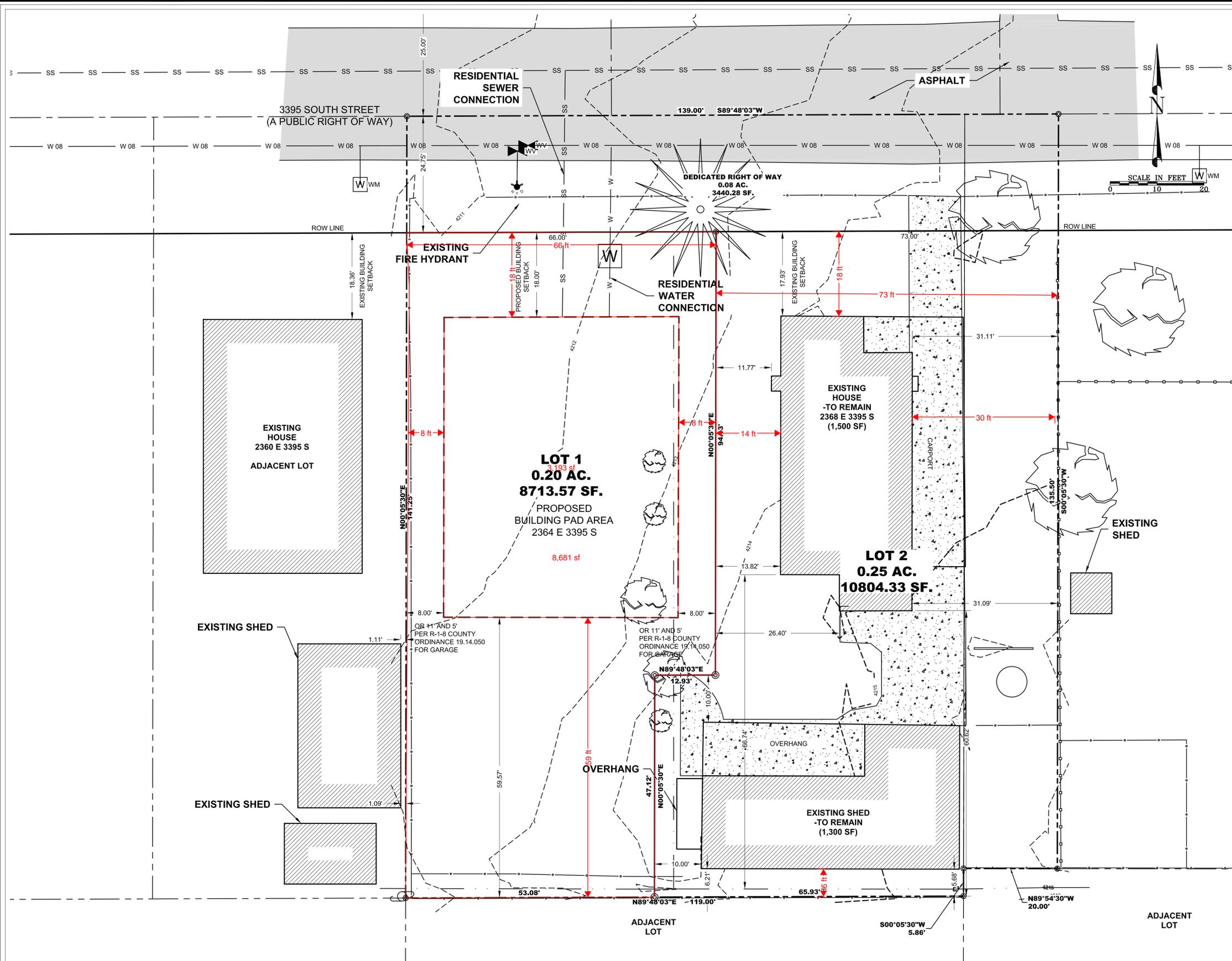
# File #30094: Aerial Map

## Curb, Gutter & Sidewalk Exception Request

*2368 East 3395 South*

(Subject property outlined in red.)





**GENERAL NOTES AND LEGEND**

	STREET MONUMENT		RIGHT-OF-WAY LINE
	SECTION CORNER		PROPERTY LINE
	PROPERTY CORNER PLACED		WOOD FENCE
	PROPERTY CORNER CALCULATED		CHAIN LINK OR WIRE
	ASPHALT		FENCE
	EXISTING BUILDINGS		CENTER LINE
	EXISTING CONIFEROUS TREE		CONCRETE LINED DITCH
	EXISTING DECIDUOUS TREE		SECTION LINE
			CONTOUR LINE

**SUBDIVISION BOUNDARY LEGAL DESCRIPTION:**

COMMENCING AT A POINT N00°05'30"E A DISTANCE OF 341.05 FEET AND N89°48'03"E A DISTANCE OF 490 FEET FROM THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE MERIDIAN, AND RUNNING THENCE N89°48'03"E A DISTANCE OF 139.00 FEET; THENCE S00°05'30"W A DISTANCE OF 161.25 FEET; THENCE N89°54'30"W A DISTANCE OF 20.00 FEET; THENCE S00°05'30"W A DISTANCE OF 5.86 FEET; THENCE THENCE S89°48'03"W A DISTANCE OF 119.00 FEET; N00°05'30"E A DISTANCE OF 166.00 FEET TO THE POINT OF BEGINNING.

LESS THAN AND EXCEPTING THE NORTHERLY 24.75 FEET DEDICATED AS PUBLIC RIGHT OF WAY.

**NOTES:**

- PROJECT SITE IS IN ZONE R-1-8 OF SALT LAKE COUNTY.
- PROJECT SITE RESIDES IN AN RCOZ OVERLAY.

SALT LAKE COUNTY TOWNSHIPS	
Conceptual Site Plan Approval	
Planning	Approved- See Comments Sheet tzumbado: 29903_SpratlingSubDiv_SitePlan 06/14/2016
Grading	Approved- See Comments Sheet bsep@photon: 29903_SpratlingSubDiv_SitePlan 05/19/2016
Geology	Approved- See Comments Sheet dcorff: 29903_SpratlingSubDiv_SitePlan 06/01/2016
Hydrology	Approved- See Comments Sheet AaWilson: 29903_SpratlingSubDiv_SitePlan 05/26/2016
Boundary	Approved- See Comments Sheet SMichael: 29903_SpratlingSubDiv_SitePlan 06/27/2016
Traffic	Revisions Required - See Comments Sheet jcarver: 29903_SpratlingSubDiv_SitePlan 05/31/2016
UFA	APPROVED dbuckley: 29903_SpratlingSubDiv_SitePlan 05/31/2016
Health	Approved- See Comments Sheet Mbrnaga: 29903_SpratlingSubDiv_SitePlan 06/01/2016
Building	Approved - See Comments Sheet T.Sorensen: 29903_SpratlingSubDiv_SitePlan 05/19/2016
Operations	Approved karneltzer: 29903_SpratlingSubDiv_SitePlan 05/17/2016

KNOW WHAT'S BELOW. CALL 811 BEFORE YOU DIG.  
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01	PRELIMINARY	03/16
NO.	REVISION	DATE

**CLIENT / OWNER INFORMATION:**

**RONALD N. SPRATLING III**  
4250 ROWLAND DR  
SALT LAKE CITY, UT 84124  
(801) 560-4747

**ENGINEER / SURVEYOR INFORMATION:**



**JOHNSON ENGINEERING**  
4436 SOUTH 1025 EAST • SALT LAKE CITY, UTAH 84124  
www.johnsonengineeringinc.com  
Phone: 801-787-4569

**SHEET INFORMATION:**

**SITE PLAN**  
**EVERGREEN COURT**  
2368 E. 3395 S. SALT LAKE CITY, UT 84109  
SE 1/4 SECTION 27, T1SS R1W, S.L.B.M.

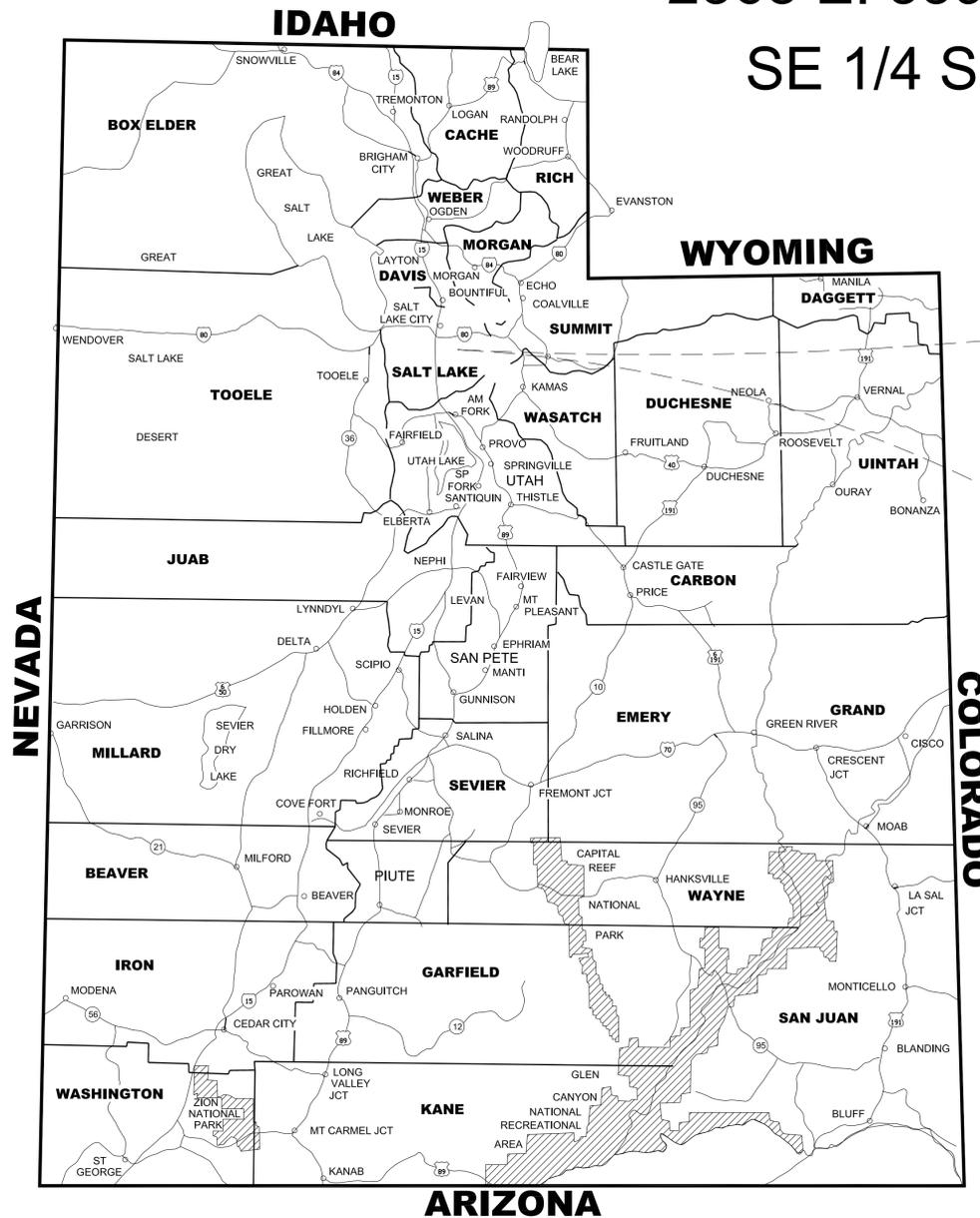
DRAWN BY:	CHECKED BY:	APPROVED BY:	SHEET:
DBJ	DBJ	DBJ	
PROJECT NO:	15-015-0000		SITE 02 OF 02
DATE:	2016-03-04		
SCALE:	1"=10'		

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# EVERGREEN COURT SUBDIVISION

## PRELIMINARY PLAN SET

2368 E. 3395 S. SALT LAKE CITY, UTAH 84109  
 SE 1/4 SECTION 27, T1SS R1W, S.L.B.M.



SHEET INDEX	
SHEET NUMBER	SHEET TITLE
01	COVER SHEET
02	SITE PLAN

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NO.	REVISION	DATE
01	PRELIMINARY	02/16

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**RON SPRATLING**  
 4250 ROWLAND DR  
 SALT LAKE CITY, UT 84124  
 (801) 560-4747

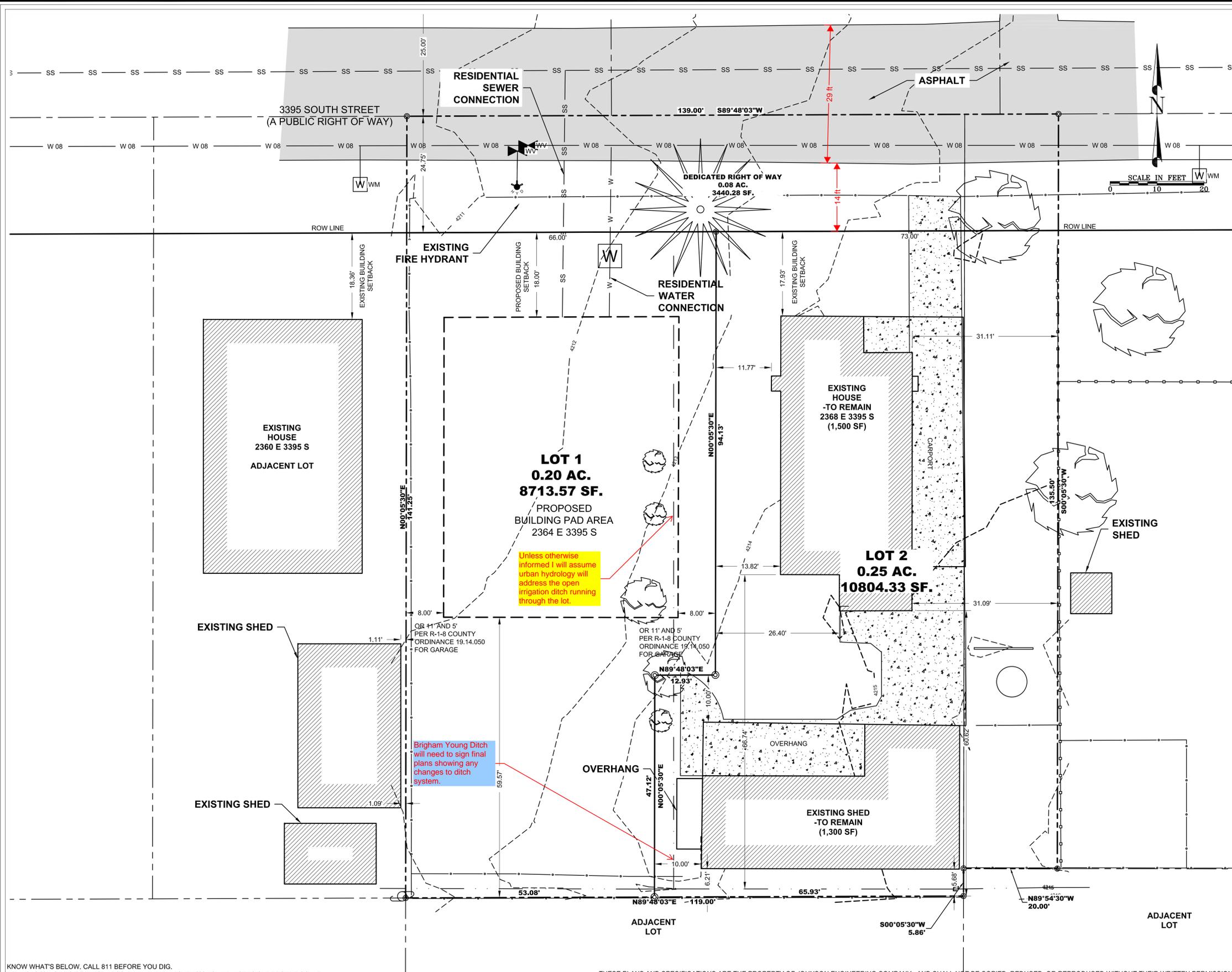
ENGINEER / SURVEYOR INFORMATION:  

**JOHNSON ENGINEERING**  
 4436 SOUTH 1025 EAST • SALT LAKE CITY, UTAH 84124  
 www.johnsonengineeringinc.com  
 Phone: 801-787-4569

SHEET INFORMATION:  
**COVER SHEET**  
**SPRATLING SUBDIVISION**  
 2368 E. 3395 S. SALT LAKE CITY, UTAH 84109  
 SE 1/4 SECTION 27, T1SS R1W, S.L.B.M.

DRAWN BY:	CHECKED BY:	APPROVED BY:	SHEET:
DBJ	DBJ	DBJ	
PROJECT NO:	15-015-0000		COVR 01 OF 02
DATE:	2016-03-03		
SCALE:	1":40'		

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**GENERAL NOTES AND LEGEND**

	STREET MONUMENT		RIGHT-OF-WAY LINE
	SECTION CORNER		PROPERTY LINE
	PROPERTY CORNER		WOOD FENCE
	PLACED PROPERTY CORNER		CHAIN LINK OR WIRE
	PROPERTY CORNER CALCULATED		FENCE
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	EXISTING BUILDINGS		CONCRETE LINED DITCH
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2368 E. 3395 S. SALT LAKE CITY, UT 84109  
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DRAWN BY:	CHECKED BY:	APPROVED BY:	SHEET:
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DATE:	2016-03-04		
SCALE:	1"=10'		

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**SL** SALT LAKE COUNTY  
TOWNSHIPS



SL SALT LAKE COUNTY TOWNSHIPS



514278E

45513

**MEETING MINUTE SUMMARY**  
**MILLCREEK TOWNSHIP PLANNING COMMISSION MEETING**  
**Wednesday, August 10, 2016 4:00 p.m.**

**Approximate meeting length:** 1 hour 53 minutes

**Number of public in attendance:** 25

**Summary Prepared by:** Wendy Gurr

**Meeting Conducted by:** Commissioner Stephens

**\*NOTE:** Staff Reports referenced in this document can be found on the State and County websites, or from Salt Lake County Planning & Development Services.

**ATTENDANCE**

Commissioners	Public Mtg	Business Mtg	Absent
John Janson	x	x	
Tom Stephens (Chair)	x	x	
Geralyn Parker Perkins			x
Ann Ober (Vice Chair)			x
Shawn LaMar	x	x	
Andrew Gruber	x	x	
Pam Juliano			x
Jon Jemming (Alternate)	x	x	

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Max Johnson		
Jeff Miller	x	x
Spencer Hymas	x	x
Todd Draper		
Tom Zumbado	x	x
Rolen Yoshinaga	x	x
Chris Preston (DA)	x	x

**PUBLIC HEARINGS**

**Hearings began at – 4:07 p.m.**

**30032** – Dan Bourque is requesting approval for a rezone from R-2-10 to R-M. **Location:** 4255 South 615 East. The parcel is 4.74 acres. **Community Council:** Millcreek. **Planner:** Spencer Hymas

*Applicant request a continuance. This was addressed at the Millcreek Community Council and they too request be continued for another month.*

**Motion:** To continue application #30032 to the September 14, 2016 meeting as request by the Applicant.

**Motion by:** Commissioner Janson

**2<sup>nd</sup> by:** Commissioner LaMar

**Vote:** Commissioners voted unanimous in favor (of commissioners present)

**29966** – Bryan Wright of Establish is requesting a zone change from R-1-10 to C-2. **Location:** 3785 South Highland Drive. **Acreage:** The combined parcels equal to ≈1.03 acres. **Community Council:** Millcreek. **Planner:** Tom Zumbado

*Salt Lake County Township Services Planner Tom Zumbado provided an analysis of the staff report.*

Commissioner Gruber arrived at 4:15 pm

Commissioner Janson confirmed this is a legislative decision and the plan said it is supposed to be stable, and he doesn't understand. Mr. Zumbado said divided between general plan map and the goals set forth in the Millcreek general plan. When they see stable areas and along large corridors, they see seams considering the land is undeveloped and across from commercially developed land and same side additional areas zoned for commercial use. Staff believes this isn't an unusual request. Stephens asked why C-2 zone instead of R-M. Mr. Zumbado said requested by the applicant and they intend to have tenants, in the lower offices. Commissioner Janson asked about the zonings. Mr. Zumbado said his job is to provide the broadest view and when a recommendation is made they have the most amount of knowledge available.

## PUBLIC PORTION OF MEETING OPENED

**Speaker # 1:** Applicant – Establish Architecture/Interior Design

**Name:** Brian Wright

**Address:** 3233 South 900 East

**Comments:** Mr. Wright said they are building this to have their offices. More historic and high end architecture. Office to show who they are as a showcase. They have associates that would like to be next to them with retail and would need to have a C-2 zone. They're excited for the prospects and wouldn't want to build something contrary to the area. They know there is irrigation running through the property that is undevelopable and a lot of landscaping as a buffer. They have done preliminary drawings to see if it fits on the property as a foot print.

Commissioner Janson asked about elevation difference. Mr. Wright said at least 15 feet difference. Commissioner Janson asked about community council 40 foot height limit. Mr. Wright said they are fine with that and don't expect to go that high. That will be regulated by the size of the building and parking ratios. Commissioner Gruber confirmed to change from residential to commercial and it is noted as a stable area and relevant that areas along the corridor that have been zoned commercial. On the plat the intent would be to build closer to highland and significant tree barrier to separate from commercial to residential. Mr. Wright said intent is to go closer to highland and have the buffer.

**Speaker # 2:** Citizen

**Name:** James Sargent

**Address:** 1643 East Forest Hills Drive

**Comments:** Mr. Sargent owns property to the east. He doesn't think there is a question that hasn't been answered. He has a question about the property line, 16 feet and clarified. Is there a plat, more of a conceptual design. The parking will be on the south side of the building, and is that the anticipated entry.

**Speaker # 3:** Citizen

**Name:** Jill Percival

**Address:** 1646 East Forest Hills Drive

**Comments:** Ms. Percival said they are concerned about the beautification and how it would look. They have a retaining wall and would like to see a retaining wall on the other side of the street. Concerned with multiple businesses and looking like a strip mall. Some consideration and what the building will look like and what commercial businesses will reside.

**Speaker # 4:** Citizen

**Name:** Karen Simpson

**Address:** 3740 East Forest Hills Drive

**Comments:** Ms. Simpson asked who the current land owner is, is it under contract, and has the applicant purchased it and what is R-1-10 zoning.

*Commissioner Stephens said single family residential and ten of the zone is square feet of the lot. Ms. Simpson said 40 foot height limit and how many stories. Commissioner Stephens said could be four stories and depends if dug down. Ms. Simpson asked how many existing trees would they save and keep.*

**Speaker # 5:** Citizen

**Name:** Patrick Emery

**Address:** 1673 East Forest Hills Drive

**Comments:** Mr. Emery said he knows it's in Wasatch fault line.

*Commissioner Stephens said that would be something signed off by the County Geologist.*

**Speaker # 6:** Applicant

**Name:** Brian Wright

**Address:** 3233 South 900 East

**Comments:** Mr. Wright said it is too early to discuss landscaping and want to save as many trees, but some will have to go for the building and parking, but a quarter will be left untouched. Parking is to the northeast of the area. They are under contract to purchase the land with a successful rezone. He is an architect and four stories would be unfeasible, looking at three stories. Mr. Wright said it is still pretty early in the process. If they have approvals they will start designing. They specialize in high end architecture, will look historic and wouldn't worry about a glass box or typical strip mall. They are conveying their business into who they are. Access will come in off highland drive and maybe access off Forest Hills.

*Commissioner Janson asked if highland was a County or UDot road. Mr. Wright said it is UDot, but haven't really had discussion. Commissioner Janson said canals are located on fault lines and has this been investigated. Mr. Wright said he doesn't have specific information, but will check into it, but he heard fault was higher up. Commissioner Stephens asked if that would be checked before the deal is closed. Mr. Wright confirmed he would.*

## **PUBLIC PORTION OF MEETING CLOSED**

*Commissioners and Staff had a brief discussion regarding C-2 zones, possibility of building homes. Mr. Hymas said when properties are along the corridor in the general plan it states they are adaptable and there are goals. Discussion about mixing use in the C-2 zone. Mr. Zumbado confirmed it is 1.03 acres.*

*Commissioners, Counsel and Staff had a brief discussion.*

**Motion:** To recommend approval of application #29966 to the County Council with Staff Recommendations and two conditions:

1. Limit height to 40 feet
2. Limit uses only to Permitted uses in the C-2 zone, including office use.

**Motion by:** Commissioner Janson

**2<sup>nd</sup> by:** Commissioner LaMar

**Vote:** Commissioners Jemming and Stephens voted nay, all other commissioners in favor (of commissioners present) Motion passed.

**29685** – Eric Alder is requesting conditional use approval for a proposed office warehouse on 1.36 acres.  
**Location:** 3911 South 500 West. **Zone:** M-1. **Community Council:** Millcreek. **Planner:** Jeff Miller

*Salt Lake County Township Services Planner Jeff Miller provided an analysis of the Staff Report.*

*Commissioner Janson asked if the special area plan went this far west. Mr. Miller confirmed it didn't.*

### **PUBLIC PORTION OF MEETING OPENED**

**Speaker # 1:** Applicant

**Name:** Eric Alder

**Address:** 3939 South 500 West

**Comments:** Mr. Alder said this is straight forward and the issue on the north side of the setback. His grandfather owned this property in the 1960's and 70's. The building to the east was built before 3900 was an overpass. They're down to 10 feet. The building is similar to the warehouses developed over the last years. They're durable and tenants are very well impacted. Hoping when it is built, they will come.

### **PUBLIC PORTION OF MEETING CLOSED**

**Motion:** To approve application #29685 with Staff Recommendations and work with Planning Staff.

**Motion by:** Commissioner LaMar

**2<sup>nd</sup> by:** Commissioner Janson

**Vote:** Commissioners voted unanimous in favor (of commissioners present)

### **BUSINESS MEETING**

**Meeting began at – 5:37 p.m.**

- 1) Approval of Minutes from the July 13, 2016 meeting.

**Motion:** To approve Minutes from the July 13, 2016 meeting as presented.

**Motion by:** Commissioner Gruber

**2<sup>nd</sup> by:** Commissioner Janson

**Vote:** Commissioner Jemming abstained, all other commissioners in favor (of commissioners present) Motion passed.

- 2) Ordinance Issues from today's meeting
- 3) Other Business Items (as needed)

*Commissioner Stephens asked about an ordinance for new files. Commissioner Janson said when a change from an ordinance is being contemplated, they stop for four months. Had discussion what that means, whether no decisions made four months prior or no new applications within four months. Mr. Preston confirmed the ordinance does talk about avoiding duplication, confusion and duplicate fees would not be received and accepted 120 days prior for zone change and 90 days prior for variance. Still issues being looked at and no final answer yet.*

*Commissioners and Counsel had a brief discussion regarding timing. Commissioner Gruber asked about notifying the applicants of the Community Council meeting.*

### **MEETING ADJOURNED**

**Time Adjourned – 6:00 p.m.**