



Millcreek Planning Commission Meeting Agenda

PUBLIC NOTICE is hereby given that the Planning Commission of MILLCREEK will assemble in a REGULAR public meeting on Wednesday, **20 February 2019** at City Hall, 3330 S. 1300 E., Millcreek, Utah 84106, commencing at **5:00 p.m.**

5:00 p.m. – Regular Meeting

1. Public Hearings

- 1.1 Consideration of **SD-18-013**, Amendment to the Skyline Hills Subdivision Plat, including the Establishment of a New Buildable Area Identified on the Plat, Pursuant to the Foothills and Canyons Overlay Zone Requirements **Location:** 4691 Thousand Oaks Drive **Applicant:** Diane Warnock **Planner:** Robert May
- 1.2 Consideration of **SD-19-001**, 2-lot Commercial Subdivision **Location:** 2300 E. 3300 S. **Applicant:** Natalee Hawkes **Planner:** Robert May
- 1.3 Consideration of **SD-19-002**, Flag Lot Subdivision **Location:** 2217 E. Evergreen Ave. **Applicant:** Robert Dieringer **Planner:** Robert May
- 1.4 Consideration of **SD-18-016/CU-19-002**, Conditional Use Permit and Preliminary Plat Approval for a Planned Unit Development Consisting of 9 Dwellings **Location:** 3429-3437 S. 1300 E. **Applicant:** Brad Reynolds **Planner:** Robert May
- 1.5 Consideration of **ZM-19-001**, Rezone from R-2-10 to R-1-5 **Location:** 4277 S. 500 E. **Applicant:** Mark Snow **Planner:** Erin O'Kelley
- 1.6 Consideration of **ZM-19-002**, Rezone from R-2-6.5 to R-M, Subject to a Development Agreement to add 40 Dwellings to the Capri Park Apartment Homes Development **Location:** 3580 S. 900 E. **Applicant:** Northstar Builders **Planner:** Blaine Gehring
- 1.7 Consideration of **ZM-19-003**, Rezone from R-2-10 to R-M, Subject to a Development Agreement for a Townhome Development Consisting of 10 Dwellings **Location:** 3999 S. 500 E. and 534 E. Delno Dr. **Applicant:** Byron Gates **Planner:** Erin O'Kelley

2. New Business

- 2.1 Consideration of **CU-19-001**, Conditional Use Permit for a Dog Grooming Business in the R-M Zone **Location:** 535 E. 4500 S. **Applicant:** Furry Friends, LLC **Planner:** Blaine Gehring

3. Continuing Business

- 3.1 Consideration of **ZT-18-013**, Amendments to Title 18, Establishing a Procedure for Condominium Plats and Condominium Conversions **Applicant:** Hidden Creek LLC **Planner:** Blaine Gehring

4. Business Meeting

- 4.1 Approval of January 16, 2019 Meeting Minutes
- 4.2 Approval of January 23, 2019 Special Work Meeting Minutes

5. New Items for Subsequent Consideration

6. Calendar of Upcoming Planning Meetings

- Mt. Olympus Community Council Mtg., 3/5/19, 6:00 p.m. at 3450 E. Oakview Dr.
- Millcreek Community Council Mtg., 3/5/19, 6:30 p.m. at 1025 E. 4405 S.
- Canyon Rim Citizens Association Mtg., 3/6/19, 7:00 p.m. at 2375 E. 3300 S.
- East Mill Creek Community Council Mtg., 3/7/19, 6:30 p.m. at 2266 E. Evergreen Ave.
- City Council Mtg., 3/11/19, 5:00 p.m. at City Hall

- Planning Commission Mtg., 3/20/19, 5:00 p.m. at City Hall

7. Adjournment

In accordance with the Americans with Disabilities Act, Millcreek will make reasonable accommodation for participation in the meeting. Individuals may request assistance by contacting the Recorder's Office, 801-214-2601, at least 48 hours in advance of the meeting.

The Planning Commission public meeting is a public forum where the Planning Commission receives comment from applicants, the public, applicable agencies and 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. Actions may include: approval, approval with conditions, denial of legislative items, continuance, or recommendation to other bodies as applicable.

THE UNDERSIGNED DULY APPOINTED CITY RECORDER FOR THE MUNICIPALITY OF MILLCREEK HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS EMAILED OR POSTED TO:

City Offices

City Website

Utah Public Notice Website

Those Listed on the Agenda

<http://millcreek.us>

<http://pmn.utah.gov>

DATE: February 15, 2019

CITY RECORDER: Elyse Greiner

Agenda items may be moved in order, sequence, and time to meet the needs of the Planning Commission



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

File # SD-19-001

Planning Commission Staff Report

Meeting Date: 20 February 2019
Applicant: Ken Hawkes (Anderson Wahlen & Associates)
Property Address: 2330 East 3300 South
Parcel ID: 16-27-452-059 (3.13 acres)

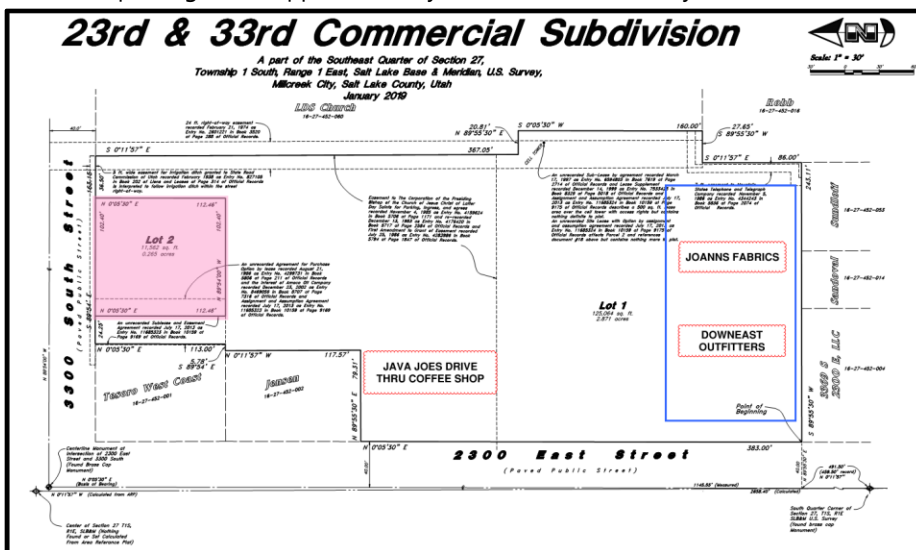
Request: Preliminary Plat approval for a 2-lot commercial subdivision

Zone: C-2

Prepared By: Robert May, Planner

SYNOPSIS AND SCOPE OF DECISION

Anderson Wahlen & Associates is requesting preliminary plat approval for a 2-lot commercial subdivision located at 2330 East and 3300 South. The corner of 2300 East and 3300 South has been previously known as the Dan's Marketplace site. Until recently, the Dan's Marketplace building has been converted to a Joann's Fabrics and a DownEast Outfitters. A recent addition of a Java Joe's drive-thru coffee shop was granted approval in July of 2018 and is currently in construction.



The proposed subdivision will carve out a rectangular configured lot at the north end of the property fronting 3300 South and will consist of approximately 11,562 s.f. (.26 acres).

As per Chapter [18.08.010 Procedure Generally](#) of the Millcreek Subdivision Code, the planning commission shall be the land use authority for subdivisions.

Millcreek Subdivision Code and State of Utah Subdivision Code does not identify a difference in requirements between residential or nonresidential (commercial) subdivisions. The State of Utah does provide exemptions for agricultural subdivisions provided certain

requirements are met. A "Subdivision" is defined as such:

State of Utah Definition

"Subdivision" means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development.

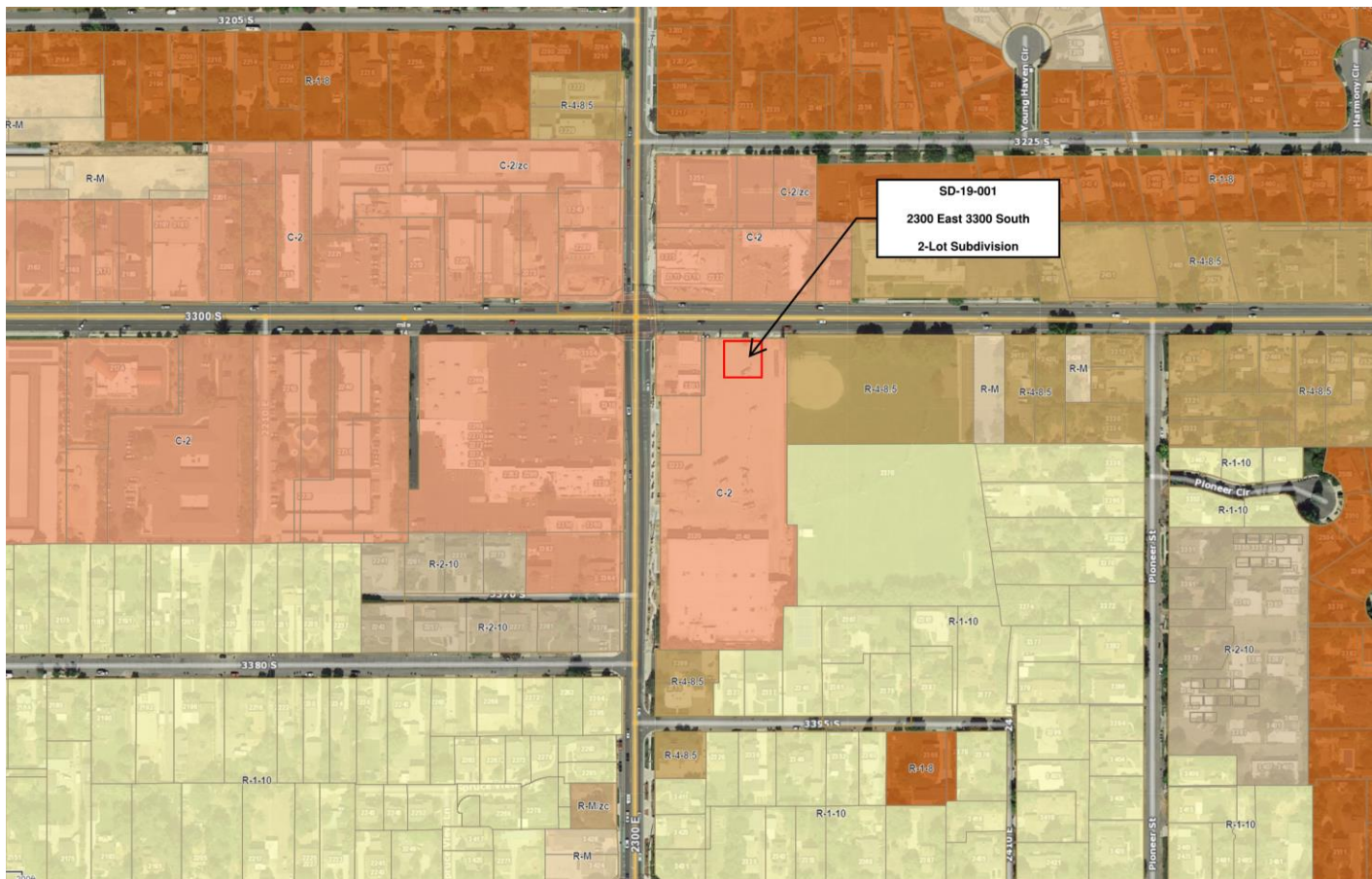
Millcreek Title 18 Definition

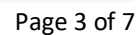
"Subdivision" means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

SITE VICINITY AND DESCRIPTION

Zoning Map, Google Imagery, Proposed Plat

Zoning Map





PROJECT INFORMATION

ZONE REQUIREMENTS							
ZONE	DEVELOPMENT TYPE	AREA	WIDTH	SIDE SETBACK	SIDE SETBACK FACING STREET	REAR SETBACKS	FRONT SETBACKS
C-2	Commercial	None Required	None Required	If located adjacent to residential zoning, 10 feet, otherwise non required	20 Feet or ROW distance. Whichever is greater	Mixed use: 25' If located adjacent to residential zoning, 25 feet, otherwise non required	20 Feet or ROW distance. Whichever is greater
PROPOSED							
ZONE	DEVELOPMENT TYPE	AREA	WIDTH	SIDE SETBACK	SIDE SETBACK FACING STREET	REAR SETBACKS	FRONT SETBACKS
C-2	Commercial	Lot #2 area =11,562 s.f. Building area=2,928 s.f. (25.33%)	102'	Approx. 20' and 17'	N/A	50'	20 Feet or minimum UDOT ROW distance. Whichever is greater

Information is for the newly created Lot #2. Lot #1 will remain the same and un-affected

The new proposed lot #2 configuration is situated in an existing parking lot where parking spaces currently exist. The entire lot currently consists of 200 spaces. The lot boundaries will cover 28 spaces. The proposed building footprint will add 6 spaces for its commercial use, removing 22 spaces indefinitely. This will result in 178 spaces remaining.

Joann Fabrics and DownEast Outfitters utilize 158 spaces. (20 remaining)

The drive thru coffee shop Java Joes utilizes 10 spaces. (10 remaining)

Based on these parking stall counts, the number of available stalls within the parking lot will exceed the minimum parking requirement by 10 parking stalls. This will allow some flexibility in the event the building on the proposed lot is utilized by a use that requires more than the provided 6 parking stalls. Additionally, staff would recommend that a shared parking agreement be recorded for the proposed lots.

- Subject lots are in the Salt Lake City Water Improvement District
- Subject lots comply with the minimum requirements of the C-2 Zone as a zoning lot
- Subject lot lies in the Salt Lake City Suburban Sewer District
- The proposed subdivision is not located in a designated floodplain area as illustrated in the NFIP Flood Rate Maps
- The proposed subdivision plat has completed a site plan identifying all easements and utilities
- The proposed subdivision plat has completed preliminary requirements that consist of a site plan, utility plan, and a grading and drainage plan that illustrates storm water runoff and retention.

REQUIRED INFORMATION FOR PRELIMINARY PLAT APPROVAL**18.12.010 Required Information**

- A. The preliminary plat, prepared on paper twenty-one inches by thirty inches, shall contain the information specified in this section and comply with the following requirements:
1. Description and Delineation. In a title block located in the lower right-hand corner the following shall appear:
 - a. The proposed name of the subdivision, which name must be approved by the planning and development services division on behalf of the city;
 - b. The location of the subdivision, including:
 1. Address,
 2. Section, township and range;
 - c. The names and addresses of the owner, the subdivider, if different than the owner, and of the designer of the subdivision;
 - d. The date of preparation, scale (no less than one inch to equal one hundred feet) and the north point.
 2. Existing Conditions. The plat shall show:
 - a. The location of and dimensions to the nearest bench mark or monument;
 - b. The boundary lines of the proposed subdivision indicated by a solid heavy line and the total approximate acreage encompassed thereby;
 - c. All property under the control of the subdivider, even though only a portion is being subdivided. Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in the light of existing general street plans, other planning commission studies and the County Transportation Improvement Plan;
 - d. The location, width and names of all existing streets within two hundred feet of the subdivision and of all prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, houses or permanent easements and section and corporation lines, within and adjacent to the tract;
 - e. The location of all wells, proposed, active and abandoned, and of all reservoirs within the tract and to a distance of at least one hundred feet beyond the tract boundaries;
 - f. Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred feet beyond the tract boundaries, indicating pipe sizes, grades, manholes and exact location;
 - g. Existing ditches, canals, natural drainage channels, and open waterways and proposed realignments;
 - h. Boundary lines of adjacent tracts of unsubdivided land, showing ownership where possible;
 - i. Contour at vertical intervals of not more than two feet. Highwater levels of all watercourses, if any, shall be indicated in the same datum for contour elevations;
 - j. Nearest installed fire hydrants on or within five hundred feet of the proposed subdivision.
 3. Properties Located in the Foothills and Canyons Overlay Zone. In addition to the preceding, the preliminary plat for subdivision of a property located in the foothills and canyons overlay zone shall show:
 - a. A graphic depiction of existing slope characteristics of the property, illustrating the following:
 1. Areas with slopes less than thirty percent,
 2. Areas with slopes thirty to forty percent,
 3. Areas with slopes forty to fifty percent, and
 4. Areas with slopes greater than fifty percent;
 - b. Identified natural hazards, including but not limited to, areas potentially subject to avalanche, liquefaction, and/or surface fault rupture;
 - c. Water courses, natural drainage channels, storm water runoff channels, gullies, stream beds, wetlands, etc.
 4. Proposed Subdivision Plan. The subdivision plan shall show:
 - a. The layout of streets, showing location, widths and other dimensions of (designated by actual or proposed names and numbers) proposed streets, crosswalks, alleys and easements;
 - b. The layout, numbers and typical dimensions of lots, and in areas subject to foothills and canyons overlay zone provisions, designation of buildable areas on individual lots.
 - c. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision;

- d. Building setback lines, including showing dimensions where required by the planning commission;
- e. Easements for water, sewers, drainage, utility lines and other purposes, if required by the planning commission;
- f. Typical street cross sections and grade sheets where required by the planning commission or other interested county divisions on behalf of the city;
- g. A tentative plan or method by which the subdivider proposes to handle stormwater drainage for the subdivision.

Staff as found that the "23rd and 33rd Commercial Subdivision" has met all the requirements of Chapter 18.12.010 of Title 18 (*Subdivision Requirements*) for **preliminary plat approval** only. Staff finds that the proposed subdivision amendment is in harmony with the newly adopted Millcreek General Plan and character of the surrounding commercial area. Furthermore, staff finds that the proposed subdivision creates a compatible use on an otherwise over-parked parking lot.

ISSUES OF CONCERN/PROPOSED MITIGATION

While staff finds that the subdivision amendment meet preliminary plat requirements and is in compliance with the City's development standards, final plat approval will subject to the standards and regulations under Title 18 of the Millcreek Code. Other requirements may apply. Although the buildable area and footprint is defined on the plat for the new lot #2, any future development will be subject to the C-2 commercial development standards and **all** Special Regulations for Commercial Zones found in the Millcreek Code.

COMMUNITY COUNCIL RESPONSE

As per Chapter 2.56.100 Community Councils; Planning and Zoning, subdivision plats and amendments are not required to be submitted for Community Council recommendation.

REVIEWING AGENCIES RESPONSE

Compliance with current building, construction, engineering, fire, health, landscape and safety standards will be verified prior to final approval. All technical review requirements associated with final approval must be met including any public improvements required by Millcreek Engineering. All improvements must be completed or bonded for before the plat can be recorded.

PLANNING STAFF ANALYSIS AND FINDINGS

Staff as found that the "23rd and 33rd Commercial Subdivision" has met all the requirements of Chapter 18.12.010 of Title 18 for **preliminary plat approval** only.

Staff recommends approval of the proposed subdivision request and recommends the following conditions:

1. A parking agreement and cross maintenance and access agreement be established and recorded that identifies shared parking access with Joann Fabrics, DownEast Outfitters and the Java Joes drive thru coffee shop
2. Future development on lot #2 of the proposed plat meet the minimum parking requirement for uses allowed in the C-2 Zone
3. Future development on lot #2 of the proposed plat does not exceed a height of 28 feet
4. Verify with the Utah Department of Transportation that access is granted for the new proposed lot
5. Signs will require separate building permits and staff review for zoning/land use compliance.

6. No light source (light bulb, fluorescent tube, or other direct source of light used to illuminate a parking area) shall be visible beyond the property line of any off-street parking area as required by Section 19.80.030 of the zoning ordinance.
7. Any modifications to these approved plans must be approved by Millcreek Community Development
8. Landscaping shall be installed as per Chapter 19.77 of the Millcreek Code
9. The applicant will comply with all requirements established through the technical review process prior to receiving final conditional use approval, including all associated review and bonding fees
10. The applicant will comply with all requirements of the Unified Fire Code, subject to approval by the Fire Marshal.
11. Future development shall obtain a complete review for an approved building permit and shall continually comply with the requirements of Millcreek City, Salt Lake City Department of Public Utilities, and the S. L. City Suburban Sewer District.
12. All items of the staff report.

PLANNING STAFF RECOMMENDATION

Staff recommends approval, in the following motions:

The Planning Commission grants preliminary plat approval of the "23rd and 33rd Commercial Subdivision", located at 2330 East 3300 South, File Number SD-19-001, subject to the conditions recommended by staff.

SUPPORTING DOCUMENTS

1. Application
2. Proposed plat
3. C-2 Zone requirements



Planning Services

3330 South 1300 East • Millcreek, Utah 84106

Phone: (801) 214-2750

Millcreek.us

File #

Land Use & Development Application

Zone: _____ Community Council: _____ Planner: _____

Parent File #: _____ Date: _____

Property Address: _____ Parcel #: _____

Name of Project _____ Property Acreage: _____

Please describe your request:

New Development:

- ☐ Conditional Use
- ☐ Permitted Use
- ☐ Subdivision # lots: _____
- ☐ PUD #lots: _____

Modify an Existing Development:

- ☐ Change Conditions of Approval
- ☐ Change the Site Plan
- ☐ Condo Conversion
- ☐ Lot Consolidation
- ☐ Lot Line Adjustment
- ☐ Mobile Store
- ☐ Signs
- ☐ Billboards

Other:

- ☐ Exception Request
- ☐ General Plan Amendment
- ☐ GRAMA (Records Request)
- ☐ Land Use Hearing
- ☐ Non-Conforming
- ☐ RCOZ Appeal (Option C)
- ☐ Research Request
- ☐ Re-zone
- ☐ Right-of-Way Improvement Permit
- ☐ Vacate a Street

Is a key or gate code required to access the property? ☐ Yes ☐ No If yes, code: _____
(or provide driving directions to property):

APPLICANT'S NAME:

First: _____ Last: _____ Initial: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Cell: _____ Email: _____

Property Owner(s):

First: _____ Last: _____ Initial: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Cell: _____ Email: _____

Professional(s): ☐ Engineer ☐ Architect ☐ Other

Company: _____ Contact: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Cell: _____ Email: _____

**NOTE: all correspondence will be sent to the applicant's address:*

To facilitate the land use notice and review process, the undersigned hereby authorize the City to reproduce this application and all documents attached to the application for staff, officials, and the interested public:

Applicant's Signature: Ken B. Haul Date 30 Jan, 2019



Planning and Development Services

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050

Phone: (385) 468-6700 • Fax: (385) 468-6674

Millcreek.Utah.gov

File #

AFFIDAVIT – Property Owner

STATE OF UTAH }
 } ss
COUNTY OF SALT LAKE }

I (we) Steven Usdan being duly sworn, depose and say that

I (we) am (are) the owner(s) of the property(s) located at:

2330 East 3300 South

My (our) signature below attests that I (we) have reviewed the proposal by AWA

requesting review and approval of 33rd & 23rd Millcreek Commercial Subdivision

and that I (we) consent to the statements and information provided in the attached plans and exhibits

and that all information presented is true and correct to the best of my (our) knowledge.

Property Owner [Signature] UFPTFC, LLC & BBTFCLLC

Property Owner _____

Subscribed and sworn to me this _____ day of _____, 20____.

Notary: _____

Residing in Salt Lake County, Utah

**SEE ATTACHED
CA CERTIFICATE**

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of LOS ANGELES)On FEBRUARY 1, 2019 before me, K. RACHEL HOLLINGSWORTH, NOTARY PUBLIC,

Date

Here Insert Name and Title of the Officer

personally appeared STEVEN USDAN

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

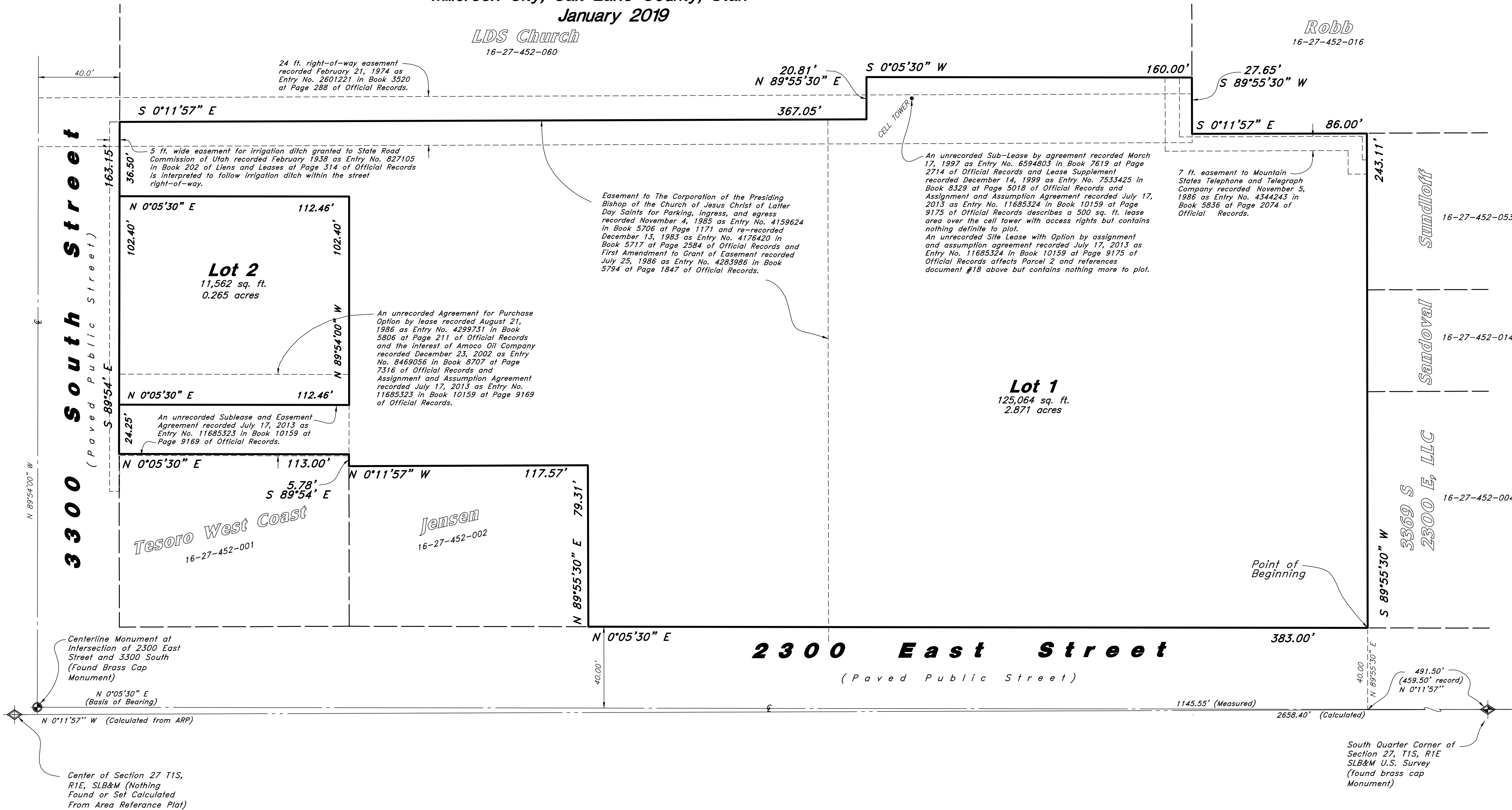
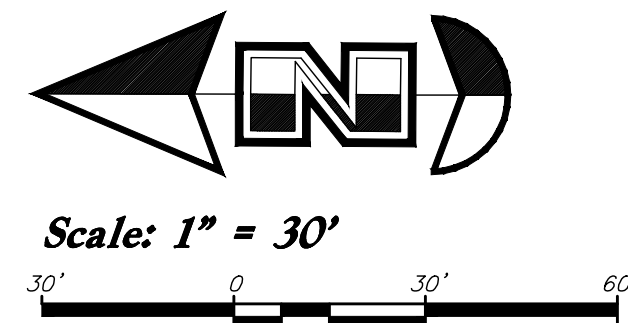
Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

23rd & 33rd Commercial Subdivision

A part of the Southeast Quarter of Section 27,
Township 1 South, Range 1 East, Salt Lake Base & Meridian, U.S. Survey,
Millcreek City, Salt Lake County, Utah
January 2019

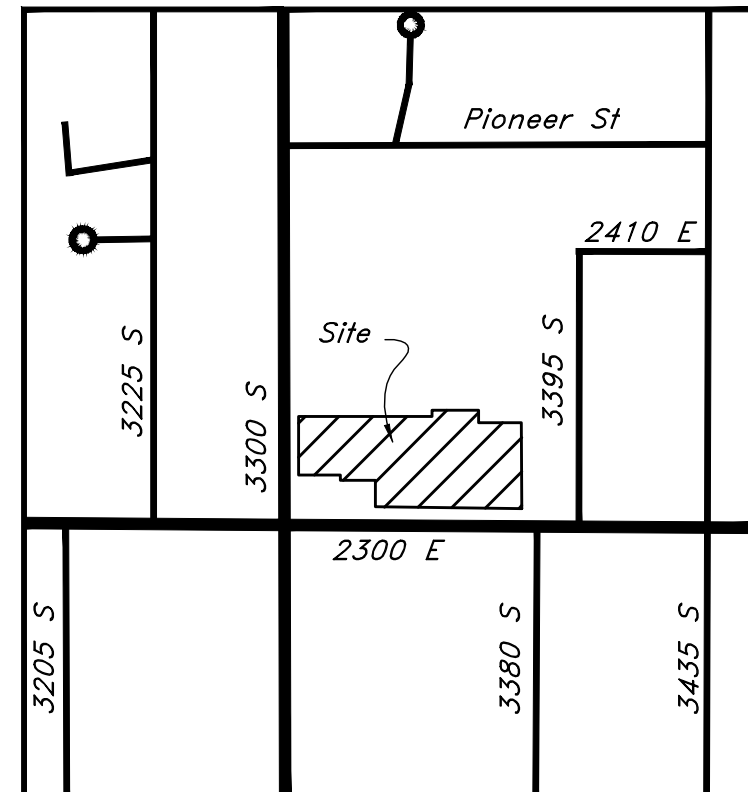


Legend

- Property Line
- Easement Line
- Adjoiner Line
- Section Corner
- Centerline Monument
- Centerline
- Offset Pins to be set in the back of curb and 5/8" x 24" rebar with numbered survey cap to be placed at all lot corners, Nail and brass tag to be set at all lot corners located in paved areas.

Owner - Developer

CCA Acquisition Company, LLC
Kornwasser Shopping Center Properties LLC
5670 Willshire Boulevard, Suite 1250
Los Angeles, Ca 90047
phone: 323-963-1511



Vicinity Map

Not to Scale



Narrative

This Survey and Subdivision was requested by CCA Acquisition Company to create two Lots.

This Survey retraces and honors a previous 2001 Survey by McNeil Engineering and Land Surveying, L.C. on the fuel center.

A line between monuments found for South Quarter Corner of Section 27 and the centerline monument at the intersection of 2300 East Street and 3300 South Street was assigned the Salt Lake County Area Reference Plat bearing of N 0°05'30" E as the Basis of Bearings to retrace and honor the previous Survey.

Planning and Development Services

Approved this _____ Day of _____ A.D., 20__.

Signed _____ Date _____

Millcreek Mayor

Presented to the Mayor and Millcreek City Council this Day of _____ A.D., 20__. At which time this subdivision was approved and accepted.

Mayor

Attest: City Recorder

Approval as to Form

Approved this _____ Day of _____ A.D., 20__.

Millcreek Attorney

Planning Commision

Approved this _____ Day of _____ A.D., 20__.

Millcreek Planning Commision

Board of Health

Approved this _____ Day of _____ A.D., 20__.

Salt Lake County Board of Health

Surveyor's Certificate

I, Bruce D. Pimper, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 362256 as prescribed under the Laws of the State of Utah. I further certify that by the authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, together with easements hereafter to be known as

23rd & 33rd Commercial Subdivision

And that the same has been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet the area, frontage, and width requirements as shown on this plat.

Boundary Description

Beginning at a point on the East line of 23rd East Street (as widened to 40.00 feet half width), said point being North 0°11'57" West 491.50 feet along the Quarter Section Line, and North 89°55'30" East 42.50 feet from the South Quarter Corner of Section 27, Township 1 South, Range 1 East, Salt Lake Base and Meridian; and running thence North 0°05'30" East 383.00 feet along the East line of 2300 East Street; thence North 89°55'30" East 79.31 feet; thence North 0°11'57" West 117.57 feet; thence South 89°54' East 5.78 feet; thence North 0°05'30" East 113.00 feet, to the South line of 3300 South Street (as widened to 40.00 feet half width); thence South 89°54' East 163.15 feet along said South line of said street; thence South 0°11'57" East 367.05 feet; thence North 89°55'30" East 20.81 feet; thence South 0°05'30" West 160.00 feet; thence South 89°55'30" West 27.65 feet; thence South 0°11'57" East 86.00 feet; thence South 89°55'30" West 243.11 feet to the point of beginning.

Contains: 136,626 sq. ft. or 3.136 acres 2 Lot



Date

Bruce D. Pimper
Utah PLS No. 362256

Owner's Dedication

Know all by these presents that we, the undersigned owners of the described tract of land hereon, having caused the same to be subdivided into lots and streets to hereafter be known as 23rd & 33rd Commercial Subdivision, do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use, and do warrant, defend, and save the City harmless against any easements or other encumbrances on the dedicated streets which will interfere with the City's use, operation, and maintenance of the streets and do further dedicate the easements as shown for the use by all suppliers of utility or other necessary services.

In witness whereby I/We have hereunto set my/our hand This _____ Day of _____ AD, 20__

UFPTFC, LLC

by:

Its:

Acknowledgment

State of Salt Lake
County of Salt Lake } ss

On the _____ day of _____, 20__, _____ personally appeared before me who being by me duly sworn, did say that he is the Manager of UFPTFC, LLC, a Utah limited liability company, by authority of its members or its articles of organization, and he acknowledged to me that said limited liability company executed the same.

Residing in _____ County, _____

Commission Expires: _____

Commission Number: _____

(If above information is provided, no stamp required per Utah Code, title 46, Chapter 1, Section 16)

Print Name

A Notary Public

23rd & 33rd Commercial Subdivision

A part of the Southeast Quarter of Section 27,
Township 1 South, Range 1 East, Salt Lake Base & Meridian, U.S. Survey,
Millcreek City, Salt Lake County, Utah

Recorded

State of Utah, County of Salt Lake, Recorded and Filed at the Request of

Date _____ Time _____ Book _____ Page _____

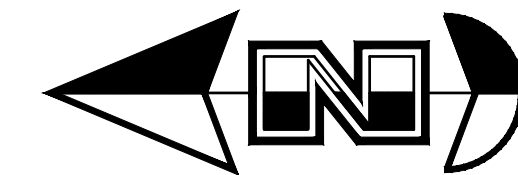
Fee \$ _____ Salt Lake County Recorder



ANDERSON WAHLEN & ASSOCIATES

2010 North Redwood Road, Salt Lake City, Utah 84116
801 521-8529 - AWAengineering.net

REV DATE DESCRIPTION



1. *Stalls designated as Accessible will require a painted Accessible symbol and sign. (See Details)*
2. *Fire lane markings and signs to be installed as directed by the Fire Marshal.*
3. *Aisle markings, directional arrows and stop bars will be painted at each driveway as shown on the plans.*
4. *All dimensions are to back of curb unless otherwise noted.*

The Construction Survey Layout for this project will be provided by Anderson Wahlen & Associates. The Layout Proposal and Professional Services Agreement will be provided to the General Contractor(s) for inclusion in base bids. The Survey Layout proposal has been broken out into Building Costs and Site Costs for use in the Site Work Bid Form.

The contractor or surveyor shall be responsible for following the National Society of Professional Surveyors (NSPS) model standards for any surveying or construction layout to be performed. The contractor or surveyor shall be responsible for obtaining the necessary permits and approvals from the appropriate authorities or Anderson Wahlen and Associates construction improvement plans. Prior to proceeding with construction staking, the contractor or surveyor shall verify the accuracy of the survey data from the survey monuments and for verifying any additional control points shown on an ALTA survey, improvement plan, or other survey data to be used for construction staking. Anderson Wahlen and Associates. The surveyor shall also use the benchmarks as shown on the plan, and verify them against no less than three additional independent benchmarks, including at least one on an electronic data provided by Anderson Wahlen and Associates. If any discrepancies are encountered, the surveyor shall immediately notify the engineer in writing. The contractor or surveyor shall be responsible for any construction staking performed before the surveyor has received the necessary

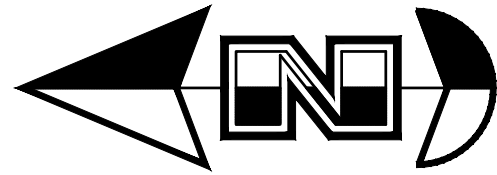
Contractor must maintain a running slope on Accessible routes no steeper than 5.0% (1:20). The cross slope for Accessible routes must be no steeper than 2.0% (1:50). All Accessible routes must have a minimum clear width of 36". If Grades on plans do not meet this requirement notify Consultant immediately.

The Client, Contractor and Subcontractor should immediately notify the Consultant of any conditions of the project that they believe do not comply with the current state of Accessible and Usable Buildings and Facilities (ICC/ANSI A117.1—Latest Edition) and/or FHAA.

The Contractor agrees that he shall assume sole and complete responsibility for job site conditions during the course of construction of this project, including safety of all persons and property; that the equipment shall work continuously and not be limited to normal working hours; and that the contractor shall defend, indemnify, and hold the owner and the engineer harmless from any and all liability, real or alleged, in connection with the performance of work on this project, excepting for liability arising from the sole negligence of the owner or the engineer.



C1.1



1. All grading shall be in accordance with the project geotechnical drawing.
2. Cut slopes shall be no steeper than 3 horizontal to 1 vertical.
3. Fill slopes shall be no steeper than 3 horizontal to 1 vertical.
4. Fills shall be compacted per the recommendations of the geotechnical report prepared for the project and shall be certified by a Geotechnical Engineer.
5. Areas to receive fill shall be properly prepared and approved by a Geotechnical Engineer prior to placing fill.
6. Fills shall be benched into competent material as per specifications and geotechnical report.
7. All trench backfill shall be tested and certified by a Geotechnical Engineer.
8. A geotechnical engineer shall perform periodic inspections and submit a complete report and map upon completion of the rough grading.
9. The final compaction report and certification from a Geotechnical Engineer shall contain the type of field testing performed. Each test shall be identified with the method of obtaining the in-place density, whether sand cone or drive ring and shall be so noted for each test. Sufficient maximum density determinations shall be performed to verify the accuracy of the maximum density curves used by the field technician.
10. Dust shall be controlled by watering.
11. The location and protection of all utilities is the responsibility of the permittee.
12. Approved protective measures and temporary drainage provisions must be used to protect adjoining properties during the grading process.
13. All public roads must be cleared daily of all dirt, mud and debris deposited on them as a result of the grading operation. Cleaning is to be done to the satisfaction of the City Engineer.
14. The site shall be cleared and grubbed of all vegetation and deleterious matter prior to grading.
15. The contractor shall provide shoring in accordance with OSHA requirements for trench walls.
16. Aggregate base shall be compacted per the geotechnical report prepared for the project.
17. The recommendations in the following Geotechnical Engineering Report by _____ are included in the requirements of grading and site Preparation. The Report is titled "_____".

Project No.:
Dated:

18. As part of the construction documents, owner has provided contractor with a topographic survey performed by manual or aerial means. Such survey was prepared for project design purposes and is provided to the contractor as a courtesy. It is expressly understood that such survey may not accurately reflect existing topographic conditions.
19. If Contractor observes evidence of hazardous materials or contaminated soils he shall immediately contact the project engineer to provide notification and obtain direction before proceeding with disturbance of said materials or contaminated soil.

1. Open face gutter shall be constructed where drainage is directed away from curb.
2. Open face gutter locations are indicated by shading and notes on the grading plan.
3. It is the responsibility of the surveyor to adjust top of asphalt grades to top of curb grades at the time of construction staking.
4. Refer to the typical details for standard and open face curb and gutter dimensions.
5. Transitions from open face to standard curb and gutter are to be smooth. Hand form these areas if necessary.
6. Spot elevations are shown on this plan with text masking. Coordinate and verify site information with project drawings.

Accessible Note:

Contractor must maintain a running slope on Accessible routes no steeper than 5.0% (1:20). The cross slope for Accessible routes must be no steeper than 2.0% (1:50). All Accessible routes must have a minimum clear width of 36". If Grades on plans do not meet this requirement notify Consultant immediately.

The Client, Contractor and Subcontractor should immediately notify Consultant of any conditions of the project that they believe do not comply with the current state of Accessible and Usable Buildings and Facilities (ICC/ANSI A117.1-Latest Edition) and/or FHAA.

Preliminary - Grading Plan & Drainage Plan


Dan's Millcreek

3305 South 2300 East and 2330 East 3300 South
Salt Lake City, Utah

08 Jan, 2019

SHEET NO.

C2.1



ANDERSON WAHLEN & ASSOCIATES

2010 North Redwood Road, Salt Lake City, Utah 84116
801 521-8529 - AWAengineering.net



1. All sewer and water facilities shall be constructed per local jurisdiction standards and specifications. Contractor is responsible to obtain standards and specifications.
2. Coordinate all utility connections to building with plumbing plans and building contractor.
3. Verify depth and location of all existing utilities prior to constructing any new utility lines. Notify Civil Engineer of any discrepancies or conflicts prior to any connections being made.
4. All catch basin and inlet box grates are to be bicycle proof.
5. Refer to the site electrical plan for details and locations of electrical lines, transformers and light poles.
6. Gas lines, telephone lines, and cable TV lines are not a part of these plans.
7. Water meters are to be installed per city standards and specifications. It will be the contractor's responsibility to install all items required.
8. Water lines, valves, fire hydrants, fittings etc. are to be constructed as shown. Contractor is responsible, at no cost to the owner, to construct any vertical adjustments necessary to clear sewer, storm or other utilities as necessary including valve boxes and hydrant spools to proper grade.
9. Contractor shall install a 12" concrete collar around all manholes, vaults, catch basins, cleanouts & any other structures located within the asphalt.

All piping materials shall be per local agency standards or the specifications below at a minimum. All utility piping shall be installed per manufacturers recommendations. Refer to project specifications for more detailed information regarding materials, installation, etc.

1. Polyethylene (PE) Water Pipe (Up to 3 inches diameter), AWWA C901 PE 3408, SDR 9 (200 psi)

2. *Copper Pipe (Up to 3 inches diameter): Type "K."*

Water Main Lines and Fire Lines

1. *Polyvinyl Chloride (PVC)* (4

- Sanitary Sewer Lines*

1. All sewer piping
D3034 Type

1. 12" pipes or smaller - Polyvinyl Chloride (PVC) sewer pipe, ASTM D3034, Type PSM, SDR 35

2. 15" pipes or

CAUTION :

The locations and/or elevations of existing utilities as shown on these plans are based on records of the various utility companies and, where possible, measurements taken in the field. The information is not to be relied on as being exact or complete.

Storm Drain Note:

*All Storm Drainage Pipe
Lengths and Slopes are from Center
of Box to Center of Box.*

[illegible]

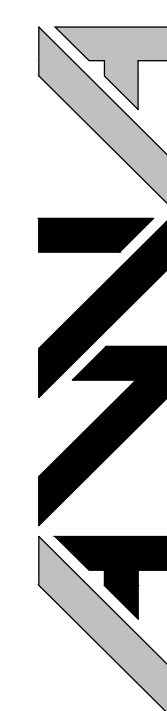
Designed by: Name

Drafted by: ALT

Client Name:

Dan's

18-132pre-UT



ANDERSON WAHLEN & ASSOCIATES

2010 North Redwood Road, Salt Lake City, Utah 84116
801 521-8529 - 4W@engineering.net

11th Redwood Road, Salt Lake City, Utah
801 521-8529 - 4W/Engineering.net

Preliminary - Utility Plan

Dan's Millcreek

33305 South 2300 East and 2330 East 33300 South
Salt Lake City, Utah

200 East and 2330 East
Salt Lake City, Utah

08 Jan, 2019

SHEET NO.

C3.1

Chapter 19.60 COMMERCIAL ZONES

[19.60.010 Purpose Statements](#)

[19.60.020 Permitted And Conditional Uses](#)

[19.60.030 Prohibited Uses, Limitations, And Special Requirements](#)

[19.60.040 Accessory Uses](#)

[19.60.050 Bulk And Yard Regulations](#)

[19.60.060 Special Regulations For Commercial Zones](#)

[19.60.070 General Standards Of Applicability](#)

19.60.010 Purpose Statements

- A. Purpose of C-1 Commercial Zone. The purpose of the C-1 Commercial Zone is to provide areas for lower intensity neighborhood commercial development that accommodates the everyday needs of nearby residents. Such zones do not usually generate traffic from regional markets.
- B. Purpose of C-2 Commercial Zone. The purpose of the C-2 Commercial Zone is to provide areas for larger-scale community commercial development. Such zones cater to regional markets and generate traffic from a much larger regional area.
- C. Purpose of C-3 Commercial Zone. The purpose of the C-3 Commercial Zone is to provide areas for other commercial uses with the potential for greater impacts, and to act as a transition to other zoning districts such as manufacturing or areas with major traffic congestion such as State Street.

HISTORY

Repealed & Reenacted by Ord. [17-35](#) on 7/10/2017

19.60.020 Permitted And Conditional Uses

- A. Due to the greater potential for detrimental effects, permitted uses in the C-1, C-2 and C-3 zones over one acre in size shall follow the conditional use procedure in MKZ 19.84.

B. Table 19.60-1: Commercial Zoning Districts Permitted and Conditional Uses lists permitted and conditional uses for the commercial zoning districts. "P" indicates that a use is permitted within that zoning district. "C" indicates that a use is a conditional use in that zoning district and a conditional use permit shall be obtained as required in MKZ 19.84. No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not a permitted use nor a conditional use within that zoning district. Uses may be subject to additional restrictions and limitations found in MKZ 19.60.030 PROHIBITED USES, LIMITATIONS.

TABLE 19.60-1

USES	C-1	C-2	C-3	SPECIFIC USE STANDARDS
Indoor or outdoor archery range		C	C	
Residential facility for the elderly or persons with a disability, assisted care facility nursing facility	P	P	P	
Hotel, Motel, Bed & Breakfast	C	C	C	No Hotel or Motels in the C-1 zone
Public, quasi-public use, and Civic uses	P	P	P	Not including private schools
Transit Station		P	P	
Hospital and all other medical, dental facilities		P	P	
School, public, charter, private	P	P	P	
Neighborhood Retail	P	P	P	No commercial building over 20,000 square feet is allowed in the C-1 zone. In addition, no business in the C-1 zone shall occupy a space greater than 5000 square feet.
General Retail and Entertainment		C	C	See table 19.60-2 for additional limitations
Retail Food Trucks, Farmers Market including vegetable stands	C	C	C	As an accessory use on private property and not within a front or side yard setback. On-street locations may be allowed on a non-UDOT street in a C-2 and C-3 zone.
Drive up uses with outside order windows or structures, such as restaurants, banks, etc.		C	C	No order window or structure is allowed within 150' of a residential use. Speakers to be oriented away from adjacent uses.
Neighborhood Service	P	P	P	See definition
General Service	P	P	P	See definition
Vehicle Service and repair		C	P	
Office	P	P	P	
Mixed Use (commercial, or office and/or residential use within the same building or located adjacent within a unified site plan)		C	C	Commercial uses are required for at least 50% of the ground floor facing a public street. This commercial space shall have a minimum depth of 40'. 24 hour on-site management required for projects with 50 or more residential units.
Commercial parking lot and/or garage		C	C	Parking garages shall include non-residential uses for at least 75% of the ground floor facing a public street.
Fireworks		C	C	Temporary stands to be located on private property and subject to the Uniform Fire Code

HISTORY

Repealed & Reenacted by Ord. [17-35](#) on 7/10/2017

Amended by Ord. [18-46](#) on 8/13/2018

19.60.030 Prohibited Uses, Limitations, And Special Requirements

Notwithstanding the permitted and conditional uses in TABLE 19.60-1 and other ordinances found in this Title, the following specific prohibitions and/or limitations apply:

Table 19.60-2

USES	SPECIFIC USE LIMITATIONS OR SPECIAL REQUIREMENTS
Detention facility/jail as a principal use	Not allowed
Indoor and/or outdoor gun ranges	Not allowed
Outside storage within view of the street or in any front or side yard facing a street.	Storage that is not considered "display". Includes storage containers. Such storage requires a minimum 6' opaque fence.
Displays (products held for sale) over five feet in horizontal distance from the main building.	Not allowed
Equipment, car or truck rental	Not allowed in the C-1 zone
Commercial wireless communication facilities	Only stealth type towers and accessory structures are allowed in the C zones
Outdoor kennel	Not allowed in a C-1 zone or within 300' of a residential use
Sexually oriented businesses	Subject to MKZ 19.91.11 and not allowed in the C zones
Pawnshop, smoke shops and related products, and retail tobacco as the principal use (see note 1)	Not allowed in a C-1 zone or within 300' of an arterial/major intersection in the C-2, C-3 zones and not within 2640' of an established substantially similar business.
Tattoo businesses (see note 1)	Not allowed in a C-1 zone or within 300' of an arterial/major intersection in the C-2, C-3 zones and not within 500' of an established substantially similar business.
Licensed Massage Therapy Practices	<p>Allowed, subject to the following requirements:</p> <ul style="list-style-type: none"> A. Each Licensed Massage Therapist who is not an employee of the business licensee shall have a Millcreek business license; and B. 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.
Reiki as a principal use	Not allowed
Sale of lease of new or used vehicles of all types, moving trucks, watercraft, mobile homes, travel trailers, campers, motorcycles and other recreational vehicles	Not allowed in C-1, C-2 zones. 20,000 square foot minimum lot size including an on-site office is required.
Secondhand stores including general merchandise, precious metal dealer/processor and/or precious gem dealer, military surplus	Limited to a maximum of 2500 square feet in a C-1 zone and 10,000 square feet in a C-2 zone.

Self-storage facility of all types, including mini-storage units, neighborhood storage and temperature controlled storage facilities (see note 1)	Not allowed in a C-1 zone and not within 300' of an arterial intersection in C-2, C-3 zones or within 1,320' of an established substantially similar business, no additional facilities allowed on 3300 South, and no additional facilities allowed east of 2300 East on 4500 south and 3900 South
Taxicab and/or Limousine business	Not allowed in a C-1 zone
Tavern, as defined by State Code	Not allowed in a C-1 zone
Sororities and fraternities	Not allowed
Manufactured Home park or manufactured home subdivision	Not allowed
Short term ("payday", "car" title, check cashing and similar) load service (see note 1)	Not allowed in the C-1 zone and not within 300' of an arterial intersection or within 2640' of an established substantially similar business. See MKC 5.13.030 Business Licensing for additional restrictions.
Flea markets, swap meets	Not allowed in the C-1 zone
Outdoor commercial recreation, outdoor commercial amusement, or outdoor commercial entertainment	Not allowed in the C-1, C-2 zones and not allowed within 150' of a residential use or zone. This limitation excludes outdoor music as per MKZ 19.60.060 A.1.
Recreational vehicle campgrounds	Not allowed in the C-1, C-2 zones
Impound, Vehicle Recycling, and/or junk yards	Not allowed in the C zones
Short-term rentals	Not allowed unless part of a mixed use development

TABLE 19.60-2: NOTES:

- A. Arterial intersections are defined as those major intersections where Murray-Holladay Rd., 4500 S, 3900 S, and 3300 S intersect with 300 W, West Temple, Main Street, State Street, 500 East, 700 East, 900 East, 1100 East, 1300 East, Highland Drive, 2000 East, 2300 East, 2700 East, and Wasatch Boulevard. Distance is measured as a radius from the applicant's nearest property line to the arterial intersection ROW line and/or to the property line of the nearest substantially similar business. Any overlap of the radius onto the applicant's property excludes the entire property.

HISTORY

Repealed & Reenacted by Ord. [17-35](#) on 7/10/2017

Amended by Ord. [18-28](#) on 5/14/2018

Amended by Ord. [18-75](#) on 12/10/2018

19.60.040 Accessory Uses

Accessory uses and structures shall be subordinate/incidental to the main use and structure. Other than food trucks such uses shall not be allowed in the front or side yards facing a street.

HISTORY

Repealed & Reenacted by Ord. [17-35](#) on 7/10/2017

19.60.050 Bulk And Yard Regulations

Bulk and Yard Regulations establishes bulk and yard regulations for the commercial zoning districts.

Table 19.60-3 BULK & YARD REGULATIONS

	C-1	C-2	C-3
MINIMUM LOT AREA	None required	None Required #1	None Required #1
MINIMUM LOT WIDTH	None Required	None Required #2	None Required #2
MAXIMUM BUILDING HEIGHT	30 Feet	40* Feet	40* Feet
MAXIMUM LOT COVERAGE	80 Percent	80 Percent Mixed Use: 60 Percent with a minimum 40 percent open space	80 Percent Mixed Use: 60 Percent with a minimum 40 percent open space
MINIMUM BUILDING HEIGHT	1 story	1 story, See Footnote 5	1 story
MINIMUM FRONT YARD	20 Feet	Mixed Use: 25 Feet Other Uses; 20 Feet. See Footnote 4.	Mixed Use: 25 Feet Other Uses; 20 feet. See Footnote 4.
MINIMUM REAR YARD	If located adjacent to residential zoning, 25 feet, otherwise non required	Mixed use: 25' If located adjacent to residential zoning, 25 feet, otherwise non required	Mixed Use: 25' If located adjacent to residential zoning, 25 feet, otherwise non required
MINIMUM INTERIOR SIDE YARD	If located adjacent to residential zoning, 10 feet, otherwise non required	If located adjacent to residential zoning, 10 feet, otherwise non required	If located adjacent to residential zoning, 10 feet, otherwise non required
MINIMUM CORNER SIDE YARD	20 Feet	20 Feet	20 Feet
ACCESSORY STRUCTURES: REAR AND INTERIOR SIDE YARD	1 Foot	1 Foot	1 Foot
ACCESSORY STRUCTURES: REAR AND INTERIOR SIDE YARD WHEN ABUTTING RESIDENTIAL USE	10 Feet	10 Feet	10 Feet

*Greater height may be granted up to a maximum of 75 feet by the Planning Commission through an evaluation of terrain differences, views, and the heights of buildings that are immediately adjacent to the proposed building in comparison to the proposed building. Higher building requests shall only be considered if they are mixed use or exclusively office uses, exceed the building design standards of this ordinance, include a 10' usable setback between the second and third floors, provide an additional 10' front yard setback as a public space adjacent to the ROW, and not exceed the lot coverage requirement. Based on the above evidence provided by the applicant, the Planning Commission will determine if the proposed height is acceptable and that such height will not create reasonably anticipated detrimental effects on adjacent properties. This flexibility is only allowed in the Meadowbrook area including State Street, and the Highland Drive and 13th East areas along 3300 S and within a 500' radius of those intersections.

TABLE 19.60-3: NOTES:

For mixed use buildings containing residential dwellings, no minimum lot area is required per unit, but a development site must consist of at least 21,000 square feet to be eligible for a mixed use building containing residential dwellings.

Mixed use buildings containing residential dwellings must include residential amenities per the requirements established in MKZ 19.44.050.

For mixed use buildings containing residential dwellings, no minimum lot width is required.

For the purposes of this chapter, where setbacks are measured from a right-of-way containing a fully improved sidewalk, setbacks from a right of way shall be measured from the edge of the sidewalk that is closest to the front facade of the building. Where fifty percent or more of the lot frontage is developed, the front yard shall not be less than the average of the existing buildings, but in no case less than fifteen feet.

For any development adjacent to an R-1, R-2, R-4, A-1, or A-2 zone ("residential zone"), the maximum height for structures within 100 feet of a residential zone shall not exceed 30 feet.

Multi-family residential developments may include rooftop gardens or patios provided the rooftop garden or patio is set back a minimum of 100 feet from the property line.

For "automobile service station" uses, gasoline pumps shall be set back not less than twenty-four feet from any street property line, and not less than thirty feet from any residential zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line. In addition, canopies constructed to provide a weather shield over gasoline pump islands shall be set back not less than 4' feet from any required setback.

Notwithstanding contrary definitions found in MKZ 19, building height is measured from the natural grade to the highest point of the roof.

HISTORY

Repealed & Reenacted by Ord. [17-35](#) on 7/10/2017

Amended by Ord. [18-46](#) on 8/13/2018

19.60.060 Special Regulations For Commercial Zones

- A. General Conditions in the C-1 Zone. Stores, shops or businesses in C-1 zones shall be retail or neighborhood service establishments only, and shall be permitted only under all of the following conditions:
1. Business shall be conducted wholly within an enclosed building, except for the parking and servicing of automobiles, and service to people in automobiles, except that any type of restaurant may have outdoor dining. Outdoor music associated with the restaurant, shall comply with the Salt Lake County Noise ordinance.
 2. All products, whether primary or incidental, shall be sold at retail on the premises.
- B. Business Uses and Conditions in the Commercial Zones shall be free from objectionable and unreasonable odor, dust, smoke, noise, vibration, or similar problems.

C. Design Standards for C-1, C-2, C-3 zones

1. Entrances to the first floor of commercial and mixed use buildings shall front on the street. Windows shall make up at least 50% of first floor street-facing facades. Top floors shall have architectural differentiation from the other floors in the building.
2. No more than one row of parking is allowed between the building(s) and the street within 300' of any major intersection. No parking is allowed between the street and the building in any town center area.
3. Corner lots are deemed to have two front yards.
4. The front yard setback is the build-to-line within 300' of any arterial/major intersection (see MKZ 19.60.030 Prohibited uses, limitations for definition). At least 50 percent of the front elevation of the building(s) must be built within 10 feet of the build-to-line or as approved by the Planning Commission. A build-to-line is defined as the line at which construction of a building facade is to occur on a lot, running parallel to the front property line, and ensuring a uniform (or more or less even) building facade line on the street.
5. Landscaping along the street shall comply with this chapter and MKZ 19.77.
6. Signage for commercial or office uses is defined in MKZ 19.82.
7. Garbage and Recycling. The development shall be designed to accommodate and efficiently manage the collection, storage, and removal of garbage in harmony with the neighborhood so as to minimize detrimental effects of the collection, storage, and removal on any residence within the development or abutting neighborhoods. If dumpster enclosures are provided for the development, no refuse dumpster or dumpster enclosure structure shall be located closer than 10 feet to any perimeter property line. Enclosure structures must have a minimum of four sides that reflect or emulate the materials, design, and quality of the overall development. All developments shall provide recycling services.
8. Parking (MKZ 19.80) for Mixed Use developments may be reduced based on a traffic study by a qualified transportation engineer.
9. Building Materials. Exterior materials of a durable or resilient nature such as brick, stone, stucco, prefinished panel, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics shall be used. No single material is allowed to exceed 50 percent on street-facing facades. Windows are not allowed to be less than 50% of the gross street-facing facade square footage. Other materials may be considered for soffits, or as an accent or architectural feature. Twenty-five year guarantee, architectural shingles and/or other longer lasting roof materials are required.
10. Landscaping on Public Right-of-Way. Where a development is adjacent to a public right-of-way, a permanent open space shall be required along any front, side, or rear yard adjacent to said right-of-way. This area shall be kept free of buildings and structures (except fences, as per MKZ 19.77.050, and approved by the Planning Commission), and permanently maintained with street trees and other landscaping, screened or protected by natural features, as per MKZ 19.77. If such areas are the result of double frontage lot designs with inadequate access to the street, such areas shall be landscaped as per MKZ 19.77 with a minimum of a five foot landscaped area next to the public ROW. Fences shall not be located within this five foot landscaped area. Aesthetic entrance features are encouraged. Additional landscape treatments or buffers may also be required with width and landscaping specifications as per MKZ 19.77. Double frontage lots with parking lots adjacent to the street may substitute a screen wall a minimum of 3' in height for this fencing requirement.

11. **Perimeter Fencing.** Fencing is required for non-residential uses located adjacent to residential uses. Acceptable fencing materials include architecturally designed brick, stone, or block, or pre-cast concrete. Fencing with materials using composite products, wrought iron, wood, or vinyl may be allowed with a minimum two foot wide, six foot tall brick or stone pillars spaced every ten feet on center. Unless otherwise allowed by the Planning Commission, exterior fencing along a public right of way shall be limited to brick, stone, or block, or pre-cast concrete and be setback a minimum of 5 feet from the property line to allow for a landscaping buffer designed in accordance with MKZ 19.77 to soften long expanses of walls. Interior fencing shall comply with MKZ 19.78.030(11) (f).
12. **Interior Street Lights.** Street and pedestrian lighting for streets on the interior of the development is required. All lighting fixtures shall be directed downward with mechanisms to prevent dark sky illumination. The applicant must submit a photometric plan for review which indicates the type and location of lights in relation to the development and designed for pedestrian safety. Minimum Average Foot-Candles for interior streets shall be shall be 0.3 and the fixture height shall not exceed 25 feet. No on-site light poles may be located closer than 10 feet from the public right of way.
13. **Access between uses.** Vehicular and pedestrian access between uses that does not force vehicles out to the adjacent street is required.
14. **Reduced Setback Provisions.** Front yards may also be reduced based on enhanced landscaping as per section MKZ 19.77.050. Where a front yard setback is reduced below 20 feet per MKZ 19.77.050, a ten foot stepback is required between the first story and upper stories of the building.

HISTORY

Repealed & Reenacted by Ord. [17-35](#) on 7/10/2017

Amended by Ord. [18-46](#) on 8/13/2018

19.60.070 General Standards Of Applicability

The use and development of property within the Commercial Zones are also subject to other applicable chapters in the zoning ordinance, such as, the Parking MKZ 19.80, Water Efficient Landscaping, MKZ 19.77, Signs, MKZ 19.82, etc.

Standards in other chapters may apply. In the event there is language elsewhere in MKZ Title 19 that conflicts with language in this chapter, the more restrictive standard prevails.

In any rezoning process, a development agreement shall be required at the sole discretion of the City. "Development Agreement" means an agreement negotiated and entered into by the City with a property owner and/or developer, pursuant to a proposed development within the City. The Agreement must (1) specify and describe the proposed development through text, site plans and elevations (2) detail the amenities and other benefits being provided to the City and its residents (3) utilize a development agreement form approved by the City. The Development Agreement shall run with the land and be binding on all successors and assigns of the property owner or developer; however, each Development Agreement shall include a clause that allows the City to re-zone the property and withdraw from the Development Agreement if the Development Agreement is not recorded within two (2) years of execution of the Agreement.

HISTORY

Repealed & Reenacted by Ord. [17-35](#) on 7/10/2017



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

File # SD-19-002

Planning Commission Staff Report

Meeting Date: 20 February 2019
Applicant: Robert Dieringer
Property Address: 2217 East Evergreen Avenue

Parcel ID: 16-27-377-030-0000 (.48 acres, 20,908 s.f.)

Request:	Preliminary plat approval of the 2-Lot subdivision (flag lot) in the R-1-8 Zone.
-----------------	--

Zone: R-1-8

Prepared By: Robert May, Planner

SYNOPSIS AND SCOPE OF DECISION

Robert Dieringer is seeking preliminary plat approval for a 2-lot subdivision located at 2217 East Evergreen Avenue. Staff has reviewed the project scope and details and finds the proposed subdivision can meet the requirements of a preliminary plat approval as well as maintain the compatibility of a single-family neighborhood. The planning commission shall be the land use authority for subdivisions as per Chapter 18.08 of the Millcreek Code.

Currently the subject parcel consists of approximately .48 acres and has one, one-family dwelling residing on the property. The location of the dwelling is situated where adequate access to a rear lot can be pursued. The intent of the subdivision is to legally subdivide the existing property containing the dwelling for the purpose of creating a new dwelling to the north (rear) via the flag lot policy.

On 25 June 2018, City Council approved a rezone for the subject parcel from an R-1-10 to a R-1-8 for the purpose of the applicant to complete a flag lot subdivision. See Ordinance No. 18-38 at <https://millcreek.us/AgendaCenter/City-Council-3> on June 25. A Development Agreement was recorded with the rezone with stated that the developer agrees to limit development on the property with the following items:

- 1. During the term of this Agreement, the Developer will enter into boundary line agreements with adjacent properties or obtain a ruling of boundary acquiescence with respect to adjacent properties, and will file a complete application to subdivide the property into two lots ("Flag Lot" and "Base Lot") as illustrated in Exhibit C. In the event that the developer fails to enter into boundary agreements with adjacent properties or obtain a ruling of boundary acquiescence with respect to adjacent properties and fails to file a complete application to subdivide the property by the above date, the City may unilaterally pursue a rezone of the Property to R-1-10, and the Developer hereby waives any objection.***
- 2. Development on the Lots is limited to one single family dwelling on each lot.***
- 3. The maximum height of a single-family dwelling on the Flag Lot in Exhibit C will be 28 feet above natural grade.***

4. The landscape perimeter along the pole portion of the Flag Lot shall include at least four trees planted at an interval of 25 feet between each tree. Each tree shall be a minimum two (2) inch caliper in size and shall be approved by the City prior to planting.

5. The single-family dwellings on the Flag Lot shall comply with the building envelope requirements of the City's Residential Compatibility Overlay Zone, specifically section 19.71.030 (B)(6) of the Millcreek Code.

6. The maximum lot coverage for the single-family dwelling on the Flag Lot shall not exceed 31 percent of the Flag Lot. Lot coverage is defined in section 19.71.060 (C) of the Millcreek Code.

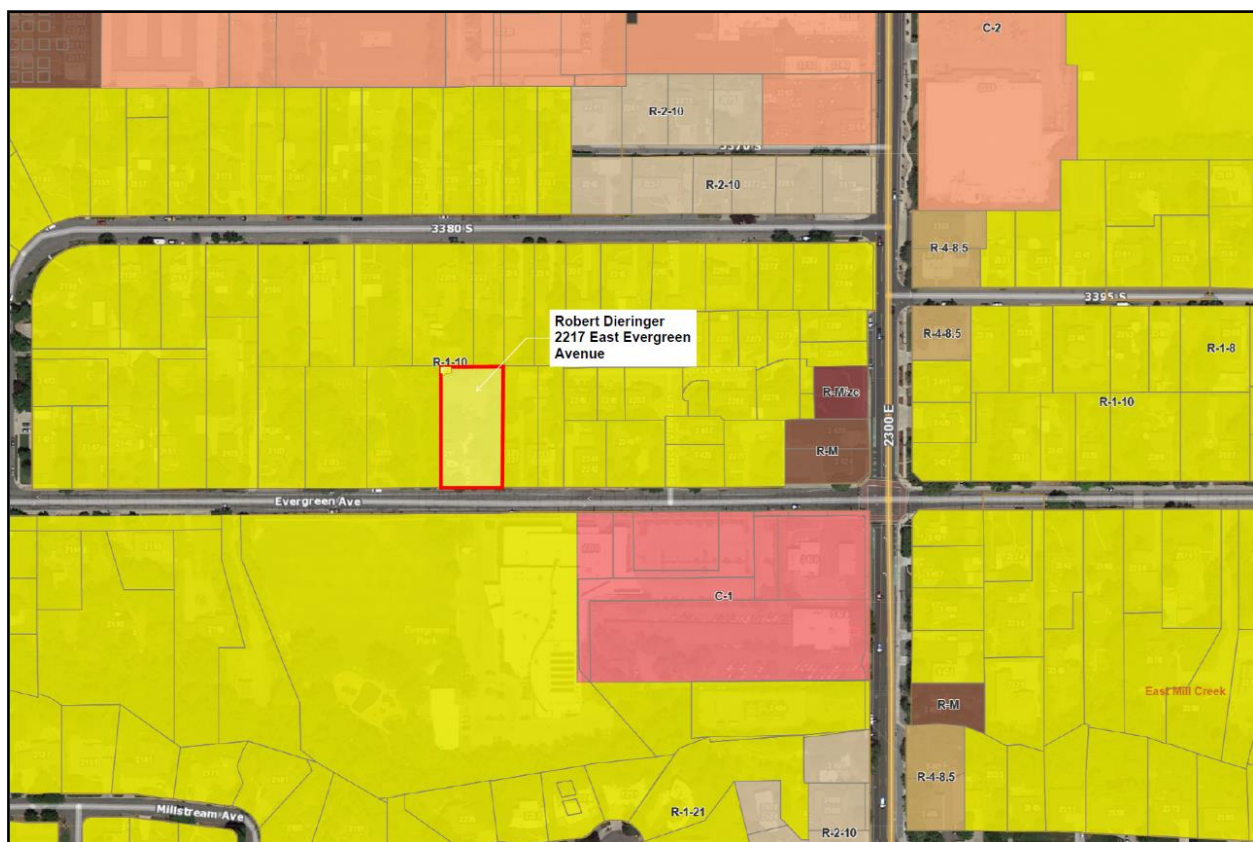
The Developer Agreement (Millcreek Ordinance No.18-39) can be located at <https://millcreek.us/AgendaCenter/City-Council-3> on June 25.

In summary, the applicant could not subdivide their property under the flag lot policy under the R-1-10 zone due to the lack of lot area. The R-1-10 Zone would require a minimum lot area of 25,000 s.f. The applicant pursued a rezone to R-1-8 because a subdivision under the flag lot policy only required a lot area of 20,000 s.f. Following the City Council approval of the requested rezone on June 25, 2018, the applicant wishes to pursue a 2-lot subdivision via the flag lot policy. As per Chapter [18.08.010 Procedure Generally](#) the planning commission shall be the land use authority for subdivisions.

SITE VICINITY AND DESCRIPTION

Zoning Map, Aerial Imagery, Proposed Plat Image

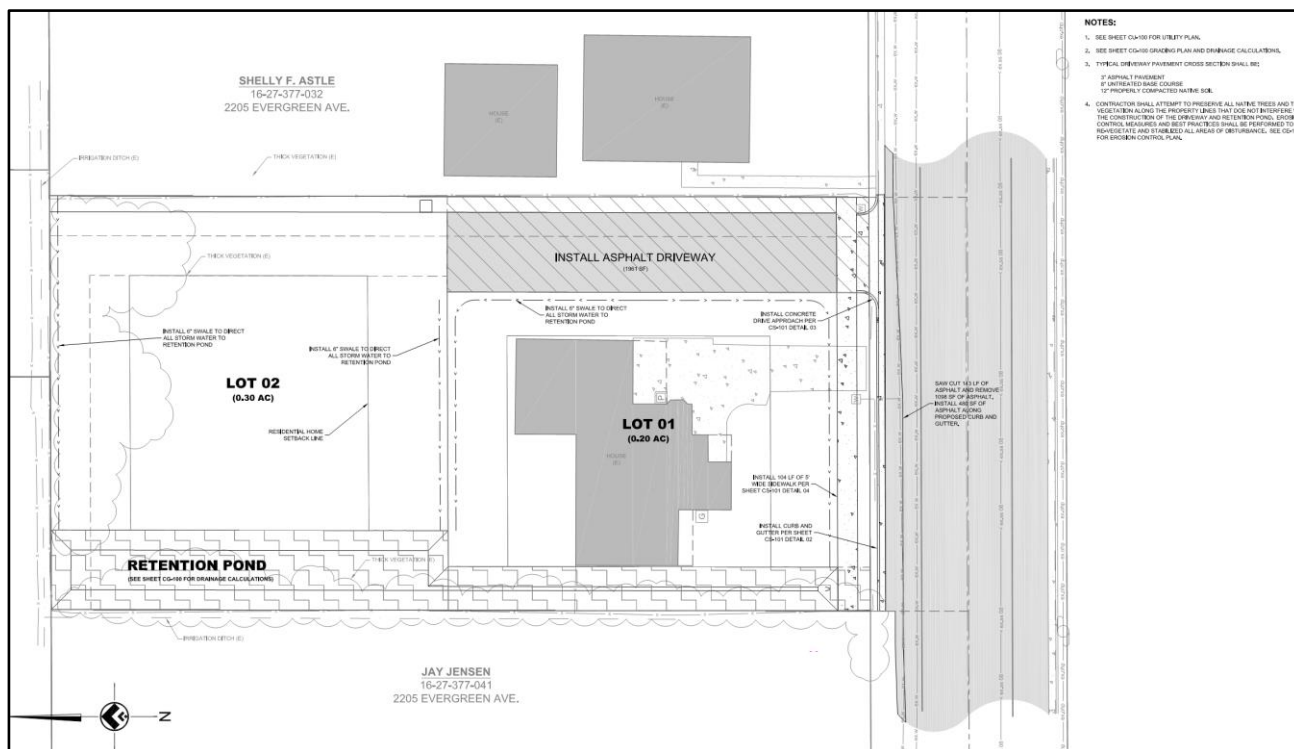
Zoning Map



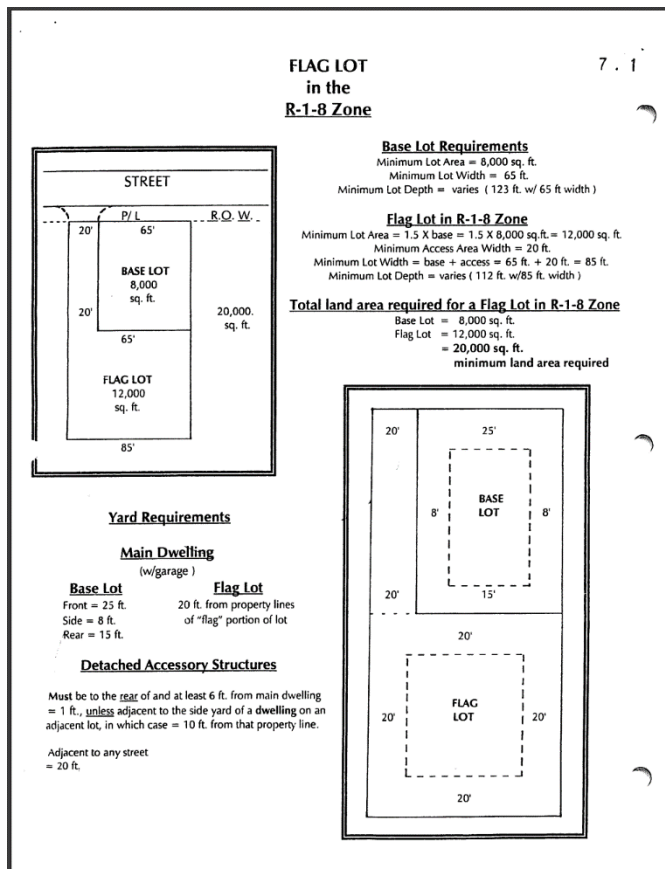
Aerial Imagery



Plat Image



PROJECT INFORMATION



The Flag Lot Policy is adopted as a standard to be sued by the planning commission. The image to the left demonstrates the typical R-1-8 zone flag lot configuration.

Due to the Development Agreement, the lot configurations were subject to specific items that would shape the subdivision plat.

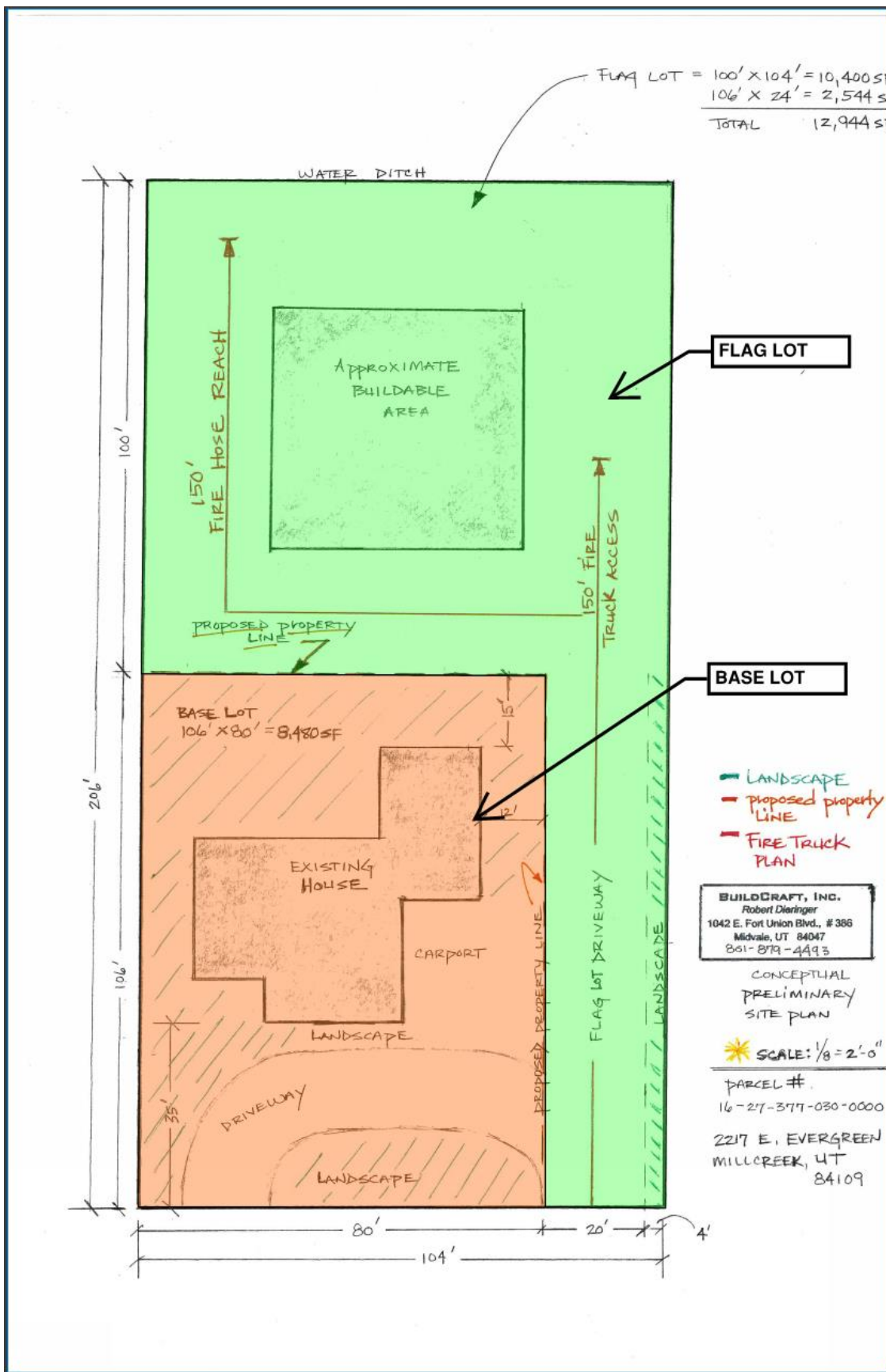
Each lot is held to one, one-family dwelling. The height of the dwelling is capped at 28 feet.

The lot coverage is capped at a maximum of 31%.

Moreover, the landscape perimeter along the pole portion of the Flag Lot shall include at least four trees planted at an interval of 25 feet between each tree. Each tree shall be a minimum two (2) inch caliper in size and shall be approved by the City prior to planting.

Project Information Summary Table

Requirement	Base lot Requirement in the R-1-8 Zone	Proposed Flag Lot in the R-1-8 Zone
Height	28	28
Front Yard Setback	25 feet	20 feet
Side Yard Setback	8 feet each side	20 feet
Rear Yard Setback	30' w/o garage and 15' with garage	20 feet
Lot Width	65 feet	25 ft. Flag Pole
Lot Area	8,000 s.f. minimum	12,000 s.f. minimum
Parking	Two parking stalls per dwelling unit	Two covered parking stalls per dwelling unit
Open Space	31% maximum lot coverage	31% maximum lot coverage



REQUIRED INFORMATION FOR PRELIMINARY PLAT APPROVAL

18.12.010 Required Information

- A. The preliminary plat, prepared on paper twenty-one inches by thirty inches, shall contain the information specified in this section and comply with the following requirements:
1. Description and Delineation. In a title block located in the lower right-hand corner the following shall appear:
 - a. The proposed name of the subdivision, which name must be approved by the planning and development services division on behalf of the city;
 - b. The location of the subdivision, including:
 1. Address,
 2. Section, township and range;
 - c. The names and addresses of the owner, the subdivider, if different than the owner, and of the designer of the subdivision;
 - d. The date of preparation, scale (no less than one inch to equal one hundred feet) and the north point.
 2. Existing Conditions. The plat shall show:
 - a. The location of and dimensions to the nearest bench mark or monument;
 - b. The boundary lines of the proposed subdivision indicated by a solid heavy line and the total approximate acreage encompassed thereby;
 - c. All property under the control of the subdivider, even though only a portion is being subdivided. Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in the light of existing general street plans, other planning commission studies and the County Transportation Improvement Plan;
 - d. The location, width and names of all existing streets within two hundred feet of the subdivision and of all prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, houses or permanent easements and section and corporation lines, within and adjacent to the tract;
 - e. The location of all wells, proposed, active and abandoned, and of all reservoirs within the tract and to a distance of at least one hundred feet beyond the tract boundaries;
 - f. Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred feet beyond the tract boundaries, indicating pipe sizes, grades, manholes and exact location;
 - g. Existing ditches, canals, natural drainage channels, and open waterways and proposed realignments;
 - h. Boundary lines of adjacent tracts of unsubdivided land, showing ownership where possible;
 - i. Contour at vertical intervals of not more than two feet. Highwater levels of all watercourses, if any, shall be indicated in the same datum for contour elevations;
 - j. Nearest installed fire hydrants on or within five hundred feet of the proposed subdivision.
 3. Properties Located in the Foothills and Canyons Overlay Zone. In addition to the preceding, the preliminary plat for subdivision of a property located in the foothills and canyons overlay zone shall show:

- a. A graphic depiction of existing slope characteristics of the property, illustrating the following:
 - 1. Areas with slopes less than thirty percent,
 - 2. Areas with slopes thirty to forty percent,
 - 3. Areas with slopes forty to fifty percent, and
 - 4. Areas with slopes greater than fifty percent;
 - b. Identified natural hazards, including but not limited to, areas potentially subject to avalanche, liquefaction, and/or surface fault rupture;
 - c. Water courses, natural drainage channels, storm water runoff channels, gullies, stream beds, wetlands, etc.
4. Proposed Subdivision Plan. The subdivision plan shall show:
- a. The layout of streets, showing location, widths and other dimensions of (designated by actual or proposed names and numbers) proposed streets, crosswalks, alleys and easements;
 - b. The layout, numbers and typical dimensions of lots, and in areas subject to foothills and canyons overlay zone provisions, designation of buildable areas on individual lots.
 - c. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision;
 - d. Building setback lines, including showing dimensions where required by the planning commission;
 - e. Easements for water, sewers, drainage, utility lines and other purposes, if required by the planning commission;
 - f. Typical street cross sections and grade sheets where required by the planning commission or other interested county divisions on behalf of the city;
 - g. A tentative plan or method by which the subdivider proposes to handle stormwater drainage for the subdivision.

Staff as found that the "Deiringer Subdivision" has met all the requirements of Chapter 18.12.010 of Title 18 (*Subdivision Requirements*) for **preliminary plat approval** only and applicable items found in the Development Agreement.

ISSUES OF CONCERN/PROPOSED MITIGATION

While staff finds that the subdivision amendment meet preliminary plat requirements and is in compliance with the City's development standards, final plat approval will subject to the standards and regulations under Title 18 of the Millcreek Code and the recorded Development Agreement.

NEIGHBORHOOD RESPONSE

Property owners within a 300' radius were sent notices on February 8, 2019. Staff has not received any feedback from the community at this time.

COMMUNITY COUNCIL RESPONSE

As per Chapter 2.56.100 Community Councils; Planning and Zoning, subdivision plats and amendments are not required to be submitted for Community Council recommendation.

REVIEWING AGENCIES RESPONSE

Compliance with current building, construction, engineering, fire, health, landscape and safety standards will be verified prior to final approval. All technical review requirements associated with final approval must be met including any public improvements required by Millcreek Engineering. All items found in the Development Agreement must be met.

PLANNING STAFF ANALYSIS AND FINDINGS

Staff as found that the "Deiringer Subdivision" has met all the requirements of Chapter 18.12.010 of Title 18 for **preliminary plat approval** only. Staff finds that through the recorded Development Agreement, the subdivision plat and future development will be a positive addition to Evergreen Avenue.

PLANNING STAFF RECOMMENDATION

Staff recommends to the Millcreek Planning Commission to approve the Deiringer 2 lot Subdivision the following staff conditions:

1. All Items listed in the Development Agreement (Millcreek Ordinance No. 18-39) must be met.
2. The applicant shall provide a minimum of 2 covered parking stalls for the flag lot in the Deiringer Subdivision.
3. The design of the site and building shall comply with all applicable development standards and any site development standards required by the City Engineer and Fire Marshal.
4. Prior to receiving final plat approval, the applicant shall certify that existing utility services have the capacity to accommodate additional demand induced by the development, or that the services will be upgraded to meet the additional demand.
5. Accessory structures will require separate building permits and staff review for zoning/land use compliance.
6. Any modifications to these approved plans must be approved by the Planning Department, in writing, prior to the changes being implemented in the field.
7. The applicant will comply with all requirements established through the technical review process prior to receiving final plat approval including all necessary bonding and addressing fees.
8. All technical review process fee's must be paid prior to recordation.

9. All applicable zoning, building, health, fire and safety requirements must be met prior to receiving final approval of a building permit.
10. All items of the staff report.

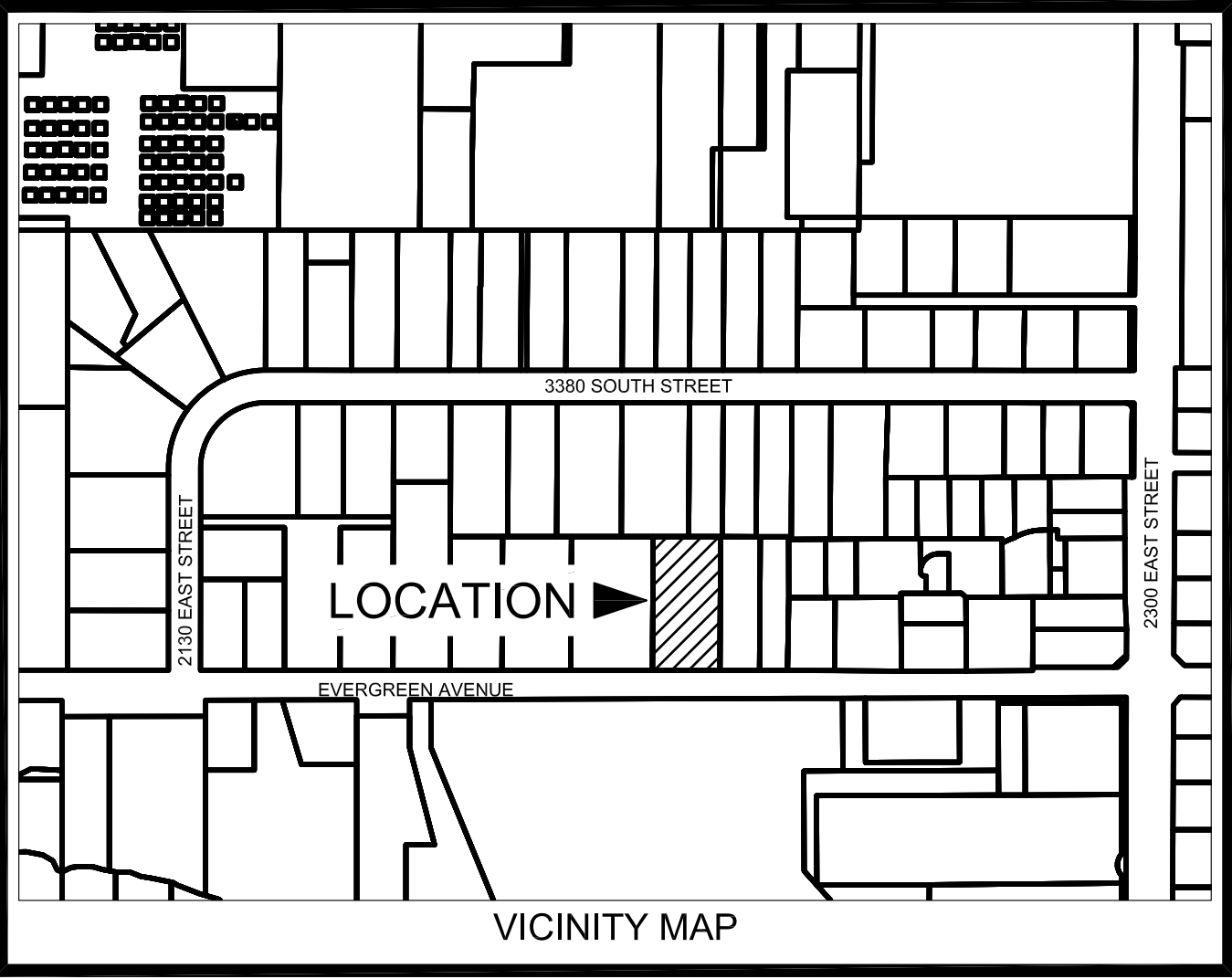
MODEL MOTION

"Recommend to approve the Deiringer 2-lot Subdivision, file no. SD-19-002 subject to **all** staff conditions listed in the staff report.

SUPPORTING DOCUMENTS

1. Application and Affidavit
2. Preliminary plat
3. Flag Lot Policy
4. Millcreek Ordinance 18-38
5. Millcreek Ordinance 18-39
6. ZM-18-006 City Council Staff Report

C:\Users\David Johnson\Documents\Active Projects\18031 Dieringer Subdivision\04 Design\Drawings\Design\Final Plat.dwg

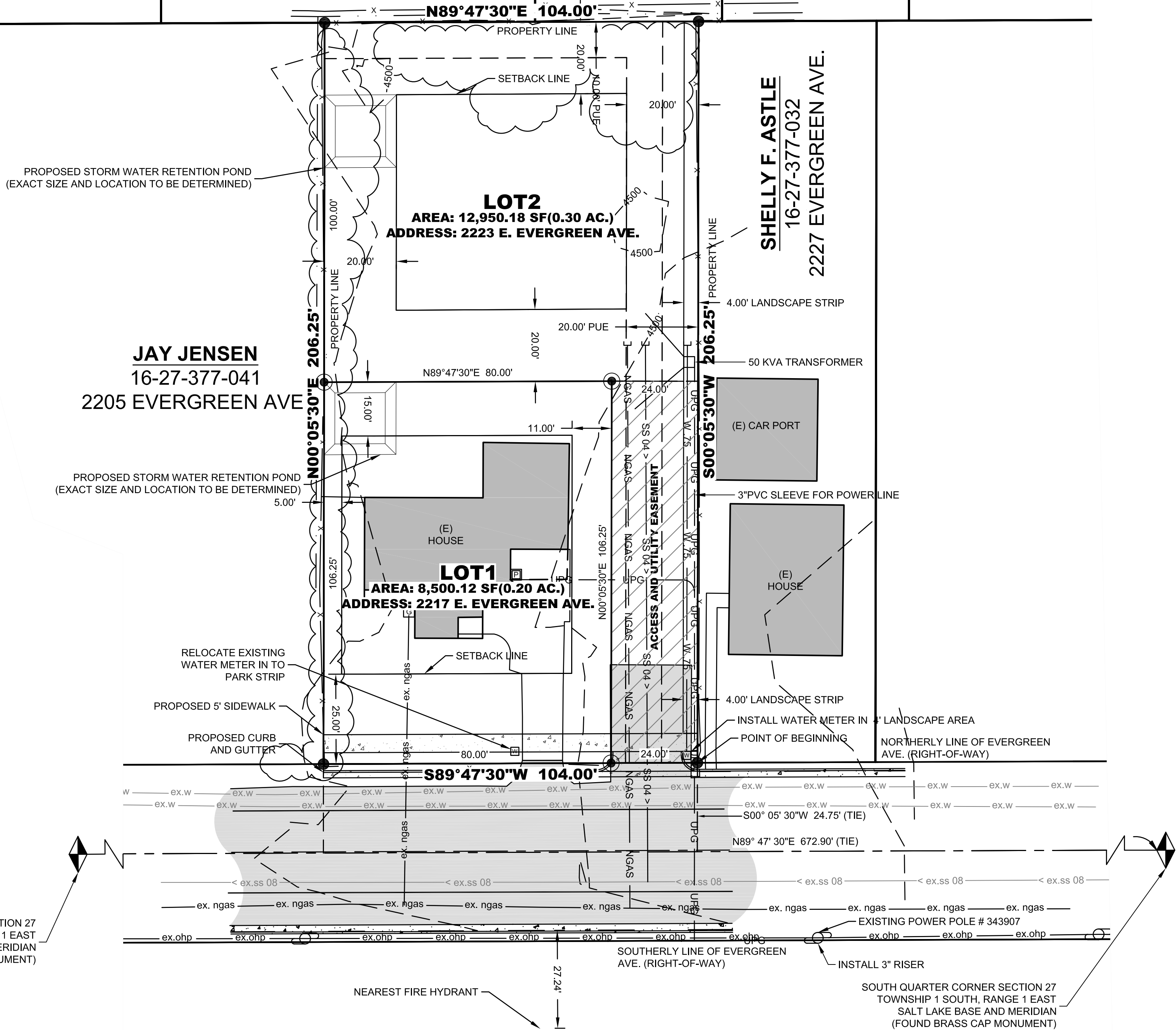


DIERINGER SUBDIVISION (PRELIMINARY PLAT)

LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 01 SOUTH, RANGE 001 EAST, S.L.B.M.
MILLCREEK CITY, SALT LAKE COUNTY, UTAH.

KEVIN & CAROL SEVERINSON
16-27-377-044
2216 EAST 3380 SOUTH

ANDREW T. WOJCIECHOWSKI
16-27-377-010
2222 EAST 3380 SOUTH



GENERAL NOTES

SURVEYOR'S CERTIFICATE

I, DAVID B. JOHNSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL SURVEYOR AN DO HOLD CERTIFICATE NO. 5338869 AS PRESCRIBED UNDER LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS AS SHOWN ON ON THIS PLAT, HEREAFTER TO BE KNOWN AS **DIERINGER SUBDIVISION**. I FURTHER CERTIFY THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AND MEETS FRONTAGE WIDTH AND AREA REQUIREMENTS OF THE APPLICABLE ZONING ORDINANCES.

BOUNDARY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 1 SOUTH RANGE 1 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 27; THENCE ALONG THE SECTION LINE SOUTH 89°47'30" WEST A DISTANCE OF 672.90 FEET; THENCE LEAVING SAID SECTION LINE SOUTH 00°05'30" WEST A DISTANCE OF 24.75 FEET TO A POINT ON THE NORTHERLY LINE OF EVERGREEN AVENUE AND TO THE TRUE POINT OF BEGINNING; CONTINUING THENCE ALONG SAID NORTHERLY LINE SOUTH 89°47'30" WEST A DISTANCE OF 104.00 FEET; THENCE LEAVING SAID NORTHERLY LINE TO AND ALONG A SERIES OF FENCES THE FOLLOWING THREE (3) COURSES: (1) NORTH 00°05'30" EAST A DISTANCE OF 206.25 FEET; (2) NORTH 89°47'30" EAST A DISTANCE OF 104.00 FEET; (3) SOUTH 00°05'30" WEST A DISTANCE OF 206.25 FEET TO A POINT ON SAID NORTHERLY LINE TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 21,450.29 SQUARE FEET (.49 ACRES) MORE OR LESS.

DATE _____ SURVEYOR'S NAME _____
LICENSE NO. _____

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT I, THE UNDERSIGNED OWNER OF THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS

DIERINGER SUBDIVISION

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE OWNER(S) WARRANT AND DEFEND AND SAVE THE CITY HARMLESS AGAINST ANY EASEMENTS OR OTHER ENCUMBRANCES ON A DEDICATED STREET WHICH WILL INTERFERE WITH THE CITY'S USE, MAINTENANCE AND OPERATION OF THE STREET.

IN WITNESS WHEREOF _____ HAVE HEREUNTO SET ____ THIS ____ DAY OF ____, A.D. 20__.

OWNER

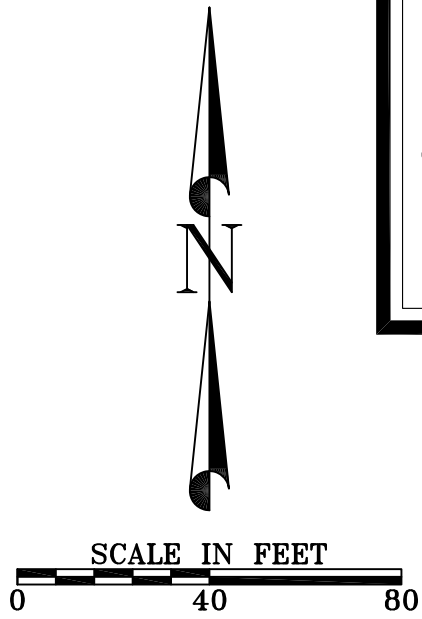
OWNER'S ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF SALT LAKE JSS

ON THE ____ DAY OF _____, A.D. 2019, _____ PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF SALT LAKE, UTAH, THE SIGNER(S) OF THE ABOVE OWNER'S DEDICATION, WHO DULY ACKNOWLEDGED TO ME THAT _____ SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC
RESIDING IN SALT LAKE COUNTY.



SIGNATURES			
PUBLIC UTILITY APPROVAL DOMINION ENERGY: _____ DATE: _____ ROCKY MTN. POWER: _____ DATE: _____ COMCAST: _____ DATE: _____	MILLCREEK CITY MAYOR PRESENTED TO THE MAYOR AND MILLCREEK CITY COUNCIL THIS ____ DAY OF _____, A.D. 20____ AT WHICH TIME THE SUBDIVISION WAS APPROVED AND ACCEPTED. MAYOR _____ ATTEST CITY RECORDER _____	HEALTH DEPARTMENT APPROVED AS TO FORM ON THIS ____ DAY OF _____, A.D. 20____. SALT LAKE COUNTY HEALTH DEPARTMENT	CLIENT / OWNER INFORMATION: ED DIERINGER 3556 S EASTWOOD DR MILLCREEK, UTAH 84109-3210 (801)-255-9863
CHECK FOR ZONING COMPLAINACE ZONE: _____ LOT AREA: _____ LOT WIDTH: _____ FRONT YARD: _____ SIDE YARD: _____ REAR YARD: _____ SIGNED _____ DATE _____	UNIFIED FIRE AUTHORITY APPROVAL SIGNED _____ DATE _____	MILLCREEK PLANNING COMMISSION APPROVED AS TO FORM ON THIS ____ DAY OF _____, A.D. 20____. PLANNING COMMISSION CHAIR _____	ENGINEER / SURVEYOR INFORMATION: JOHNSON ENGINEERING 4436 SOUTH 1025 EAST • SALT LAKE CITY, UTAH 84124 www.johnsonengineeringinc.com Phone: 801-787-4569
ADDRESSING APPROVAL SIGNED _____ DATE _____	MILLCREEK CITY ENGINEERING SIGNED _____ DATE _____	RECORD OF SURVEY R.O.S. NO. _____ COUNTY SURVEYOR _____ DATE _____	SALT LAKE COUNTY RECORDER RECORDED ENTRY NO.: _____ STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF _____ DATE: _____ TIME: _____ BOOK: _____ PAGE: _____ FEE \$ _____ DEPUTY, SALT LAKE COUNTY RECORDER _____

CLIENT / OWNER INFORMATION: ED DIERINGER 3556 S EASTWOOD DR MILLCREEK, UTAH 84109-3210 (801)-255-9863	SHEET INFORMATION: DIERINGER SUBDIVISION (PRELIMINARY PLAT) LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 01 SOUTH, RANGE 001 EAST, S.L.B.M. MILLCREEK CITY, SALT LAKE COUNTY, UTAH.
ENGINEER / SURVEYOR INFORMATION: JOHNSON ENGINEERING 4436 SOUTH 1025 EAST • SALT LAKE CITY, UTAH 84124 www.johnsonengineeringinc.com Phone: 801-787-4569	SALT LAKE COUNTY RECORDER RECORDED ENTRY NO.: _____ STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF _____ DATE: _____ TIME: _____ BOOK: _____ PAGE: _____ FEE \$ _____ DEPUTY, SALT LAKE COUNTY RECORDER _____

Procedures and Standards For the Establishment and Development Of FLAG LOTS

1. Division of a property with frontage on a street so as to create one or more **flag lots** requires **subdivision approval** in accordance with Title 18 of the Code of County Ordinances for Salt Lake County.
2. Access to a **flag lot or lots** shall be provided in the following manner;
 - a. Ownership of the land area connecting the **flag lot(s)** to the street by the person(s) or entities that own the balance of the land area included in the **flag lot(s)**, or
 - b. Retention of ownership of the land area connecting the **flag lot(s)** to the street by the owner of the **base lot(s)** fronting on the street, but only if conveyance of that land area would render the **base lot(s)** substandard with regards to lot width or lot area requirements applicable to the zone in which the properties are situated. If so retained, access to the **flag lot(s)** shall be provided through conveyance and recordation of a perpetual access easement for each lot, together with cross maintenance and liability agreements addressing the rights and responsibilities of the owners of the **base lot(s)** and the **flag lot(s)**.
3. In order to **subdivide** an existing lot or parcel so as to create two or more separate lots or parcels (the **base lot(s)** adjacent to the street and a **flag lot(s)** to their rear), sufficient land area must be available to maintain;
 - a. For the **base lot(s)**, compliance with the required area and width requirements of the zone in which the properties are situated, and

b. For **flag lot(s) less than one half acre in size;**

1. One and one half times the area requirements for the zone in which the properties are situated if ownership of the land providing access to the **flag lot(s)** is retained by or conveyed to the owner of those lots, or
2. One and one half times the area requirements for the zone in which the properties are situated minus the land area included in the access easement across the **base lot(s)**.

c. For **flag lot(s) one half acre in size or larger;**

1. Compliance with the required area and width requirements of the zone in which the properties are situated, exclusive of the land area encumbered for access purposes to the **flag lot(s)**, whether by ownership or perpetual easement.
4. In addition to maintaining compliance with the area and width requirements of the zone in which the **base lot(s)** are located, normally-applicable yard or setback requirements for the **base lot(s)** must be maintained, particularly if said lots are already developed or improved. Where access to a **flag lot** is provided via recordation of a perpetual easement across the **base lot**, the yard or setback for the base lot shall be measured from the **interior edge of the easement** closest to any existing or proposed improvements on the **base lot**.
5. Access to a **flag lot(s)**, whether by ownership of the land area across which such access is provided or through recordation of a perpetual access easement across the **base lot(s)**, must be of uniform width from the **flag lot** to the intersection with the street right-of-way or easement upon which the **base lot** fronts in accordance with the following;
 - c. On properties where the length of the access connection from the **flag lot(s)** to the street right-of-way or easement is less than one hundred and fifty feet, the width of that connection must be no less than **twenty feet** unless a lesser width is authorized for access purposes by the County's traffic engineer and fire official.

- d. On properties where the length of the access connection from the **flag lot** to the street right-of-way or easement is more than one hundred and fifty feet, the width of that connection must be no less than **twenty-five feet** unless a lesser width is authorized for access purposes by the County's traffic engineer and fire official.
6. **Improvements to the travel way** within the access connection from the **flag lot(s)** to the street right-of-way or easement shall be in accordance with the following standards:
- f. On properties where the length of the access connection is less than one hundred and fifty feet, the **improved surface** of the travel way must be:
 - 1. At least **twelve feet** in width its entire length unless a lesser width is authorized for access purposes by the County's traffic engineer and fire official; and
 - 2. No closer than;
 - a. **Five feet** to a neighboring property line at the intersection with the street right of way or easement line so as to provide adequate area for satisfaction of county driveway radius requirements, and
 - b. **Four feet** to a neighboring property line for the remaining length of the improved travel way from the street right-of-way or easement line to the **flag lot(s)**.
 - 3. Incompliance with county standards at its intersection with the street right-of-way or easement.
 - b. On properties where the length of the access connection is more than one hundred and fifty feet, the **improved surface** of the travel way must be:
 - 1. At least **eighteen feet** in width its entire length so as to allow the passage of vehicles in opposite directions unless a lesser width is authorized for access purposes by the County's traffic engineer and fire official; and

2. Provided with a" vehicle turnaround" on the **flag lot(s)** to the satisfaction of County Fire officials; and
3. No closer than;
 - a. **Five feet** to a neighboring property line at the intersection with the street right of way or easement line so as to provide adequate area for satisfaction of county driveway radius requirements, and
 - b. **Four feet** to a neighboring property line for the entire length of the improved travel way on private property; and
4. In compliance with county standards at its intersection with the street right-of-way or easement; and
7. The land area that is not encumbered by required travel way surface improvements within the access connection from the **flag lot(s)** to the street right-of-way or easement shall be planted in its entirety and maintained as landscaped buffers on each side of the travel way in accordance with plans reviewed and approved as part of the flag lot approval process.
8. Site plan review for the development of a single family residence on a **flag lot** shall be on a permitted use basis and subject to the same ordinance requirements and development standards as those applicable to other single family residential properties in the same zone except with regards to yard or "setback" requirements which, for a **main dwelling**, shall be as follows;
 - a. For properties in the R-1-6, R-1-7, R-1-8, and R-1-10 zones, a uniform yard or "setback" requirement of **twenty feet** shall be maintained from all property lines of the "flag" portion of the lot.
 - b. For properties in the R-1-15 and R-1-21 Zones, a uniform yard or "setback" requirement of **twenty-five feet** shall be maintained from all property lines of the "flag" portion of the lot.

- c. For properties in the R-1-43 Zone, a uniform yard or "setback" requirement of **thirty feet** shall be maintained from all property lines of the "flag" portion of the lot.
9. The yard or "setback" requirements for a detached accessory structure on a **flag lot** shall be as follows:
- a. For properties in the R-1-6, R-1-7, R-1-8, R-1-10, and R-1-15 Zones, a detached accessory structure **must** be to the rear of and at least 6 feet from the main dwelling on the **flag lot**, and must maintain the following separation from adjacent property lines;
 - 1. Ten feet if adjacent to the side yard of a dwelling on an adjacent lot;
 - 2. One foot if not adjacent to the side yard of a dwelling on an adjacent lot, so long as the height of the accessory structure does not exceed fourteen feet. Accessory structures taller than fourteen feet (a maximum height of twenty feet is permitted) must maintain one additional foot of yard or "setback" separation for each additional foot of detached accessory structure height.
 - 3. Twenty feet adjacent to any street.
 - b. For properties in the R-1-21 and R-1-43 Zones, a detached accessory structure must maintain the following separation from adjacent property lines;
 - 1. Twenty-five feet if located to the side or front of the main dwelling on the flag lot.
 - 2. Twenty feet adjacent to any street;
 - 3. Ten feet if located to the rear of and at least six feet from the main dwelling on the flag lot but adjacent to the side yard of a dwelling on an adjacent lot;
 - 4. One foot if not adjacent to the side yard of a dwelling on an adjacent lot, so long as the height of the accessory structure does

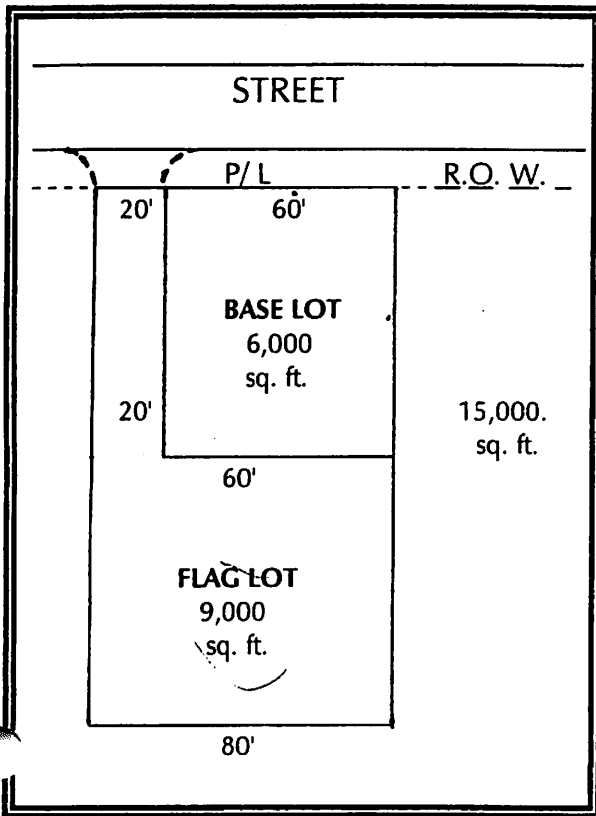
not exceed fourteen feet. Accessory structures taller than fourteen feet (a maximum height of twenty feet is permitted) must maintain one additional foot of yard or "setback" separation for each additional foot of detached accessory structure height.

10. Lots of record that were created in accordance with the procedures for the establishment of "Deep Lots" as set forth in the Salt Lake County Planning Commission's 1965 policy by that name shall continue to be subject to the site development and improvement standards associated with that policy.

FILE

FLAG LOT in the **R-1-6 Zone**

7 . 1



Base Lot Requirements

Minimum Lot Area = 6,000 sq. ft.

Minimum Lot Width = 60 ft.

Minimum Lot Depth = varies (100 ft. w/ 60 ft width)

Flag Lot in R-1-6 Zone

Minimum Lot Area = 1.5 X base = 1.5 X 6,000 sq.ft. = 9,000 sq. ft.

Minimum Access Area Width = 20 ft.

Minimum Lot Width = base + access = 60 ft. + 20 ft. = 80 ft.

Minimum Lot Depth = varies (87.5 ft. w/80 ft. width)

Total land area required for a Flag Lot in R-1-6 Zone

Base Lot = 6,000 sq. ft.

Flag Lot = 9,000 sq. ft.

= 15,000 sq. ft.

minimum land area required

Yard Requirements

Main Dwelling

(w/garage)

Base Lot

Front = 25 ft.

Side = 8 ft.

Rear = 15 ft.

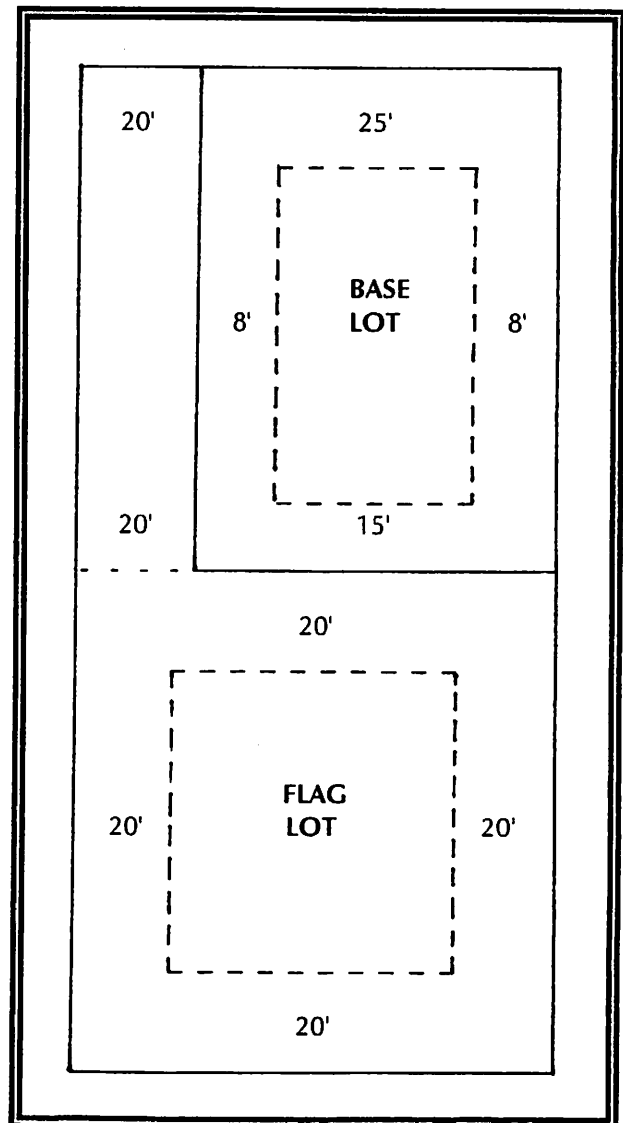
Flag Lot

20 ft. from property lines
of "flag" portion of lot

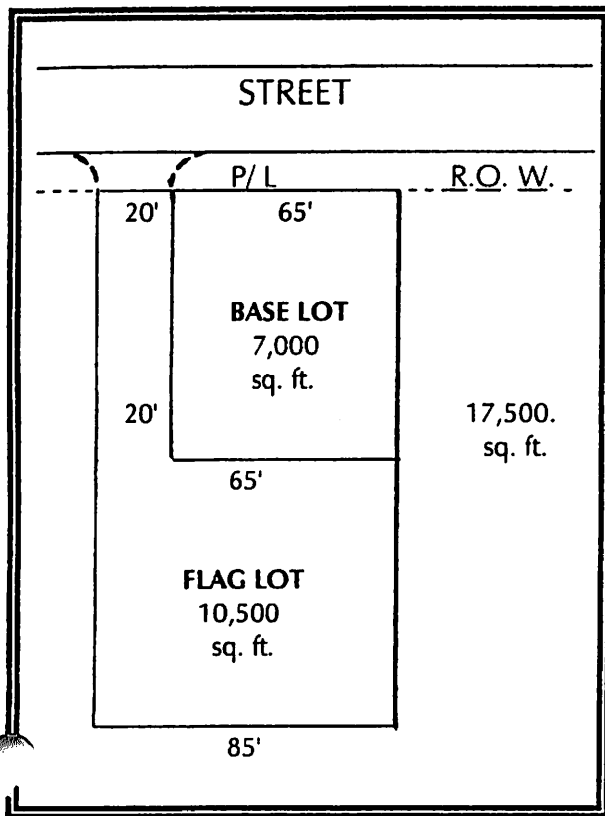
Detached Accessory Structures

Must be to the rear of and at least 6 ft. from main dwelling
= 1 ft., unless adjacent to the side yard of a dwelling on an
adjacent lot, in which case = 10 ft. from that property line .

Adjacent to any street
= 20 ft.



FLAG LOT in the R-1-7 Zone



Base Lot Requirements

Minimum Lot Area = 7,000 sq. ft.

Minimum Lot Width = 65 ft.

Minimum Lot Depth = varies (108 ft. w/ 65 ft width)

Flag Lot in R-1-7 Zone

Minimum Lot Area = 1.5 X base = 1.5 X 7,000 sq.ft. = 10,500 sq. ft.

Minimum Access Area Width = 20 ft.

Minimum Lot Width = base + access = 65 ft. + 20 ft. = 85 ft.

Minimum Lot Depth = varies (98 ft. w/85 ft. width)

Total land area required for a Flag Lot in R-1-7 Zone

Base Lot = 7,000 sq. ft.

Flag Lot = 10,500 sq. ft.

= 17,500 sq. ft.

minimum land area required

Yard Requirements

Main Dwelling

(w/garage)

Base Lot

Front = 25 ft.

Side = 8 ft.

Rear = 15 ft.

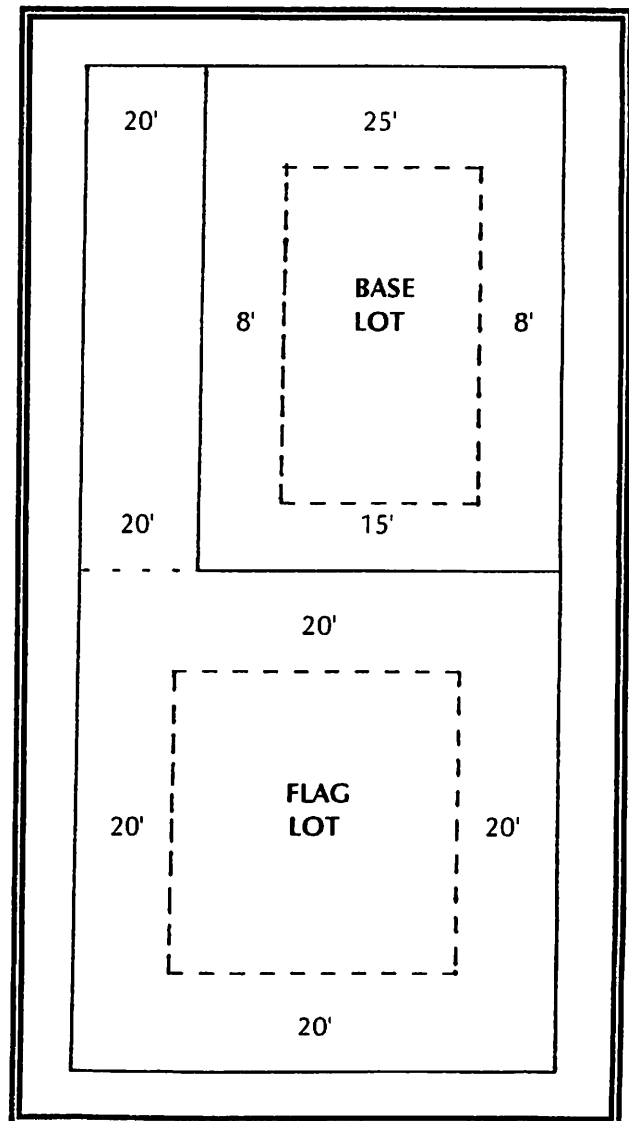
Flag Lot

20 ft. from property lines
of "flag" portion of lot

Detached Accessory Structures

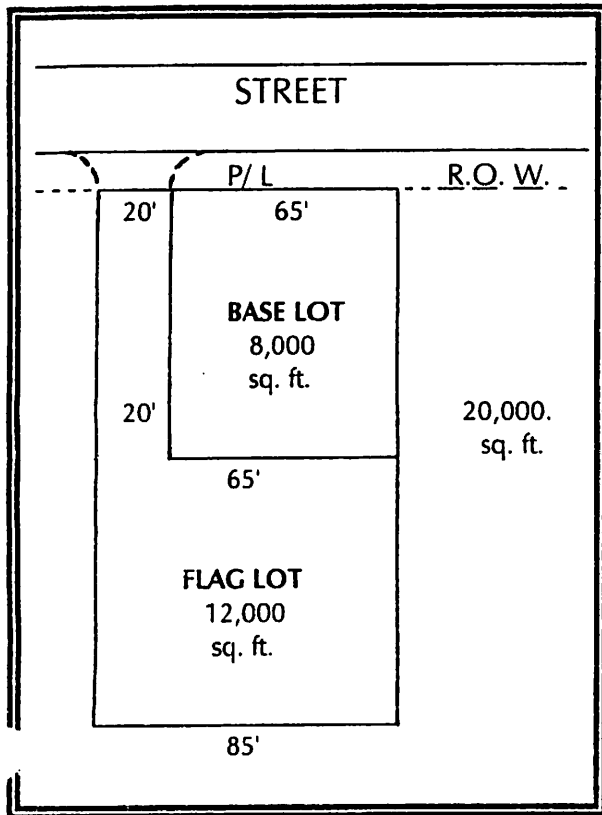
Must be to the rear of and at least 6 ft. from main dwelling = 1 ft., unless adjacent to the side yard of a **dwelling** on an adjacent lot, in which case = 10 ft. from that property line.

Adjacent to any street
= 20 ft.



FLAG LOT in the R-1-8 Zone

7 . 1



Base Lot Requirements

Minimum Lot Area = 8,000 sq. ft.

Minimum Lot Width = 65 ft.

Minimum Lot Depth = varies (123 ft. w/ 65 ft width)

Flag Lot in R-1-8 Zone

Minimum Lot Area = 1.5 X base = 1.5 X 8,000 sq.ft. = 12,000 sq. ft.

Minimum Access Area Width = 20 ft.

Minimum Lot Width = base + access = 65 ft. + 20 ft. = 85 ft.

Minimum Lot Depth = varies (112 ft. w/85 ft. width)

Total land area required for a Flag Lot in R-1-8 Zone

Base Lot = 8,000 sq. ft.

Flag Lot = 12,000 sq. ft.

= 20,000 sq. ft.

minimum land area required

Yard Requirements

Main Dwelling

(w/garage)

Base Lot

Front = 25 ft.

Side = 8 ft.

Rear = 15 ft.

Flag Lot

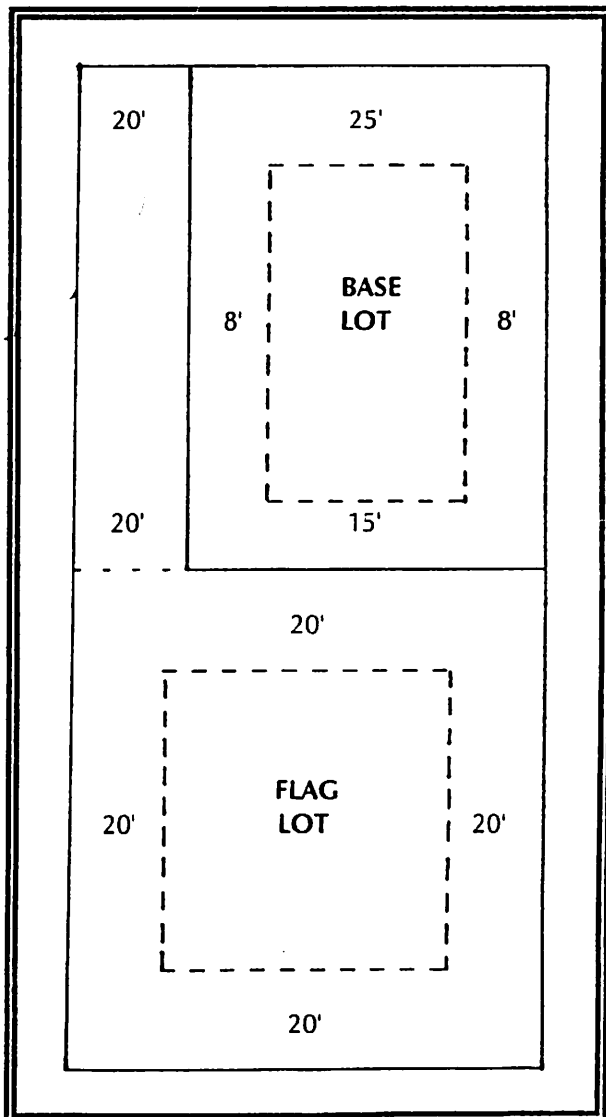
20 ft. from property lines

of "flag" portion of lot

Detached Accessory Structures

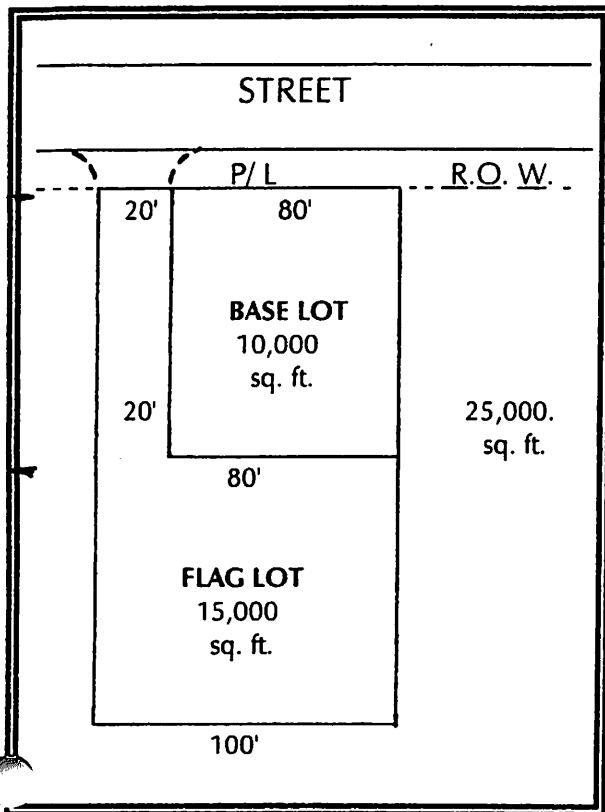
Must be to the rear of and at least 6 ft. from main dwelling = 1 ft., unless adjacent to the side yard of a dwelling on an adjacent lot, in which case = 10 ft. from that property line.

Adjacent to any street
= 20 ft.



FLAG LOT in the R-1-10 Zone

7 . 1



Base Lot Requirements

Minimum Lot Area = 10,000 sq. ft.

Minimum Lot Width = 80 ft.

Minimum Lot Depth = varies (125 ft. w/ 80 ft width)

Flag Lot in R-1-10 Zone

Minimum Lot Area = 1.5 X base = 1.5 X 10,000 sq.ft. = 15,000 sq. ft.

Minimum Access Area Width = 20 ft.

Minimum Lot Width = base + access = 80 ft. + 20 ft. = 100 ft.

Minimum Lot Depth = varies (125 ft. w/100 ft. width)

Total land area required for Flag Lot in R-1-10 Zone

Base Lot = 10,000 sq. ft.

Flag Lot = 15,000 sq. ft.

= 25,000 sq. ft.

minimum land area required

Yard Requirements

Main Dwelling

(w/garage)

Base Lot

Front = 30 ft.

Side = 10 ft.

Rear = 15 ft.

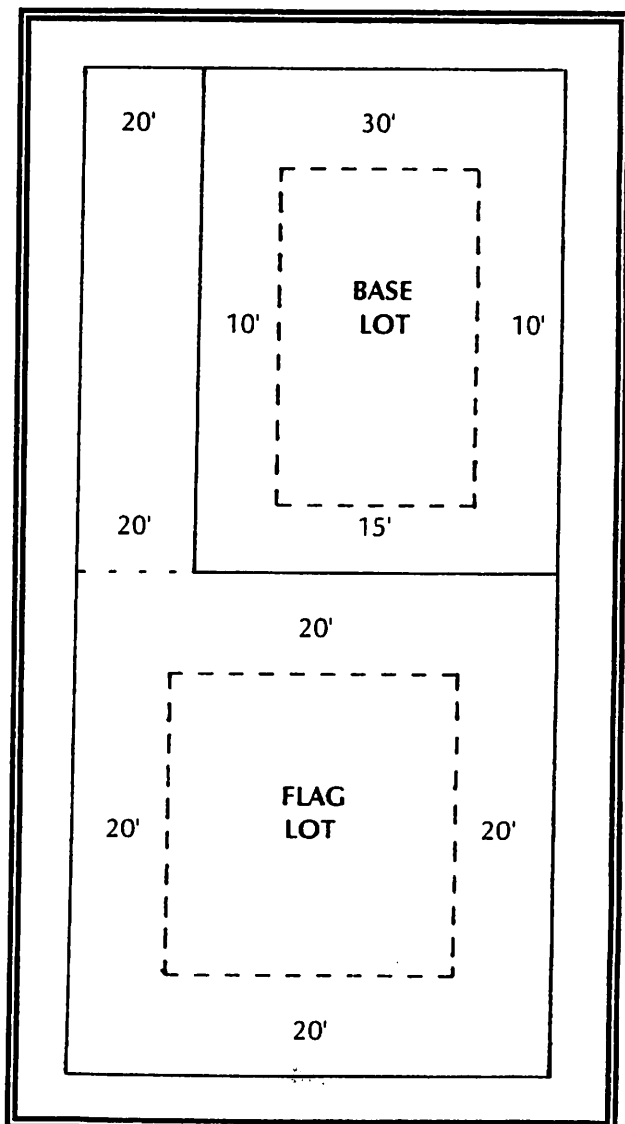
Flag Lot

20 ft. from property lines
of "flag" portion of lot

Detached Accessory Structures

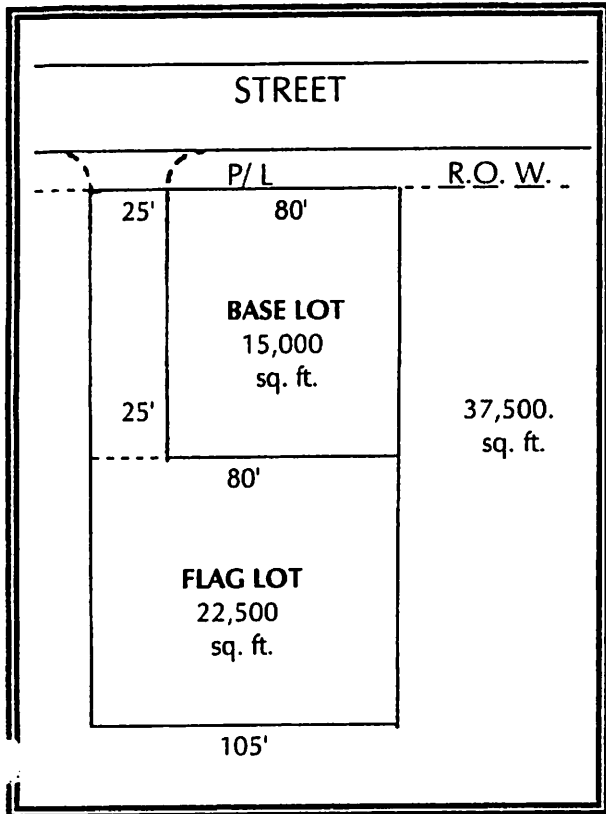
Must be to the rear of and at least 6 ft. from main dwelling
= 1 ft., unless adjacent to the side yard of a dwelling on an
adjacent lot, in which case = 10 ft. from that property line.

Adjacent to any street
= 20 ft.



FLAG LOT in the R-1-15 Zone

7.1



Base Lot Requirements

Minimum Lot Area = 15,000 sq. ft.

Minimum Lot Width = 80 ft.

Minimum Lot Depth = varies (187.5 ft. w/ 80 ft width)

Flag Lot in R-1-15 Zone

Minimum Lot Area = 1.5 X base = 1.5 X 15,000 sq.ft. = 22,500 sq. ft.

Minimum Access Area Width = 25 ft.

Minimum Lot Width = base + access = 80 ft. + 25 ft. = 105 ft.

Minimum Lot Depth = varies (169.6 ft. w/105 ft. width)

Total land area required for Flag Lot in R-1-15 Zone

Base Lot = 15,000 sq. ft.

Flag Lot = 22,500 sq. ft.

= 37,500 sq. ft.

minimum land area required

Yard Requirements

Main Dwelling

(w/garage)

Base Lot

Front = 30 ft.

Side = 10 ft.

Rear = 15 ft.

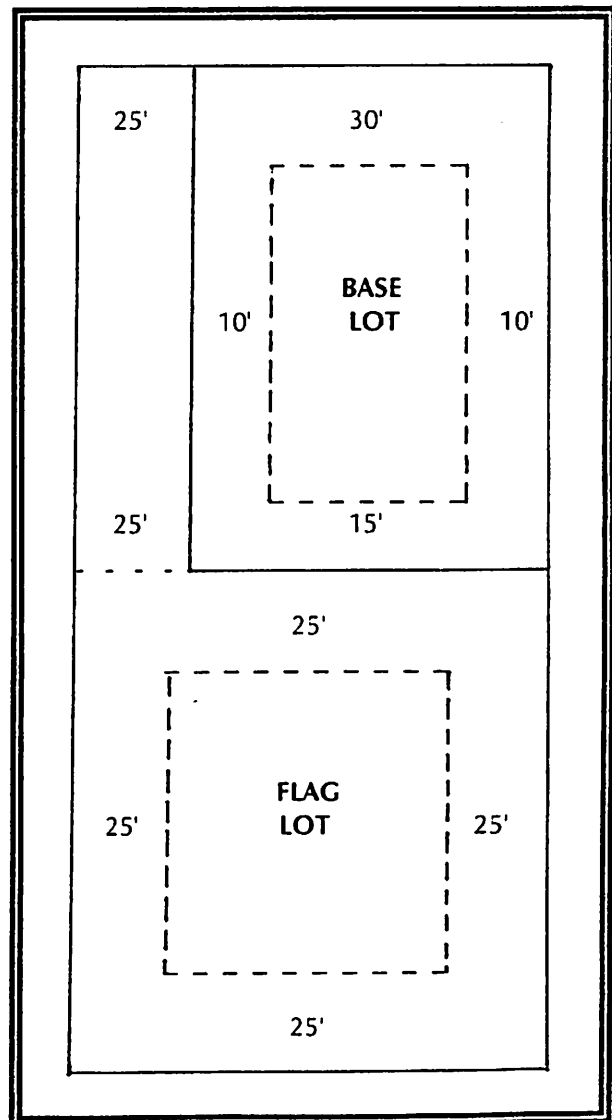
Flag Lot

25 ft. from property lines
of "flag" portion of lot

Detached Accessory Structures

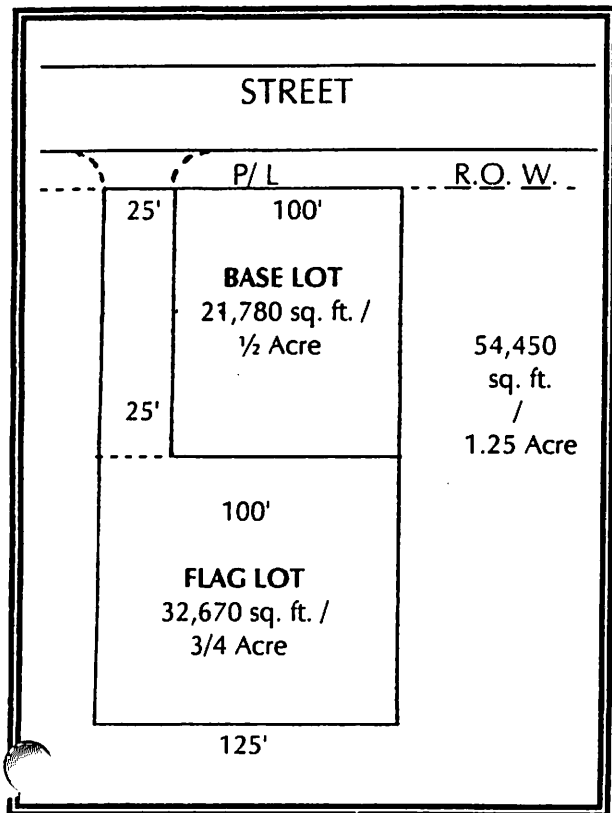
Must be to the rear of and at least 6 ft. from main dwelling
= 1 ft., unless adjacent to the side yard of a dwelling on an
adjacent lot, in which case = 10 ft. from that property line.

Adjacent to any street
= 20 ft.



FLAG LOT in the **R-1-21 Zone**

7 . 1



Base Lot Requirements

Minimum Lot Area = 21,780 sq. ft. / ½ Acre

Minimum Lot Width = 100 ft.

Minimum Lot Depth = varies (217.8 ft. w/ 100 ft width)

Flag Lot in R-1-21 Zone

Minimum Lot Area = 1.5 X base = 1.5 X 21,780 sq.ft. = 32,670 sq. ft.

Minimum Access Area Width = 25 ft.

Minimum Lot Width = base + access = 100 ft. + 25 ft. = 125 ft.

Minimum Lot Depth = varies (217.8 ft. w/ 125 ft width)

Total land area required for Flag Lot in R-1-21 Zone

Base Lot = 21,780 sq. ft. / ½ Acre

Flag Lot = 32,670 sq. ft. / ¾ Acre

= 54,450 sq. ft. / 1.25 Acre

minimum land area required

Yard Requirements

Main Dwelling

(w/garage)

Base Lot

Front = 30 ft.

Side = 10 ft.

Rear = 15 ft.

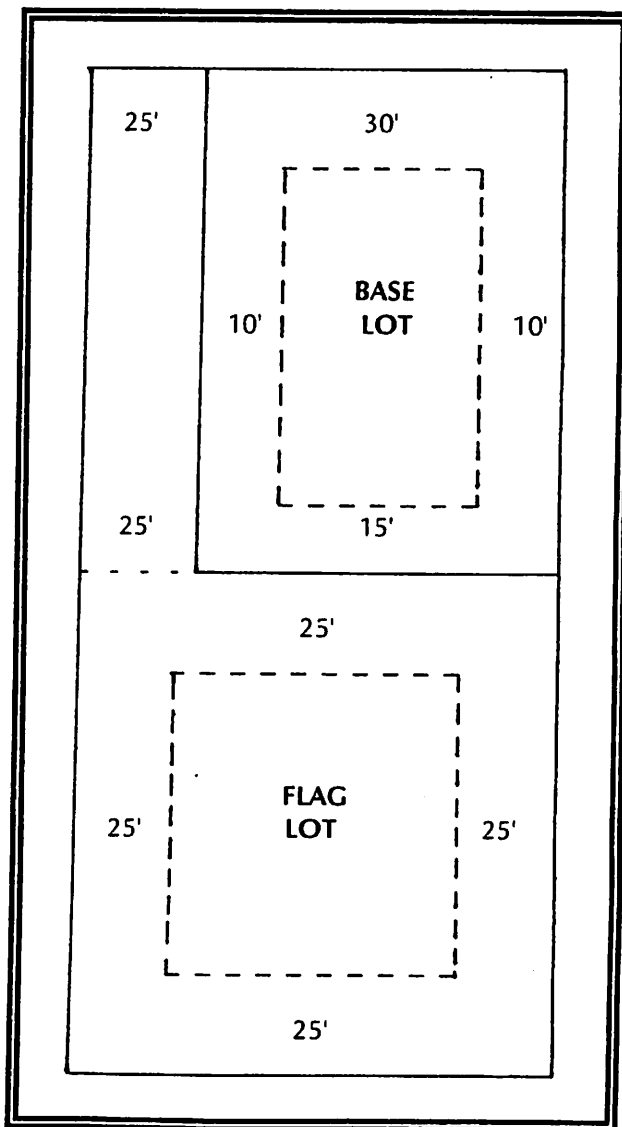
Flag Lot

25 ft. from property lines

of "flag" portion of lot

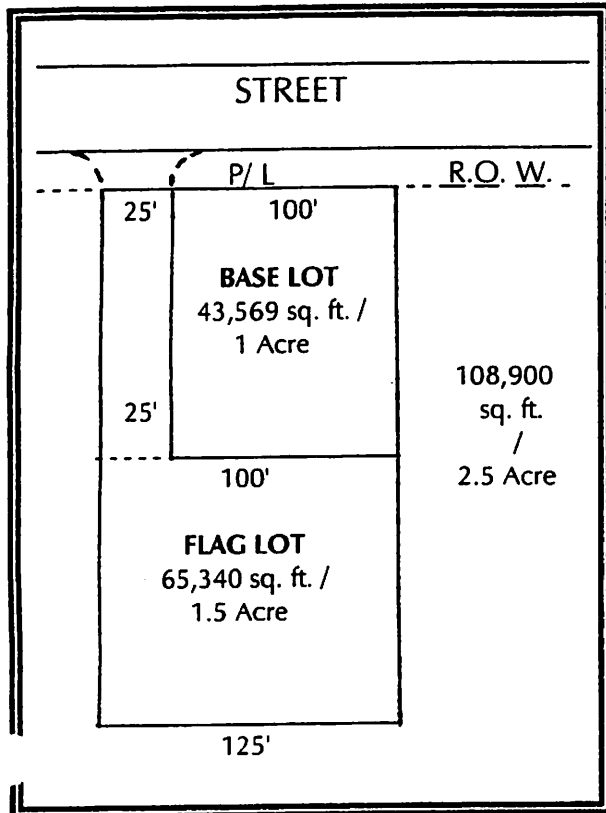
Detached Accessory Structures

- to the rear of and at least 6 ft. from the main dwelling = 1 ft., unless adjacent to the side yard of a dwelling on an adjacent lot, in which case = 10 ft. from that property line.
- to the side or front of the main dwelling,
= 10 ft. for **Base Lot**
= 25 ft. for **Flag Lot**.
- adjacent to any street
= 20 ft.



FLAG LOT in the R-1-43 Zone

7.1



Base Lot Requirements

Minimum Lot Area = 43,560 sq. ft. / 1 Acre

Minimum Lot Width = 100 ft.

Minimum Lot Depth = varies (435.6 ft. w/ 100 ft width)

Flag Lot in R-1-43 Zone

Minimum Lot Area = 1.5 X base = 1.5 X 43,560 sq.ft. = 65,340 sq. ft.

Minimum Access Area Width = 25 ft.

Minimum Lot Width = base + access = 100 ft. + 25 ft. = 125 ft.

Minimum Lot Depth = varies (435.6 ft. w/ 125 ft width)

Total land area required for Flag Lot in R-1-21 Zone

Base Lot = 43,560 sq. ft. / 1 Acre

Flag Lot = 65,340 sq. ft. / 1.5 Acre

= 108,900 sq. ft. / 2.5 Acre

minimum land area required

Yard Requirements

Main Dwelling

(w/garage)

Base Lot

Front = 30 ft.

Side = 15 ft.

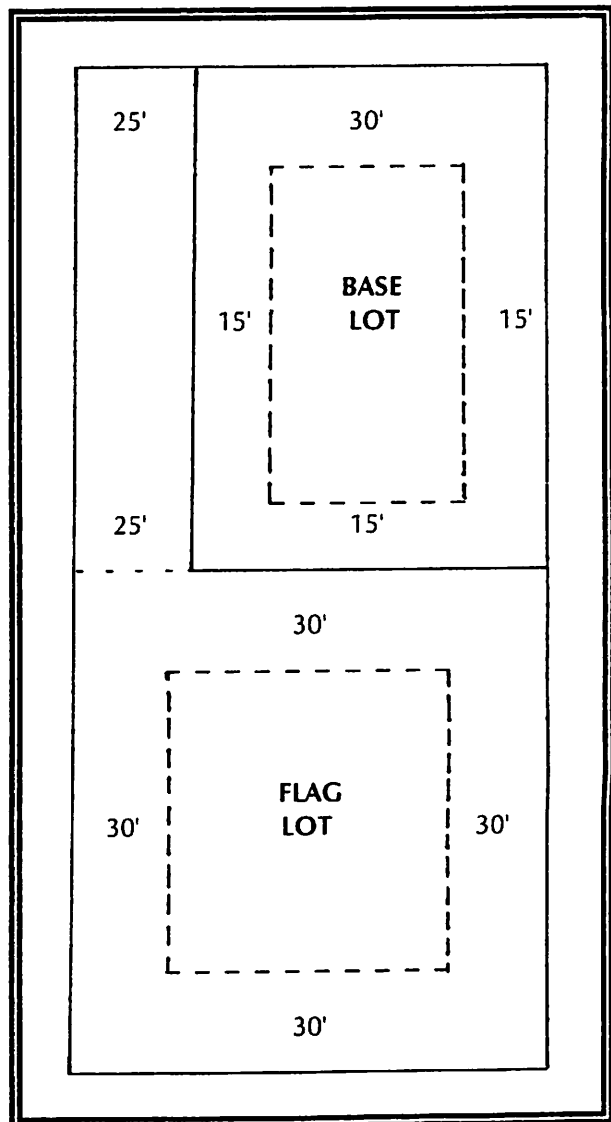
Rear = 15 ft.

Flag Lot

30 ft. from property lines
of "flag" portion of lot

Detached Accessory Structures

- to the rear of and at least 6 ft. from the main dwelling = 1 ft., unless adjacent to the side yard of a **dwelling** on an adjacent lot, in which case = 10 ft. from that property line.
- to the side or front of the main dwelling,
= 10 ft. for **Base Lot**
= 25 ft. for **Flag Lot**.
- adjacent to any street
= 20 ft.



MILLCREEK, UTAH
ORDINANCE NO. 18-38

**AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT
APPROXIMATELY 2217 EAST EVERGREEN AVENUE FROM THE R-1-10 ZONE
(SINGLE-FAMILY RESIDENTIAL – MINIMUM LOT SIZE 10,000 SQUARE FEET)
TO THE R-1-8 ZONE (SINGLE-FAMILY RESIDENTIAL – MINIMUM LOT SIZE
8,000 SQUARE FEET)**

WHEREAS, the Millcreek Council (“Council”) met in regular session on June 25, 2018, to consider among other things, an ordinance rezoning certain property located at approximately 2217 East Evergreen Avenue from the R-1-10 zone (single-family residential) to the R-1-8 zone (single-family residential) and

WHEREAS, Utah Code Ann. § 10-9a-503 provides in part that the Council may make zoning map amendments; and

WHEREAS, Utah Code Ann. § 10-9a-503 also provides that the Council may not make any amendment to its land use ordinances unless the amendment was first submitted to the planning commission for its recommendation; and

WHEREAS, Utah Code Ann. § 10-9a-503 also provides that the Council shall comply with the procedure specified in Utah Code Ann. § 10-9a-502 in preparing and adopting an amendment to a land use regulation; and

WHEREAS, Utah Code Ann. § 10-9a-502 provides planning commission shall provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable, Subsection 10-9a-205(4) and hold a public hearing on the proposed land use ordinances; and

WHEREAS, on April 27, 2018 the required public hearing notice was published; and

WHEREAS, on May 16, 2018 the proposed amendment was submitted to the planning commission for its recommendation; and

WHEREAS, on May 16, 2018 the planning commission held the required public hearing with respect to this rezone; and

WHEREAS, at the May 16, 2018, planning commission meeting the Millcreek Planning Commission recommended denial of the proposed rezone; and

WHEREAS, the Millcreek Code of Ordinances, provides among other things, that before finally adopting any such rezone, the Council shall consider the application during a public meeting which has been properly noticed in compliance with the provisions of Title 52, Chapter 4, of the Open and Public Meetings Act; and

WHEREAS, on June 20, 2018 the Council caused the required notice to be given; and

WHEREAS, on June 25, 2018, the Council considered the rezone during a public meeting; and

WHEREAS, Section 19.06.020 of the Millcreek Code of Ordinances provides that each of the sections of the City which are amended or zoned be shown on the maps on file with Salt Lake County planning and development services division on behalf of the City.

WHEREAS, Council finds that it is in the best interest of the citizens of Millcreek to adopt the rezone/map change as recommended by the Planning Commission;

NOW THEREFORE, be it ordained by the Council that the property described in File # ZM-18-006 filed by Ed Dieringer located at 2217 East Evergreen Avenue is hereby rezoned/reclassified from the R-1-10 Zone (single-family residential – minimum lot size 10,000 square feet) to the R-1-8 Zone (single-family residential – minimum lot size 8,000 square feet) such property being more particularly described as follows:

**2217 East Evergreen Avenue
APN: 16-27-377-030**

Legal Description:

COM 24.75 FT N & 666.4 FT W FR S 1/4 COR SEC 27 T 1S R 1E SLMER W 104 FT N
206.25 FT E 104 FT S 206.25 FT TO BEG 0.48 AC7799-0145,0148 9543-2637

BE IT FURTHER ORDAINED, that pursuant to Section 19.06.020 of the Millcreek Code of Ordinances that the official zoning map showing the change enacted hereby be filed as provided in Section 19.06.020.

This Ordinance, assigned no. 18-38, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder.

PASSED AND APPROVED this 25th day of June, 2018.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Greiner, CMC, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Marchant	Yes	No
Jackson	Yes	No
Catten	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:

ORDINANCE 18-38: AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT APPROXIMATELY 2217 EAST EVERGREEN AVENUE FROM THE R-1-10 ZONE (SINGLE-FAMILY RESIDENTIAL – MINIMUM LOT SIZE 10,000 SQUARE FEET) TO THE R-1-8 ZONE (SINGLE-FAMILY RESIDENTIAL – MINIMUM LOT SIZE 8,000 SQUARE FEET)

was passed and adopted the ____ day of _____ 2018 and certifies that copies of the foregoing Ordinance 18-38 were posted in the following locations within the municipality this ____ day of _____, 2018.

1. Millcreek City Office, 3330 S. 1300 E., Millcreek, UT 84106
2. Millcreek Community Center, 2266 E. Evergreen Ave., Millcreek, UT 84109
3. Calvin S. Smith Library, 810 E. 3300 S., Millcreek, UT 84106

Elyse Greiner, City Recorder

MILLCREEK, UTAH
ORDINANCE NO. 18-39

**AN ORDINANCE OF THE MILLCREEK COUNCIL APPROVING A DEVELOPMENT
AGREEMENT FOR A TWO-LOT SUBDIVISION WITH RESPECT TO
APPROXIMATELY 0.48 ACRES OF REAL PROPERTY LOCATED AT
APPROXIMATELY 2217 EAST EVERGREEN AVENUE**

WHEREAS, the Millcreek Council ("*Council*") met in regular meeting on June 25, 2018, to consider, among other things, an ordinance of the Millcreek Council approving a master development agreement for a two-lot subdivision with respect to approximately 0.48 acres of real property located at approximately 2217 East Evergreen Avenue; and

WHEREAS, the Utah Code Ann. § 10-9a-102 authorizes, among other things, that the City may enter into development agreements; and

WHEREAS, staff has presented to the Council a Development Agreement for the referenced property ("Development Agreement"); and

WHEREAS, Council has reviewed the Development Agreement and hereby find that it is in the best interests of the both parties to enter into the Development Agreement; and

NOW, THEREFORE, BE IT ORDAINED that the Development Agreement is approved, and the Mayor and Recorder are hereby authorized and directed to execute and deliver the same.

PASSED AND APPROVED by the Council this 25th day of June, 2018.

MILLCREEK

Jeff Silvestrini, Mayor

ATTEST:

Elyse Greiner, CMC, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Marchant	Yes	No
Jackson	Yes	No
Catten	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:

ORDINANCE 18-39: AN ORDINANCE OF THE MILLCREEK COUNCIL APPROVING A DEVELOPMENT AGREEMENT FOR A TWO-LOT SUBDIVISION WITH RESPECT TO APPROXIMATELY 0.48 ACRES OF REAL PROPERTY LOCATED AT APPROXIMATELY 2217 EAST EVERGREEN AVENUE was passed and adopted the ____ day of _____, 2018 and certifies that copies of the foregoing Ordinance 18-39 were posted in the following locations within the municipality this ____ day of _____, 2018.

1. Millcreek City Office, 3330 S. 1300 E., Millcreek, UT 84106
2. Millcreek Community Center, 2266 E. Evergreen Ave., Millcreek, UT 84109
3. Calvin S. Smith Library, 810 E. 3300 S., Millcreek, UT 84106

Elyse Greiner, City Recorder

When recorded, return to:

Millcreek
Attn: Jeff Silvestrini
3300 South 1300 East
Millcreek, UT 84106

DEVELOPMENT AGREEMENT

This Development Agreement (this “Agreement”) is entered into this ____ day of _____, 2018, by and between Ed Dieringer and Teresa Sagrati (“Developer”), for the land to be included in or affected by the project located at approximately 2217 East Evergreen Avenue in Millcreek Utah, a municipal corporation of the State of Utah (“City”). The Developer and the City are sometimes referred to as the “Parties.”

RECITALS

WHEREAS, Developer owns approximately 0.48 acres of real property located at 2217 East Evergreen Avenue in Millcreek, Utah (“Property”) and intends to develop the Property. A legal description of the Property is attached hereto as exhibit “A.” The Parties desire that the Property be developed in a unified and consistent fashion and establish minimum standards for a new two-lot subdivision (the “Project”) on the Property; and

WHEREAS, Developer hereby represent to the Millcreek Council that it is voluntarily entering into this Agreement; and

WHEREAS, Developer is willing to restrict the Property in a manner that is in harmony with the objectives of the City’s General Plan and long-range development objectives, and which addresses the more specific development issues set forth in this Agreement, and is willing to abide by the terms of this Agreement; and

WHEREAS, the City, acting pursuant to its authority under the Utah Municipal Land Use, Development, and Management Act, Utah Code Ann. §10-9a-101, *et seq.*, and its ordinances, resolutions, and regulations, and in furtherance of its land-use policies, has made certain determinations with respect to the proposed Project, and, in the exercise of its legislative discretion, has elected to approve this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

1. **Affected Property.** The legal description of the Property contained within the Project boundaries is attached as exhibit “A.” No additional property may be added to or removed from this description for the purposes of this Agreement except by written amendment to this Agreement executed and approved by Developer and the City.

2. **Reserved Legislative Powers.** Nothing in this Agreement shall limit the future exercise of police power by the City in enacting zoning, subdivision, development, transportation, environmental, open space, and related land-use plans, policies, ordinances and regulations after the date of this Agreement, provided that the adoption and exercise of such power shall not restrict Developer’s vested rights to develop the Project as provided herein. This Agreement is not intended to and does not bind the Millcreek Council in the independent exercise of its legislative discretion with respect to such zoning regulations.

3. **Compliance with City Standards.** Developer acknowledges and agrees that nothing in this Agreement shall be deemed to relieve it from the obligation to comply with all applicable ordinances and requirements of the City necessary for development of the Project, including the payment of fees, and compliance with applicable City standards.

4. **Specific Design Conditions.** The Project shall be developed and constructed as set forth in the specific design conditions/criteria set forth in exhibit “B”.

5. **Agreement to Run With the Land.** This Agreement shall be recorded in the Office of the Salt Lake County Recorder, shall be deemed to run with the Property, and shall encumber the same; and shall be binding on and inure to the benefit of all successors and assigns of Developer in the ownership or development of any portion of the Property. This Agreement supersedes any and all development agreements that have been executed concerning the Property.

6. **Assignment.** Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without the consent of the other party. This Agreement shall be binding upon any successors and assigns. This restriction on assignment is not intended to prohibit or impede the sale by Developer.

7. **No Joint Venture, Partnership or Third Party Rights.** This Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto nor any rights or benefits to third parties, except as expressly provided herein.

8. **Integration, Modification, and Entire Agreement.** This Agreement contains the entire agreement between the parties with respect to the subject matter hereof and integrates all prior conversations, discussions, or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed and approved by the parties hereto. Exhibits A and B are hereby incorporated into this Agreement.

9. **Notices.** Any notices, requests, or demands required or desired to be given hereunder shall be in writing and should be delivered personally to the party for whom intended, or, if mailed by certified mail, return receipt requested, postage prepaid to the parties as follows:

TO DEVELOPER: Ed Dieringer
3556 E Eastwood Drive
Millcreek, Utah 84109

TO CITY: Millcreek
Jeff Silvestrini, Mayor
3300 S 1300 E
Millcreek Utah 84106

Any party may change its address by giving written notice to the other party in accordance with the provisions of this section.

10. **Choice of Law and Venue.** Any dispute regarding this Agreement shall be heard and settled under the laws of the State of Utah. Any Utah litigation regarding this Agreement shall be filed in the Third District Court in Salt Lake City, Utah. Any federal litigation regarding this Agreement shall be filed in the United States District Court for the District of Utah in Salt Lake City, Utah.

11. **Severability.** In the event any provision of this Agreement is held to be invalid or unenforceable, the remaining provisions shall remain valid and binding upon the parties. One or more waivers of any term, condition, or other provision of this Agreement by either party shall not be construed as a waiver of a subsequent breach of the same or any other provision.

12. **Limitation on Recovery for Default – No Damages.** No party shall be entitled to any claim for any monetary damages as a result of any breach of this Agreement and each Party waives any claims thereto. The sole remedy available to Developer or and assignee shall be that

of specific performance. Notwithstanding such limitation the City may withhold all further reviews, approvals, licenses, building permits and/or other permits for development of the Project in the case of a default by Develop or any assignee.

13. **Term of Agreement.** The term of this Agreement shall be until December 31, 2018 and shall automatically expire on such date.

14. **Force Majeure.** Neither party shall be liable or deemed to be in default for any delay, failure, or interruption in performance under the Agreement resulting, directly or indirectly, from acts of God, acts of civil or military authority, acts of public enemy, war, accidents, fires, explosions, earthquakes, floods, failure of transportation, machinery or supplies, vandalism, strikes or other work interruptions, or any other cause beyond the control of either party. Both Parties, however, agree to make good faith efforts to perform under this Agreement in the event of any such circumstance.

15. **Construction.** The Parties stipulate that this Agreement and all agreements or documents incorporated herein shall not be subject to the rule of construction that a written agreement is construed against the Party preparing or drafting that Agreement.

16. **Headings.** The descriptive headings of the paragraphs of this Agreement are inserted for convenience only and shall not control or affect the meaning or construction of any of the provisions hereof.

17. **No Waiver.** The failure of either Party to exercise in any respect a right provided for in this Agreement shall not be deemed to be a subsequent waiver of the same right or of any other right.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

Millcreek

Jeff Silvestrini, Mayor

ATTEST:

Elyse Greiner, CMC, City Recorder

DEVELOPER

By: _____

Title: _____

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by Jeff Silvestrini as the Mayor, respectively, of Millcreek, a Utah municipality.

Notary Public

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this ____ day of _____ 2018 by _____.

Notary Public

Exhibit A

2217 East Evergreen Avenue
APN: 16-27-377-030

Legal Description:

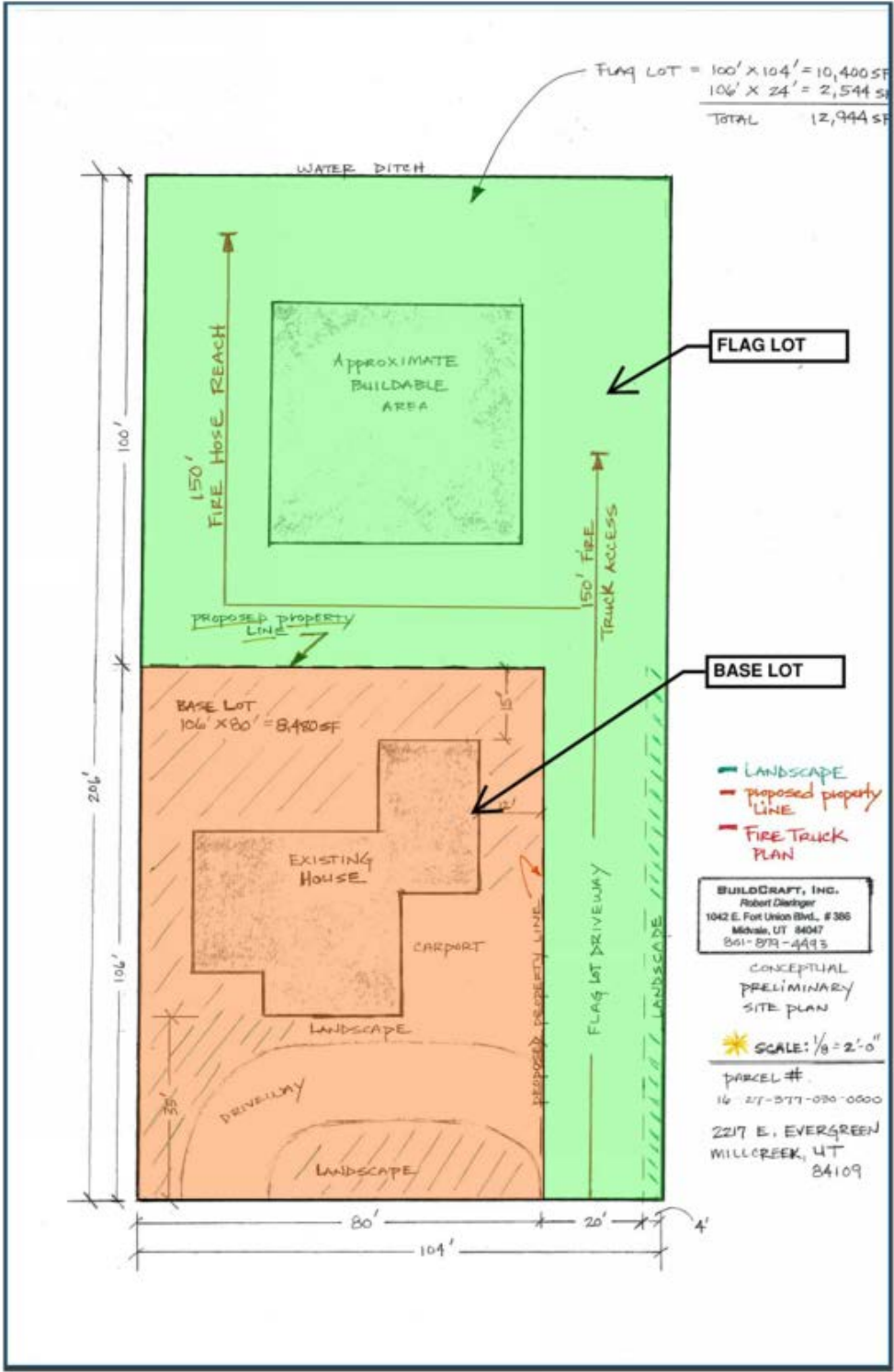
COM 24.75 FT N & 666.4 FT W FR S 1/4 COR SEC 27 T 1S R 1E SLMER W 104 FT N
206.25 FT E 104 FT S 206.25 FT TO BEG 0.48 AC7799-0145,0148 9543-2637

Exhibit B

Developer agrees to limit development on the Property as follows:

1. During the term of this Agreement, the Developer will enter into boundary line agreements with adjacent properties or obtain a ruling of boundary acquiescence with respect to adjacent properties, and will file a complete application to subdivide the property into two lots ("Flag Lot" and "Base Lot") as illustrated in Exhibit C. In the event that the developer fails to enter into boundary agreements with adjacent properties or obtain a ruling of boundary acquiescence with respect to adjacent properties, and fails to file a complete application to subdivide the property by the above date, the City may unilaterally pursue a rezone of the Property to R-1-10, and the Developer hereby waives any objection.
2. Development on the Lots is limited to one single family dwelling on each lot.
3. The maximum height of a single-family dwelling on the Flag Lot in Exhibit C will be 28 feet above natural grade.
4. The landscape perimeter along the pole portion of the Flag Lot shall include at least four trees planted at an interval of 25 feet between each tree. Each tree shall be a minimum two (2) inch caliper in size, and shall be approved by the City prior to planting.
5. The single-family dwellings on the Flag Lot shall comply with the building envelope requirements of the City's Residential Compatibility Overlay Zone, specifically section 19.71.030 (B)(6) of the Millcreek Code.
6. The maximum lot coverage for the single-family dwelling on the Flag Lot shall not exceed 31 percent of the Flag Lot. Lot coverage is defined in section 19.71.060 (C) of the Millcreek Code.

Exhibit C





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

File # ZM-18-006

City Council Staff Report

Meeting Date: 11 June 2018
Applicant: Robert Dieringer
Property Address: 2217 East Evergreen Avenue
Parcel ID: 16-27-377-030-0000 (.48 acres)

Request: Rezone from (R-1-10) to (R-1-8) subject to a development agreement for a (2-lot subdivision) development located at (2217 East Evergreen Avenue)

Zone: R-1-10

Community Council: East Millcreek Community Council

Prepared By: Robert May, Planner

SYNOPSIS AND SCOPE OF DECISION

The applicant, Robert Dieringer, is petitioning the City Council to rezone the property at 2217 East Evergreen Avenue from R-1-10 (single-family homes) to R-1-8 (single-family homes) in order to facilitate a 2-lot subdivision, subject to the City's adopted Flag Lot policy. As per Title 18 of the Millcreek City Code, a subdivision may be executed with the approval of the Millcreek City Planning Commission.

Existing Zoning	Existing Land Use	Surrounding Uses and Zones	Site Improvements	Parcel ID	Size of Property
R-1-10	Single-family	Single-family, C-1 and RM	2-lot subdivision / flag lot	16-27-377-030	.48 acres / 20,908 s.f.

Per **\$19.90.010** of the Millcreek Code, the Millcreek City Council may amend the number, shape, boundaries, or area of any zone or any regulation within any zone. Zone changes shall not be made or become effective unless the same shall have been proposed by or be first submitted for the recommendation of the planning commission. At a public meeting held on May 16, 2018, the Millcreek Planning Commission unanimously recommended denial of the application, on the basis that a single-lot rezone to R-1-8 is inconsistent with the surrounding R-1-10 zoning.

SITE & VICINITY DESCRIPTION

Figure 1: Street View



Figure 2: Zoning map

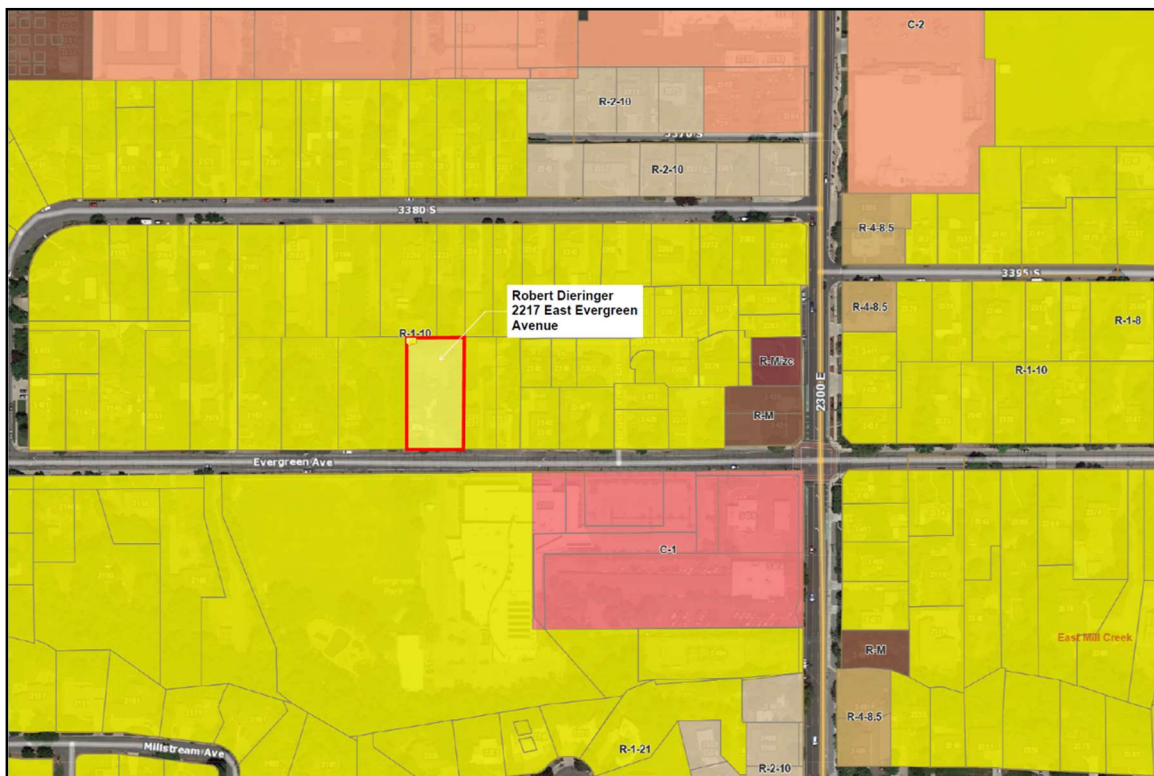
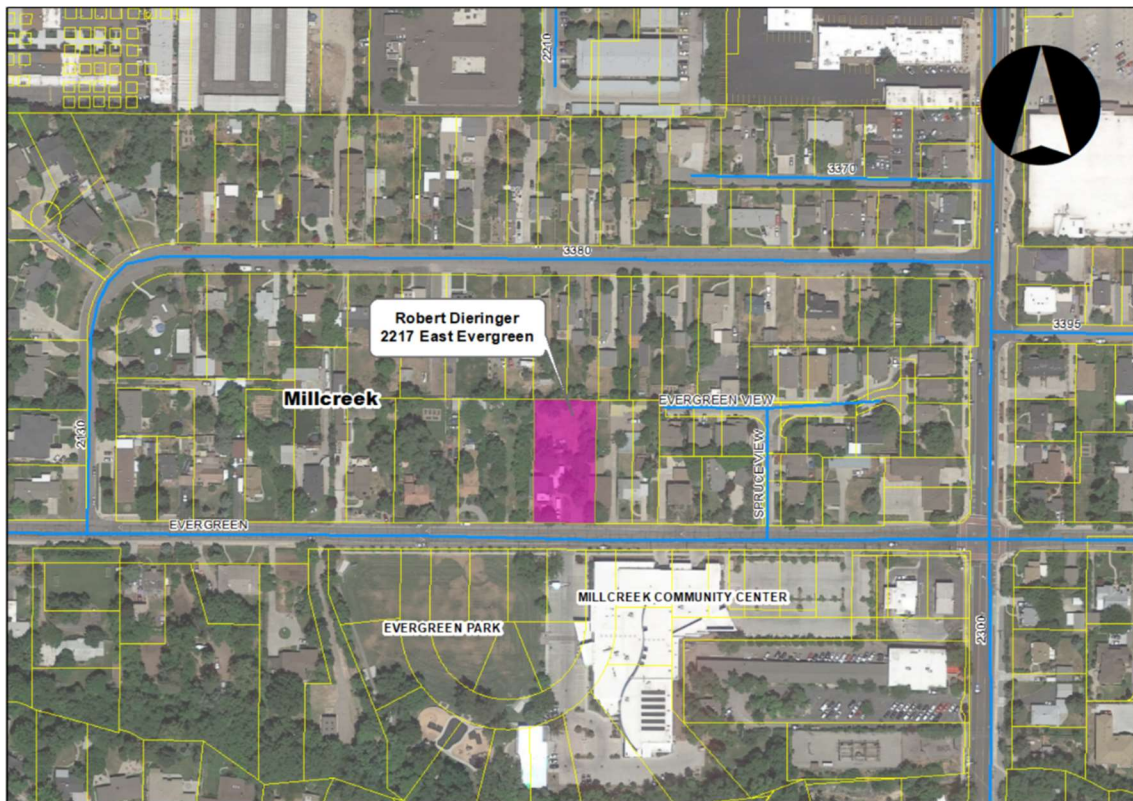


Figure 3: Aerial Photo



Currently the subject parcel is zoned residential and consists of approximately .48 acres with a single-family dwelling occupying the premises. Due to the subject parcel being in the R-1-10 Zone, the applicant cannot meet the minimum requirements needed to qualify for a flag lot subdivision. Staff and other required agencies have reviewed the project and have found, following an approved rezone from R-1-10 to R-1-8, the proposed development would meet the requirements of a flag lot subdivision in the R-1-8 Zone as well as keeping the intent and character of the R-1 Zones.

The abutting area to the proposed property is zoned R-1-10 with some light commercial across the street and some medium density within a half mile radius. Many of the R-1 zoned lots in the area have been subdivided for the purpose of a flag lot. The minimum square footage to successfully create a flag lot in the R-1-10 Zone is 25,000 s.f and have a lot width of 80' feet.

The subject parcel has approximately 104 feet of frontage along Evergreen Avenue. Much of Evergreen Avenue lacks consistent sidewalk connection for pedestrian travel. Additionally, the property lacks curb, gutter and a sidewalk which would be required to be installed and the development stage of the subdivision.

However, based on aerial imagery, it appears in most cases where areas that do not have a sidewalk, one exists across the street. Evergreen Avenue is a local two-lane road and does offer on-street parking. Especially in areas where no sidewalks exist.

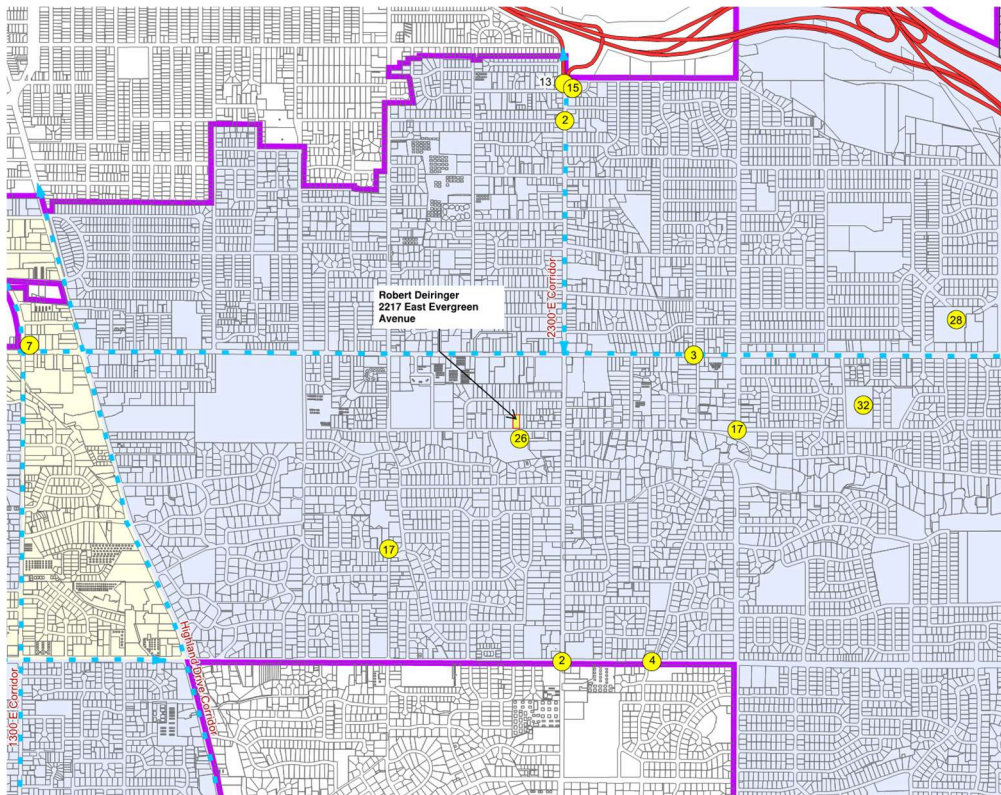
GENERAL PLAN CONSIDERATIONS

An excerpt taken from the Millcreek Township General Plan states that the East Millcreek area has an extremely high percentage of housing units built between 1940 and 1970. Home values in the Township have increased significantly since 2000, with the median home price exceeding \$250,000 in 2008, further influencing the amount of affordable housing available in the Township. The General Plan map has the area slated for limited potential for growth and is likely to experience only minor changes in overall character over time.

Although the General Plan map defines the area as stable, subtle changes may occur. Overall, land uses in the area/corridor will exhibit less diversity and less intensity. Changes will be limited to a small number of dispersed sites, leaving the majority of the area/corridor unchanged. Improvements may occur which subtly alter the appearance, economics, or sustainability of the area/corridor. Most improvements will consist of individual projects and may not require coordination with parcels beyond their immediate vicinity.

that much of the area including Evergreen Avenue consists of single-family homes with flag lots.

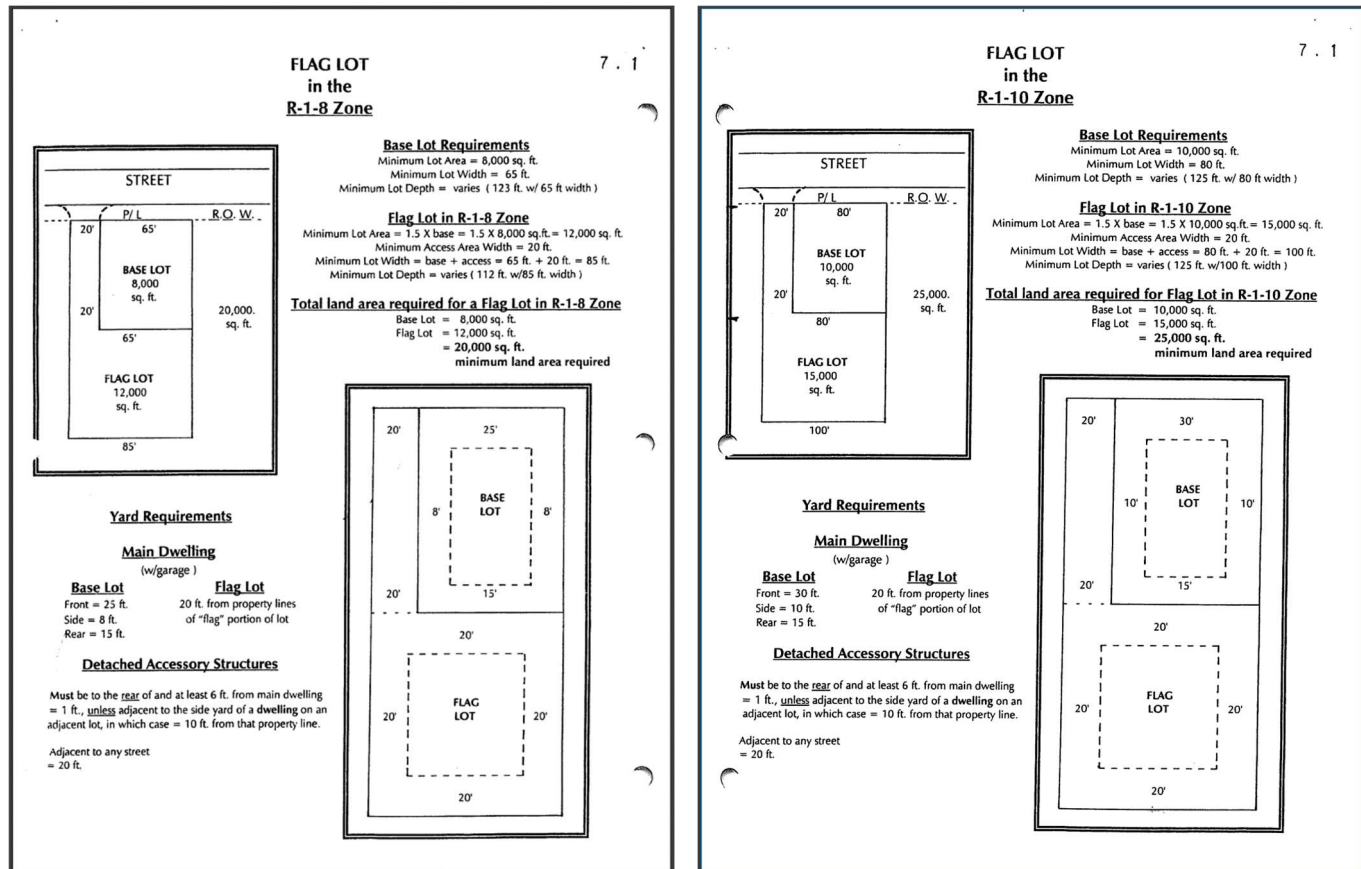
Figure 3. Land Use Map



The General Plan recommends that Millcreek preserve and protect the quality and character of existing neighborhoods, including sensitivity of compatible infill development. Additionally, the General Plan encourages 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

PROJECT INFORMATION

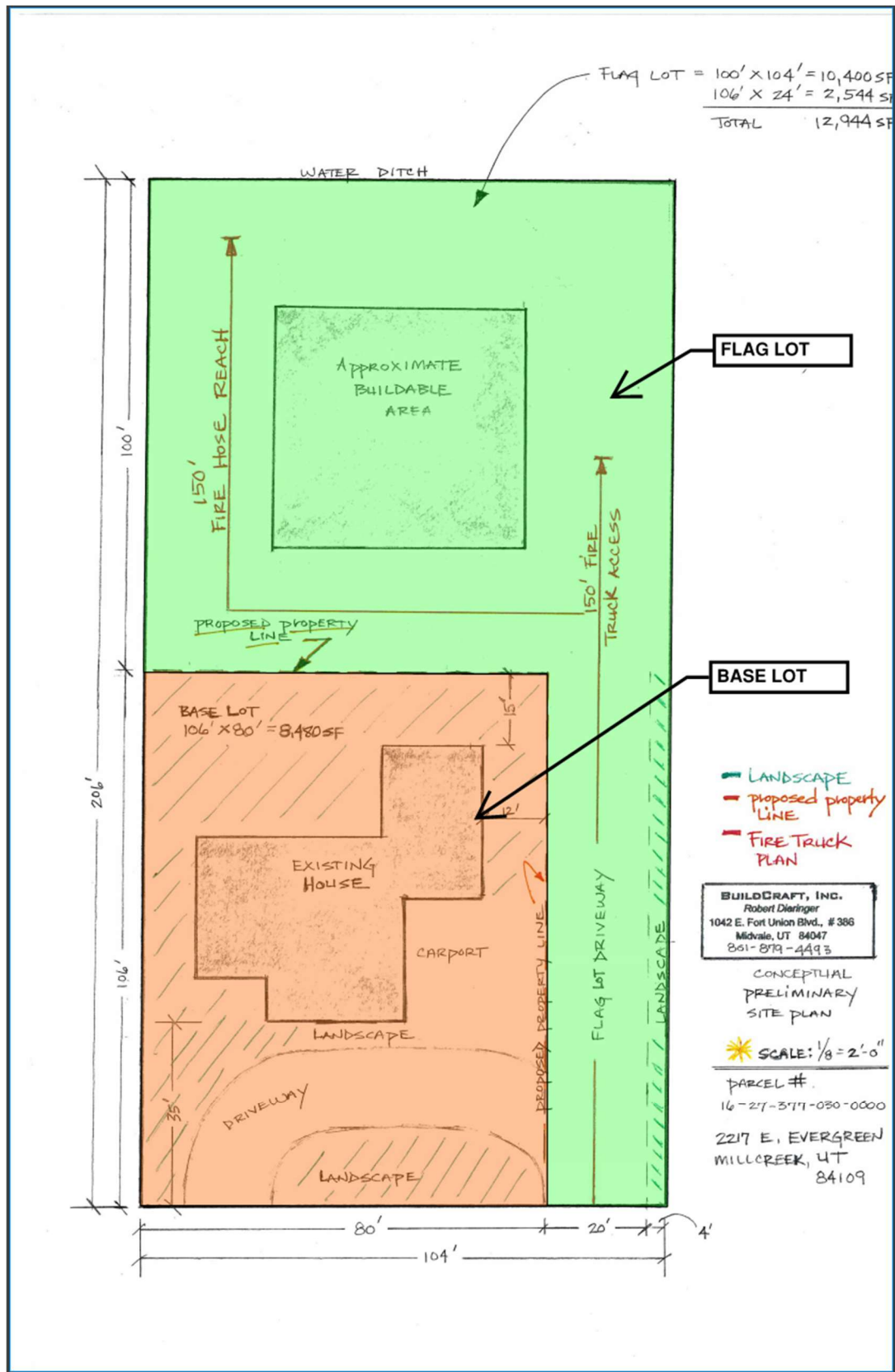
The Flag Lot Policy is adopted as a standard to be sued by the planning commission. Below is a comparison between the R-1-10 and the R-1-8 Flag Lot requirements.

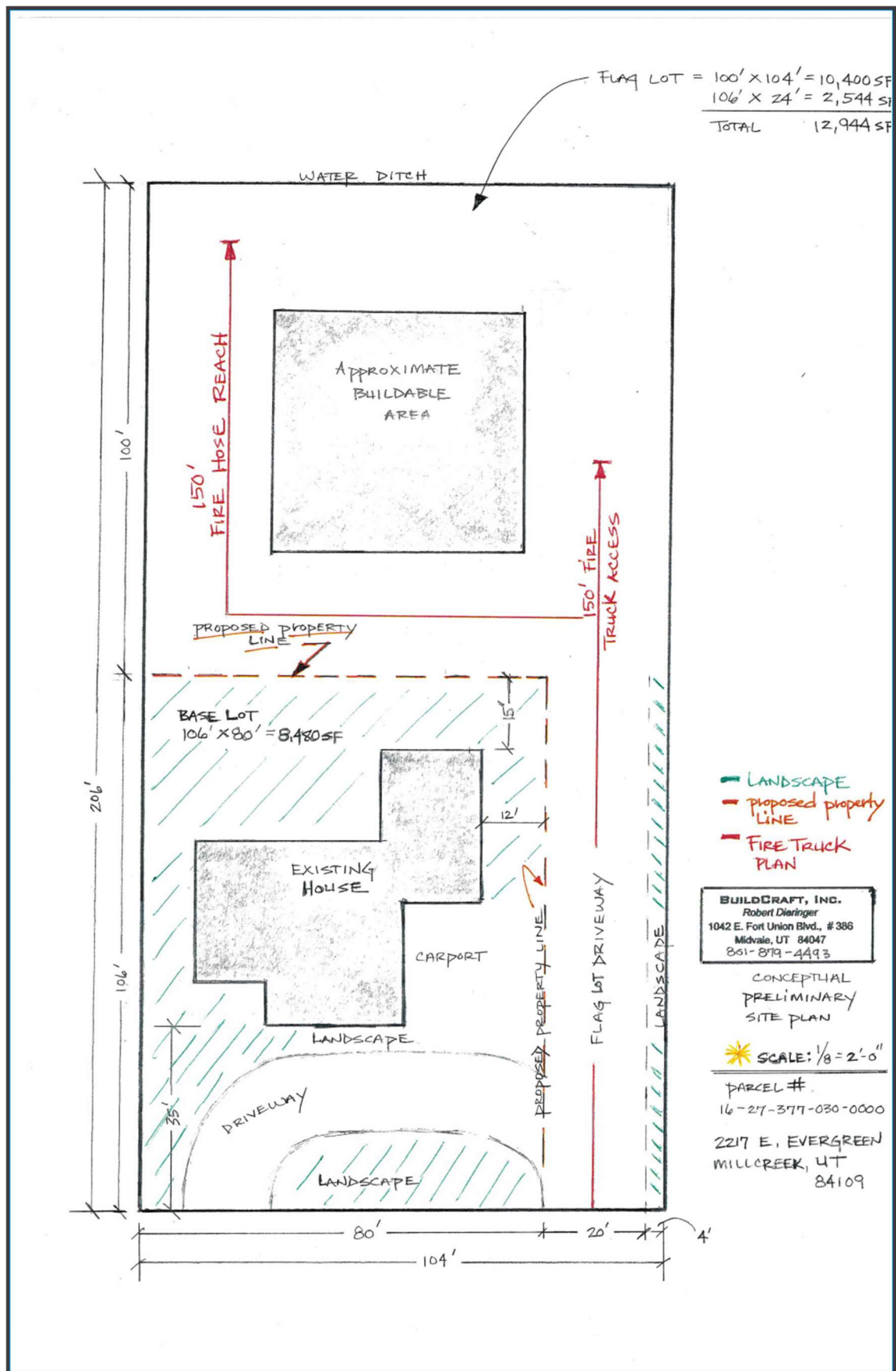


Project Information Summary Table

Requirement	R-1-10 Zone Requirement	Proposed Flag Lot in the R-1-8 Zone
Height	30*	28*
Density	10,000 s.f. per unit	12,000 s.f. per unit
Front Yard Setback	30 feet	20 feet
Side Yard Setback	10 feet each side	20 feet
Rear Yard Setback	30' w/o garage and 15' with garage	20 feet
Lot Width	80 feet	65 feet
Lot Area	10,000 s.f.	12,000 s.f.
Parking	Two parking stalls per dwelling unit	Two parking stalls per dwelling unit
Open Space	31% maximum lot coverage*	33% maximum lot coverage*

* Residential Compatibility Overlay Zone (RCOZ) Maximum





COMMUNITY COUNCIL RESPONSE

At their meeting on May 3rd, 2018 the East Millcreek Community Council did not make a recommendation to deny or approve based on there concern with the subject parcel and neighboring parcels survey. It appears that the entire block in which the subject parcel lies has discrepancies in their surveys.

NEIGHBORHOOD RESPONSE

Staff received a concern from a resident that was concerned the proposed rezone and addition of a flag lot was not consistent to the area. A comment was made that the proposed rezone was "spot zoning".

DEVELOPMENT AGREEMENT CONSIDERATIONS

Should the City Council approve the rezone, staff is recommending that this rezone be subject to a development agreement.

If approved for a rezone subject to a development agreement, this project may return to the Planning Commission for a conditional use permit approval. Per §19.84.060 of the Millcreek Code, All Conditional Use Permits run with the land and may require the applicant to record documents to that effect. The Planning Commission and staff, in their review capacity, may impose site plan modifications and conditions to mitigate the reasonably anticipated detrimental effects of a conditional use. These reasonably anticipated detrimental effects can be addressed in a development agreement as well.

Staff is recommending that a proposed development agreement address the following:

1. Both properties in the 2-lot subdivision provide a minimum of 2 off street parking stalls
2. New single-family dwelling built on flag lot be limited to 28' feet in height as per RCOZ
3. New home design and all future development be compatible with the existing neighborhood
4. New development be limited to single-family uses
5. All setback requirements of the Flag Lot Policy be enforced
6. Required public improvements, such as potential road dedications, sidewalks, curb and gutter and a storm water management plan be enforced.
7. All new landscaping development meet the requirements of Chapter 19.77 of the Millcreek Code
8. All surveying errors, boundary line agreements and neighboring parcel conflicts including unresolved easements be resolved prior to preliminary plat approval.

PLANNING STAFF ANALYSIS AND FINDINGS

Due to the subject parcel being in the R-1-10 Zone and consisting of only 20,908 s.f., the applicant cannot meet the minimum requirements needed to qualify for a flag lot subdivision which would require the base lot to be 10,000 s.f and the flag to be 15,000 s.f. Staff and other required agencies have reviewed the project and have found, following an approved rezone from R-1-10 to R-1-8, the proposed development would comfortably meet the requirements of a flag lot subdivision in the R-1-8 Zone as well as keeping the intent and character of the R-1 Zones. No exceptions are requested making the subdivision work well.

Staff finds that the proposed rezone from R-1-10 to a R-1-8 request does not change the character of the immediate neighborhood and still preserves the housing type and use of the R-1 Zones. Staff finds that much of the area including Evergreen Avenue consists of single-family homes with flag lots. Staff finds that following a rezone and prior to a subdivision plat, a development agreement can set standards that resolve any vague and uncertain discrepancies of the survey.

While the proposed rezone for the purpose of introducing a flag lot is harmonious with the General Plan recommendation that Millcreek should preserve and protect the quality and character of existing neighborhoods, neighbors and the Planning Commission expressed reservations on the precedent set for a single-lot rezone to accommodate development.

PLANNING COMMISSION RECOMMENDATION

At a public meeting held on May 16, 2018, the Millcreek Planning Commission unanimously recommended denial of the application, on the basis that a single-lot rezone to R-1-8 is inconsistent with the surrounding R-1-10 zoning.

SUPPORTING DOCUMENTS

1. Site Plan
2. Application
3. Affidavit
4. Letter
5. Flag Lot Policy
6. R-1-10 Zone Requirements
7. R-1-8 zone Requirements



Planning and Development Services

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050

Phone: (385) 468-6700 • Fax: (385) 468-6674

Millcreek.Utah.gov

File #

Land Use & Development Application

- ☐ FCOZ ☐ RCOZ ☐ DV P ☐ RCOZ ☐ Watershed ☐ Over Pressure ☐ Magna Main
☐ Natural Hazards ☐ Other _____

Zone: _____ Community Council: _____ Planner: _____
Parent File #: _____ Date: _____

Property Address: 2217 E Evergreen Ave Parcel #: 16-27-372-030-0000
Name of Project: Diering - Rezone Property Acreage: .48
Please describe your request: Re zone from ~~R1-10~~ to ~~R1-8~~ in order
to subdivide lot. (two lot subdivision)

New Development:	Modify an Existing Development:	Other:
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Change Conditions of Approval	<input type="checkbox"/> Exception Request
<input type="checkbox"/> Permitted Use	<input type="checkbox"/> Change the Site Plan	<input type="checkbox"/> General Plan Amendment
<input type="checkbox"/> Subdivision # lots: _____	<input type="checkbox"/> Condo Conversion	<input type="checkbox"/> GRAMA (Records Request)
<input type="checkbox"/> PUD #lots: _____	<input type="checkbox"/> Lot Consolidation	<input type="checkbox"/> Land Use Hearing
	<input type="checkbox"/> Lot Line Adjustment	<input type="checkbox"/> Non-Conforming
	<input type="checkbox"/> Mobile Store	<input type="checkbox"/> RCOZ Appeal (Option C)
	<input type="checkbox"/> Signs	<input type="checkbox"/> Research Request
	<input type="checkbox"/> Billboards	<input checked="" type="checkbox"/> Re-zone
		<input type="checkbox"/> Right-of-Way Improvement Permit
		<input type="checkbox"/> Vacate a Street

Is a key or gate code required to access the property? ☐ Yes ☒ No If yes, code: _____
(or provide driving directions to property):

APPLICANT'S NAME:

First: Edward Last: Dieringer Initial: G.
Address: 2217 E Evergreen Ave City: Millcreek State: UT Zip: 84109
Phone: 385 255 9863 Cell: 801 440 8545 Email: egdieringer@gmail.com

Property Owner(s):

First: Edward Last: Dieringer Initial: G.
Address: 3556 S. Eastwood Dr. City: Millcreek State: UT Zip: 84109
Phone: 385 255 9863 Cell: 801 440 8545 Email: egdieringer@gmail.com

Professional(s):

Engineer



Architect



Other

~~Self~~ General Contractor

Company: Buildcraft, Inc. Contact: Robert Dieringer

Address: 2217 E. Evergreen Ave City: Millcreek State: UT Zip: 84109

Phone: 801-879-4493 Cell: Same Email: ~~red@kansas.net~~

*NOTE: all correspondence will be sent to the applicant's address:

↑ **red@KANSAS.NET**

To facilitate the land use notice and review process, the undersigned hereby authorize the County to reproduce this application and all documents attached to the application for staff, officials, and the interested public:

Applicant's Signature: 

Date 4/12/2018

My Brother, Robert Dieringer, who currently lives at 2217 E. Evergreen Ave. Millcreek UT 84109 will be assisting me in designs and meeting discussions. Robert Dieringer has authority to discuss issues related to this application at meeting that I am unable to attend.





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Millcreek.Utah.gov

Zone Map Amendment (Re-Zone) Supplemental Form

File #

WHAT IS YOUR REQUEST?

Current Zone: ~~R-10,000~~ R1-10

Requested Zone: ~~R-8,000~~ R1-8

Reason for the Request: To subdivide property

Does this rezoning request comply with the Community General Plan?

☒ Yes This property is located in the East Millcreek Community
and is designated on the Land Use Plan as residential,
(residential, office, commercial, etc.)

☐ No Please explain; you may wish to meet with a planner to discuss other available options.



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File #

AFFIDAVIT – Property Owner

STATE OF UTAH }
 } ss
COUNTY OF SALT LAKE }

I (we) Edward Dieringer being duly sworn, depose and say that

I (we) am (are) the owner(s) of the property(s) located at:

2217 E Evergreen Ave, Millcreek, UT 84109

My (our) signature below attests that I (we) have reviewed the proposal by me

requesting review and approval of Rezoning Parcel 16-27-377-030-0000

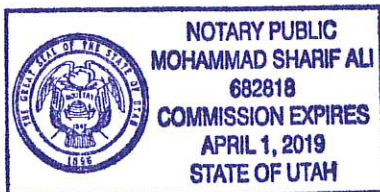
and that I (we) consent to the statements and information provided in the attached plans and exhibits

and that all information presented is true and correct to the best of my (our) knowledge.

Property Owner Grindstone Enterprises / Edward Dieringer Manager

Property Owner [Signature]

Subscribed and sworn to me this 12th day of April, 20 18.



Notary: [Signature]
Residing in Salt Lake County, Utah

BUILDCRAFT, INC.

Forward *Lifestyle* Remodeling

ONE COMPANY... 3 INTERIOR SPECIALTIES

Kitchens, Baths & Home Theaters

Robert Dieringer

801.879.4493

1042 E. Fort Union Blvd., # 386 • Midvale, UT 84047

www.buildcraftinc.com

LETTER OF INTENT

4/20/18

To: Millcreek City Planning Commission

Subject: Rezone request for Parcel # 16-27-377-030-0000

Property address: 2217 E. Evergreen, Millcreek, UT 84109

We are applying for a Rezoning of the property stated above.

The current zone is R 1-10, and we are requesting a change to R 1-8.

This would allow us to create a Flag Lot on this property for the intent of building a new single-family home.

Regarding current surrounding land use: There are multiple properties in the immediate vicinity that have been "Flagged" for similar purposes. Some addresses that show "Flagged" lot designs are:

2135 East 3380 South

2096 East Evergreen

2044 East Evergreen

But these are just a few of many. Also, between 2300 East to 2500 East on Evergreen, there are numerous Flag Lots as well.

Additionally, a duplex currently resides next door on the east side of our property at 2227 E. Evergreen. Also, a PUD is on Evergreen View Court nearby.

See attached conceptual map of the property that is drawn to scale.

Respectfully,

R. Dieringer

BuildCraft, Inc.

(representing Ed Dieringer for Grindstone Enterprises)



Millcreek City Council Agenda Application

3330 S. 1300 E. • Millcreek, Utah 84106 • Phone: (801) 214-2700

City Council meetings are held the second and fourth Monday of each month beginning at 7:00 p.m. This application must be submitted to the City Recorder by 5:00 p.m. one week prior to the requested meeting.

NAME: Edward Dieringer (corrected application)

ADDRESS: 2217 E Evergreen Ave, Millcreek, 84109

PHONE: 385-255-9863

E-MAIL: egdieringer@gmail.com

Date of City Council Meeting you request to be placed on: 05/29/2018

PURPOSE/REASON TO BE ON CITY COUNCIL AGENDA: Millcreek City application (ZM-18-006) for Rezone of 2217 E Evergreen Ave, 84109 from R1-10 to R1-8 for purposes of developing a flag lot subdivision. I have attempted to work collaboratively with Millcreek City and Community to create an optimal solution to a significant problem. However, what was thought to be a “slam-dunk” process by so many community members and Millcreek’s own City Planning Department is now a victim to misunderstandings and distrust around “boundary issues” to taking hard-line stance on zoning changes that would assure property development that actually meets the character of the neighborhood and the initial draft of Millcreek’s General Plan for the future of Millcreek City. The City Planning Commission’s decision to not recommend approval of this rezone, based on fear of “setting precedent” - “If we approve this, then we will have to approve everyone’s request for a rezone” – makes little sense, lacks creativity for positive and practical solutions for our community, and fails the City’s vision to improve property, maintain stability, and promote affordable homes.

WHAT IS YOUR RECOMMENDATION? I request that Millcreek City approve this reasonable plan to rezone this property to accommodate a flag lot design to create affordable housing options that are well within the character of this neighborhood now and in the future.

This 2217 Evergreen plan provides a significant investment of time and money to improve and upgrade a major piece of Millcreek property while maintaining the character of the neighborhood. The investment meets all of the Millcreek Envision Committee’s Vision, Goals, and Strategies as outlined in the recently published 25 Year General Plan:

1. The 2217 Evergreen plan is well within the current character of the neighborhood from flag lot to current lot size for single family dwelling and easily fits into the vision of the future plans for Neighborhood 2 of which it exists.

2. The rehabilitation of this poorly maintained property will rid the neighborhood of a looming eyesore that is highly visible directly across the street from high traffic location of Millcreek Community Center.
3. Subdividing this lot allows for maintaining a lower base-rate for the property that will assist in building an affordable home. Additionally, this assures "Diversity: Provide homes for a range of lifestyles, ages, and incomes in a way that creates vibrant neighborhoods." And, In-turn supports stability of the neighborhood by not forcing individuals out of their Millcreek homes and preventing middle income families from being able to purchase and/or occupy a reasonable sized home rather than one of ten tiny apartments crammed onto a .5 acre lot on a busy street.
4. I have remodeled many homes and apartments throughout Salt Lake City, one in Millcreek, and a commercial property in Taylorsville that, met Millcreek's same outlined expectation to "Support existing and future residents with a mix of high quality housing types that complement and build on our traditional neighborhood character." In this case, I would expect to "protect our neighborhoods' unique elements, setting and heritage while providing for complementary development that highlights our common Millcreek identity."
5. I understand the Planning Commissions Role and Duties from my time as a member of the Sugar House Community Council Land Use Zoning Committee. I learned much about the requirement to be flexible in thought and practical in rule application regarding neighborhood development. Yet, I have no expectation Millcreek will follow Salt Lake City's recent consideration to allow four individual homes to be built on .46 acre lot in Sugar House.
6. Additionally, at the City's request and the community council's request, I have surveyed our property and confirmed the boundary lines are correct. I have been working cooperatively with the City Planners and my neighbors to create positive solutions to adjusting property boundary lines to accommodate the incorrect building structure distances from the survey lines. Any changes will be a significant acquiescence by my neighbor to the West and me to the neighbor's illegal duplex built next to the east property line. Although I have verbal agreements from each neighbor and expect this to be noncontroversial since it will mimic current fence lines, this will take time to resolve due to the legalities of such a change.
7. One issue of concern, however, is the expectation by the City that I survey my property lines prior "anything happening" because of the "well-known" building errors throughout our Millcreek neighborhood. This creates a unique demand on the Evergreen Project that I am betting is not universally applied; I am expected to move property lines that are correct by survey in order to even discuss the issues at hand. By this expectation, then, since the boundary issue is recognized as widespread, and I am being held as the "guinea pig," I would think it reasonable that all properties in Millcreek will be required to confirm property lines and make adjustments with neighbors to do any sort of building or remodeling?
8. I look forward to further discussion and presenting more information at the meeting.

CITY DEPARTMENT INPUT: This rezone and Subdivision Plan is well researched and supported by the Planning and Zoning department employees (see Robert May). The flag zone lot design demonstrates its reasonableness for this property size.

SIGNATURE: _____

DATE: _____

This application allows you to be placed on the City Council agenda for items of discussion only, no official action will be taken.

Initial App Sent 5/21/18 (SD)
App Fixed for grammatical errors to assure proper context. SD

Procedures and Standards For the Establishment and Development Of FLAG LOTS

1. Division of a property with frontage on a street so as to create one or more **flag lots** requires **subdivision approval** in accordance with Title 18 of the Code of County Ordinances for Salt Lake County.
2. Access to a **flag lot or lots** shall be provided in the following manner;
 - a. Ownership of the land area connecting the **flag lot(s)** to the street by the person(s) or entities that own the balance of the land area included in the **flag lot(s)**, or
 - b. Retention of ownership of the land area connecting the **flag lot(s)** to the street by the owner of the **base lot(s)** fronting on the street, but only if conveyance of that land area would render the **base lot(s)** substandard with regards to lot width or lot area requirements applicable to the zone in which the properties are situated. If so retained, access to the **flag lot(s)** shall be provided through conveyance and recordation of a perpetual access easement for each lot, together with cross maintenance and liability agreements addressing the rights and responsibilities of the owners of the **base lot(s)** and the **flag lot(s)**.
3. In order to **subdivide** an existing lot or parcel so as to create two or more separate lots or parcels (the **base lot(s)** adjacent to the street and a **flag lot(s)** to their rear), sufficient land area must be available to maintain;
 - a. For the **base lot(s)**, compliance with the required area and width requirements of the zone in which the properties are situated, and

b. For **flag lot(s) less than one half acre in size;**

1. One and one half times the area requirements for the zone in which the properties are situated if ownership of the land providing access to the **flag lot(s)** is retained by or conveyed to the owner of those lots, or
2. One and one half times the area requirements for the zone in which the properties are situated minus the land area included in the access easement across the **base lot(s)**.

c. For **flag lot(s) one half acre in size or larger;**

1. Compliance with the required area and width requirements of the zone in which the properties are situated, exclusive of the land area encumbered for access purposes to the **flag lot(s)**, whether by ownership or perpetual easement.
4. In addition to maintaining compliance with the area and width requirements of the zone in which the **base lot(s)** are located, normally-applicable yard or setback requirements for the **base lot(s)** must be maintained, particularly if said lots are already developed or improved. Where access to a **flag lot** is provided via recordation of a perpetual easement across the **base lot**, the yard or setback for the base lot shall be measured from the **interior edge of the easement** closest to any existing or proposed improvements on the **base lot**.
5. Access to a **flag lot(s)**, whether by ownership of the land area across which such access is provided or through recordation of a perpetual access easement across the **base lot(s)**, must be of uniform width from the **flag lot** to the intersection with the street right-of-way or easement upon which the **base lot** fronts in accordance with the following;
 - c. On properties where the length of the access connection from the **flag lot(s)** to the street right-of-way or easement is less than one hundred and fifty feet, the width of that connection must be no less than **twenty feet** unless a lesser width is authorized for access purposes by the County's traffic engineer and fire official.

- d. On properties where the length of the access connection from the **flag lot** to the street right-of-way or easement is more than one hundred and fifty feet, the width of that connection must be no less than **twenty-five feet** unless a lesser width is authorized for access purposes by the County's traffic engineer and fire official.
6. **Improvements to the travel way** within the access connection from the **flag lot(s)** to the street right-of-way or easement shall be in accordance with the following standards:
- f. On properties where the length of the access connection is less than one hundred and fifty feet, the **improved surface** of the travel way must be;
 - 1. At least **twelve feet** in width its entire length unless a lesser width is authorized for access purposes by the County's traffic engineer and fire official; and
 - 2. No closer than;
 - a. **Five feet** to a neighboring property line at the intersection with the street right of way or easement line so as to provide adequate area for satisfaction of county driveway radius requirements, and
 - b. **Four feet** to a neighboring property line for the remaining length of the improved travel way from the street right-of-way or easement line to the **flag lot(s)**.
 - 3. Incompliance with county standards at its intersection with the street right-of-way or easement.
 - b. On properties where the length of the access connection is more than one hundred and fifty feet, the **improved surface** of the travel way must be;
 - 1. At least **eighteen feet** in width its entire length so as to allow the passage of vehicles in opposite directions unless a lesser width is authorized for access purposes by the County's traffic engineer and fire official; and

2. Provided with a" vehicle turnaround" on the **flag lot(s)** to the satisfaction of County Fire officials; and
3. No closer than;
 - a. **Five feet** to a neighboring property line at the intersection with the street right of way or easement line so as to provide adequate area for satisfaction of county driveway radius requirements, and
 - b. **Four feet** to a neighboring property line for the entire length of the improved travel way on private property; and
4. In compliance with county standards at its intersection with the street right-of-way or easement; and
7. The land area that is not encumbered by required travel way surface improvements within the access connection from the **flag lot(s)** to the street right-of-way or easement shall be planted in its entirety and maintained as landscaped buffers on each side of the travel way in accordance with plans reviewed and approved as part of the flag lot approval process.
8. Site plan review for the development of a single family residence on a **flag lot** shall be on a permitted use basis and subject to the same ordinance requirements and development standards as those applicable to other single family residential properties in the same zone except with regards to yard or "setback" requirements which, for a **main dwelling**, shall be as follows;
 - a. For properties in the R-1-6, R-1-7, R-1-8, and R-1-10 zones, a uniform yard or "setback" requirement of **twenty feet** shall be maintained from all property lines of the "flag" portion of the lot.
 - b. For properties in the R-1-15 and R-1-21 Zones, a uniform yard or "setback" requirement of **twenty-five feet** shall be maintained from all property lines of the "flag" portion of the lot.

- c. For properties in the R-1-43 Zone, a uniform yard or "setback" requirement of **thirty feet** shall be maintained from all property lines of the "flag" portion of the lot.
9. The yard or "setback" requirements for a detached accessory structure on a **flag lot** shall be as follows:
- a. For properties in the R-1-6, R-1-7, R-1-8, R-1-10, and R-1-15 Zones, a detached accessory structure **must** be to the rear of and at least 6 feet from the main dwelling on the **flag lot**, and must maintain the following separation from adjacent property lines;
 - 1. Ten feet if adjacent to the side yard of a dwelling on an adjacent lot;
 - 2. One foot if not adjacent to the side yard of a dwelling on an adjacent lot, so long as the height of the accessory structure does not exceed fourteen feet. Accessory structures taller than fourteen feet (a maximum height of twenty feet is permitted) must maintain one additional foot of yard or "setback" separation for each additional foot of detached accessory structure height.
 - 3. Twenty feet adjacent to any street.
 - b. For properties in the R-1-21 and R-1-43 Zones, a detached accessory structure must maintain the following separation from adjacent property lines;
 - 1. Twenty-five feet if located to the side or front of the main dwelling on the flag lot.
 - 2. Twenty feet adjacent to any street;
 - 3. Ten feet if located to the rear of and at least six feet from the main dwelling on the flag lot but adjacent to the side yard of a dwelling on an adjacent lot;
 - 4. One foot if not adjacent to the side yard of a dwelling on an adjacent lot, so long as the height of the accessory structure does

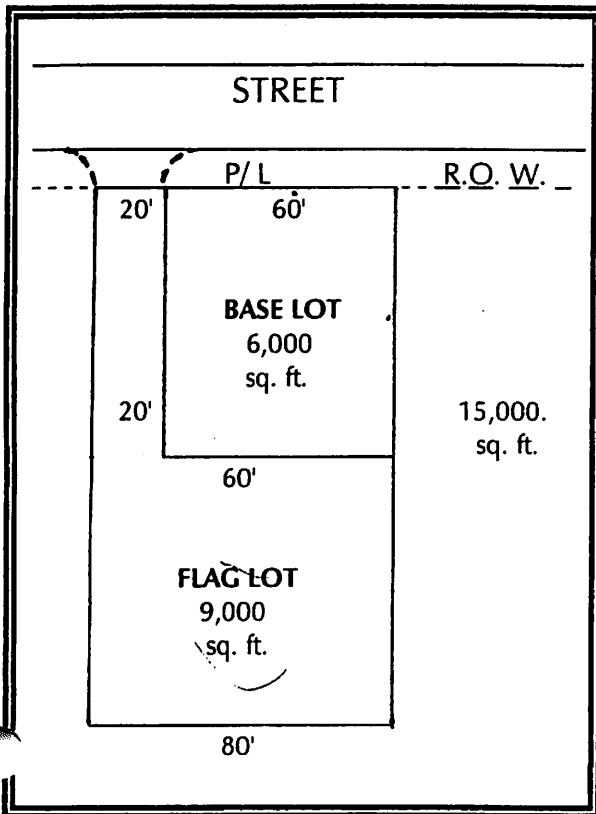
not exceed fourteen feet. Accessory structures taller than fourteen feet (a maximum height of twenty feet is permitted) must maintain one additional foot of yard or "setback" separation for each additional foot of detached accessory structure height.

10. Lots of record that were created in accordance with the procedures for the establishment of "Deep Lots" as set forth in the Salt Lake County Planning Commission's 1965 policy by that name shall continue to be subject to the site development and improvement standards associated with that policy.

FILE

FLAG LOT in the **R-1-6 Zone**

7 . 1



Base Lot Requirements

Minimum Lot Area = 6,000 sq. ft.

Minimum Lot Width = 60 ft.

Minimum Lot Depth = varies (100 ft. w/ 60 ft width)

Flag Lot in R-1-6 Zone

Minimum Lot Area = 1.5 X base = 1.5 X 6,000 sq.ft. = 9,000 sq. ft.

Minimum Access Area Width = 20 ft.

Minimum Lot Width = base + access = 60 ft. + 20 ft. = 80 ft.

Minimum Lot Depth = varies (87.5 ft. w/80 ft. width)

Total land area required for a Flag Lot in R-1-6 Zone

Base Lot = 6,000 sq. ft.

Flag Lot = 9,000 sq. ft.

= 15,000 sq. ft.

minimum land area required

Yard Requirements

Main Dwelling

(w/garage)

Base Lot

Front = 25 ft.

Side = 8 ft.

Rear = 15 ft.

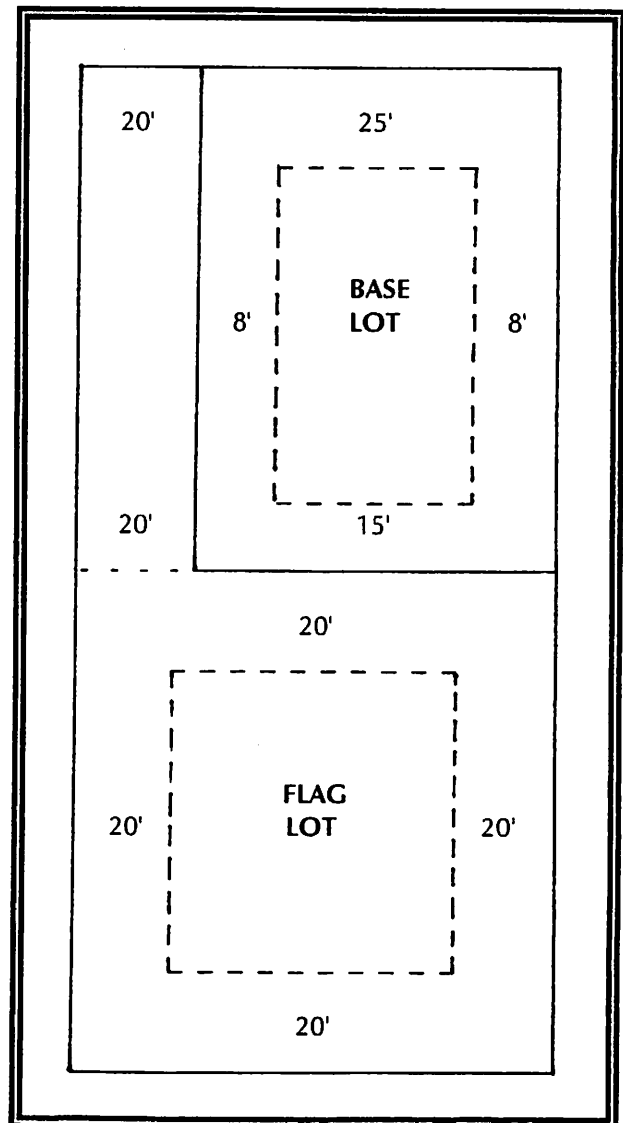
Flag Lot

20 ft. from property lines
of "flag" portion of lot

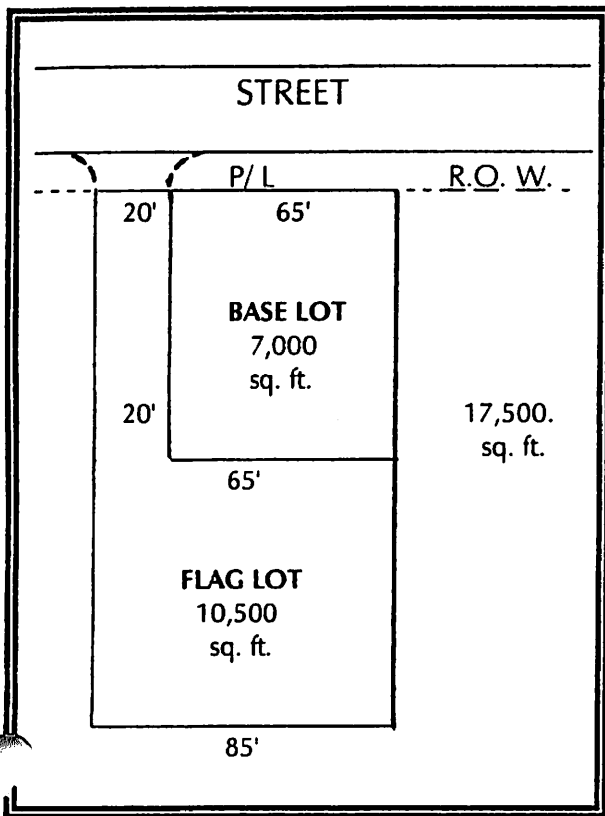
Detached Accessory Structures

Must be to the rear of and at least 6 ft. from main dwelling
= 1 ft., unless adjacent to the side yard of a dwelling on an
adjacent lot, in which case = 10 ft. from that property line .

Adjacent to any street
= 20 ft.



FLAG LOT in the R-1-7 Zone



Base Lot Requirements

Minimum Lot Area = 7,000 sq. ft.

Minimum Lot Width = 65 ft.

Minimum Lot Depth = varies (108 ft. w/ 65 ft width)

Flag Lot in R-1-7 Zone

Minimum Lot Area = 1.5 X base = 1.5 X 7,000 sq.ft. = 10,500 sq. ft.

Minimum Access Area Width = 20 ft.

Minimum Lot Width = base + access = 65 ft. + 20 ft. = 85 ft.

Minimum Lot Depth = varies (98 ft. w/85 ft. width)

Total land area required for a Flag Lot in R-1-7 Zone

Base Lot = 7,000 sq. ft.

Flag Lot = 10,500 sq. ft.

= 17,500 sq. ft.

minimum land area required

Yard Requirements

Main Dwelling

(w/garage)

Base Lot

Front = 25 ft.

Side = 8 ft.

Rear = 15 ft.

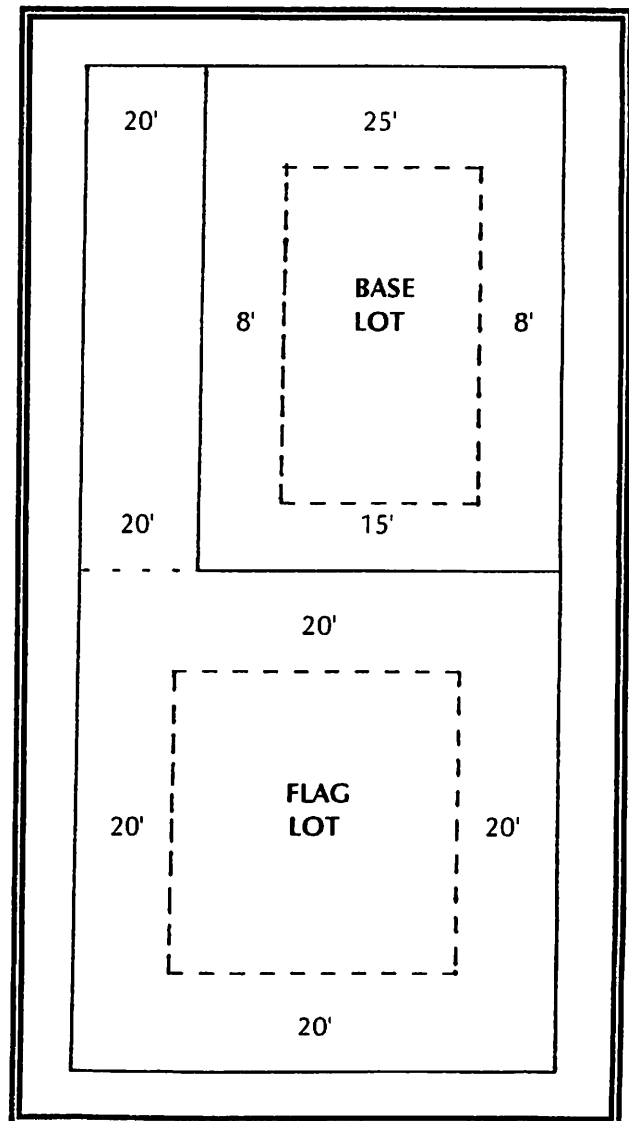
Flag Lot

20 ft. from property lines
of "flag" portion of lot

Detached Accessory Structures

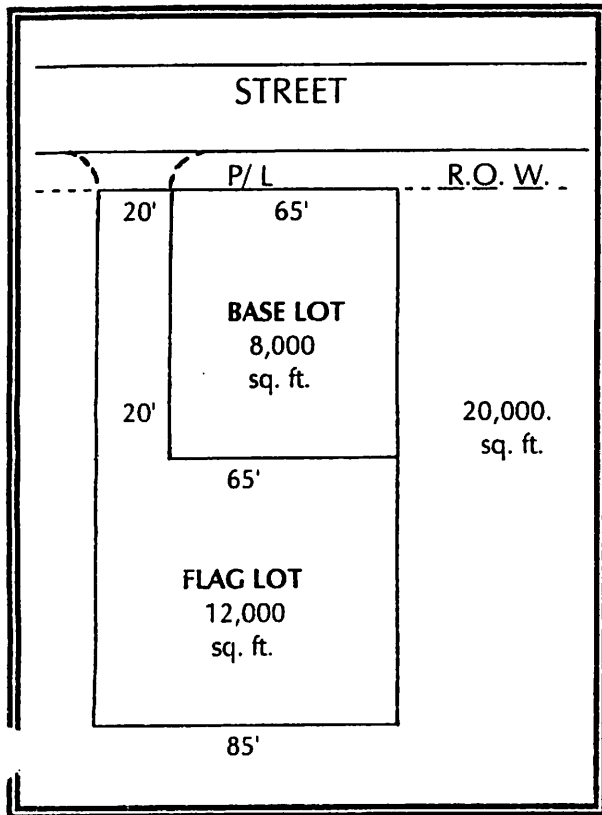
Must be to the rear of and at least 6 ft. from main dwelling
= 1 ft., unless adjacent to the side yard of a **dwelling** on an
adjacent lot, in which case = 10 ft. from that property line.

Adjacent to any street
= 20 ft.



FLAG LOT in the R-1-8 Zone

7 . 1



Base Lot Requirements

Minimum Lot Area = 8,000 sq. ft.

Minimum Lot Width = 65 ft.

Minimum Lot Depth = varies (123 ft. w/ 65 ft width)

Flag Lot in R-1-8 Zone

Minimum Lot Area = 1.5 X base = 1.5 X 8,000 sq.ft. = 12,000 sq. ft.

Minimum Access Area Width = 20 ft.

Minimum Lot Width = base + access = 65 ft. + 20 ft. = 85 ft.

Minimum Lot Depth = varies (112 ft. w/85 ft. width)

Total land area required for a Flag Lot in R-1-8 Zone

Base Lot = 8,000 sq. ft.

Flag Lot = 12,000 sq. ft.

= 20,000 sq. ft.

minimum land area required

Yard Requirements

Main Dwelling

(w/garage)

Base Lot

Front = 25 ft.

Side = 8 ft.

Rear = 15 ft.

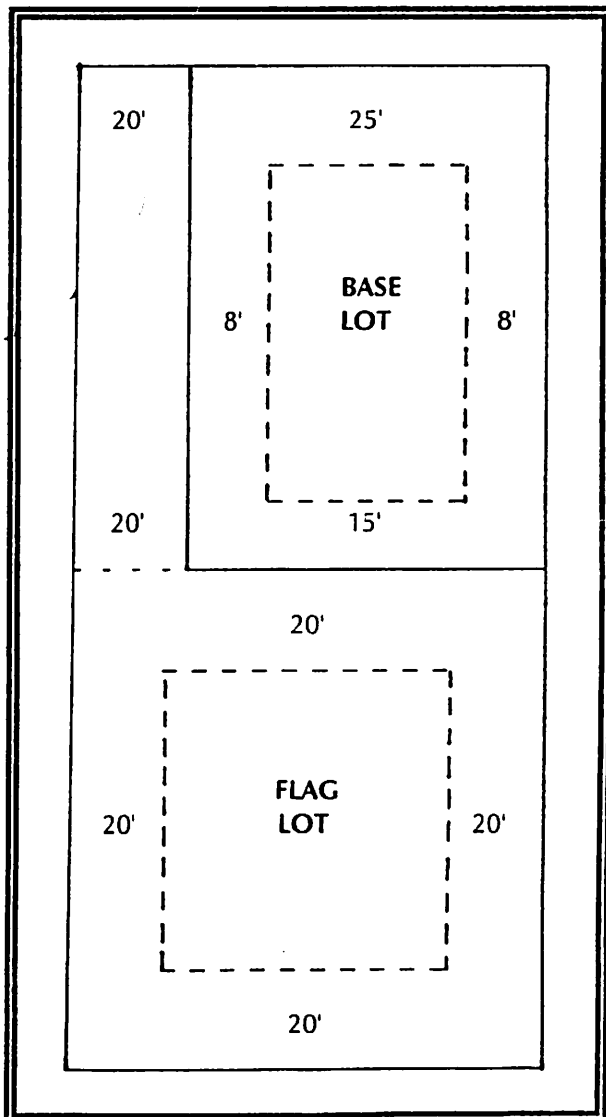
Flag Lot

20 ft. from property lines
of "flag" portion of lot

Detached Accessory Structures

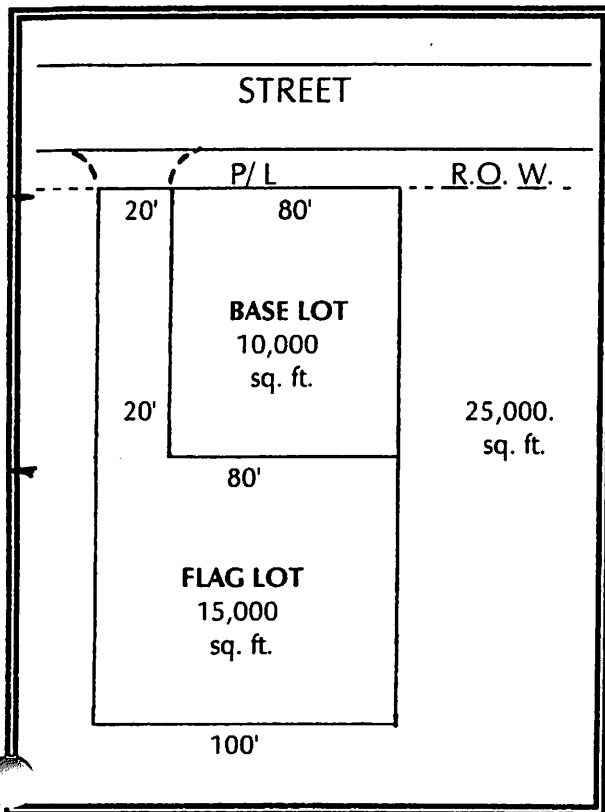
Must be to the rear of and at least 6 ft. from main dwelling
= 1 ft., unless adjacent to the side yard of a dwelling on an
adjacent lot, in which case = 10 ft. from that property line.

Adjacent to any street
= 20 ft.



FLAG LOT in the R-1-10 Zone

7 . 1



Base Lot Requirements

Minimum Lot Area = 10,000 sq. ft.

Minimum Lot Width = 80 ft.

Minimum Lot Depth = varies (125 ft. w/ 80 ft width)

Flag Lot in R-1-10 Zone

Minimum Lot Area = 1.5 X base = 1.5 X 10,000 sq.ft. = 15,000 sq. ft.

Minimum Access Area Width = 20 ft.

Minimum Lot Width = base + access = 80 ft. + 20 ft. = 100 ft.

Minimum Lot Depth = varies (125 ft. w/100 ft. width)

Total land area required for Flag Lot in R-1-10 Zone

Base Lot = 10,000 sq. ft.

Flag Lot = 15,000 sq. ft.

= 25,000 sq. ft.

minimum land area required

Yard Requirements

Main Dwelling

(w/garage)

Base Lot

Front = 30 ft.

Side = 10 ft.

Rear = 15 ft.

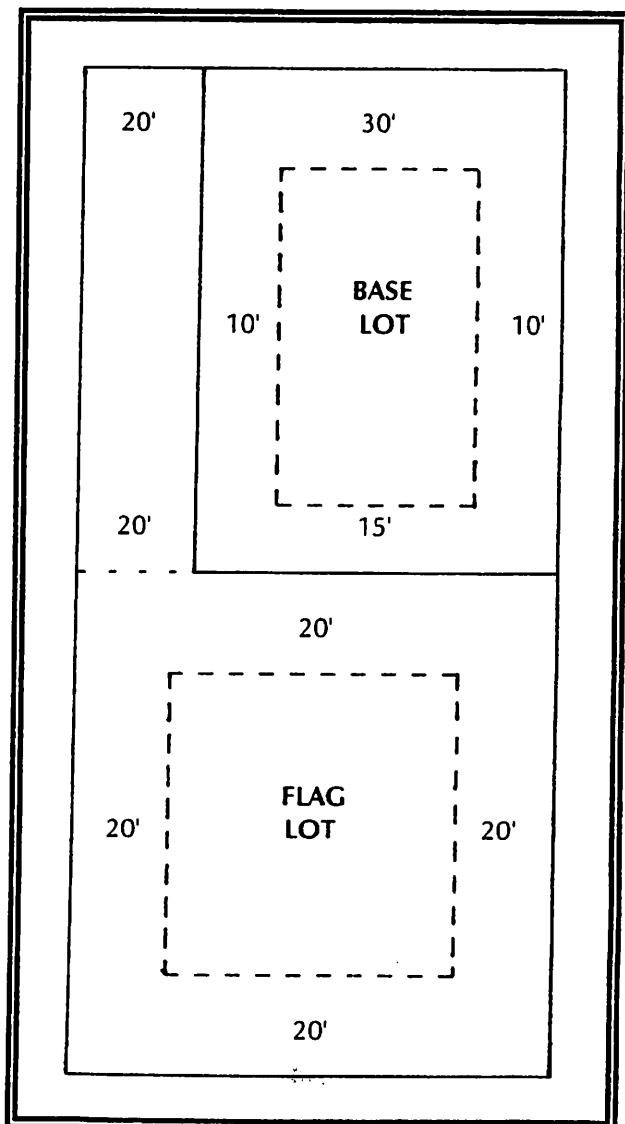
Flag Lot

20 ft. from property lines
of "flag" portion of lot

Detached Accessory Structures

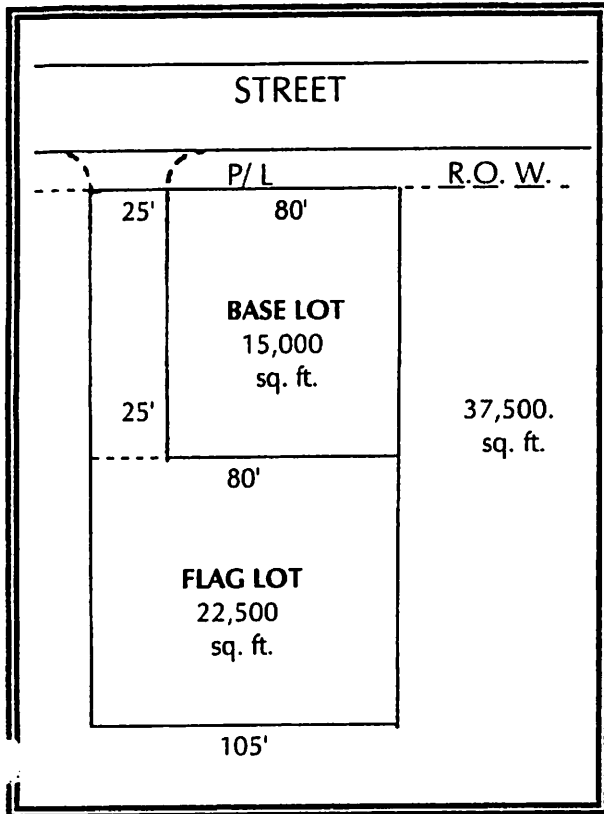
Must be to the rear of and at least 6 ft. from main dwelling
= 1 ft., unless adjacent to the side yard of a dwelling on an
adjacent lot, in which case = 10 ft. from that property line.

Adjacent to any street
= 20 ft.



FLAG LOT in the R-1-15 Zone

7.1



Base Lot Requirements

Minimum Lot Area = 15,000 sq. ft.

Minimum Lot Width = 80 ft.

Minimum Lot Depth = varies (187.5 ft. w/ 80 ft width)

Flag Lot in R-1-15 Zone

Minimum Lot Area = 1.5 X base = 1.5 X 15,000 sq.ft. = 22,500 sq. ft.

Minimum Access Area Width = 25 ft.

Minimum Lot Width = base + access = 80 ft. + 25 ft. = 105 ft.

Minimum Lot Depth = varies (169.6 ft. w/105 ft. width)

Total land area required for Flag Lot in R-1-15 Zone

Base Lot = 15,000 sq. ft.

Flag Lot = 22,500 sq. ft.

= 37,500 sq. ft.

minimum land area required

Yard Requirements

Main Dwelling

(w/garage)

Base Lot

Front = 30 ft.

Side = 10 ft.

Rear = 15 ft.

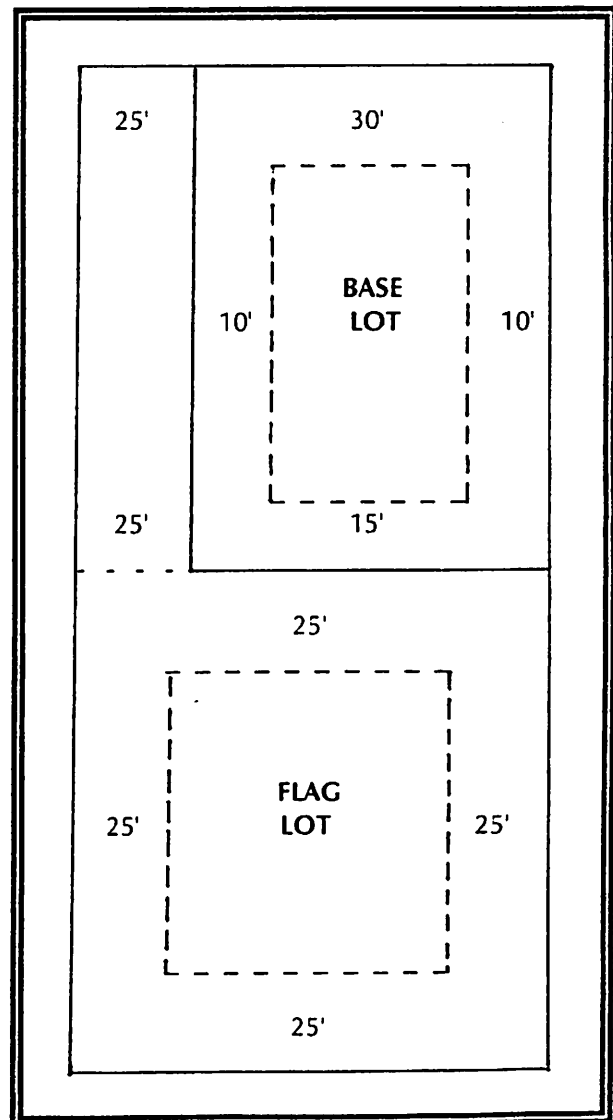
Flag Lot

25 ft. from property lines
of "flag" portion of lot

Detached Accessory Structures

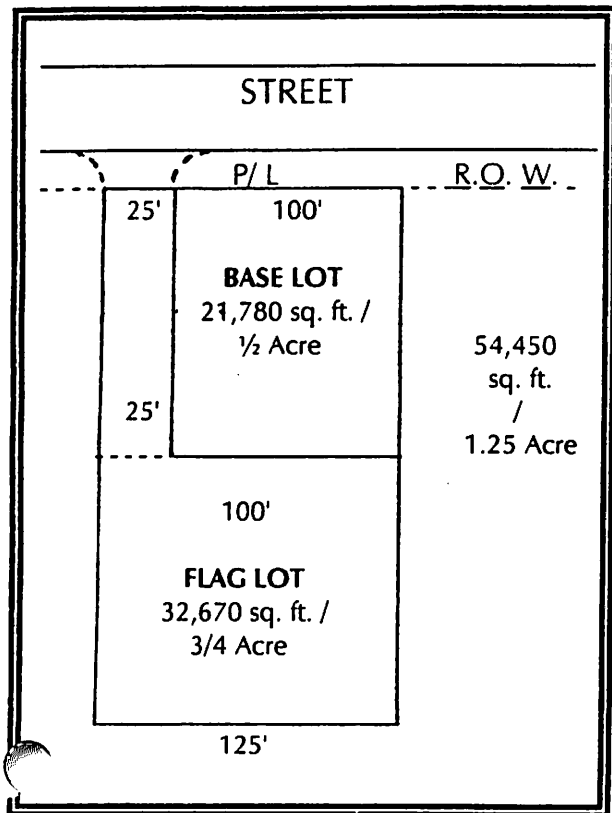
Must be to the rear of and at least 6 ft. from main dwelling
= 1 ft., unless adjacent to the side yard of a dwelling on an
adjacent lot, in which case = 10 ft. from that property line.

Adjacent to any street
= 20 ft.



FLAG LOT in the **R-1-21 Zone**

7 . 1



Base Lot Requirements

Minimum Lot Area = 21,780 sq. ft. / 1/2 Acre
Minimum Lot Width = 100 ft.
Minimum Lot Depth = varies (217.8 ft. w/ 100 ft width)

Flag Lot in R-1-21 Zone

Minimum Lot Area = 1.5 X base = 1.5 X 21,780 sq.ft. = 32,670 sq. ft.
Minimum Access Area Width = 25 ft.
Minimum Lot Width = base + access = 100 ft. + 25 ft. = 125 ft.
Minimum Lot Depth = varies (217.8 ft. w/ 125 ft width)

Total land area required for Flag Lot in R-1-21 Zone

Base Lot = 21,780 sq. ft. / 1/2 Acre
Flag Lot = 32,670 sq. ft. / 3/4 Acre
= **54,450 sq. ft. / 1.25 Acre**
minimum land area required

Yard Requirements

Main Dwelling

(w/garage)

Base Lot

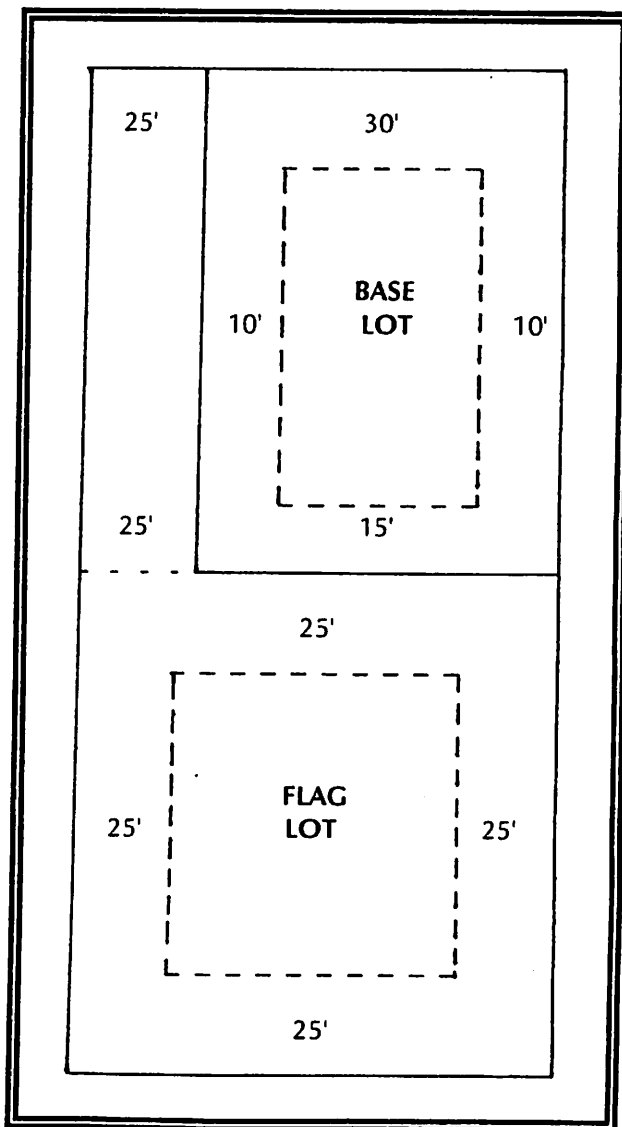
Front = 30 ft.
Side = 10 ft.
Rear = 15 ft.

Flag Lot

25 ft. from property lines
of "flag" portion of lot

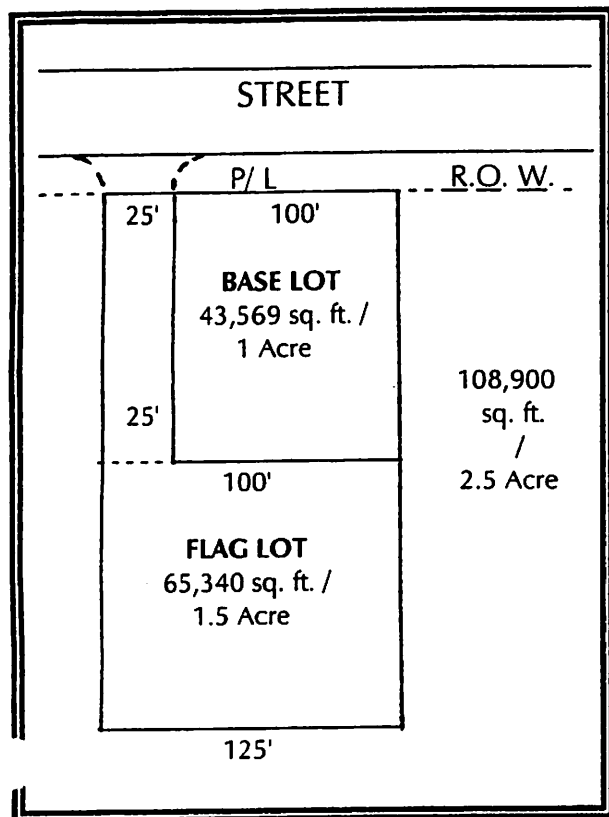
Detached Accessory Structures

- to the rear of and at least 6 ft. from the main dwelling = 1 ft., unless adjacent to the side yard of a **dwelling** on an adjacent lot, in which case = 10 ft. from that property line.
- to the side or front of the main dwelling,
= 10 ft. for **Base Lot**
= 25 ft. for **Flag Lot**.
- adjacent to any street
= 20 ft.



FLAG LOT in the R-1-43 Zone

7.1



Base Lot Requirements

Minimum Lot Area = 43,560 sq. ft. / 1 Acre

Minimum Lot Width = 100 ft.

Minimum Lot Depth = varies (435.6 ft. w/ 100 ft width)

Flag Lot in R-1-43 Zone

Minimum Lot Area = 1.5 X base = 1.5 X 43,560 sq.ft. = 65,340 sq. ft.

Minimum Access Area Width = 25 ft.

Minimum Lot Width = base + access = 100 ft. + 25 ft. = 125 ft.

Minimum Lot Depth = varies (435.6 ft. w/ 125 ft width)

Total land area required for Flag Lot in R-1-21 Zone

Base Lot = 43,560 sq. ft. / 1 Acre

Flag Lot = 65,340 sq. ft. / 1.5 Acre

= 108,900 sq. ft. / 2.5 Acre

minimum land area required

Yard Requirements

Main Dwelling

(w/garage)

Base Lot

Front = 30 ft.

Side = 15 ft.

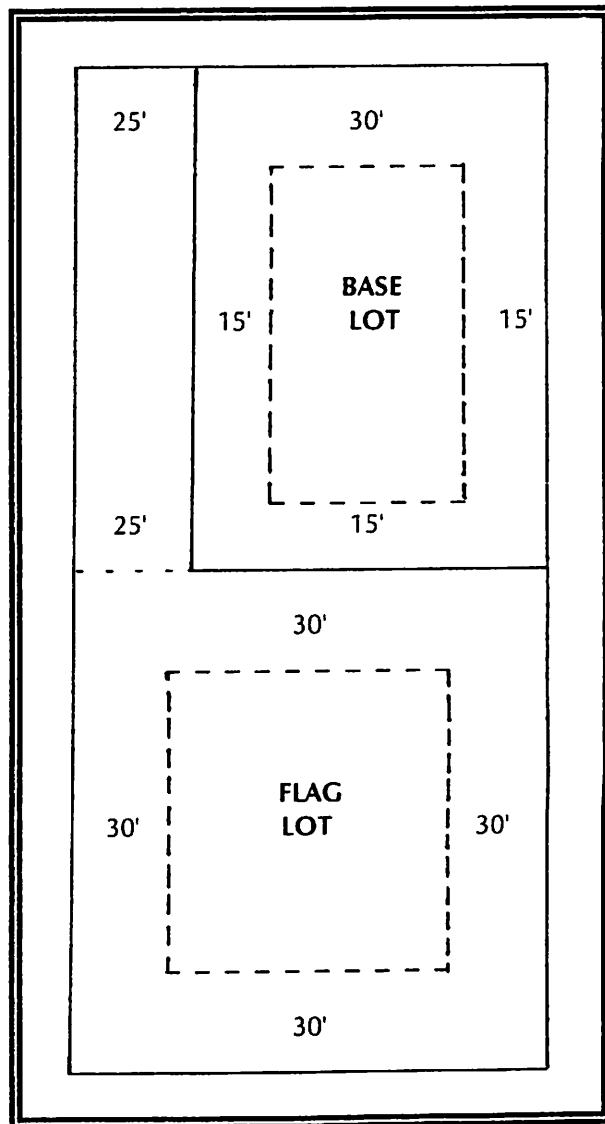
Rear = 15 ft.

Flag Lot

30 ft. from property lines
of "flag" portion of lot

Detached Accessory Structures

- to the rear of and at least 6 ft. from the main dwelling = 1 ft., unless adjacent to the side yard of a **dwelling** on an adjacent lot, in which case = 10 ft. from that property line.
- to the side or front of the main dwelling,
= 10 ft. for **Base Lot**
= 25 ft. for **Flag Lot**.
- adjacent to any street
= 20 ft.



Chapter 19.14 R-1-3, R-1-4, R-1-5, R-1-6, R-1-7, R-1-8, R-1-10, R-1-15, R-1-21, R-1-43 SINGLE-FAMILY RESIDENTIAL ZONES

[19.14.010 Purpose Of Provisions](#)

[19.14.020 Permitted Uses](#)

[19.14.030 Conditional Uses](#)

[19.14.040 Lot Areas And Widths](#)

[19.14.050 Yards](#)

[19.14.055 Density](#)

[19.14.060 Building Height](#)

[19.14.070 Coverage Of Rear Yards](#)

[19.14.080 Informational](#)

19.14.010 Purpose Of Provisions

The purpose of the R-1 zones is to establish single-family neighborhoods which provide persons who reside therein a comfortable, health, safe and pleasant environment.

19.14.020 Permitted Uses

Permitted uses in the R-1 zones are as follows:

ZONE	PERMITTED USES
All R-1 Zones	Accessory uses and buildings customarily incidental to a permitted use provided the total square footage of all accessory buildings does not exceed eight hundred square feet on lots under one-half acre or one thousand two hundred square feet on lots one-half acre or larger
	Agriculture
	Home business, subject to MKC 19.85;
	Home day care/preschool, subject to MKC 19.04.293
	Household pets
	Residential facility for persons with a disability
R-1-6, R-1-7, R-1-8, R-1-10, R-1-15	Single-family dwelling
R-1-21, R-1-43	Guesthouse, the square footage must be less than one thousand two hundred square feet
	Maximum of four horses for private use only, not for rental
	Single-family dwelling

19.14.030 Conditional Uses

Conditional uses in the R-1 zones are as follows:

ZONE	CONDITIONAL USES
All R-1	Accessory uses and buildings customarily incidental to a conditional use. Any accessory building or buildings where the total square footage exceeds eight hundred square feet on

zones	lots under one half-acre or one thousand two hundred square feet on lots one-half acre or larger
	Cemetery
	Day care/preschool center, subject to MKC 19.76.260
	Golf course
	Home day care/preschool, subject to MKC 19.04.293
	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
	Residential facility for elderly persons
	Temporary buildings for uses incidental to construction work, which building must be removed upon the completion of the construction work. If such buildings are not removed within ninety days upon completion of construction work or thirty days after notice, the building will be removed by the county on behalf of the City at the expense of the owner.
R-1-3, R-1-4	Single-family dwelling
R-1-5	Single-family project developments The planning commission may approve a detailed development plan for the entire single-family project in an R-1-3, R-1-4, R-1-5 zone, pursuant to MKC 19.84. Thereafter, the development services division director may, as authorized by the planning commission, approve use permits for individual residential uses, provided that the plans comply with all requirements and conditions of the approved development plan.
R-1-6, R-1-7, R-1-8, R-1-10	Nursery and greenhouse, provided that there is no retail sales
R-1-15	Pigeons, subject to health department regulations
	Sportsman's kennel with a minimum lot area of one acre
R-1-21, R-1-43	Animals and fowl for family food production
	Bed and breakfast homestay
	Nursery and greenhouse; provided, that there is no retail sales
	Pigeons, subject to health department regulations
	Sportsman's kennel with a minimum lot area of one acre

19.14.040 Lot Areas And Widths

The minimum lot area and width requirements are as follows:

ZONE	MINIMUM LOT AREA	MINIMUM LOT WIDTH
R-1-3	3,000 square feet	25 feet at a distance 20 feet from the front lot line
R-1-4	4,000 square feet	Same as above
R-1-5	5,000 square feet	Same as above
R-1-6	6,000 square feet	60 feet at a distance 25 feet from the front lot line
R-1-7	7,000 square feet	65 feet at a distance 25 feet from the front lot line
R-1-8	8,000 square feet	Same as above
R-1-10	10,000 square feet	80 feet at a distance 30 feet from the front lot line
R-1-15	15,000 square feet	Same as above
R-1-21	21,780 square feet (1/2 acre)	100 feet at a distance 30 feet from the front lot line
R-1-43	43,560 square feet (1 acre)	Same as above

19.14.050 Yards

A. Dwellings: The minimum yard requirements for a private garage or dwelling are as follows:

ZONE	FRONT YARD	SIDE YARD (Interior)	SIDE YARD (Facing a public street)	REAR YARD WITHOUT GARAGE	REAR YARD WITH GARAGE
R-1-3, R-1-4, R-1-5	20 feet	5 feet unless attached to a dwelling on an adjacent lot	20 feet	20 feet	15 feet
R-1-6, R-1-7, R-1-8	25 feet	5 feet one side and 11 feet on the garage or driveway side or 8 feet on each side	20 feet	30 feet	15 feet
R-1-10, R-1-15, R-1-21	30 feet	10 feet on each side	20 feet	Same as above	Same as above
R-1-43	30 feet	15 feet on each side	20 feet	Same as above	Same as above

B. Accessory Buildings: The minimum yard requirements for an accessory building, which may include a private garage that does not meet the setback requirements listed in subsection A above, are as follows:

ZONE	MINIMUM FRONT YARD	MINIMUM SIDE YARD (Interior)	MINIMUM SIDE YARD (Facing a public street)	MINIMUM REAR YARD
R-1-3, R-1-4, R-1-5, R-1-6, R-1-7, R-1-8, R-1-10, R-1-15, R-1-21,	Must be in the rear yard and 6 feet	1 foot	20 feet	1 foot, except lots which rear upon the side yard of an adjacent lot, in which case the minimum setback

1-15, R-1-21, R-1-43	away from the dwelling		shall be 10 feet from the adjoining side yard.
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C. The minimum yard requirements for a main building other than residential are as follows:

ZONE	MINIMUM FRONT YARD	MINIMUM SIDE YARDS	MINIMUM REAR YARD
R-1-3, R-1-4, R-1-5	20 feet	20 feet	20 feet
R-1-6, R-1-7, R-1-8	25 feet	20 feet	30 feet
R-1-10, R-1-15, R-1-21, R-1-43	30 feet	20 feet	30 feet

19.14.055 Density

The allowable density for planned unit developments shall be determined by the planning commission on a case by case basis, taking into account the following factors: recommendations of non- City agencies; site constraints; compatibility with nearby land uses; and the provisions of the applicable general plan. Notwithstanding the above, the planning commission shall not approve a planned unit development with density higher than the following:

R-1-3	11.0 units per acre
R-1-4	9.0 units per acre
R-1-5	7.0 units per acre
R-1-6	6.0 units per acre
R-1-7	5.0 units per acre
R-1-8	4.5 units per acre
R-1-10	4.0 units per acre
R-1-15	2.5 units per acre
R-1-21	2.0 units per acre
R-1-43	1.0 units per acre

19.14.060 Building Height

Except as otherwise specifically provided in this title no building or structure shall exceed the following height (see MKC 19.04.095 (A) for definition of "height"):

A. Main Buildings.

1. Thirty feet on property where the slope of the original ground surface exceeds fifteen percent or the property is located in the hillside protection zone. The slope shall be determined using a line drawn from the highest point of elevation to the lowest point of elevation on the perimeter of a box which encircles the foundation line of the building or structure. Said box shall extend for a distance of fifteen feet or to the property line, whichever is less, around the foundation line of the building or structure. The elevation shall be determined using a certified topographic survey with a maximum contour interval of two feet.
2. Thirty-five feet on properties other than those listed in number one of this subsection.

3. No dwelling shall contain less than one story.

B. Accessory Buildings. No building which is accessory to a single-family dwelling shall exceed twenty feet in height. For each foot of height over fourteen feet, accessory buildings shall be set back from property lines an additional foot to allow a maximum height of twenty feet.

19.14.070 Coverage Of Rear Yards

No accessory building or group of accessory buildings shall cover more than twenty-five percent of the rear yard.

19.14.080 Informational

For additional information refer to the zoning ordinance and in particular the following sections:

MKC 19.76.020	Occupancy permit
MKC 19.04.560	Yard
MKC 19.76.080	Lots and buildings on private rights-of-ways
MKC 19.76.100	Sale of space needed to meet requirements
MKC 19.76.140	Private garage or carport—Reduced yards
MKC 19.76.190	Height limitations—Exceptions
MKC 19.76.200	Additional height allowed when
MKC 19.76.210	Off-site improvements
MKC 19.76.290	Single-family or two-family dwellings—Standards
MKC 19.80.040	Number of spaces required



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

File # CU-19-002 / SD-18-016

Planning Commission Staff Report

Meeting Date: February 20, 2019

Applicant: Brad Reynolds

Property Address: 3429-3437 South 1300 East

Parcel ID: 16-32-227-007 / .78 acres / 33,976.8 s.f.
16-29-480-018 / .26 acres / 11,325.6 s.f. = 1.24 acres / 54,014 s.f.
16-29-480-017 / .20 acres / 8,712 s.f.

Request: Conditional Use Permit for a 9-unit townhome Planned Unit Development (PUD)

Zone: R-2-8

Community Council: Millcreek

Prepared By: Robert May, Planner

SYNOPSIS AND SCOPE OF DECISION

Brad Reynolds is seeking conditional use permit approval for a 9-unit townhome Planned Unit Development (PUD) in an R-2-8 zone at 3429-3437 South 1300 East. The existing zoning is R-2-8 and allows the ability for the developer to achieve as high as 10 units per acre for two family dwellings and 6 units per acre for single-family dwellings. The Developer is proposing a mixed composition of single family and twin home development. The 9-unit PUD would include four twin homes and one single-family home.

On December 11, 2017, Millcreek City Council rezoned the subject parcels from R-1-8 to R-2-8 subject to a development agreement that limits the density to 9 units and a specific site plan consisting of 4 twin homes and 1 single-family dwelling. Brad Reynolds proposed development meets all the required criteria of the City Council approved development agreement. See **Millcreek Ordinance No. 17-51 and 17-52 at <https://millcreek.us/AgendaCenter/City-Council-3>**

As per Chapter **19.32.030** of the Millcreek Code, the R-2-8 zone recognizes PUD's as conditional uses and are deemed compatible in the zone. The Planning Commission is asked to consider this request considering reasonably anticipated detrimental effects of the proposed use for the neighborhood.



SITE & VICINITY DESCRIPTION

Figure 1:
Aerial Photo

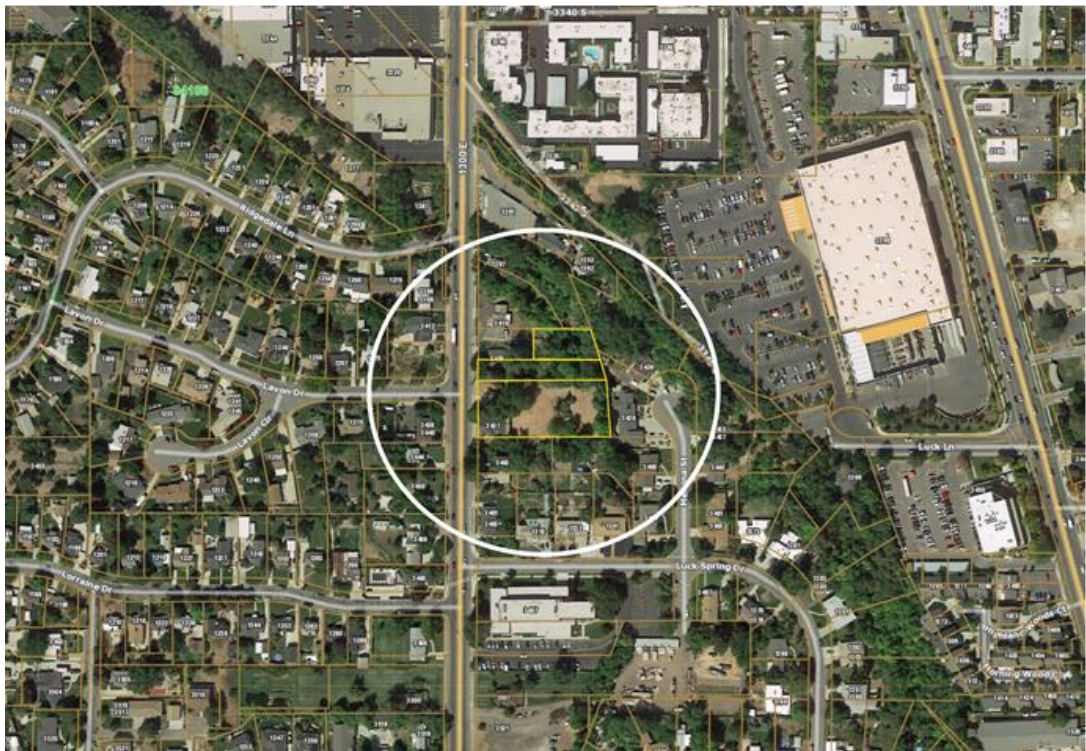
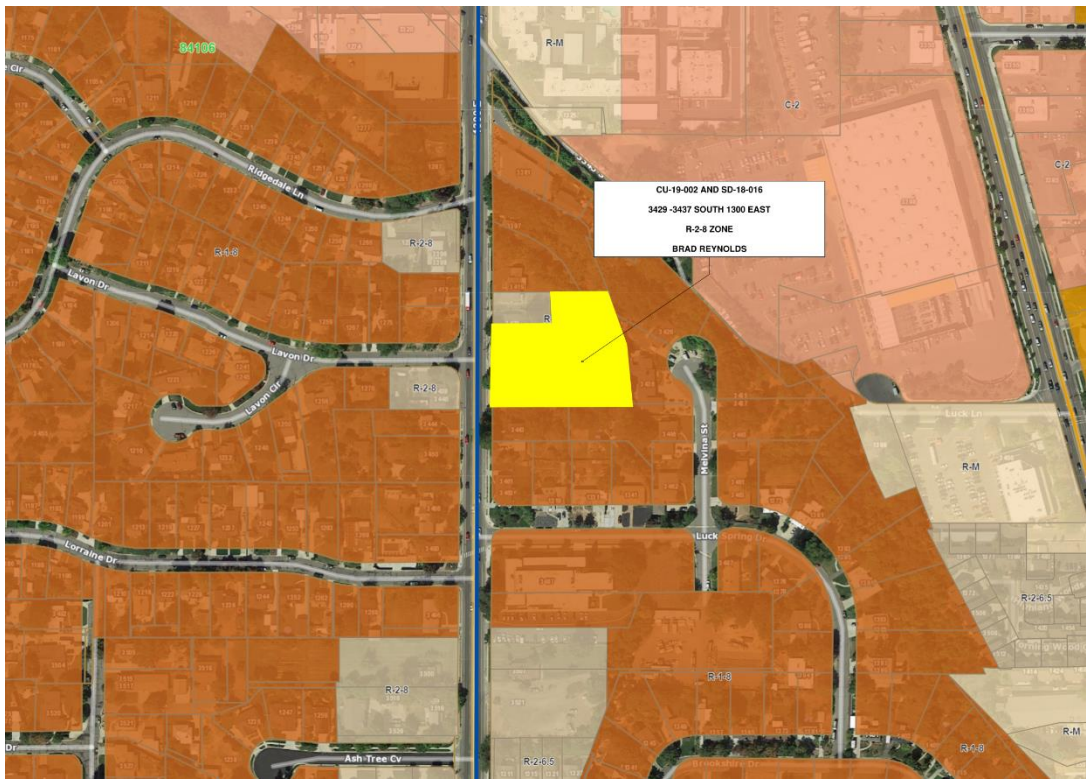


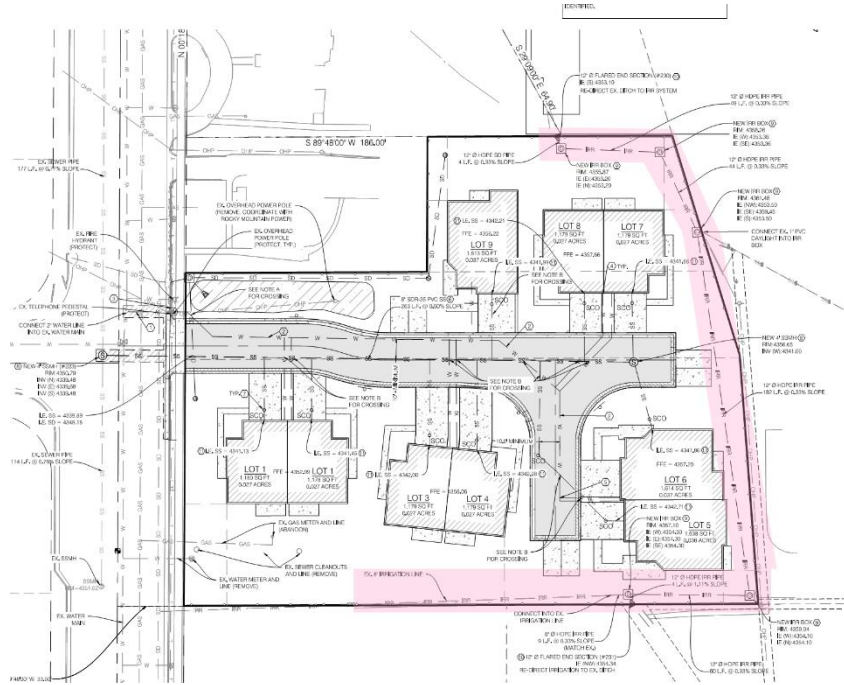
Figure 2:
Zoning and
neighborhood
map



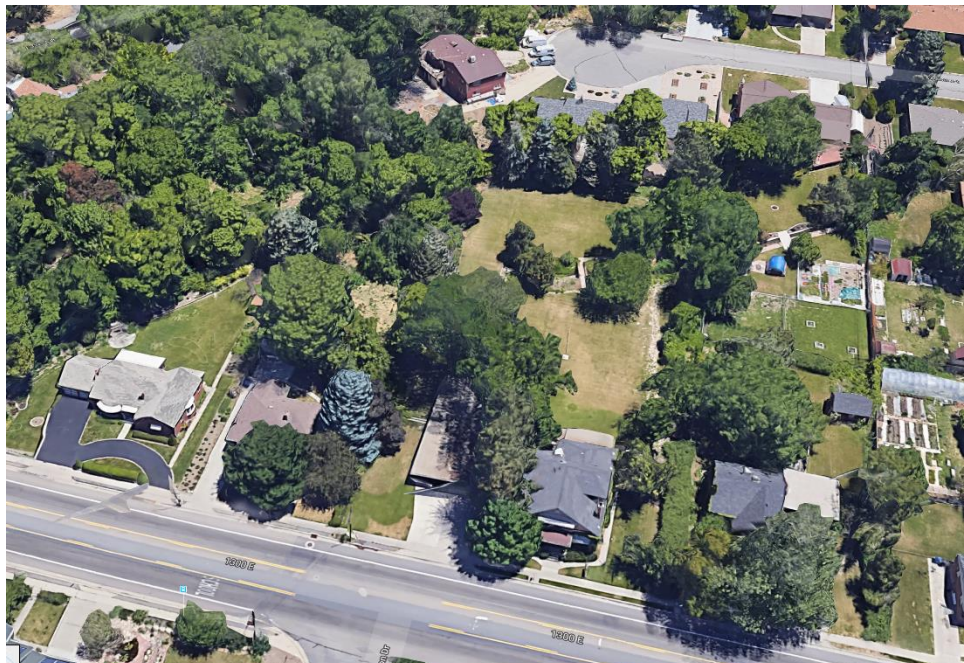
Currently the property consists of three separate parcels and contains one, one-family dwelling that was built in 1895 and was the home of the Wadsworth Family. Brad Reynolds bought the property in 2017 with the intentions of pursuing a conditional use permit for a 9-unit PUD. The property lies in a fault study zone, therefore all future development is subject to geotechnical engineering.

"Geotechnical Engineering" means the investigation and engineering evaluation of earth materials including soil, rock and man-made materials and their interaction with earth retention systems, foundations, and other civil engineering works. The practice involves the fields of soil mechanics, rock mechanics, and earth sciences and requires knowledge of engineering laws, formulas, construction techniques, and performance evaluation of engineering.

The property also contains an irrigation canal that will be relocated for the proposed townhome development. Brad Reynolds has been in contact with the Water Master (Ron Carlston) from the Big Cottonwood Lower Canal Company to remedy the placement and location of the irrigation line. The pink shaded area identifies the proposed new location.



Much of the property contains large mature trees that the developer will work to preserve and include into the development. However, some trees will be slated for removal due to the placement of the homes. Many of the adjacent neighbors have expressed interest in tree preservation but have also recognized that many of the existing trees are dying due to disease. The developer has agreed to include more trees into the landscape plan to help replace some of the trees that will be removed and also create a natural buffer from the surrounding neighborhood.



PROJECT INFORMATION

The applicant is proposing a home design that would be similar in height and massing to a typical single-family home with heights not to exceed 28 feet. Townhome configuration will be two-story and be 3 bedrooms consisting of approximately 1,700 s.f.

Proposed Uses. 9-unit townhome planned unit development.

Density. The R-2-8 and allows the ability for the developer to achieve as high as 10 units per acre for two family dwellings and 6 units per acre for single-family dwellings

Site Layout. The buildings cover 11,939 square feet of area (21.9%) with 28,209 square feet of landscaping (51.8%) and 14,352 square feet of impervious surfaces (26.3%) in driveways and access driveway.

Fencing and Landscaping: *Fencing and landscaping, to include specific materials and tree placement, are illustrated on the site plan. Fencing shall be 6 feet high and materials to be wood or concrete*

Lighting: *No light source (light bulb, fluorescent tube, or other direct source of light used to illuminate a parking area) shall be visible beyond the property line of any off-street parking area as required by Section 19.80.030 of the zoning ordinance. Two light poles will be situated on the property to provide a light source for parking.*

Access. A 25' wide driveway approach will access off of 1300 East. The property has existing curb, gutter and sidewalk. Old approach will be removed and will have curb and gutter installed to Millcreek standards.

Dedication. No additional dedication is required along 1300 East.

Parking. As per section 19.80.040 Parking, the applicant is approved for two car garages for each unit, plus six guest parking stalls, for a total of 24 parking stalls. Driveways may account for guest parking.

Open Space. The PUD site exceeds the 40% open space requirement with 51.8%. Landscaping requirements have been met under Chapter 19.77 of the Millcreek Code.

Building Design. The applicant is proposing a contemporary building design with quality materials that will be compatible with the existing neighborhood. The entirety of the residential space lends itself to a quiet residential feel with private entry ways and patios.

Height: *28' meeting PUD and RCOZ standards*

Setbacks: *15' meeting PUD standards*

Materials: *The project will consist of the following materials.*

- a. *Fiber cement board siding*
- b. *Synthetic stucco*
- c. *Pre-finished aluminum soffits*
- d. *Vinyl windows with insulated glazing*
- e. *Asphalt shingles*

Unit Characteristics. 3-bedroom units.

Amenities. *As per the Development Agreement, the project will have two areas of common use for homeowners consisting of meeting/gathering areas composed of gazebo/pergola type structures, together with plantings of native shrubs and grass.*

Utilities and Waste Removal. Applicant will address how and where utilities will be connected. Garbage cans will be provided for each unit for waste removal stored in each private garbage.

Development Agreement Considerations. The townhome planned unit development is subject to all provisions in the approved development agreement.

COMMUNITY COUNCIL AND NEIGHBORHOOD RESPONSE

At their meeting on February 5, 2019, the Millcreek Community Council voted unanimously to send a favorable recommendation to the Planning Commission with a recommendation that the developer set up a meeting with the adjacent neighbor to discuss tree preservation and other concerns.

On February 7th, the developer and staff met at Wendy and Doug Sampson residence located at 3436 S Melvina Circle. Other residents were in attendance. The residents expressed their dislike for vinyl fencing. The developer has proposed to use wood, concrete or iron as fencing materials. Tree preservation was the major concern. The existing mature trees are outside the perimeter of the developers building area. This means that existing trees along the edge of the property may be preserved. The problem is, a majority of the trees are already dying. The developer has agreed to plant more trees along the perimeter to help replace any that get removed and also to create a natural buffer for the residents.

There was some concern on the relocation of the ditch. It will have to be buried and cannot go under any structures. The Water Master and the developer have decided to bury the ditch along the east property line. The Sampson's are concerned that the placement of the ditch pipe will conflict with the roots of trees that are on their property. Lastly, there was some concern that the property currently is not being maintained. The residents expressed their concern that the vegetation will grow out of control and that the property will not be monitored which may invite the wrong attention. The developer commented that he will maintain and secure the property until construction begins.

STANDARDS FOR APPROVAL

Per §19.84.060 of the Millcreek Code, All Conditional Use Permits run with the land and may require the applicant to record documents to that effect. The Planning Commission and staff, in their review capacity, may impose site plan modifications and conditions to mitigate the reasonably anticipated detrimental effects of a conditional use.

While staff finds that the project is well designed, the final conditional use permit will be evaluated for potential detrimental impacts established in the Millcreek Code.

Staff identified the following reasonably anticipated detrimental effects on this project, and recommend the following modifications and conditions to mitigate them:

1. *Detrimental effects of decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards, including other reasonable mitigation as determined by a qualified traffic engineer.*

Effect:	Staff finds that changing use or intensity can alter service levels on 1300 East.
Mitigation:	Providing a 25' approach to an interior private road will decrease traffic impacts and parking along 1300 East. The property has existing curb, gutter and sidewalk.

2. *Detrimental effects on the adequacy of utility systems, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, or preserving existing systems, including other reasonable mitigation as determined by the City's engineering staff, contracted engineers, and utility service providers.*

Effect:	The increased density will have a minimal impact on utility services.
Mitigation:	The applicant shall obtain a complete review for an approved building permit and shall continually comply with the requirements of Millcreek City, Salt Lake City Department of Public Utilities, and the S. L. City Suburban Sewer District.

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

Effect: It is expected that the interior road and parking will have a minimal effect on pedestrian safety.

Mitigation: The developer is providing a larger interior road and hammerhead to satisfy resident traffic flow so impacts on pedestrian safety of 1300 East will be decreased.

4. *Detrimental effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered acceptable, within a neighborhood including such effects as environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance.*

Effect: A project of this magnitude may create an abnormal and annoying presence during the beginning phases of construction.

Mitigation: The developer will be held to strict state (SWPPP) and city requirements (Demolition) to ensure impacts on the adjacent neighborhood are minimal.

5. *Detrimental effects that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people arising from, but not limited to, waste disposal, fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands, as determined by City Engineer, City geologist and other qualified specialists.*

Effect: Waste removal could be a nuisance to the neighbors.

Mitigation: Waste will be managed by the tenants with trash bins in each private garage.

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

Effect: Based on the applicant's proposal for a standard addressing along the individual unit's façade, no significant detrimental effects are anticipated.

Mitigation: Not applicable.

7. *Detrimental effects arising from incompatible designs in terms of use, scale, intensity, height, mass, setbacks, character, construction, solar access, landscaping, fencing, screening, and architectural design and exterior detailing/finishes and colors within the neighborhood in which the conditional use will be located.*

Effect: A line of townhomes without defined architectural design without quality materials may have a detrimental effect to the overall neighborhood character.

Mitigation: The applicant's plans reflect a balanced architectural design with the materials approved in the development agreement.

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

Effect: Not applicable.

Mitigation: Not applicable.

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

Effect: Not applicable.

Mitigation: Not applicable.

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

Effect: A review by the Fire Marshal is necessary as part of the building permit process. In order to

obtain a building permit, the applicant will need to meet all fire codes related to the safe occupancy of the development.

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

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

Effect: Not applicable.

Mitigation: Not applicable.

12. *Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.*

Effect: Poorly maintained buildings and landscaping may contribute to overall neighborhood decline.

Mitigation: The applicant and its successors shall properly and continually maintain all required landscaping, fencing, buildings, and access driveways. In most cases the PUD declarations satisfy these concerns with HOA dues. Prior to construction, the developer has agreed to maintain and secure the property.

13. *Detrimental effects on appearance from graffiti. Applicants shall apply an anti-graffiti material or coating, approved by the City, to building, fence, and other surfaces from ground level to a height of nine feet. The Planning Commission may approve dense planting or appropriate design measures in place of anti-graffiti materials. This requirement may be imposed retroactively where graffiti issues are present.*

Effect: Not applicable.

Mitigation: Not applicable.

PLANNING STAFF ANALYSIS AND FINDINGS

Planning Staff finds that the proposed project is in keeping with the intent of the R-2-8 zone and Planned Unit Development requirements and that it will enhance an existing residential neighborhood on a high-visibility roadway, provided the above detrimental effects are appropriately mitigated and with the development agreement limiting the density. The private residential site plan and development design will make a meaningful enhancement to the character of the area. This project should comply with the City's general plan and found to be compatible with land uses in the vicinity. This R-2-8 planned unit development incorporates innovations of design, amenities, and features along with providing ownership of the units. Additionally, the developer has met with the adjacent neighbors and has agreed to make an effort to preserve the existing trees and accommodate suggested building materials for the fence. Staff finds and recommends that the conditional use permit and planned unit development should be approved with the following conditions:

1. The developer shall meet all requirements listed in the development agreement.
2. The development will be limited to the nine three-bedroom units.
3. The proposed building height is no more than 28'.
4. Signs will require separate building permits and staff review for zoning/land use compliance.
5. No light source (light bulb, fluorescent tube, or other direct source of light used to illuminate a parking area) shall be visible beyond the property line of any off-street parking area as required by Section 19.80.030 of the zoning ordinance.

6. Any modifications to these approved plans must be approved by the City Council as an amendment to the development agreement.
7. The applicant will comply with all requirements established through the technical review process prior to receiving final conditional use approval.
8. The applicant will comply with all requirements established through the technical review process prior to receiving final subdivision approval.
9. All requirements found in Title 18 (Millcreek Subdivision Code) shall be met, including all applicable fees.
10. The applicant will comply with all requirements of the Unified Fire Code, subject to approval by the Fire Marshal.
11. The applicant shall obtain a complete review for an approved building permit and shall continually comply with the requirements of Millcreek City, Salt Lake City Department of Public Utilities, and the S. L. City Suburban Sewer District.
12. The applicant and its successors shall properly and continually maintain all required landscaping, fencing, buildings, and roads through CC&R's that are approved by the City Attorney.
13. The developer shall make every effort to preserve the existing trees currently located on the property and will provide an additional 8-10 trees to be planted along the east perimeter of the property.
14. All items of the staff report.

PLANNING STAFF RECOMMENDATION AND DRAFT MOTION

Planning Staff recommends approval of the conditional use permit and planned unit development. A draft motion is as follows:

Motion to Approve Conditional Use Permit CU-19-002 / SD-18-016, a 9-unit townhome planned unit development with the conditions recommended by staff.

SUPPORTING DOCUMENTS

1. Application
2. Pre-Plat, Plans and renderings
3. Revised site plan (15' setbacks and pergola's)
4. Landscape Plan
5. Development Agreement
6. ZM-17-003 City Council Staff Report
7. Email from resident expressing concern

SD-18-016



Planning and Development Services

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050

Phone: (385) 468-6700 • Fax: (385) 468-6674

Millcreek.Utah.gov

File #

Land Use & Development Application

- ☐ FCOZ ☐ RCOZ ☐ DWSP ☐ RCOZ ☐ Watershed ☐ Over Pressure ☐ Magna Main
☐ Natural Hazards ☐ Other _____

Zone: _____ Community Council: _____ Planner: _____

Parent File #: _____ Date: _____

Property Address: 3437 S. 1300 E. Parcel #: 16-29-480-017 16-32-227-007/16-29-480-018

Name of Project Meadows of Millcreek Property Acreage: 1.25 ac.

Please describe your request:

9 residential units

New Development:

- ☒ Conditional Use
☐ Permitted Use
☐ Subdivision # lots: _____
☒ PUD #lots: _____

Modify an Existing Development:

- ☐ Change Conditions of Approval
☐ Change the Site Plan
☐ Condo Conversion
☐ Lot Consolidation
☐ Lot Line Adjustment
☐ Mobile Store
☐ Signs
☐ Billboards

Other:

- ☐ Exception Request
☐ General Plan Amendment
☐ GRAMA (Records Request)
☐ Land Use Hearing
☐ Non-Conforming
☐ RCOZ Appeal (Option C)
☐ Research Request
☐ Re-zone
☐ Right-of-Way Improvement Permit
☐ Vacate a Street

Is a key or gate code required to access the property? ☐ Yes ☒ No If yes, code: _____
(or provide driving directions to property):

APPLICANT'S NAME:

First: Brad Reynolds Last: _____ Initial: BR
Address: 1142 East Murray Holladay Rd City: Salt Lake State: UT Zip: 84117
Phone: _____ Cell: _____ Email: _____

Property Owner(s):

First: Same Last: _____ Initial: _____
Address: _____ City: _____ State: _____ Zip: _____
Phone: _____ Cell: _____ Email: _____

Professional(s): ☐ Engineer ☐ Architect ☐ Other

Company: _____ Contact: _____
Address: _____ City: _____ State: _____ Zip: _____
Phone: _____ Cell: _____ Email: _____

**NOTE: all correspondence will be sent to the applicant's address:*

To facilitate the land use notice and review process, the undersigned hereby authorize the County to reproduce this application and all documents attached to the application for staff, officials, and the interested public:

Applicant's Signature:  Date 12-17-18



Planning and Development Services

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050

Phone: (385) 468-6700 • Fax: (385) 468-6674

Millcreek.Utah.gov

File #

AFFIDAVIT – Property Owner

STATE OF UTAH }
 } ss
COUNTY OF SALT LAKE }

I (we) Brad Reynolds being duly sworn, depose and say that

I (we) am (are) the owner(s) of the property(s) located at:

3437 S. 1300 E.

My (our) signature below attests that I (we) have reviewed the proposal by Benchmark Engineering
requesting review and approval of 9 residential units

and that I (we) consent to the statements and information provided in the attached plans and exhibits

and that all information presented is true and correct to the best of my (our) knowledge.

Property Owner [Signature]

Property Owner _____

Subscribed and sworn to me this 17 day of December, 2018.



Notary: [Signature]
Residing in Salt Lake County, Utah



Millcreek City Planning and Community Development
3330 South 1300 East
Millcreek, Utah 84106
Phone: (801) 214-2750
Inspections: (385) 468-6690

RECEIPT

Name: Brad Reynolds Construction

Payment Date: 12/27/2018

Project Address: 3429-3437 South 1300 E

Payment Amount: \$765.00

Application: SD-18-016

Payment Type: Check (#01101)

THIS CHECK HAS A COLORED BACKGROUND - SEE BACK FOR SECURITY FEATURES

Brad Reynolds Construction, Inc.

P.O. BOX 17958
SALT LAKE CITY, UT 84117
801-281-2200

HOLLADAY BANK AND TRUST
97-211/1243

01101

12/27/2018

PAY TO THE
ORDER OF

Millcreek

\$ **765.00

Seven Hundred Sixty-Five and 00/100***** DOLLARS

Millcreek

MEMO

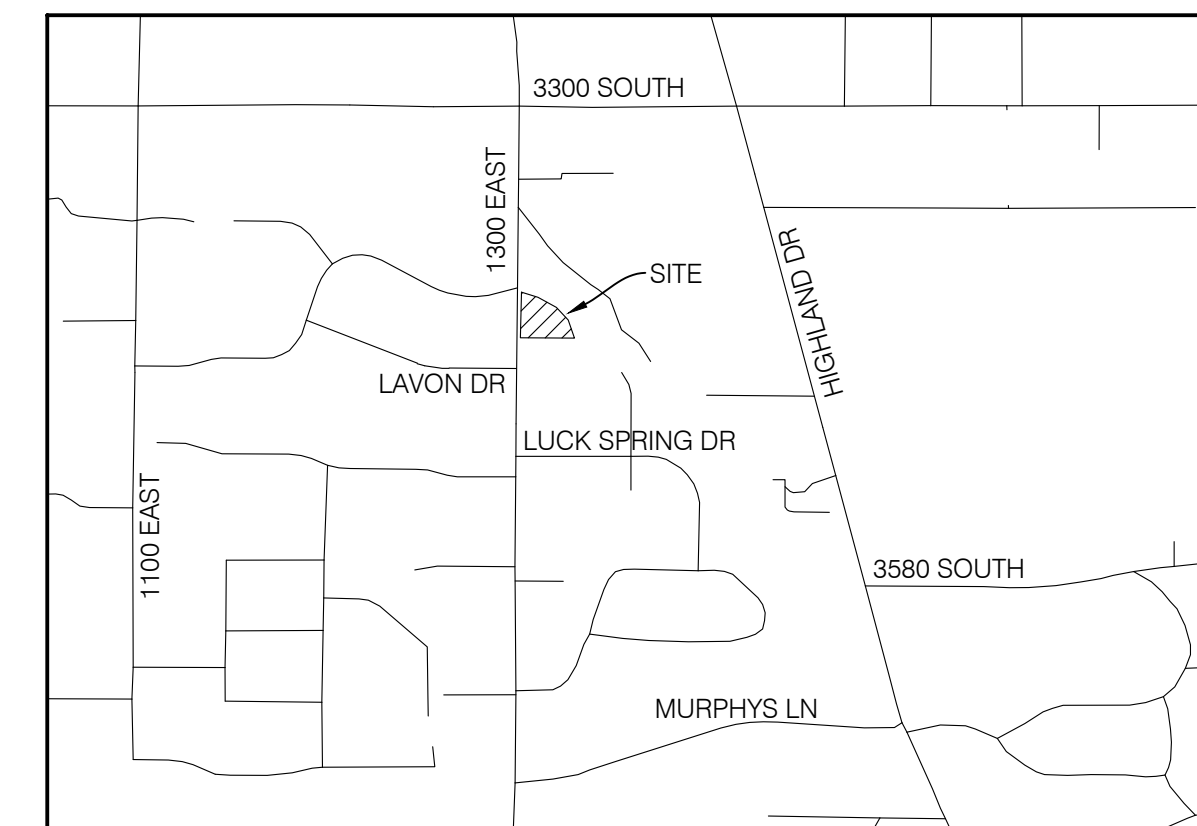
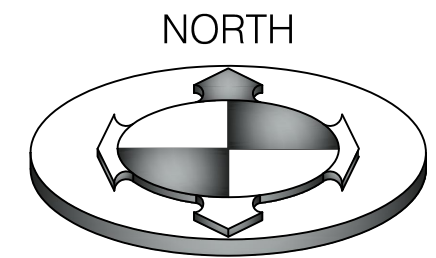
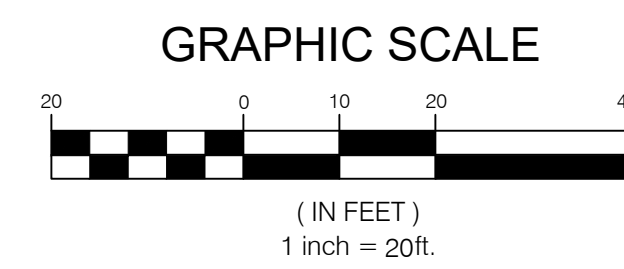
Application Fee

⑈001101⑈ ⑆124302118⑆90 04482 7⑈

Received by
Robert Chen
12/27/2018

MEADOWS OF MILLCREEK

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 29,
TOWNSHIP 1 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN
MILLCREEK, SALT LAKE COUNTY, UTAH



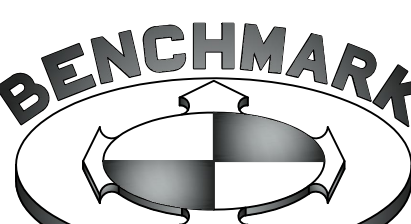
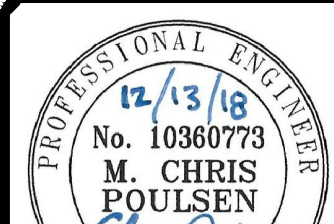
VICINITY MAP
N.T.S

OWNER/DEVELOPER:
BRAD REYNOLDS CONSTRUCTION
BRAD REYNOLDS
4804 SOUTH 1140 EAST
MURRAY, UTAH 84117
801-230-6880
BRAD@BRADREYNOLDSCONSTRUCTION.COM

DRAWING INDEX

COVER	COVER SHEET
CGN.01	GENERAL NOTES, LEGEND & ABBREVIATION
CGN.02	SALT LAKE COUNTY GENERAL NOTES
CSP.01	SITE PLAN
CSP.02	DEMO PLAN
CUP.01	UTILITY PLAN
CGD.01	GRADING & DRAINAGE PLAN
CEP.01	EROSION CONTROL PLAN
CEP.02	EROSION CONTROL DETAILS
CDT.01	DETAILS & NOTES
CDT.02	DETAILS & NOTES

CIVIL CONSTRUCTION PLANS

		<h1 style="margin: 0;">BENCHMARK ENGINEERING & LAND SURVEYING</h1> <p style="margin: 0;">9138 SOUTH STATE STREET SUITE # 100 SANDY, UTAH 84070 (801) 542-7192 www.benchmarkcivil.com</p>																																	
<p>MEADOWS OF MILLCREEK 3437 SOUTH 1300 EAST MILLCREEK, UTAH</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">DRAFT SAM</td> <td style="width: 33%;">DESIGN SAM</td> <td style="width: 33%;">CHECK MCP</td> </tr> <tr> <td>DATE: 11/26/2018</td> <td>DATE: 11/26/2018</td> <td>DATE: 11/26/2018</td> </tr> </table>	DRAFT SAM	DESIGN SAM	CHECK MCP	DATE: 11/26/2018	DATE: 11/26/2018	DATE: 11/26/2018																											
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<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">No.</th> <th style="width: 15%;">DATE</th> <th style="width: 75%;">DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>		No.	DATE	DESCRIPTION																															<div style="border: 1px solid black; height: 150px; margin-top: 10px; display: flex; align-items: center; justify-content: center; font-size: 2em; font-weight: bold;">1 OF 11</div>
No.	DATE	DESCRIPTION																																	

BENCHMARK ENGINEERING CONTACT: M. CHRIS POULSEN, PE

NEW	EXISTING
<div>XX.XX TOC</div>	

NEW	EXISTING	
		SECTION CORNER (FOUND)
		SECTION CORNER (NOT FOUND)
		STREET MONUMENT (FOUND)
		STREET MONUMENT (NOT FOUND)
		BRASS CAP MONUMENT
		POWER POLE & OVERHEAD POWER
		LIGHT POLE
		GUY WIRE
		TELEPHONE MANHOLE
		SANITARY SEWER MANHOLE
		STORM DRAIN MANHOLE
		CATCH BASIN
		DIRECTION OF DRAINAGE
		WATER MANHOLE
		WATER VALVE
		WATER METER
		FIRE HYDRANT
		IRRIGATION VALVE
		GAS MANHOLE
		TREE

BCR	BAR & CAP	PUE	PUBLIC UTILITY EASEMENT
COR	SECTION CORNER	R	RADIUS OF CURVE
CB	CATCH BASIN	RR	RAILROAD
CF	CUBIC FEET	ROW	RIGHT-OF-WAY
CD	DELTA ANGLE	R/W	RIGHT-WAY
EQA	EDGE OF ASPHALT	SMH	SEWER MANHOLE
EOC	EDGE OF CONCRETE	SD	STORM DRAIN
EX	EXISTING	SF	SQUARE FEET
FFE	FINISH FLOOR ELEVATION	TMB	TOP BACK OF CURB
FH	FIRE HYDRANT	TBH	TELEPHONE MANHOLE
FL	FLOW LINE	TOA	TOP OF ASPHALT
GW	GRADE BREAK	TOC	TOP OF CONCRETE
GU	GUY WIRE	TOF	TOP OF FOOTING
HW	HEAD WALL	TOE	TOE OF SLOPE
I.E.	INVERT ELEVATION	TOG	TOP OF GRATE
L	LENGTH OF CURVE	TOP	TOP OF SLOPE
L	LIP OF CURB	TOW	TOP OF WALL
LF	LINEAR FEET	TR	TELEPHONE RISER
LP	LOW POINT	UGP	UNDERGROUND POWER
M-M	MONUMENT TO MONUMENT	VPC	VERTICAL POINT OF CURVATURE
MANH	MANHOLE		
MON.	SURVEY MONUMENT	VPI	VERTICAL POINT OF INTERSECTION
OHP	OVERHEAD POWER		
PC	POINT OF CURVATURE	VPT	VERTICAL POINT OF TANGENCY
PI	POINT OF INTERSECTION	WM	WATER METER
PP	POWER POLE	WV	WATER VALVE
PT	POINT OF TANGENCY		

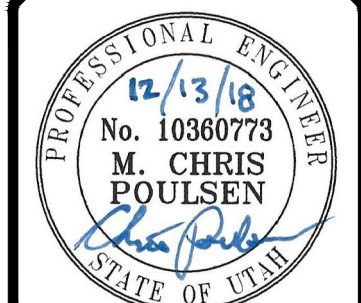
22 ALL PHONE AND TV CONDUITS TO BE PVC SCH 40 OR BETTER

27. ACTUAL CONNECTIONS TO EXISTING WATER LINES WILL NOT BE PERMITTED PRIOR TO THE COMPLETION OF

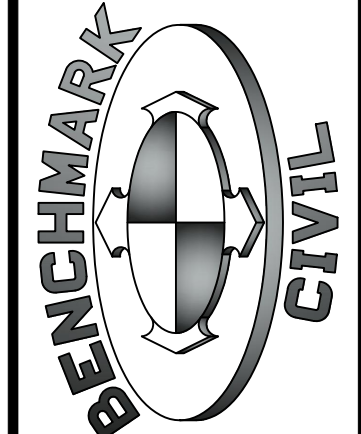
58. WHERE NEW CURB AND GUTTER IS BEING CONSTRUCTED ADJACENT TO EXISTING ASPHALT OR CONCRETE PAVEMENT, THE FOLLOWING SHALL APPLY. PRIOR TO PLACEMENT OF ANY CONCRETE THE CONTRACTOR SHALL HAVE A LICENSE SURVEYOR VERIFY THE GRADE AND CROSS SLOPE OF THE CURB AND GUTTER FORMS, THE CONTRACTOR SHALL SUBMIT THE SLOPE AND GRADES TO THE ENGINEER FOR APPROVAL PRIOR TO PLACEMENT OF CONCRETE. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY OF ANY SECTION WHICH DOES NOT CONFORM TO THE DESIGN OR TYPICAL CROSS SECTION. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR CURB AND GUTTER POURS WITHOUT THE APPROVAL OF THE ENGINEER.

84. IT IS THE INTENT ON THESE PLANS THAT ALL PAVEMENT SLOPE TO A CATCH BASIN, INLET BOX OR OUT INTO A STREET. CONTRACTOR TO VERIFY FINISH SPOT ELEVATIONS AND NOTIFY ENGINEER IF THERE ARE DISCREPANCIES THAT WOULD CAUSE PUDDLING ON THE SITE.

GROWTH		SAM		NO.		DATE		DESCRIPTION	
CHECKED BY		MCP							
SURVEY		FIELD CREW							
DATE		12/13/2018							
DWS FILE		1810220 SITE							
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SCALE MEASURES INCH ON FULL SIZE SHEETS ADJUST ACCORDINGLY FOR REDUCED SIZE SHEETS									



**BENCHMARK
ENGINEERING &
LAND SURVEYING**
9138 SOUTH STATE STREET SUITE #100
SANDY, UTAH 84070 (801) 542-7192
www.benchmarkcivil.com



MEADOWS OF MILLCREEK

3437 SOUTH 1300 EAST
MILLCREEK, UTAH

PROJECT NO.	1810220
GEN. NOTES LEGEND & ABBREV.	
CGN.01 2 OF 11	



IN THE EVENT THAT THE CONSTRUCTION NOTES CONFLICT WITH RESPONSIBLE DISTRICT OR AGENCY STANDARDS NOTES AND SPECIFICATIONS, THE DISTRICT OR AGENCY STANDARD NOTES AND SPECIFICATIONS GOVERN.

THE CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO THE NORMAL WORKING HOURS; AND THE CONTRACTOR SHALL DEFEND, INDEMNIFY, AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

SALT LAKE CITY PUBLIC UTILITIES GENERAL NOTES (WATER ONLY)

1.

COMPLIANCE:

ALL CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH THESE CONTRACT DOCUMENTS AND THE MOST RECENT EDITIONS OF THE FOLLOWING: THE INTERNATIONAL PLUMBING CODE, UTAH DRINKING WATER REGULATIONS, APWA MANUAL OF STANDARD PLANS AND SPECIFICATIONS, AND SLC PUBLIC UTILITIES MODIFICATIONS TO APWA STANDARD PLANS AND APPROVED MATERIALS AND SLC PUBLIC UTILITIES APWA SPECIFICATIONS MODIFICATIONS. THE CONTRACTOR IS REQUIRED TO ADHERE TO ALL OF THE ABOVE-MENTIONED DOCUMENTS UNLESS OTHERWISE NOTED AND APPROVED IN WRITING BY THE SALT LAKE CITY DIRECTOR OF PUBLIC UTILITIES.
2.

COORDINATION:

THE CONTRACTOR IS RESPONSIBLE TO NOTIFY ALL APPROPRIATE GOVERNMENT AND PRIVATE ENTITIES ASSOCIATED WITH THE PROJECT. THE FOLLOWING MUST BE CONTACTED 48-HOURS PRIOR TO CONSTRUCTION AS APPLICABLE TO THE PROJECT:

PUBLIC UTILITIES:

BACKFLOW PREVENTION - 483-795

DEVELOPMENT REVIEW ENGINEERING - 483-781

INSPECTIONS, PERMITS, CONTRACTS & AGREEMENTS - 483-727

PRETREATMENT - 799-4002

STORM WATER - 483-721

SLC DEPARTMENTS:

ENGINEERING - PUBLIC WAY PERMITS AND ISSUES - 535-248

ENGINEERING - SUBDIVISIONS - 535-159

FIRE DEPARTMENT - 535-130

PERMITS AND LICENSING (BLDG SERVICES) - 535-7752

PLANNING AND ZONING - 535-7700

TRANSPORTATION - 535-130

- ALL OTHER POTENTIALLY IMPACTED GOVERNING AGENCIES OR ENTITIES

- ALL WATER USERS INVOLVED IN WATER MAIN SHUTDOWNS

- APPLICABLE SEWER, WATER AND DRAINAGE DISTRICTS

- BLUESTAKES LOCATING SERVICES - 532-5000

- COUNTY FIRE DEPARTMENT - 743-7231

- COUNTY FLOOD CONTROL - 418-2779

- COUNTY HEALTH DEPARTMENT - 385-418-3913

- COUNTY PUBLIC WAY PERMITS - 418-2241

- HOLLADAY CITY - 272-9450

- SALT LAKE COUNTY HIGHWAY DEPARTMENT - 418-3705 OR 418-2151

- THE UTAH TRANSIT AUTHORITY FOR RE-ROUTING SERVICE - 212-5151

- UNION PACIFIC RAILROAD CO., SUPERINTENDENTS OFFICE - 595-3405

- UTAH DEPARTMENT OF TRANSPORTATION, REGION #2 - 975-4800

- UTAH STATE ENGINEER - 536-7240

3.

SCHEDULE

PRIOR TO CONSTRUCTION THE CONTRACTOR WILL PROVIDE, AND WILL UPDATE AS CHANGES OCCUR, A CONSTRUCTION SCHEDULE IN ACCORDANCE WITH THE SPECIFICATIONS AND SALT LAKE CITY ENGINEERING OR SALT LAKE COUNTY REGULATIONS AS APPLICABLE FOR WORKING WITHIN THE PUBLIC WAY.

4.

PERMITS, FEES AND AGREEMENTS

CONTRACTOR MUST OBTAIN ALL THE NECESSARY PERMITS AND AGREEMENTS AND PAY ALL APPLICABLE FEES PRIOR TO ANY CONSTRUCTION ACTIVITIES. CONTACT SALT LAKE CITY ENGINEERING (535-248) FOR PERMITS AND INSPECTIONS REQUIRED FOR ANY WORK CONDUCTED WITHIN SALT LAKE CITY'S PUBLIC RIGHT-OF-WAY. APPLICABLE UTILITY PERMITS MAY INCLUDE MAINLINE EXTENSION AGREEMENTS AND SERVICE CONNECTION PERMITS. ALL UTILITY WORK MUST BE BONDED. ALL CONTRACTORS MUST BE LICENSED TO WORK ON CITY UTILITY MAINS.

CONSTRUCTION SITES MUST BE IN COMPLIANCE WITH THE UTAH POLLUTION DISCHARGE ELIMINATION SYSTEM (UPDES) STORM WATER PERMIT FOR CONSTRUCTION ACTIVITIES (538-923). A COPY OF THE PERMIT'S STORM WATER POLLUTION PREVENTION PLAN MUST BE SUBMITTED TO PUBLIC UTILITIES FOR REVIEW AND APPROVAL. ADDITIONAL WATER QUALITY AND EROSION CONTROL MEASURES MAY BE REQUIRED. THE CONTRACTOR MUST ALSO COMPLY WITH SALT LAKE CITY'S CLEAN WHEEL ORDINANCE.

5.

ASPHALT AND SOIL TESTING

THE CONTRACTOR IS TO PROVIDE MARSHALL AND PROCTOR TEST DATA 24-HOURS PRIOR TO USE. CONTRACTOR IS TO PROVIDE COMPACTION AND DENSITY TESTING AS REQUIRED BY SALT LAKE CITY ENGINEERING, UDOT, SALT LAKE COUNTY OR OTHER GOVERNING ENTITY. TRENCH BACKFILL MATERIAL AND COMPACTION TESTS ARE TO BE TAKEN PER APWA STANDARD SPECIFICATIONS, SECTION 330520 - BACKFILLING TRENCHES, OR AS REQUIRED BY THE SLC PROJECT ENGINEER IF NATIVE MATERIALS ARE USED. NO NATIVE MATERIALS ARE ALLOWED WITHIN THE PIPE ZONE. THE MAXIMUM LIFTS FOR BACKFILLING EXCAVATIONS IS 8-INCHES. ALL MATERIALS AND COMPACTION TESTING IS TO BE PERFORMED BY A LAB RECOGNIZED AND ACCEPTED BY SALT LAKE COUNTY PUBLIC WORKS AND/OR SALT LAKE CITY ENGINEERING.

6.

TRAFFIC CONTROL AND HAUL ROUTES

TRAFFIC CONTROL MUST CONFORM TO THE MOST CURRENT EDITION OF SALT LAKE CITY TRAFFIC CONTROL MANUAL - PART 6 OF "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" FOR SALT LAKE COUNTY AND STATE ROADS. SLC TRANSPORTATION MUST APPROVE ALL PROJECT HAUL ROUTES (535-7129). THE CONTRACTOR MUST ALSO CONFORM TO UDOT, SALT LAKE COUNTY OR OTHER APPLICABLE GOVERNING ENTITIES REQUIREMENTS FOR TRAFFIC CONTROL.

7.

SURVEY CONTROL

CONTRACTOR MUST PROVIDE A REGISTERED LAND SURVEYOR OR PERSONS UNDER SUPERVISION OF A REGISTERED LAND SURVEYOR TO SET STAKES FOR ALIGNMENT AND GRADE OF EACH MAIN AND/OR FACILITY AS APPROVED. THE STAKES SHALL BE MARKED WITH THE HORIZONTAL LOCATION (STATION) AND VERTICAL LOCATION (GRADE) WITH CUTS AND/OR FILLS TO THE GRADE OF THE MAIN AND/OR FACILITY AS APPROVED. IN ADDITION, THE CONTRACTOR AND/OR SURVEYOR SHALL PROVIDE TO SALT LAKE CITY PUBLIC UTILITIES CUT SHEETS FILLED OUT COMPLETELY AND CLEARLY SHOWING THE PERTINENT GRADES, ELEVATIONS AND CUT/FILLS ASSOCIATED WITH THE FIELD STAKING OF THE MAIN AND/OR FACILITY. THE CUT SHEET FORM IS AVAILABLE AT THE CONTRACTS AND AGREEMENTS OFFICE AT PUBLIC UTILITIES. ALL MAINS AND LATERALS NOT MEETING MINIMUM GRADE REQUIREMENTS AS SPECIFIED BY ORDINANCE OR AS REQUIRED TO MEET THE MINIMUM REQUIRED FLOWS OR AS APPROVED MUST BE REMOVED AND RECONSTRUCTED TO MEET DESIGN GRADE. THE CONTRACTOR SHALL PROTECT ALL STAKES AND MARKERS UNTIL PUBLIC UTILITY SURVEYORS COMPLETE FINAL MEASUREMENTS. THE CONTRACTOR WILL BE RESPONSIBLE FOR FURNISHING, MAINTAINING, OR RESTORING ALL MONUMENTS AND REFERENCE MARKS WITHIN THE PROJECT SITE. DEPENDING ON THE LOCATION OF THE PROJECT, CONTACT THE COUNTY SURVEYOR FOR SECTION CORNER MONUMENTS (801-418-2028) AND/OR THE SALT LAKE CITY SURVEYOR (801-535-7973) FOR SALT LAKE CITY MONUMENTS AND CONSTRUCTION REQUIREMENTS. ALL ELEVATIONS SHALL BE REFERENCED TO SALT LAKE CITY DATUM UNLESS NOTED OTHERWISE ON THE PLANS.

8.

ASPHALT GUARANTEE

THE CONTRACTOR SHALL REMOVE, DISPOSE OF, FURNISH AND PLACE PERMANENT ASPHALT PER SALT LAKE CITY ENGINEERING, UDOT, COUNTY, OR OTHER GOVERNMENT STANDARDS AS APPLICABLE TO THE PROJECT. THE CONTRACTOR SHALL GUARANTEE THE ASPHALT RESTORATION FOR A PERIOD AS REQUIRED BY THE GOVERNING ENTITY.

9.

TEMPORARY ASPHALT

IF THE CONTRACTOR CHOOSES TO WORK WITHIN THE PUBLIC WAY WHEN HOT MIX ASPHALT IS NOT AVAILABLE, THE CONTRACTOR MUST OBTAIN APPROVAL FROM THE APPROPRIATE GOVERNING ENTITY PRIOR TO INSTALLING TEMPORARY ASPHALT SURFACING MATERIAL. WITHIN SALT LAKE CITY, WHEN PERMANENT ASPHALT BECOMES AVAILABLE, THE CONTRACTOR SHALL REMOVE THE TEMPORARY ASPHALT, FURNISH AND INSTALL THE PERMANENT ASPHALT. THE CONTRACTOR SHALL GUARANTEE THE ASPHALT RESTORATION FOR A PERIOD AS REQUIRED BY THE GOVERNING ENTITY FROM THE DATE OF COMPLETION.

10.

SAFETY

THE CONTRACTOR IS RESPONSIBLE FOR ALL ASPECTS OF SAFETY OF THE PROJECT AND SHALL MEET ALL OSHA, STATE, COUNTY AND OTHER GOVERNING ENTITY REQUIREMENTS.

THE CONTRACTOR IS SOLELY RESPONSIBLE FOR CONFORMING TO LOCAL AND FEDERAL CODES GOVERNING SHORING AND BRACING OF EXCAVATIONS AND TRENCHES, AND FOR THE PROTECTION OF WORKERS.

11.

DUST CONTROL

THE CONTRACTOR IS RESPONSIBLE FOR DUST CONTROL ACCORDING TO THE GOVERNING ENTITY STANDARDS. USE OF HYDRANT WATER OR PUMPING FROM CITY-OWNED CANALS OR STORM DRAINAGE FACILITIES IS NOT ALLOWED FOR DUST CONTROL ACTIVITIES WITHOUT WRITTEN APPROVAL OF THE PUBLIC UTILITIES DIRECTOR.

12.

DEWATERING

ALL ON-SITE DEWATERING ACTIVITIES MUST BE APPROVED IN WRITING BY PUBLIC UTILITIES. PROPOSED OUTFALL LOCATIONS AND ESTIMATED FLOW VOLUME CALCULATIONS MUST BE SUBMITTED TO PUBLIC UTILITIES FOR REVIEW AND APPROVAL. ADEQUATE MEASURES MUST BE TAKEN TO REMOVE ALL SEDIMENT PRIOR TO DISCHARGE. PUBLIC UTILITIES MAY REQUIRE ADDITIONAL MEASURES FOR SEDIMENT CONTROL AND REMOVAL.

13.

PROJECT LIMITS

THE CONTRACTOR IS REQUIRED TO KEEP ALL CONSTRUCTION ACTIVITIES WITHIN THE APPROVED PROJECT LIMITS. THIS INCLUDES, BUT IS NOT LIMITED TO, VEHICLE AND EQUIPMENT STAGING, MATERIAL STORAGE AND LIMITS OF TRENCH EXCAVATION. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN PERMISSION AND/OR EASEMENTS FROM THE APPROPRIATE GOVERNING ENTITY AND/OR INDIVIDUAL PROPERTY OWNER(S) FOR WORK OR STAGING OUTSIDE OF THE PROJECT LIMITS.

14.

WATER, FIRE, SANITARY SEWER AND STORM DRAINAGE UTILITIES

A. INSPECTIONS

IT IS THE CONTRACTOR'S RESPONSIBILITY TO SCHEDULE ANY WATER, SEWER, BACKFLOW AND DRAINAGE INSPECTION 48-HOURS IN ADVANCE TO WHEN NEEDED. CONTACT 483-727 TO SCHEDULE INSPECTIONS.

B. DAMAGE TO EXISTING UTILITIES

THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY DAMAGE, CAUSED BY ANY CONDITION INCLUDING SETTLEMENT, TO EXISTING UTILITIES FROM WORK PERFORMED AT OR NEAR EXISTING UTILITIES. THE CONTRACTOR SHALL TAKE ALL MEASURES NECESSARY TO PROTECT ALL EXISTING PUBLIC AND PRIVATE ROADWAY AND UTILITY FACILITIES. DAMAGE TO EXISTING FACILITIES CAUSED BY THE CONTRACTOR, MUST BE REPAIRED BY THE CONTRACTOR AT HIS/HER EXPENSE, TO THE SATISFACTION OF THE OWNER OF SAID FACILITIES.

C. UTILITY LOCATIONS

CONTRACTOR WILL BE RESPONSIBLE FOR LOCATING AND AVOIDING ALL UTILITIES AND SERVICE LATERALS, AND FOR REPAIRING ALL DAMAGE THAT OCCURS TO THE UTILITIES DUE TO THE CONTRACTOR'S ACTIVITIES. CONTRACTOR IS TO VERIFY LOCATION, DEPTH, SIZE, MATERIAL AND OUTSIDE DIAMETERS OF UTILITIES IN THE FIELD BY POT-HOLING A MINIMUM OF 300-FEET AHEAD OF SCHEDULED CONSTRUCTION IN

ORDER TO IDENTIFY POTENTIAL CONFLICTS AND PROBLEMS WITH FUTURE CONSTRUCTION ACTIVITIES. EXISTING UTILITY INFORMATION OBTAINED FROM SLC PUBLIC UTILITIES MAPS MUST BE ASSUMED AS APPROXIMATE AND REQUIRED FIELD VERIFICATION. CONTACT BLUE STAKES OR APPROPRIATE OWNER FOR COMMUNICATION LINE LOCATIONS.

D. UTILITY RELOCATIONS

FOR UTILITY CONFLICTS REQUIRING MAINLINE RELOCATIONS, THE CONTRACTOR MUST NOTIFY THE APPLICABLE UTILITY COMPANY OR USER A MINIMUM OF 2-WEEKS IN ADVANCE. A ONE-WEEK MINIMUM NOTIFICATION IS REQUIRED FOR CONFLICTS REQUIRING THE RELOCATION OF SERVICE LATERALS. ALL RELOCATIONS ARE SUBJECT TO APPROVAL FROM THE APPLICABLE UTILITY COMPANY AND/OR USER.

E. FIELD CHANGES

NO ROADWAY, UTILITY ALIGNMENT OR GRADE CHANGES ARE ALLOWED FROM THE APPROVED CONSTRUCTION PLANS/DOCUMENTS WITHOUT WRITTEN APPROVAL FROM THE SLC PUBLIC UTILITIES DIRECTOR. CHANGES TO HYDRANT LOCATIONS AND/OR FIRE LINES MUST BE REVIEWED AND APPROVED BY THE SALT LAKE CITY OR SALT LAKE COUNTY FIRE DEPARTMENT (AS APPLICABLE TO THE PROJECT) AND PUBLIC UTILITIES.

F. PUBLIC NOTICE TO PROJECTS IN THE PUBLIC WAY

FOR APPROVED PROJECTS THE CONTRACTOR IS RESPONSIBLE TO PROVIDE AND DISTRIBUTE WRITTEN NOTICE TO ALL RESIDENTS LOCATED WITHIN THE PROJECT AREA AT LEAST 72-HOURS PRIOR TO CONSTRUCTION. WORK TO BE CONDUCTED WITHIN COMMERCIAL OR INDUSTRIAL AREAS MAY REQUIRE A LONGER NOTIFICATION PERIOD AND ADDITIONAL CONTRACTOR COORDINATION WITH PROPERTY OWNERS. THE WRITTEN NOTICE IS TO BE APPROVED BY THE SLC PUBLIC UTILITIES PROJECT ENGINEER.

G. PUBLIC NOTICE FOR WATER MAIN SHUT DOWNS

THROUGH THE SLC PUBLIC UTILITIES INSPECTOR AND WITH THE PUBLIC UTILITIES PROJECT ENGINEER APPROVAL, SLC PUBLIC UTILITIES MUST BE CONTACTED AND APPROVE ALL WATER MAIN SHUTDOWNS. ONCE APPROVED THE CONTRACTOR MUST NOTIFY ALL AFFECTED USERS BY WRITTEN NOTICE A MINIMUM OF 48-HOURS (RESIDENTIAL) AND 72-HOURS (COMMERCIAL/INDUSTRIAL) PRIOR TO THE WATER MAIN SHUT-DOWN. PUBLIC UTILITIES MAY REQUIRE LONGER NOTICE PERIODS.

H. WATER AND SEWER SEPARATION

IN ACCORDANCE WITH UTAH'S DEPARTMENT OF HEALTH REGULATIONS, A MINIMUM TEN-FOOT HORIZONTAL AND 1.5-FOOT VERTICAL (WITH WATER ON TOP) SEPARATION IS REQUIRED. IF THESE CONDITIONS CANNOT BE MET, STATE AND SLC PUBLIC UTILITIES APPROVAL IS REQUIRED. ADDITIONAL CONSTRUCTION MEASURES WILL BE REQUIRED FOR THESE CONDITIONS.

I. SALVAGE

ALL METERS MUST BE RETURNED TO PUBLIC UTILITIES, AND AT PUBLIC UTILITIES REQUEST ALL SALVAGED PIPE AND/OR FITTINGS MUST BE RETURNED TO SLC PUBLIC UTILITIES (483-727) LOCATED AT 1530 SOUTH WEST TEMPLE.

J. SEWER MAIN AND LATERAL CONSTRUCTION REQUIREMENTS

SLC PUBLIC UTILITIES MUST APPROVE ALL SEWER CONNECTIONS. ALL SEWER LATERALS 12-INCHES AND SMALLER MUST WYE INTO THE MAINS PER SLC PUBLIC UTILITIES REQUIREMENTS. ALL 8-INCH AND LARGER SEWER CONNECTIONS MUST BE PETITIONED FOR AT PUBLIC UTILITIES (483-727) AND CONNECTED AT A MANHOLE. INSIDE DROPS IN MANHOLES ARE NOT ALLOWED. A MINIMUM 4-FOOT BURY DEPTH IS REQUIRED ON ALL SEWER MAINS AND LATERALS. CONTRACTOR SHALL INSTALL INVERT COVERS IN ALL SEWER MANHOLES WITHIN THE PROJECT AREA.

K. WATER AND FIRE MAIN AND SERVICE CONSTRUCTION REQUIREMENTS

SLC PUBLIC UTILITIES MUST APPROVE ALL FIRE AND WATER SERVICE CONNECTIONS. A MINIMUM 3-FOOT SEPARATION IS REQUIRED BETWEEN ALL WATER AND FIRE SERVICE TAPS INTO THE MAIN. ALL CONNECTIONS MUST BE MADE MEETING SLC PUBLIC UTILITIES REQUIREMENTS. A 5-FOOT MINIMUM BURY DEPTH (FINAL GRADE TO TOP OF PIPE) IS REQUIRED ON ALL WATER/FIRE LINES UNLESS OTHERWISE APPROVED BY PUBLIC UTILITIES. WATER LINE THRUST BLOCK AND RESTRAINTS ARE AS PER SLC APPROVED DETAIL DRAWINGS AND SPECIFICATIONS. ALL EXPOSED NUTS AND BOLTS WILL BE COATED WITH CHEVRON FM1 GREASE PLUS MINIMUM 8 MIL THICKNESS PLASTIC. PROVIDE STAINLESS STEEL NUTS, BOLTS AND WASHERS FOR HIGH GROUNDWATER/ SATURATED CONDITIONS AT FLANGE FITTINGS, ETC.

ALL WATERLINES INSTALLATIONS AND TESTING TO BE IN ACCORDANCE WITH AWWA SECTIONS C:100, C:101, C:51, C:201, C:200, C:900, C:303 AWWA MANUAL M11 AND ALL OTHER APPLICABLE AWWA, UPWS, ASTM AND ANSI SPECIFICATIONS RELEVANT TO THE INSTALLATION AND COMPLETION OF THE PROJECT. AMENDMENT TO SECTION C:100 SECTION 4.1.1. DOCUMENT TO READ MINIMUM TEST PRESSURE SHALL NOT BE LESS THAN 200 P.S.I. GAUGED TO A HIGH POINT OF THE PIPELINE BEING TESTED. ALL MATERIALS USED FOR WATERWORKS PROJECTS TO BE RATED FOR 150 P.S.I. MINIMUM OPERATING PRESSURE.

CONTRACTOR TO PROVIDE AIR PRESSURE TESTING OF SEWER MAINS IN ACCORDANCE WITH PIPE MANUFACTURERS RECOMMENDATIONS AND SALT LAKE CITY PUBLIC UTILITIES REQUIREMENTS. ALL PVC SEWER MAIN AND LATERAL TESTING SHALL BE IN ACCORDANCE WITH UNI-BELL UN-B-98 RECOMMENDED PRACTICE FOR LOW PRESSURE AIR TESTING OF INSTALLED SEWER PIPE. CONTRACTOR SHALL PROVIDE SEWER LATERAL WATER TESTING AS REQUIRED BY THE SALT LAKE CITY PUBLIC UTILITIES PROJECT ENGINEER OR INSPECTOR. A MINIMUM OF 9-FEET OF HEAD PRESSURE IS REQUIRED AS MEASURED VERTICALLY FROM THE HIGH POINT OF THE PIPELINE AND AT OTHER LOCATIONS ALONG THE PIPELINE AS DETERMINED BY THE SLC PUBLIC UTILITIES PROJECT ENGINEER OR INSPECTOR. TESTING TIME WILL BE NO LESS THAN AS SPECIFIED FOR THE AIR TEST DURATION IN TABLE 12 OF UNI-B-98. ALL PIPES SUBJECT TO WATER TESTING SHALL BE FULLY VISIBLE TO THE INSPECTOR DURING TESTING. TESTING MUST BE PERFORMED IN THE PRESENCE OF A SLC PUBLIC UTILITIES REPRESENTATIVE. ALL VISIBLE LEAKAGE MUST BE REPAIRED TO THE SATISFACTION OF THE SLC PUBLIC UTILITIES ENGINEER OR INSPECTOR.

L. GENERAL WATER, SEWER AND STORM DRAIN REQUIREMENTS

ALL WATER, FIRE AND SEWER SERVICES STUBBED TO A PROPERTY MUST BE USED OR WATER AND FIRE SERVICES MUST BE KILLED AT THE MAIN AND SEWER LATERALS CAPPED AT THE SEWER MAIN PER PUBLIC UTILITIES REQUIREMENTS. ALLOWABLE SERVICES TO BE KEPT WILL BE AS DETERMINED BY THE PUBLIC UTILITIES PROJECT ENGINEER. ALL WATER AND FIRE SERVICE KILLS AND SEWER LATERAL CAPS ARE TO BE KILLED AND CAPPED AS DETERMINED AND VISUALLY VERIFIED BY THE ON-SITE PUBLIC UTILITIES INSPECTOR.

ALL MANHOLES, HYDRANTS, VALVES, CLEAN-OUT BOES, CATCH BASINS, METERS, ETC. MUST BE RAISED OR LOWERED TO FINAL GRADE PER PUBLIC UTILITIES STANDARDS AND INSPECTOR REQUIREMENTS. CONCRETE COLLARS MUST BE CONSTRUCTED ON ALL MANHOLES, CLEANOUT BOES, CATCH BASINS AND VALVES PER PUBLIC UTILITIES STANDARDS. ALL MANHOLE, CATCH BASIN, OR CLEANOUT BOE CONNECTIONS MUST BE MADE WITH THE PIPE CUT FLUSH WITH THE INSIDE OF THE BOE AND GROUTED OR SEALED AS REQUIRED BY THE PUBLIC UTILITIES INSPECTOR. ALL MANHOLE, CLEANOUT BOE OR CATCH BASIN DISCONNECTIONS MUST BE REPAIRED AND GROUTED AS REQUIRED BY THE ON-SITE PUBLIC UTILITIES INSPECTOR.

CONTRACTOR SHALL NOT ALLOW ANY GROUNDWATER OR DEBRIS TO ENTER THE NEW OR EXISTING PIPE DURING CONSTRUCTION. UTILITY TRENCHING, BACKFILL, AND PIPE ZONE AS PER SLC PUBLIC UTILITIES, "UTILITY INSTALLATION DETAIL."

M. STREETLIGHTS

ALL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE MOST CURRENT SALT LAKE CITY STANDARDS AND N.E.C. (NATIONAL ELECTRICAL CODE). A STREET LIGHTING PLAN SHOWING WIRING LOCATION, WIRING TYPE, VOLTAGE, POWER SOURCE LOCATION, CONDUIT SIZE AND LOCATION SHALL BE SUBMITTED TO SALT LAKE CITY AND BE APPROVED PRIOR TO CONSTRUCTION. NO DEVIATION OF STREETLIGHT, PULL BOXES, CONDUITS, AND ETC. LOCATIONS SHALL BE PERMITTED WITHOUT PRIOR WRITTEN APPROVAL FROM THE STREETLIGHT LIGHTING PROGRAM MANAGER OR HIS/HER REPRESENTATIVE.

STREETLIGHT POLES SHALL NOT BE INSTALLED WITHIN 5 FEET OF A FIRE HYDRANT. THE LOCATION SHALL BE SUCH THAT IT DOES NOT HINDER THE OPERATION OF THE FIRE HYDRANT AND WATER LINE OPERATION VALVES.

STREETLIGHTS AND STREETLIGHT POLES SHALL NOT BE INSTALLED WITHIN 5 FEET FROM ANY TREE, UNLESS WRITTEN APPROVAL IS RECEIVED FROM THE STREET LIGHTING PROGRAM MANAGER. BRANCHES MAY NEED TO BE PRUNED AS DETERMINED BY THE INSPECTOR IN THE FIELD AT THE TIME OF INSTALLATION.

STREETLIGHTS SHALL NOT BE INSTALLED WITHIN 5 FEET FROM THE EDGE OF ANY DRIVEWAY

ANTI-SEIZE LUBRICANT SHALL BE USED ON ALL COVER BOLTS AND GROUND BOLTS.

ALL EXISTING STREET LIGHTING SHALL REMAIN OPERATIONAL DURING CONSTRUCTION UNLESS APPROVED IN WRITING BY THE STREET LIGHTING PROGRAM MANAGER.

IF APPROVED PLANS REQUIRE REMOVAL OF STREETLIGHT POLES DURING CONSTRUCTION THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE POLES WHILE THEY ARE DOWN. THE POLES SHALL BE STORED IN A SECURE

PROFESSIONAL ENGINEER

12/13/18

No. 10360773

M. CHRIS POULSEN

STATE OF UTAH

BENCHMARK ENGINEERING & LAND SURVEYING

9138 SOUTH STATE STREET SUITE #100

SANDY, UTAH 84071 (801) 542-7192

www.benchmarkcivil.com

MEADOWS OF MILLCREEK

3437 SOUTH 1300 EAST

MILLCREEK, UTAH

PROJECT NO. 1810220

SALT LAKE CITY GENERAL NOTES

OGN.02 (SLC-P) 3 OF 11

DESIGNER	NO.	DATE	DESCRIPTION
SAM			
CHECKED BY	MCP		
FIELD CREW	SURVEY		
DATE	12/13/2018		
DWG. FILE	1810220 SITE		
0			
SCALE: MEASURES SHOWN ON FULL SIZE SHEETS ADJUST ACCORDANTLY FOR REDUCED SIZE SHEETS			

BENCHMARK ENGINEERING & LAND SURVEYING

9138 SOUTH STATE STREET SUITE #100

SANDY, UTAH 84071 (801) 542-7192

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BENCHMARK CIVIL

MEADOWS OF MILLCREEK

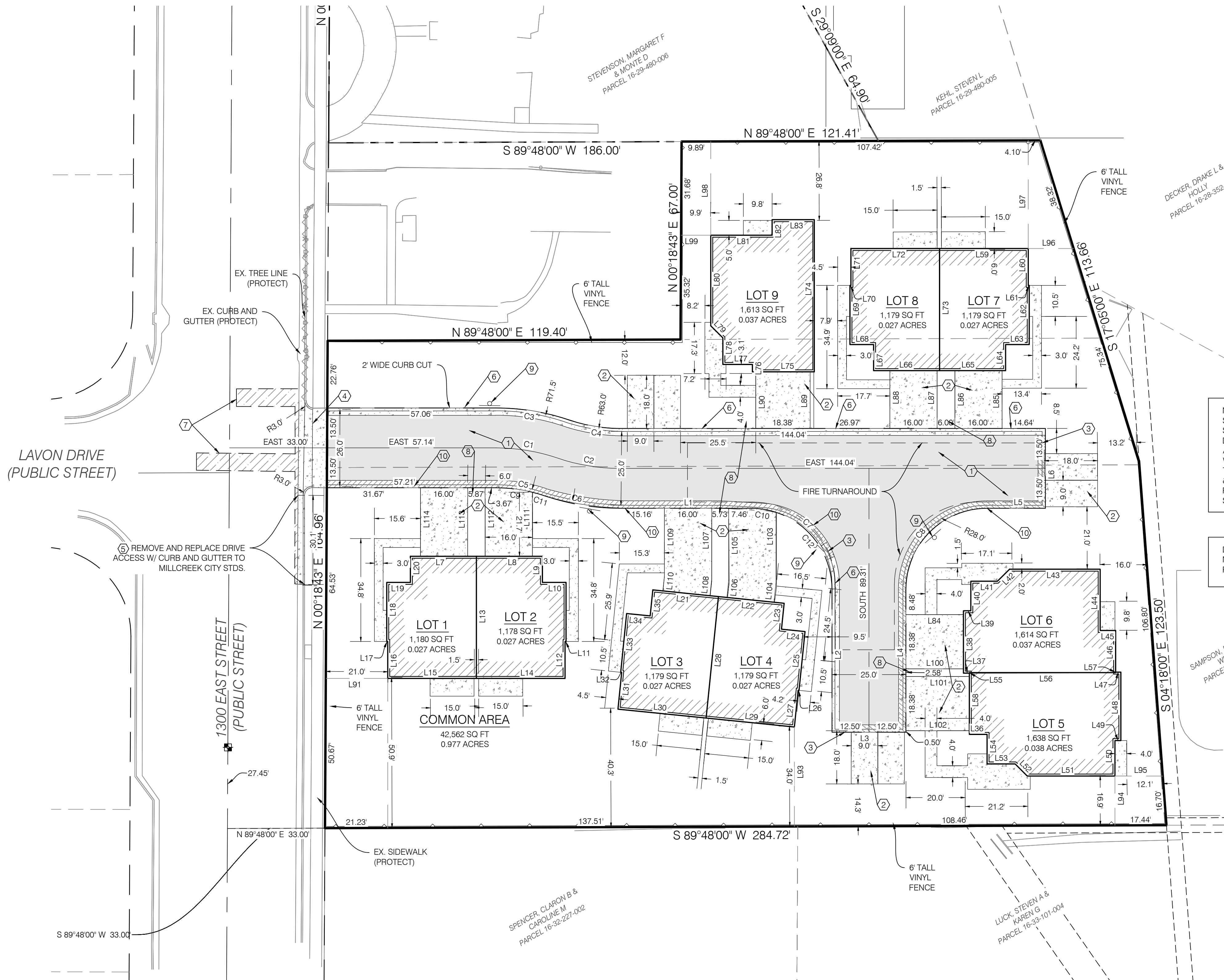
3437 SOUTH 1300 EAST

MILLCREEK, UTAH

PROJECT NO. 1810220

SALT LAKE CITY GENERAL NOTES

OGN.02 (SLC-P) 3 OF 11



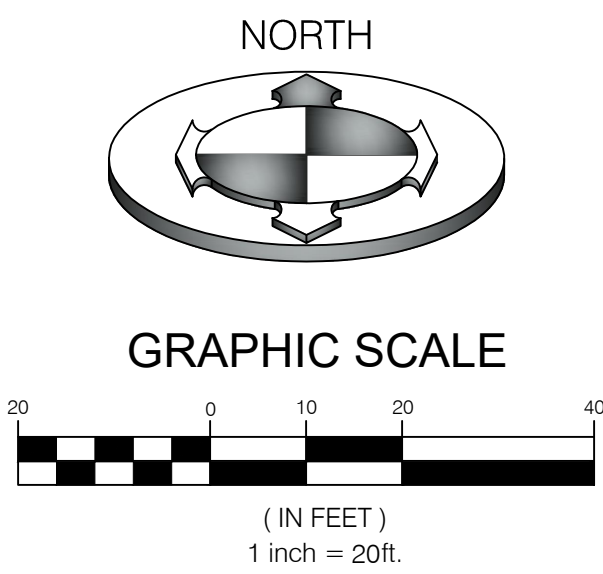
AREA TABLE		
PARTICULARS	S.F.	%
BUILDING	11,939	21.9
HARDSCAPE	14,352	26.3
LANDSCAPE	28,209	51.8
TOTAL	54,500	100

PARKING COUNT		
PARTICULARS	PROVIDED	
	STANDARD	GARAGE
PARKING STALLS	6	18
TOTAL	24	

NOTE:
ALL WORK WITHIN PUBLIC ROADS TO BE DONE IN STRICT ACCORDANCE WITH MILLCREEK CITY STANDARDS AND SPECIFICATIONS.

NOTE:
SLOPE ACROSS THE ACCESSIBLE PARKING STALLS & ACCESS ISLE SHALL NOT EXCEED A 1:48 (2.00%) SLOPE, THE MAX GRADE DIFFERENCE BETWEEN THE ASPHALT SURFACE, ACCESSIBLE RAMP, AND SIDEWALK SHALL NOT EXCEED 1/4 INCH VERTICAL OR 1/2 INCH WHEN BEVELED. THE ACCESSIBLE MEANS OF EGRESS INCLUDING THE DRIVEWAY PORTION SHALL NOT EXCEED A SLOPE OF 1:20 (5.0%) & A CROSS SLOPE OF 1:48 (2.0%). ALL EXTERIOR DOOR WAY ACCESS REQUIRE AN EXTERIOR LANDING 60 INCHES IN LENGTH WITH A SLOPE NOT EXCEEDING A 1:48 (2.0%) SLOPE

DUMPSTER NOTE:
NO DUMPSTER ENCLOSURE WILL BE CONSTRUCTED WITH THIS PROJECT. INDIVIDUAL TRASH RECEPTACLES SHALL BE USED.



CONSTRUCTION KEY NOTES REFERENCE		
NO	DESCRIPTION	DETAIL
①	ASPHALT PAVEMENT WITH GRANULAR BASE	1/CDT.01
②	CONCRETE PAVEMENT WITH GRANULAR BASE	1/CDT.01
③	TRANSITION CURB AND GUTTER	
④	DRIVE APPROACH PER MILLCREEK STD. 130	3/CDT.01
⑤	CONCRETE CURB AND GUTTER PER MILLCREEK STD. 140	2/CDT.01
⑥	MOUNTABLE CURB AND GUTTER PER APWA #205 TYPE 'D'	
⑦	SAWCUT AND REPLACE ASPHALT PER MILLCREEK STD. 240	4/CDT.01
⑧	PROPOSED MAILBOX	
⑨	FIRE LANE NO PARKING SIGN	
⑩	MOUNTABLE RELEASE CURB AND GUTTER	3/CDT.02

LINETYPES:

NEW	EXISTING	
		SECTION LINE
		PROPERTY LINE
		ADJACENT PL or LOT LINES
		RIGHT-OF-WAY LINE
		CENTERLINE of ROAD
		EASEMENT LINE
		CURB & GUTTER
		EDGE OF ASPHALT
		FENCE / WALL, STONE
		FENCE, BLOCK
		FENCE, BRICK
		FENCE, CHAIN
		FENCE, IRON
		FENCE, VINYL
		FENCE, WIRE
		FENCE, WOOD
		INDEX CONTOUR LINE
		INTERMEDIATE CONTOUR LINE
		SPOT ELEVATION
		STORM DRAIN LINE
		IRRIGATION LINE
		DRAINAGE / DITCH CENTERLINE
		PROPOSED ASPHALT
		PROPOSED CONCRETE

ABBREVIATIONS

CB CATCH BASIN
CF CUBIC FEET
EOA EDGE OF ASPHALT
EOC EDGE OF CONCRETE
EX EXISTING
FFE FINISH FLOOR ELEVATION
I.E. INVERT ELEVATION
LF LINEAR FEET
SD STORM DRAIN
SDMH STORM DRAIN MANHOLE
SF SQUARE FEET
TOC TOP OF CONCRETE

SYMBOLS:

NEW EXISTING

POWER POLE & OVERHEAD POWER
 LIGHT POLE
 GUY WIRE
 STORM DRAIN MANHOLE
 CATCH BASIN
 DIRECTION OF DRAINAGE
 IRRIGATION VALVE
 TREE

LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE		
LINE #	BEARING	DISTANCE	LINE #	BEARING	DISTANCE	LINE #	BEARING	DISTANCE	LINE #	BEARING	DISTANCE
L1	S 90°00'00" E	44.35'	L25	N 05°47'36" E	20.00'	L49	N 90°00'00" E	2.00'	L73	S 00°00'00" E	41.33'
L2	N 00°00'00" E	48.31'	L26	S 84°12'24" E	0.33'	L50	N 00°00'00" E	12.00'	L74	S 00°00'00" E	51.50'
L3	N 90°00'00" W	25.00'	L27	N 05°47'36" E	12.50'	L51	N 90°00'00" E	29.67'	L75	N 90°00'00" E	20.92'
L4	N 00°00'00" W	48.31'	L28	S 05°47'36" W	41.33'	L52	S 45°00'00" E	5.77'	L76	N 00°00'00" E	2.50'
L5	N 90°00'00" W	19.69'	L29	S 84°12'24" E	30.00'	L53	N 90°00'00" E	9.50'	L77	N 90°00'00" W	10.00'
L6	S 00°00'00" E	27.00'	L30	S 84°12'24" E	30.00'	L54	S 00°00'00" E	10.00'	L78	N 00°00'00" E	9.00'
L7	N 90°00'00" W	22.36'	L31	S 05°47'36" W	12.50'	L55	S 00°00'00" E	0.17'	L79	N 45°00'00" W	5.77'
L8	N 90°00'00" W	22.31'	L32	S 84°12'24" E	0.33'	L56	N 90°00'00" W	49.50'	L80	N 00°00'00" E	30.67'
L9	N 00°00'00" E	8.83'	L33	S 05°47'36" W	20.00'	L57	S 00°00'00" E	0.17'	L81	N 90°00'00" E	20.75'
L10	N 90°00'00" W	8.00'	L34	N 84°12'24" W	8.00'	L58	S 00°00'00" E	20.75'	L82	N 00°00'00" E	5.25'
L11	N 90°00'00" E	0.33'	L35	S 05°47'36" W	8.83'	L59	N 90°00'00" E	30.00'	L83	N 90°00'00" E	14.25'
L12	N 00°00'00" E	12.50'	L36	N 90°00'00" E	6.00'	L60	S 00°00'00" E	12.50'	L84	N 90°00'00" E	19.47'
L13	S 00°02'21" W	41.33'	L37	N 90°00'00" E	2.00'	L61	N 90°00'00" E	0.33'	L85	N 00°00'00" E	19.56'
L14	N 90°00'00" E	30.00'	L38	S 00°00'00" E	21.08'	L62	S 00°00'00" E	20.00'	L86	N 00°00'00" E	19.56'
L15	N 90°00'00" E	30.00'	L39	N 90°00'00" W	2.50'	L63	N 90°00'00" W	8.00'	L87	N 00°00'00" E	19.56'
L16	S 00°00'00" E	12.50'	L40	S 00°00'00" E	10.00'	L64	S 00°00'00" E	8.83'	L88	N 00°00'00" E	19.56'
L17	N 90°00'00" E	0.33'	L41	N 90°00'00" W	9.00'	L65	N 90°00'00" W	22.33'	L89	N 00°00'00" E	19.17'
L18	S 00°00'00" E	20.00'	L42	S 45°00'00" W	5.77'	L66	N 90°00'00" W	22.33'	L90	N 00°00'00" E	19.17'

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CH. DIST.
C1	21.31'	65.00'	18°47'19"	N 80°36'21" W	21.22'
C2	21.31'	65.00'	18°47'19"	S 80°36'21" E	21.22'
C3	25.74'	78.50'	18°47'19"	N 80°36'21" W	25.63'
C4	16.89'	51.50'	18°47'19"	S 80°36'21" E	16.81'
C5	16.89'	51.50'	18°47'19"	N 80°36'21" W	16.81'
C6	25.74'	78.50'	18°47'19"	S 80°36'21" E	25.63'
C7	43.20'	27.50'	90°00'00"	N 45°00'00" W	38.89'
C8	43.20'	27.50'	90°00'00"	S 45°00'00" W	38.89'
C9	12.45'	51.50'	13°50'53"	N 83°04'33" W	12.42'
C10	8.68'	27.50'	18°05'20"	N 80°57'20" W	8.65'
C11	4.44'	51.50'	4°56'26"	N 73°40'54" W	4.44'
C12	34.51'	27.50'	71°54'40"	N 35°57'20" W	32.29'

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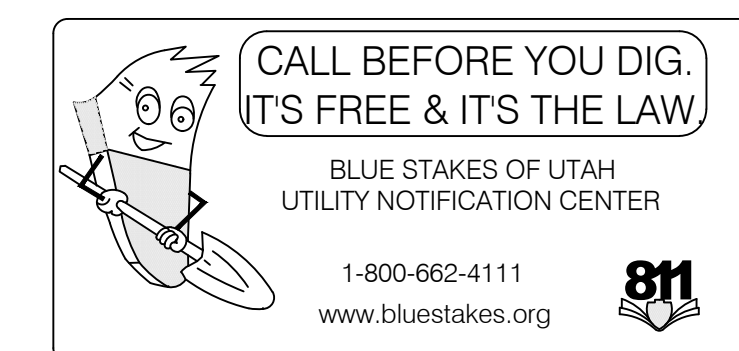
PROJECT NO.	1810220
SITE	PLAN
CSP.01	4 OF 11

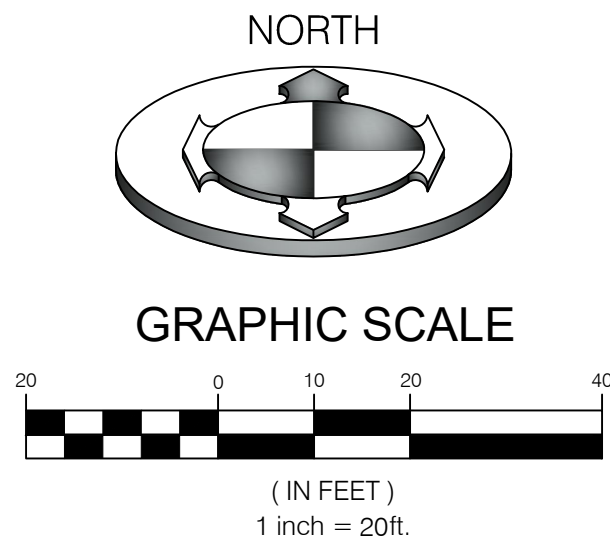
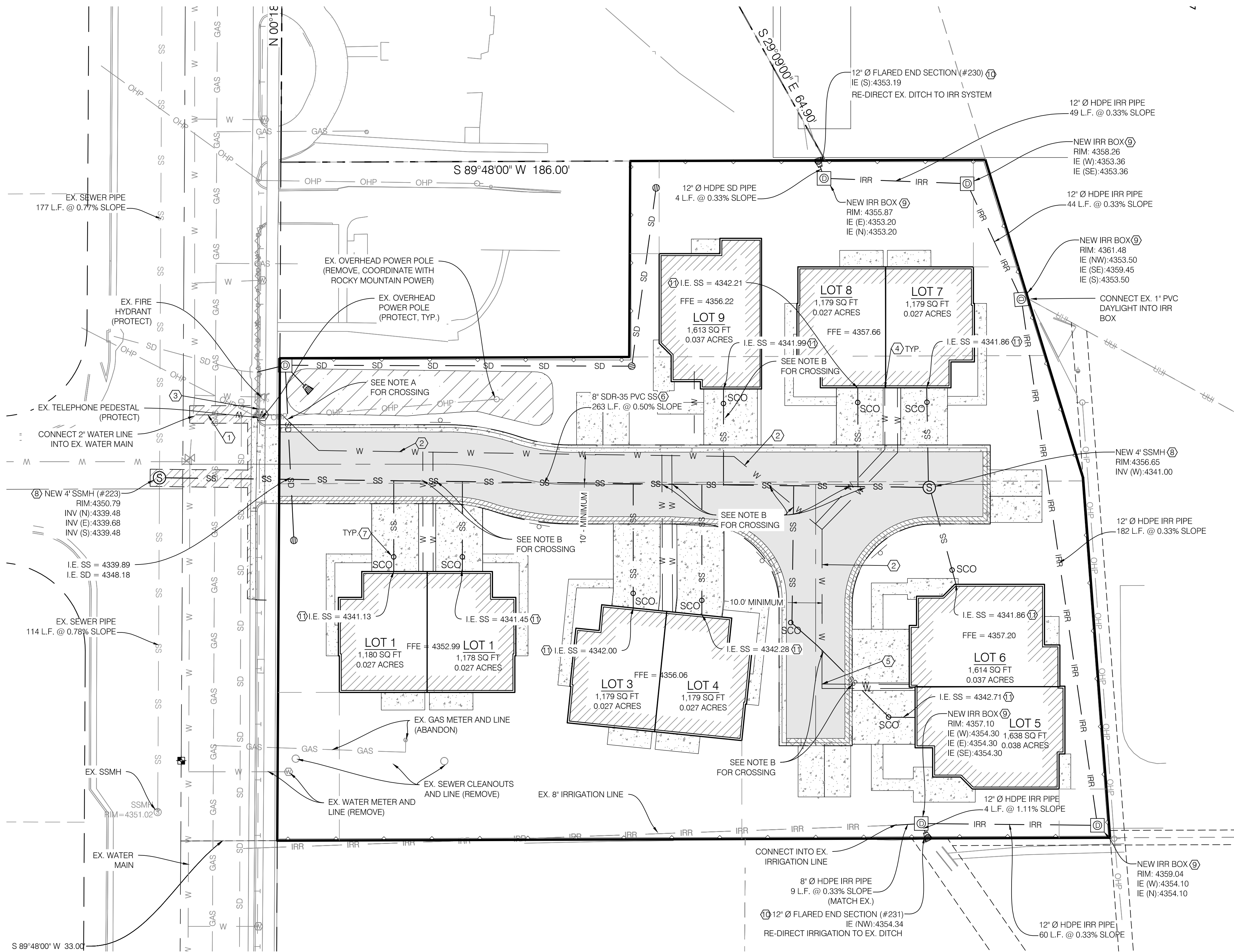
PROFESSIONAL ENGINEER
No. 10360773
M. CHRIS POULSEN
STATE OF UTAH

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LAND SURVEYING
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MEADOWS OF MILLCREEK
3437 SOUTH 1300 EAST
MILLCREEK, UTAH

PROJECT NO. 1810220
SITE PLAN
CSP.01 4 OF 11





CONSTRUCTION KEY NOTES REFERENCE		
NO.	DESCRIPTION	DETAIL
①	2" TYPE K WATER SERVICE LINE	
②	2" PVC WATER SERVICE LINE	
③	2" WATER METER & VAULT PER APWA #522	
④	1" POLY WATER SERVICE LINE	
⑤	2" X 1" X 1" TEE	
⑥	8" PVC SDR-35 SEWER LATERAL	
⑦	SEWER CLEAN OUT	
⑧	4" SSMH PER MOUNT OLYMPUS STANDARDS	
⑨	IRRIGATION CLEANOUT BOX	
⑩	12" Ø FLARED END SECTION	
⑪	4" PVC SEWER LATERAL (SLOPE @ MIN. 2.00%)	

LINETYPES:		
NEW	EXISTING	
		SECTION LINE
		PROPERTY LINE
		ADJACENT PL or LOT LINES
		RIGHT-OF-WAY LINE
		CENTERLINE of ROAD
		EASEMENT LINE
		CURB & GUTTER
		EDGE OF ASPHALT
		FENCE / WALL, STONE
		FENCE, BLOCK
		FENCE, BRICK
		FENCE, CHAIN
		FENCE, IRON
		FENCE, VINYL
		FENCE, WIRE
		FENCE, WOOD
		INDEX CONTOUR LINE
		INTERMEDIATE CONTOUR LINE
		SPOT ELEVATION
		STORM DRAIN LINE
		IRRIGATION LINE
		DRAINAGE / DITCH CENTERLINE
		PROPOSED ASPHALT
		PROPOSED CONCRETE

SYMBOLS:		
NEW	EXISTING	
		POWER POLE & OVERHEAD POWER
		LIGHT POLE
		GUY WIRE
		STORM DRAIN MANHOLE
		CATCH BASIN
		DIRECTION OF DRAINAGE
		IRRIGATION VALVE
		TREE

ABBREVIATIONS	
CB	CATCH BASIN
CF	CUBIC FEET
EOA	EDGE OF ASPHALT
EOC	EDGE OF CONCRETE
EX	EXISTING
FFE	FINISH FLOOR ELEVATION
I.E.	INVERT ELEVATION
LF	LINEAR FEET
SD	STORM DRAIN
SDMH	STORM DRAIN MANHOLE
SF	SQUARE FEET
TOC	TOP OF CONCRETE

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PROJECT NO.	1810220
UTILITY	PLAN
CUP.01	OF 11

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MEADOWS OF MILLCREEK

3437 SOUTH 1300 EAST
MILLCREEK, UTAH

PROFESSIONAL ENGINEER

12/13/18

No. 10360773

M. CHRIS
POULSEN

STATE OF UTAH

SCALE MEASURES SHOWN ON FULL SIZE SHEETS
ADJUST PROPORTIONALLY FOR REDUCED SIZE SHEETS

Area Identification (A)	Rational Coefficient (C)	C* A
Roof = 11,939	0.9	10745 S.F.
Walls = 14,352	0.9	12917 S.F.
Landscaping = 28,209	0.2	5642 S.F.
Sum: 54500 S.F.		Sum: 29304 S.F.

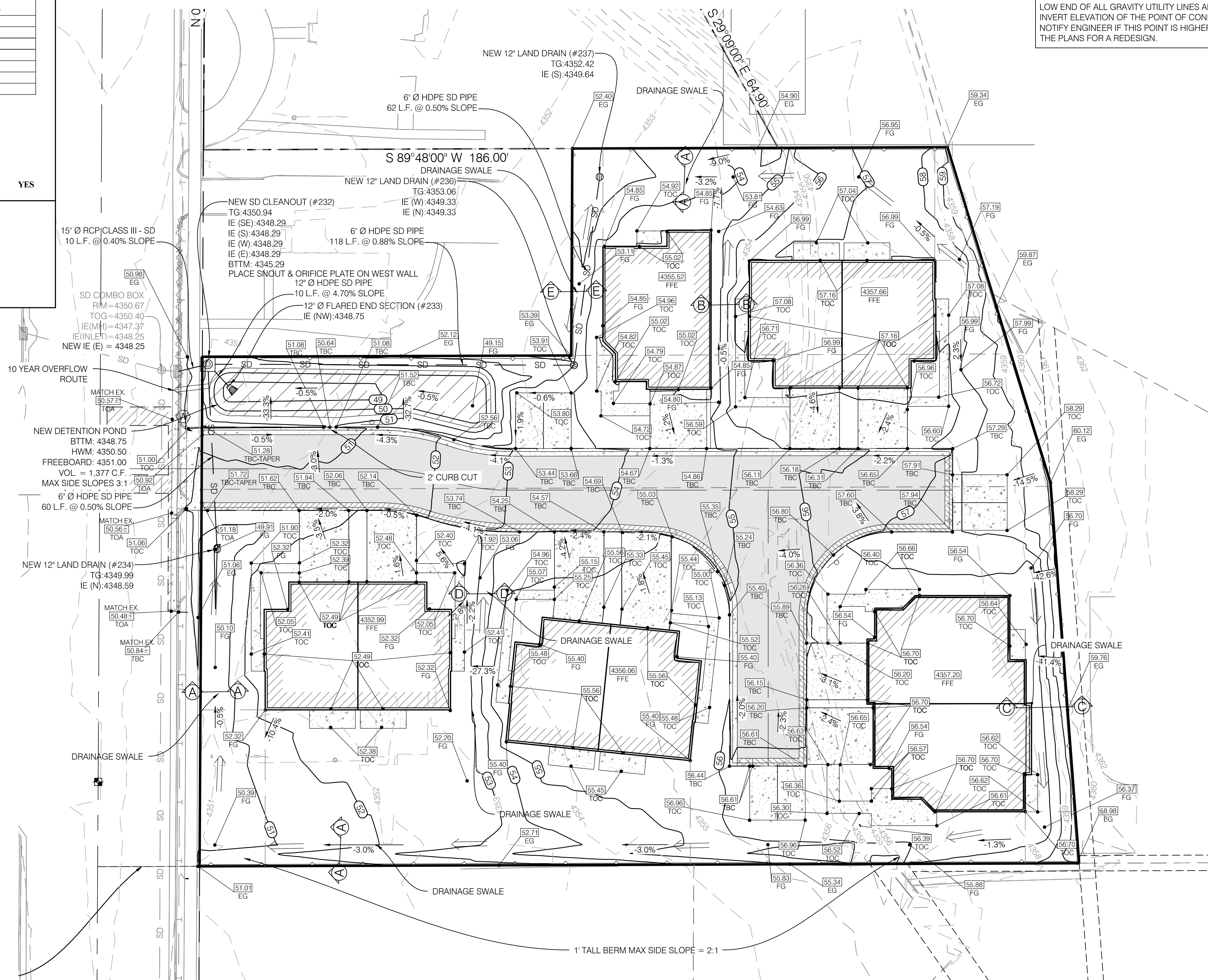
NOAA ATLAS 14 (10 YEAR STORM)				Allowable Discharge = 20cfs/acre	
Time	Intensity	Rainfall	Rainfall Excess	Allowed Discharge	Volume to Detain
(min)	(in/hr)	(inches)	(cu.ft.)	(cu.ft.)	(cu.ft.)
15	2.07	0.518	1264	225	1039
30	1.40	0.700	1709	450	1259
60	0.87	0.865	2112	901	1211
120	0.50	1.000	2442	1802	640
180	0.36	1.080	2637	2702	0
360	0.22	1.320	3223	5405	0
720	0.14	1.680	4103	10810	0

Pond 1 Civil 3D = 1,377 cfs

Is there adequate storage?	Storage Provided =	1,377 cf	
	Req. Storage =	1,259 cf	YES

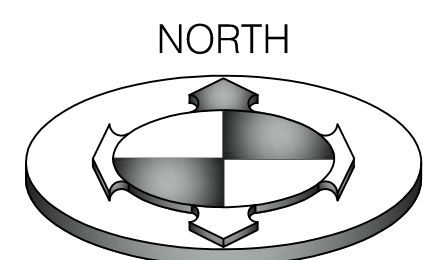
$$Q = C_d A_0 \sqrt{2gh}$$

Total acreage of development:	1.25 acres
Allowable discharge:	0.2 cfs/acre
Max head:	2.21 ft
Design diameter for new orifice:	2.5 inch

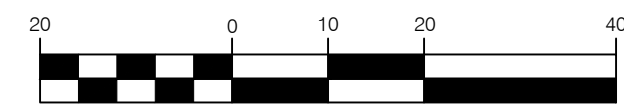


NOTE:
POTHOLE TO IDENTIFY ANY CONFLICTS BEFORE ANY PIPE
INSTALLATION. CONTACT ENGINEER IF ANY CONFLICTS ARE
IDENTIFIED.

NOTE:
PRIOR TO FABRICATION OR CONSTRUCTION, BEGIN AT THE
LOW END OF ALL GRAVITY UTILITY LINES AND VERIFY THE
INVERT ELEVATION OF THE POINT OF CONNECTION AND
NOTIFY ENGINEER IF THIS POINT IS HIGHER THAN SHOWN ON
THE PLANS FOR A REDESIGN.



GRAPHIC SCALE



GRADING AND DRAINAGE KEY NOTES REFERENCE		
NO.	DESCRIPTION	DETAIL
①	GRADE SITE TO ELEVATIONS SHOWN ON PLAN	
②	12" LAND DRAIN (NYLOPLAST OR APPROVED EQUAL)	
③	2.5" Ø ORIFICE PLATE	2/CDT.02
④	3'X3' CATCH BASIN	1/CDT.02
⑤	18" SNOUT	5/CDT.01








LINETYPES:

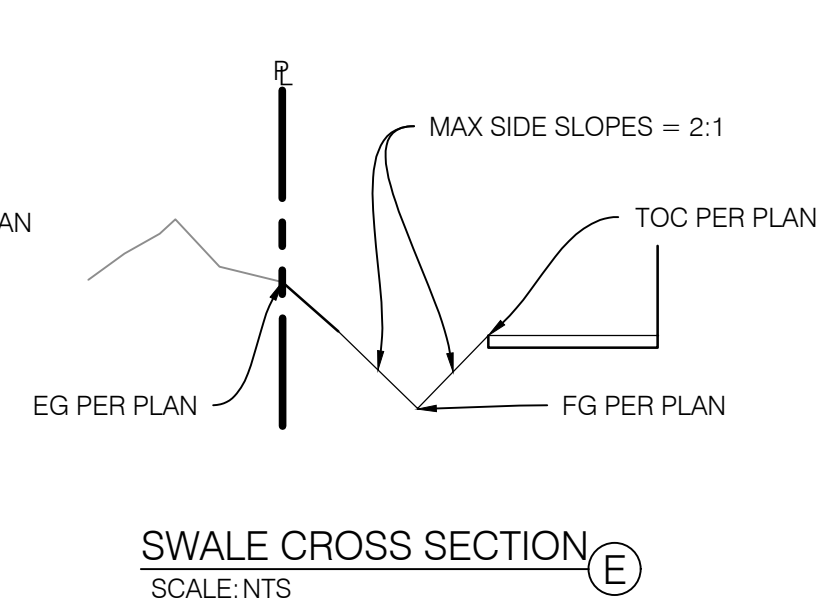
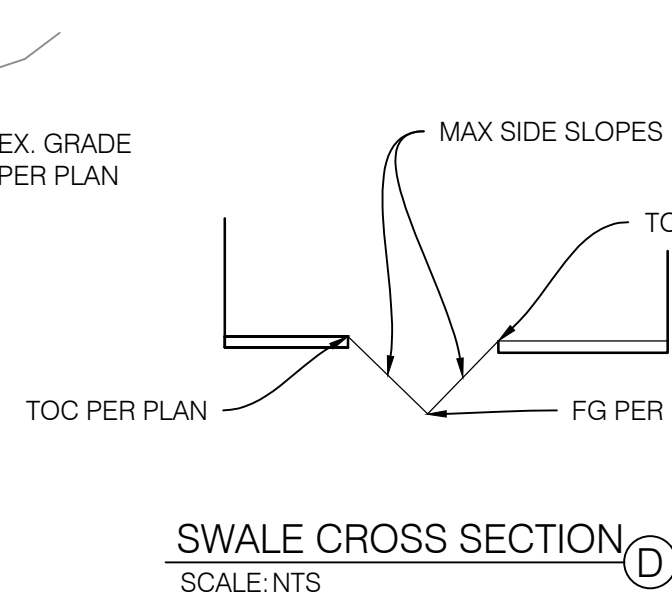
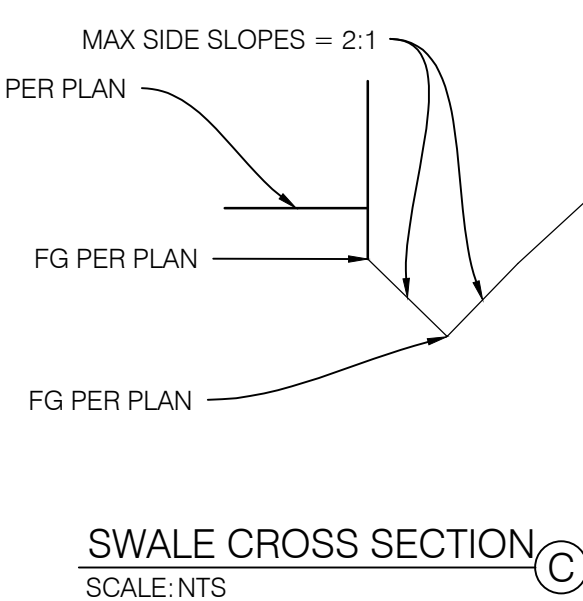
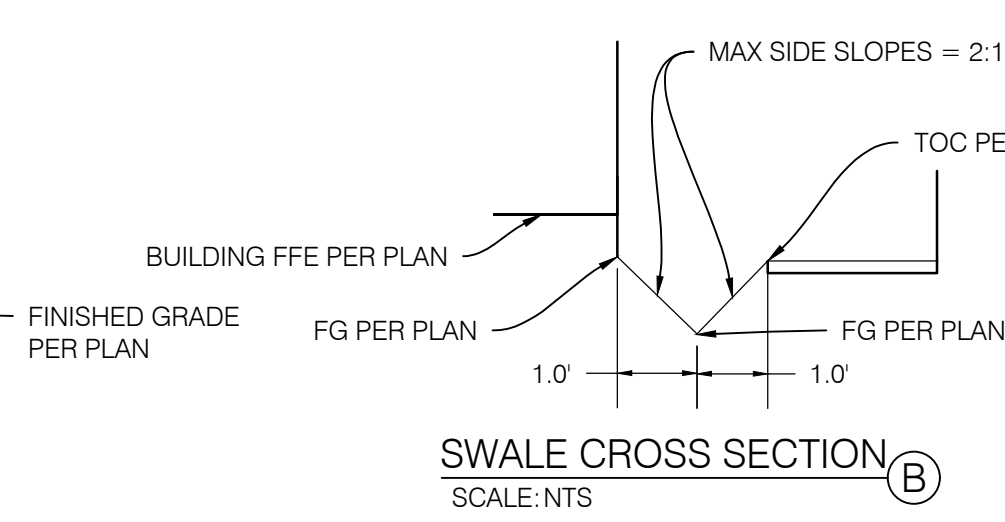
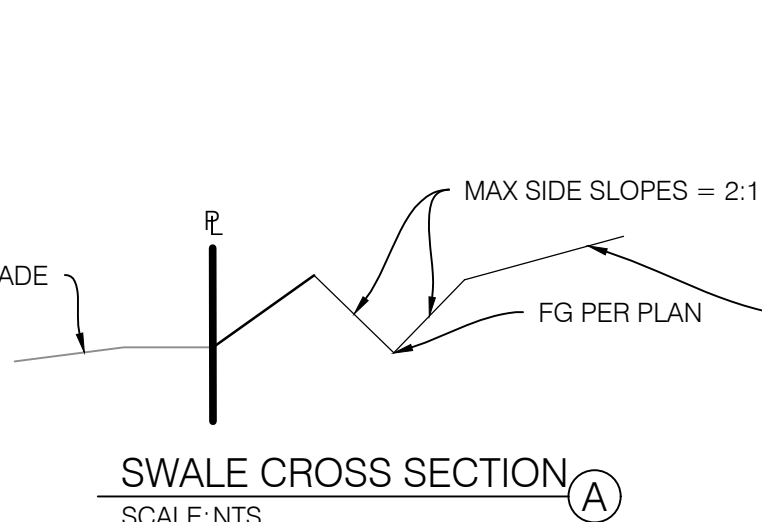
NEW	EXISTING	
		SECTION LINE
		PROPERTY LINE
		ADJACENT PL. or LOT LINES
		RIGHT-OF-WAY LINE
		CENTERLINE of ROAD
		EASEMENT LINE
		CURB & GUTTER
		EDGE OF ASPHALT
		FENCE / WALL, STONE
		FENCE, BLOCK
		FENCE, BRICK
		FENCE, CHAIN
		FENCE, IRON
		FENCE, VINYL
		FENCE, WIRE
		FENCE, WOOD
		INDEX CONTOUR LINE
		INTERMEDIATE CONTOUR LINE
		SPOT ELEVATION
		STORM DRAIN LINE
		IRRIGATION LINE
		DRAINAGE / DITCH CENTERLINE
		PROPOSED ASPHALT
		PROPOSED CONCRETE

ABBREVIATIONS

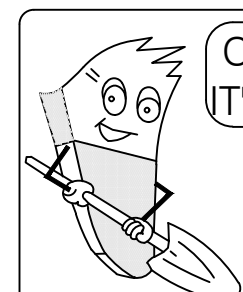
CB	CATCH BASIN
CF	CUBIC FEET
EOA	EDGE OF ASPHALT
EOC	EDGE OF CONCRETE
EX	EXISTING
FFE	FINISH FLOOR ELEVATION
I.E.	INVERT ELEVATION
LF	LINEAR FEET
SD	STORM DRAIN
SDMH	STORM DRAIN MANHOLE
SF	SQUARE FEET
TOC	TOP OF CONCRETE

SYMBOLS:

<u>NEW</u>	<u>EXISTING</u>
	POWER POLE & OVERHEAD POWER
	LIGHT POLE
	GUY WIRE
	STORM DRAIN MAN-HOLE
	CATCH BASIN
	DIRECTION OF DRAINAGE
	IRRIGATION VALVE
	TREE



BENCHMARK:
MONUMENT AT 3440 SOUTH STREET AND 1300 EAST STREET
SALT LAKE COUNTY MONUMENT POINT NAME 16322001
EL. = 4350.44 FEET
DATUM = NAVD88 (AS PROVIDED BY SALT LAKE COUNTY
TIE SHEETS)



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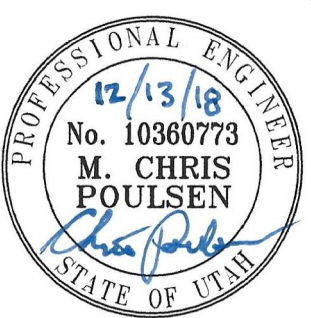
BENCHMARK ENGINEERING & LAND SURVEYING

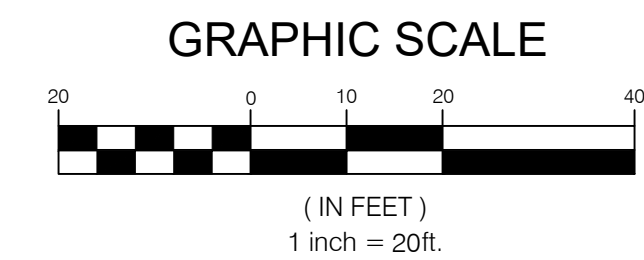
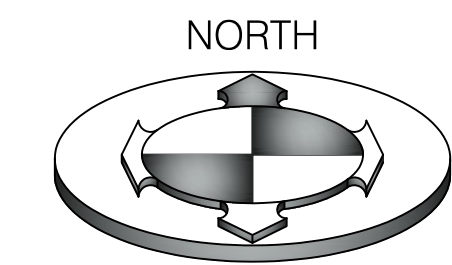
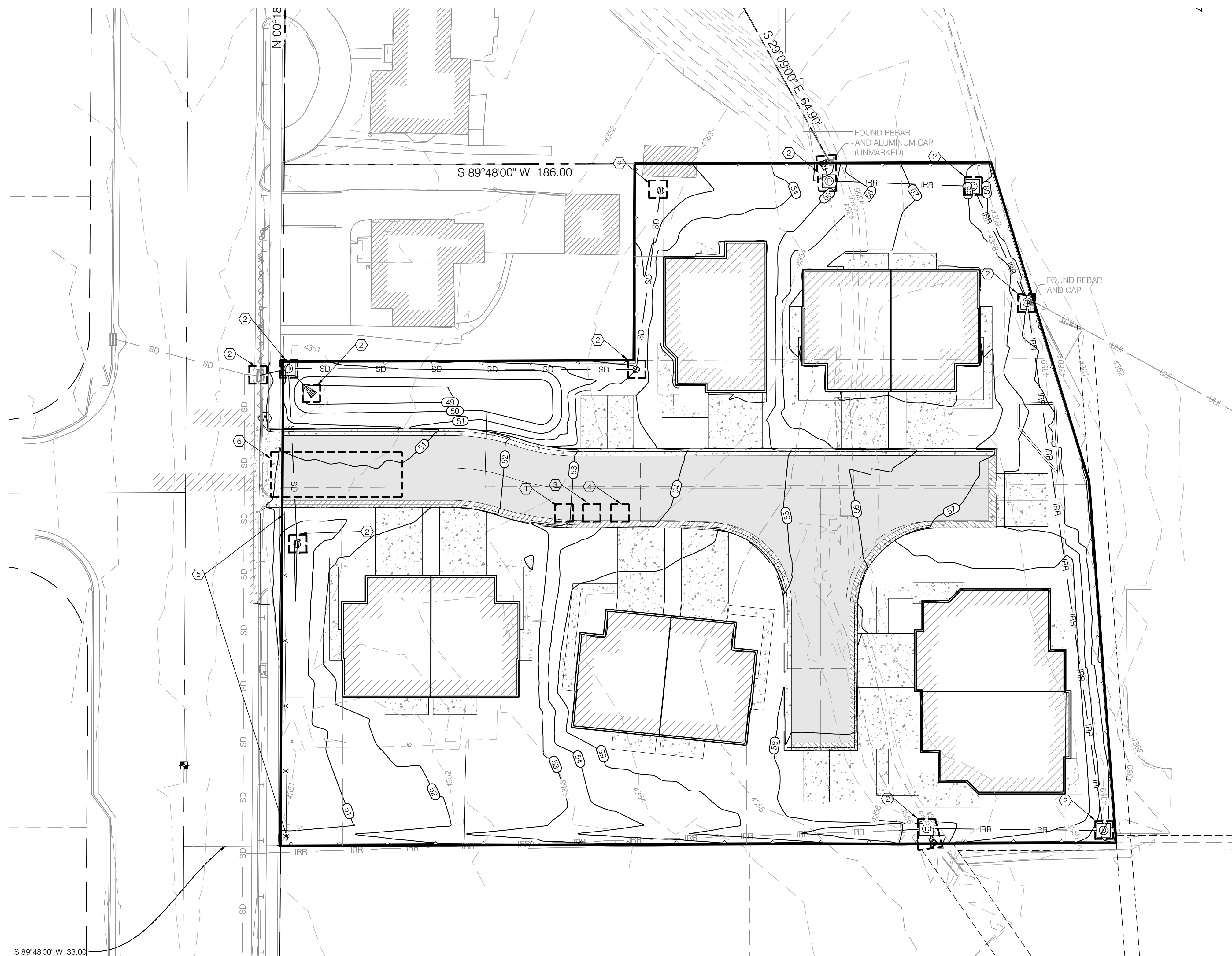


MEADOWS OF MILLCREEK

3437 SOUTH 1300 EAST
MILLCREEK, UTAH









GRADING & DRAINAGE PLAN


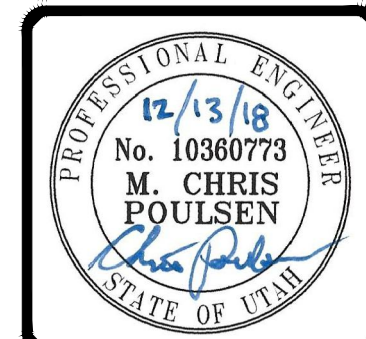
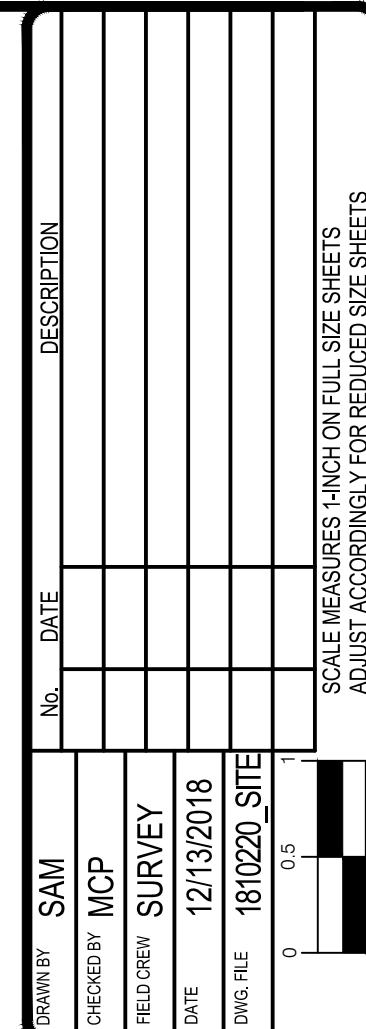
CGD.01
7 OF 11[illegible]



SWPPP KEY NOTES REFERENCE		
PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED AND THE DETAILS NOTED AND AS SHOWN ON THE CONSTRUCTION DRAWINGS.		
NO.	DESCRIPTION	DETAIL
①	CONCRETE WASTE MANAGEMENT	1/CEP.02
②	SEDIMENT BARRIER	2/CEP.02
③	MATERIALS STORAGE	3/CEP.02
④	PORTABLE TOILETS	4/CEP.02
⑤	SILT FENCE	6/CEP.02
⑥	TEMPORARY CONSTRUCTION ENTRANCE	7/CEP.02

LINETYPES:		
NEW	EXISTING	
		SECTION LINE
		PROPERTY LINE
		ADJACENT PL. or LOT LINE
		RIGHT-OF-WAY LINE
		CENTERLINE of ROAD
		EASEMENT LINE
		CURB & GUTTER
		EDGE OF ASPHALT
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		FENCE, WIRE
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		SPOT ELEVATION
		STORM DRAIN LINE
		IRRIGATION LINE
		DRAINAGE / DITCH CENTERLINE
		PROPOSED ASPHALT
		PROPOSED CONCRETE

ABBREVIATIONS		SYMBOLS:	
		NEW	EXISTING
CB	CATCH BASIN		POWER POLE & OVERHEAD POWER
CF	CUBIC FEET		LIGHT POLE
EOA	EDGE OF ASPHALT		GULLY WIRE
EOC	EDGE OF CONCRETE		STORM DRAIN MANHOLE
EX	EXISTING		CATCH BASIN
FFE	FINISH FLOOR ELEVATION		DIRECTION OF DRAINAGE
I.E.	INVERT ELEVATION		IRRIGATION VALVE
LF	LINEAR FEET		TREE
SD	STORM DRAIN		
SDMH	STORM DRAIN MANHOLE		
SF	SQUARE FEET		
TOC	TOP OF CONCRETE		



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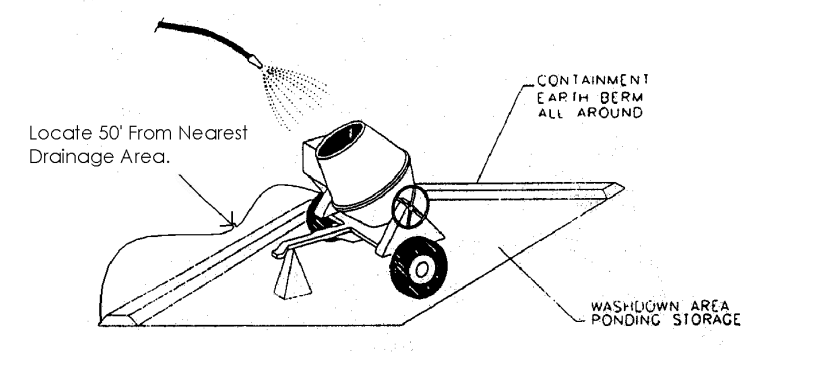
MEADOWS OF MILLCREEK	3437 SOUTH 1300 EAST MILLCREEK, UTAH
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PROJECT NO. 1810220

**EROSION
CONTROL
PLAN**

CEP.01
8 OF 11

BMP: Concrete Waste Management



Locate 50' From Nearest Drainage Area.

CONTAINMENT CAP IN BERM ALL AROUND

WASHOUT AREA PONDING STORAGE

DESCRIPTION:
Prevent or reduce the discharge of pollutants to storm water from concrete waste by conducting washout off-site, performing on-site washout in a designated area, and training employees and subcontractors.

APPLICATIONS:
This technique is applicable to all types of sites.

INSTALLATION/APPLICATION CRITERIA:

- Store dry and wet materials under cover, away from drainage areas.
- Avoid mixing excess amounts of fresh concrete or cement on-site.
- Perform washout of concrete trucks off-site or in designated areas only.
- Do not wash out concrete trucks into storm drains, open ditches, streets, or streams.
- Do not allow excess concrete to be dumped on-site, except in designated areas.
- When washing concrete to remove fine particles and expose the aggregate, avoid creating runoff by draining the water within a bermed or level area. (See Earth Berm Barrier Information Sheet.)
- Train employees and subcontractors in proper concrete waste management.

LIMITATIONS:

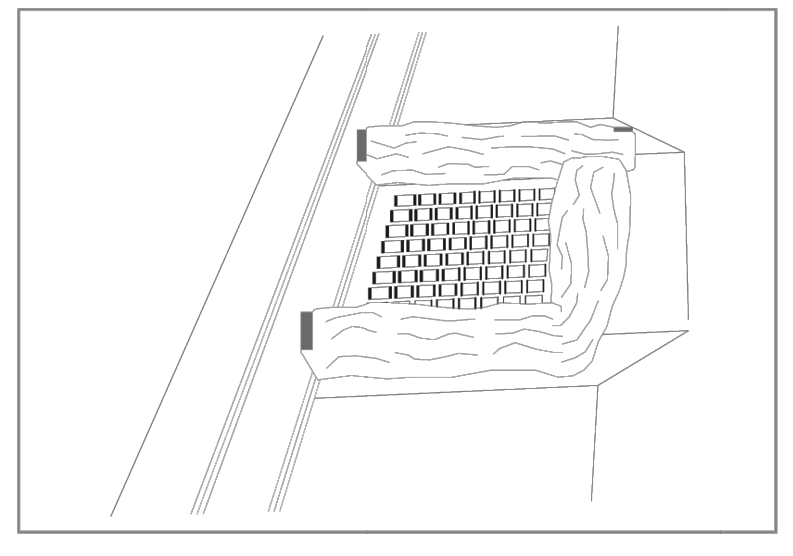
- Off-site washout of concrete wastes may not always be possible.

MAINTENANCE:

- Inspect subcontractors to ensure that concrete wastes are being properly managed.
- If using a temporary pit, dispose hardened concrete on a regular basis.

BMP: Inlet Protection – Wattle

IP-W
CONSTRUCTION



DESCRIPTION:
Sediment barrier erected around storm drain inlet.

APPLICATION:
Construct at storm drainage inlets located down-gradient of areas to be disturbed by construction.

INSTALLATION/APPLICATION CRITERIA:

- ◆ Provide up-gradient sediment controls, such as silt fence during construction of inlet
- ◆ When construction of curb and gutter and roadways is complete, install gravel filled wattles around perimeter of inlet

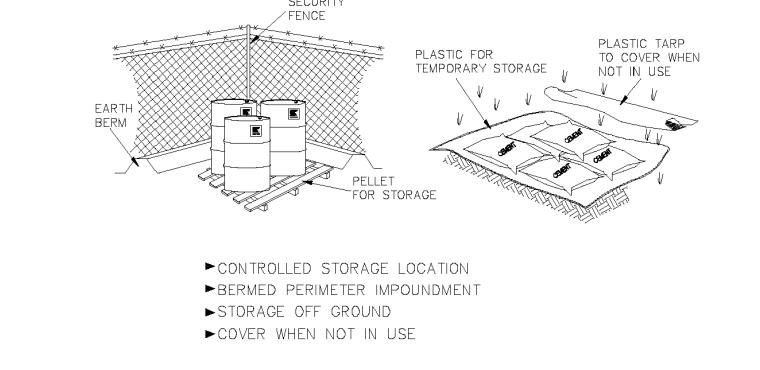
LIMITATIONS:

- ◆ Recommended maximum contributing drainage area of one acre
- ◆ Requires shallow slopes adjacent to inlet

MAINTENANCE:

- ◆ Inspect inlet protection following storm event and at a minimum of once every 14 days.
- ◆ Remove accumulated sediment when it reaches 4 inches in depth.
- ◆ Look for bypassing or undercutting and repair or realign as needed.

BMP: Materials Storage



SECURITY FENCE

EARTH BERM

PLASTIC FOR TURNWAY STORAGE

PLASTIC TARP TO COVER WHEN NOT IN USE

INLET FOR STORAGE

CONTROLLED STORAGE LOCATION

BERMED PERIMETER IMPOUNDMENT

STORAGE OFF GROUND

COVER WHEN NOT IN USE

DESCRIPTION:
Controlled storage of on-site materials.

APPLICATION:

- Storage of hazardous, toxic, and all chemical substances.
- Any construction site with outside storage of materials.

INSTALLATION/APPLICATION CRITERIA:

- Designate a secured area with limited access as the storage location. Ensure no waterways or drainage paths are nearby.
- Construct compacted earthen berm (See Earth Berm Barrier Information Sheet), or similar perimeter containment around storage location for impoundment in the case of spills.
- Ensure all on-site personnel utilize designated storage area. Do not store excessive amounts of material that will not be utilized on site.
- For active use of materials away from the storage area ensure materials are not set directly on the ground and are covered when not in use. Protect storm drainage during use.

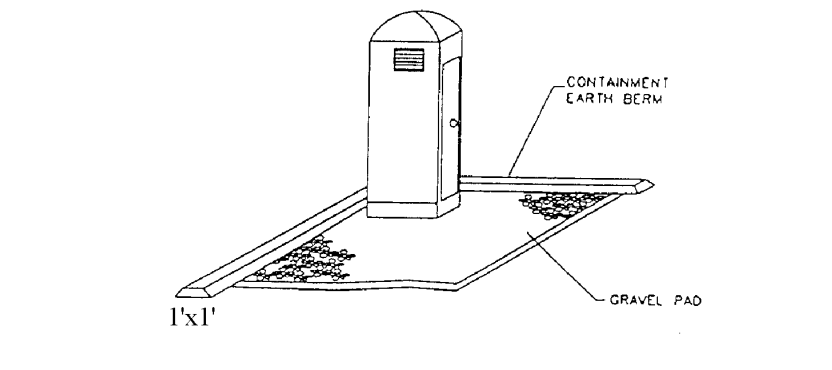
LIMITATIONS:

- Does not prevent contamination due to mishandling of products.
- Spill Prevention and Response Plan still required.
- Only effective if materials are actively stored in controlled location.

MAINTENANCE:

- Inspect daily and repair any damage to perimeter impoundment or security fencing.
- Check materials are being correctly stored (i.e. standing upright, in labeled containers, tightly capped) and that no materials are being stored away from the designated location.

BMP: Portable Toilets



CONTAINMENT CAP IN BERM

GRAVEL PAD

DESCRIPTION:
Temporary on-site sanitary facilities for construction personnel.

APPLICATION:
All sites with no permanent sanitary facilities or where permanent facility is too far from activities.

INSTALLATION/APPLICATION CRITERIA:


- Locate portable toilets in convenient locations throughout the site.
- Prepare level, gravel surface and provide clear access to the toilets for servicing and for on-site personnel.
- Construct earth berm perimeter (See Earth Berm Barrier Information Sheet), control for spill/protection leak.

LIMITATIONS:
No limitations.

MAINTENANCE:

- Portable toilets should be maintained in good working order by licensed service with daily observation for leak detection.
- Regular waste collection should be arranged with licensed service.
- All waste should be deposited in sanitary sewer system for treatment with appropriate agency approval.

BMP: Spill Clean-Up



DESCRIPTION:
Practices to clean-up leakage/spillage of on-site materials that may be harmful to receiving waters.

APPLICATION:
All sites

GENERAL:

- Store controlled materials within a storage area.
- Educate personnel on prevention and clean-up techniques.
- Designate an Emergency Coordinator responsible for employing preventative practices and for providing spill response.
- Maintain a supply of clean-up equipment on-site and post a list of local response agencies with phone numbers.

METHODS:

- Clean-up spills/leaks immediately and remediate cause.
- Use as little water as possible; NEVER HOSE DOWN OR BURY SPILL CONTAMINATED MATERIAL.
- Use rags or absorbent material for clean-up. Excavate contaminated soils.
- Dispose of clean-up material and soil as hazardous waste.
- Document all spills with date, location, substance, volume, actions taken and other pertinent data.
- Contact local Fire Department and State Division of Environmental Response and Remediation (Phone #536-4100) for any spill of reportable quantity.

CONCRETE WASTE MANAGEMENT 1

SCALE: NTS

INLET PROTECTION WATTLE 2

SCALE: NTS

MATERIALS STORAGE 3

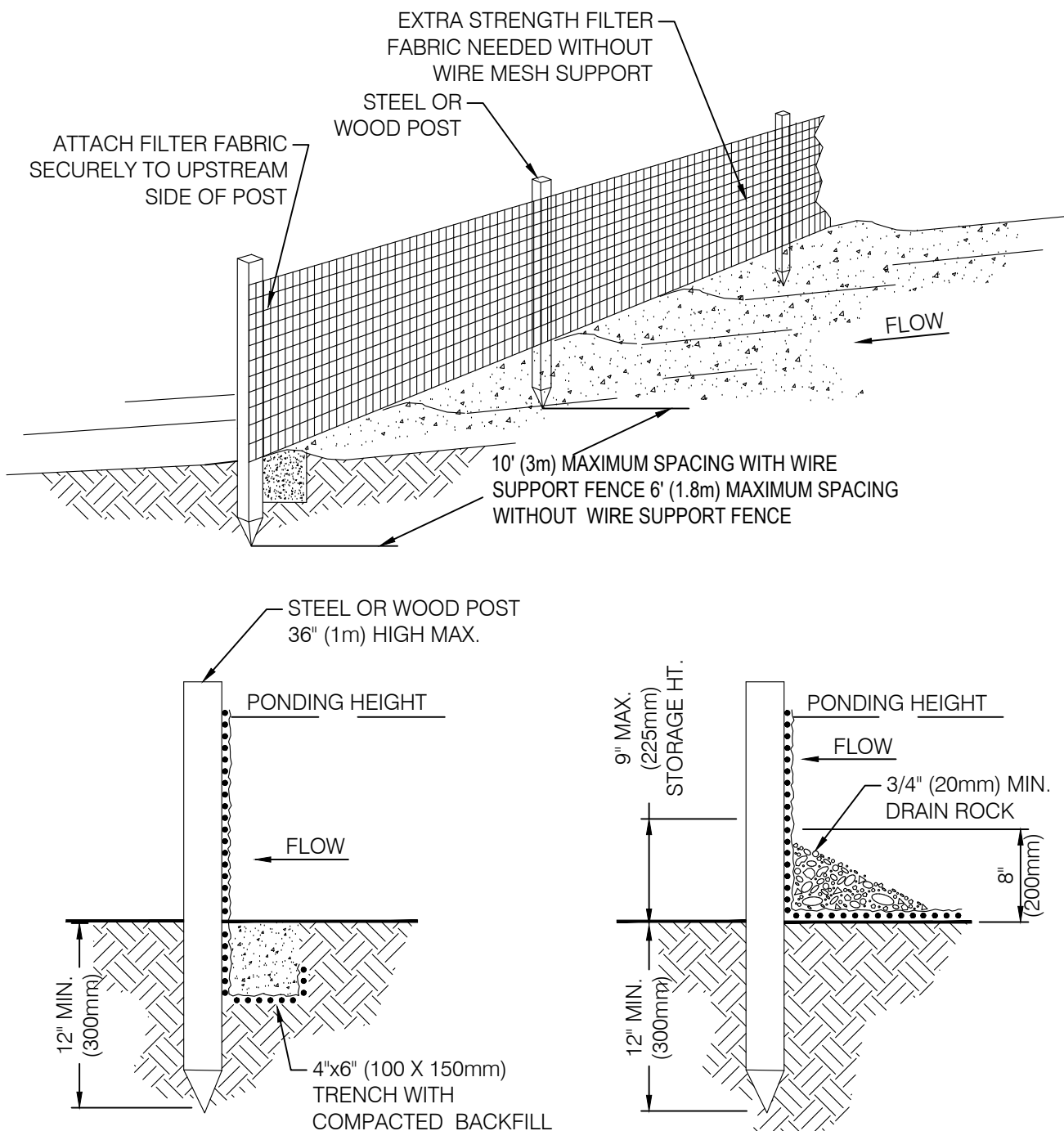
SCALE: NTS

PORTABLE TOILETS 4

SCALE: NTS

SPILL CLEAN UP 5

SCALE: NTS



TRENCH DETAIL

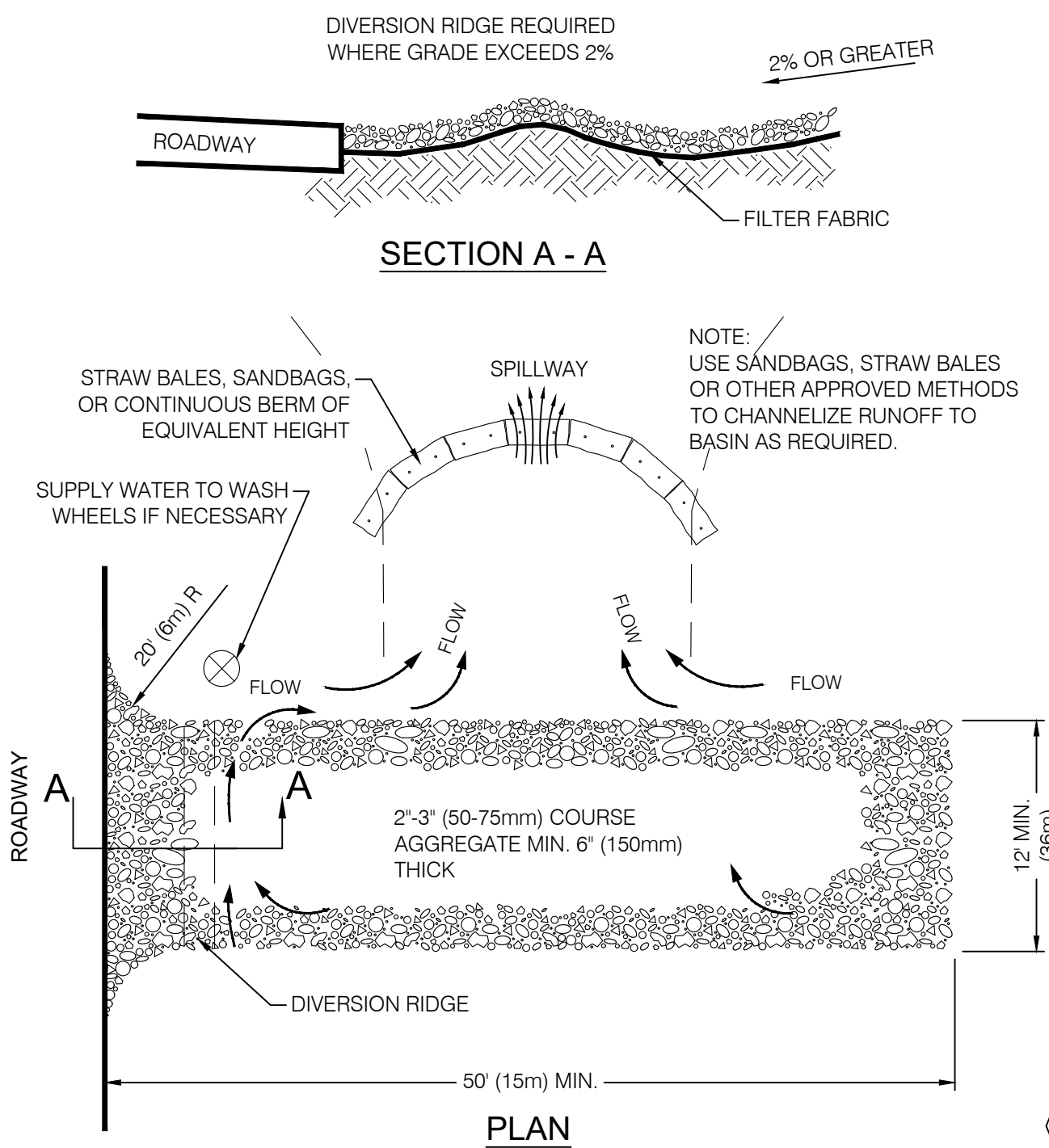
NOTES:

1. SILT FENCE SHALL BE PLACED ON SLOPE CONTOURS TO MAXIMIZE PONDING EFFICIENCY.
2. INSPECT AND REPAIR FENCE AFTER EACH STORM EVENT AND REMOVE SEDIMENT WHEN NECESSARY. 9" (225mm) MAXIMUM RECOMMENDED STORAGE HEIGHT.
3. REMOVED SEDIMENT SHALL BE DEPOSITED TO AN AREA THAT WILL NOT CONTRIBUTE SEDIMENT OFF-SITE AND CAN BE PERMANENTLY STABILIZED.

INSTALLATION WITHOUT TRENCHING

NOT TO SCALE

REF. FROM 1994 JOHN McCULLAH



NOTES:

1. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAYS. THIS MAY REQUIRE TOP DRESSING, REPAIR AND/OR CLEAN OUT OF ANY MEASURES USED TO TRAP SEDIMENT.
2. WHEN NECESSARY, WHEELS SHALL BE CLEANED PRIOR TO ENTRANCE ONTO PUBLIC RIGHT-OF-WAY.
3. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH CRUSHED STONE THAT DRAINS INTO AN APPROVED SEDIMENT TRAP OR SEDIMENT BASIN.

REF. FROM 1994 JOHN McCULLAH

TEMPORARY GRAVEL CONSTRUCTION ENTRANCE/EXIT 7

SCALE: NTS

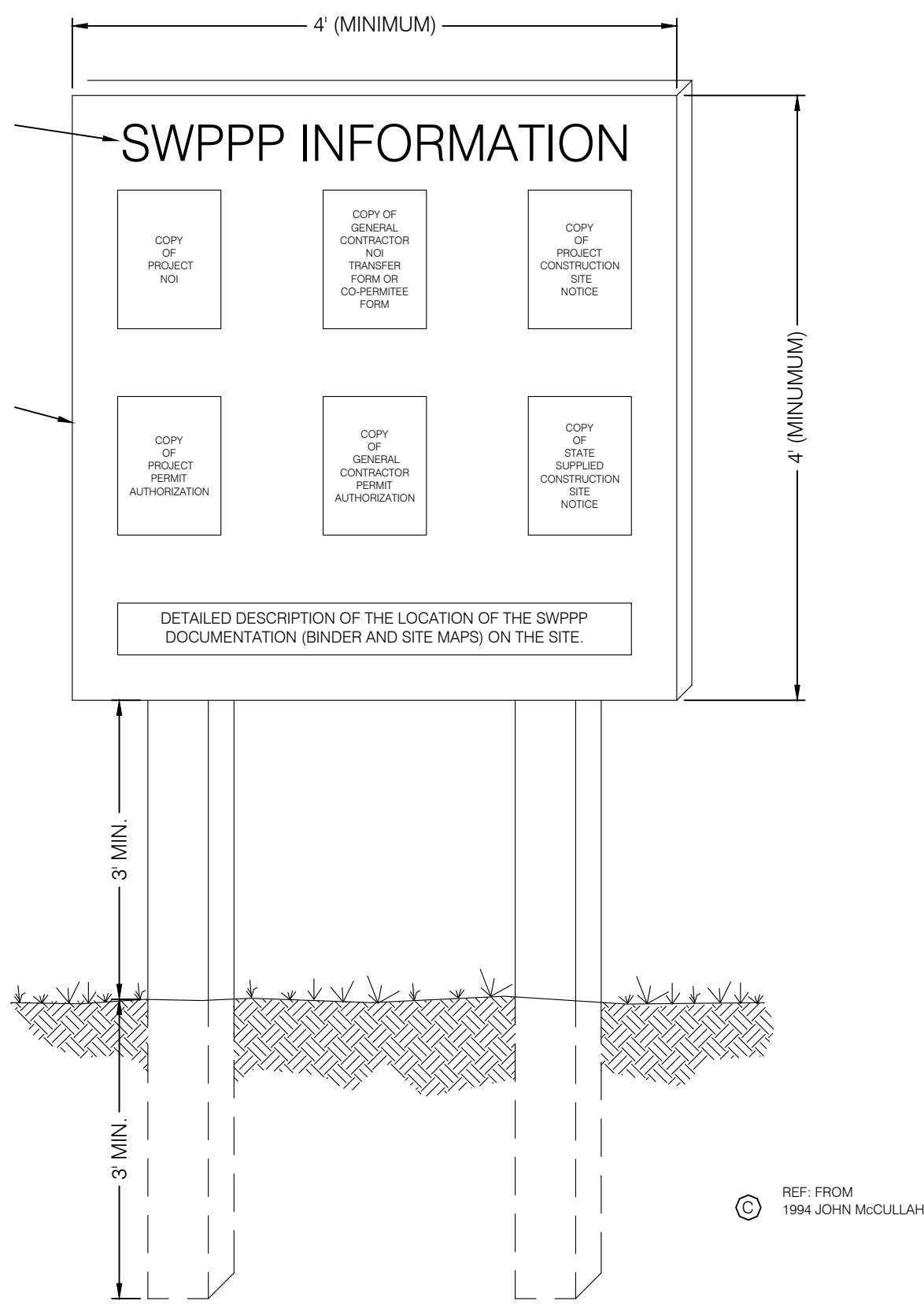


"SWPPP INFORMATION" MUST BE DISPLAYED PROMINENTLY ACROSS THE TOP OF THE SIGN, AS SHOWN IN THE DETAIL.

SIGN TO BE CONSTRUCTED OF A RIGID MATERIAL, SUCH AS PLYWOOD OR OUTDOOR SIGN BOARD. SIGN MUST BE CONSTRUCTED IN A MANNER TO PROTECT DOCUMENTS FROM DAMAGE DUE TO WEATHER (WIND, SUN, MOISTURE, ETC.)

NOTES:

- 1) THE SWPPP INFORMATION SIGN MUST BE LOCATED NEAR THE CONSTRUCTION EXIT OF THE SITE, SUCH THAT IT IS ACCESSIBLE AND VIEWABLE BY THE GENERAL PUBLIC, BUT NOT OBSTRUCTING VIEWS AS TO CAUSE A SAFETY HAZARD.
- 2) ALL POSTED DOCUMENTS MUST BE MAINTAINED IN A CLEARLY READABLE CONDITION AT ALL TIMES THROUGHOUT CONSTRUCTION AND UNTIL THE NOTICE TO TERMINATION (NOT) IS FILED FOR THE PERMIT.
- 3) CONTRACTOR SHALL POST OTHER STORM WATER AND/OR EROSION AND SEDIMENT CONTROL RELATED PERMITS ON THE SIGN AS REQUIRED BY THE GOVERNING AGENCY.
- 4) SIGN SHALL BE LOCATED OUTSIDE OF PUBLIC RIGHT-OF-WAY AND EASEMENTS UNLESS APPROVED BY THE GOVERNING AGENCY.
- 5) CONTRACTOR IS RESPONSIBLE FOR ENSURING STABILITY IF THE SWPPP INFORMATION SIGN.



SWPPP INFORMATION SIGN 8

SCALE: NTS

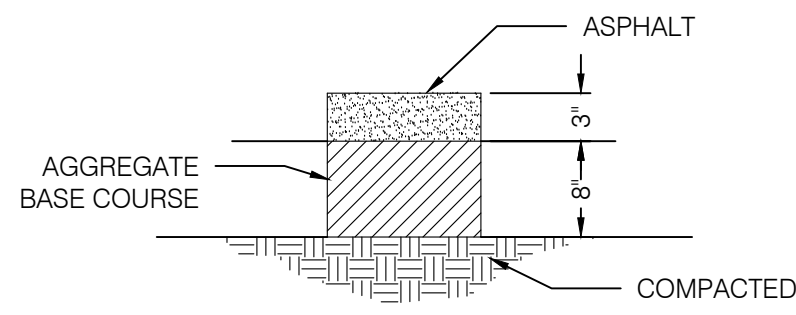
PROFESSIONAL ENGINEER
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M. CHRIS POULSEN
STATE OF UTAH

BENCHMARK
ENGINEERING & LAND SURVEYING
9138 SOUTH STATE STREET SUITE #100
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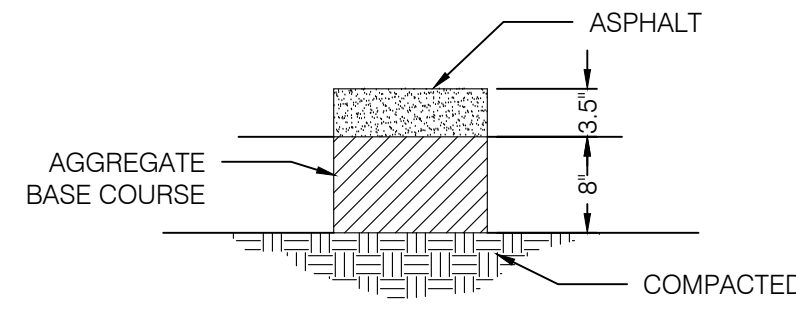
MEADOWS OF MILLCREEK
3437 SOUTH 1300 EAST
MILLCREEK, UTAH

PROJECT NO. 1810220

EROSION CONTROL DETAILS
CEP.02
9 OF 11



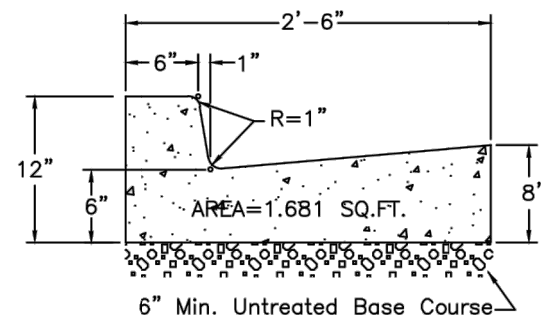
PARKING AREAS PAVEMENT



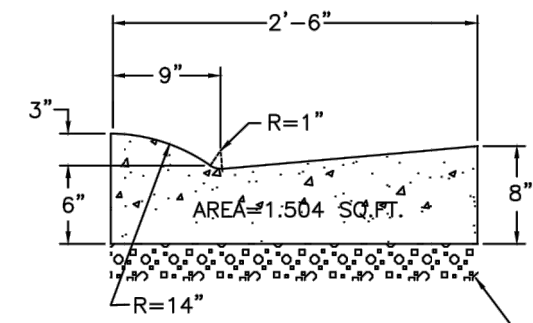
DRIVE AREAS PAVEMENT

NOTE:
1. FOR REINFORCEMENT DESIGN OF PCC PAVEMENT SECTIONS SEE STRUCTURAL ENGINEER
2. FOR DOWEL DESIGN OF PCC PAVEMENT SECTIONS SEE GEOTECHNICAL ENGINEER.
3. SUBGRADE PREPARATION & PAVEMENT SHALL CONFORM WITH GEOTECHNICAL REPORT PREPARED BY GSH GEOTECHNICAL, INC. ON NOV. 13, 2015

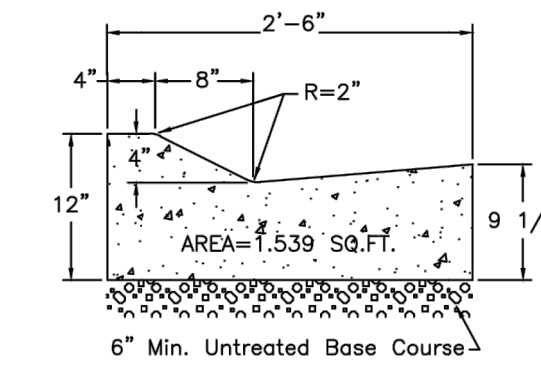
PAVEMENT SECTIONS ①
SCALE: NTS



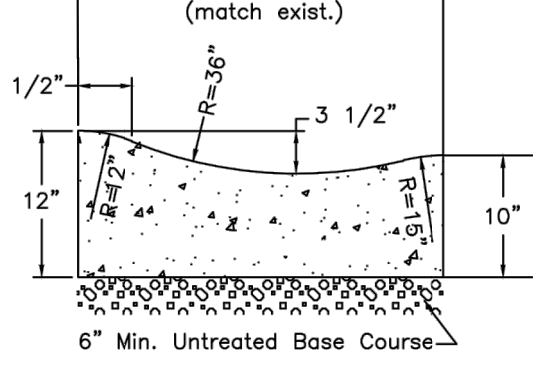
NO. 1 CURB AND GUTTER



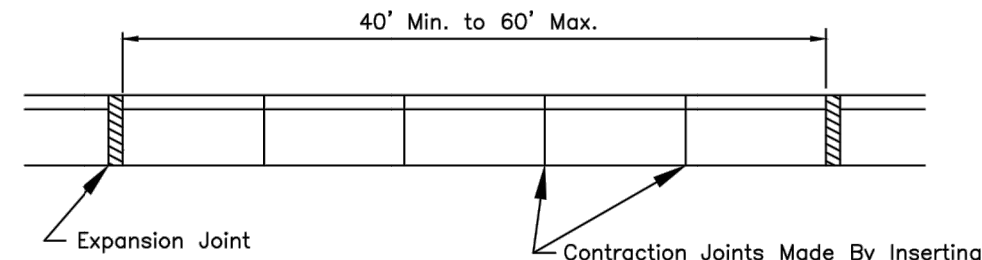
NO. 2 CURB AND GUTTER



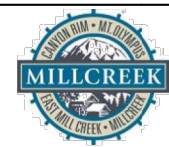
NO. 3 CURB AND GUTTER



NO. 4 CURB AND GUTTER
(ROLL GUTTER REPLACEMENT ONLY)



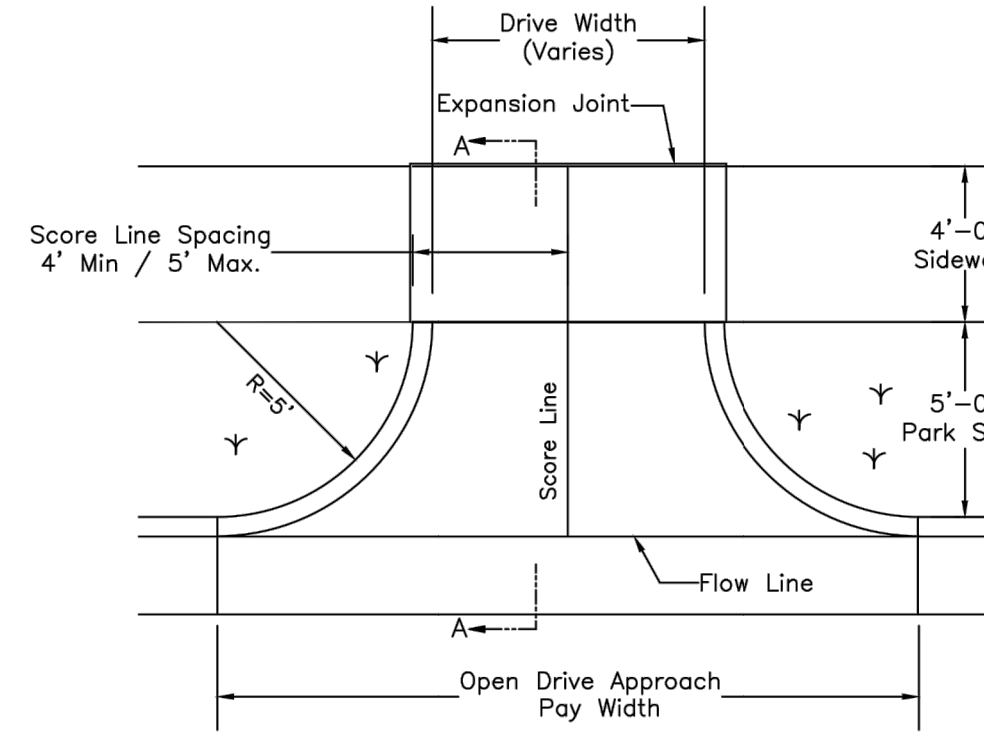
CURB AND GUTTER JOINT DETAIL



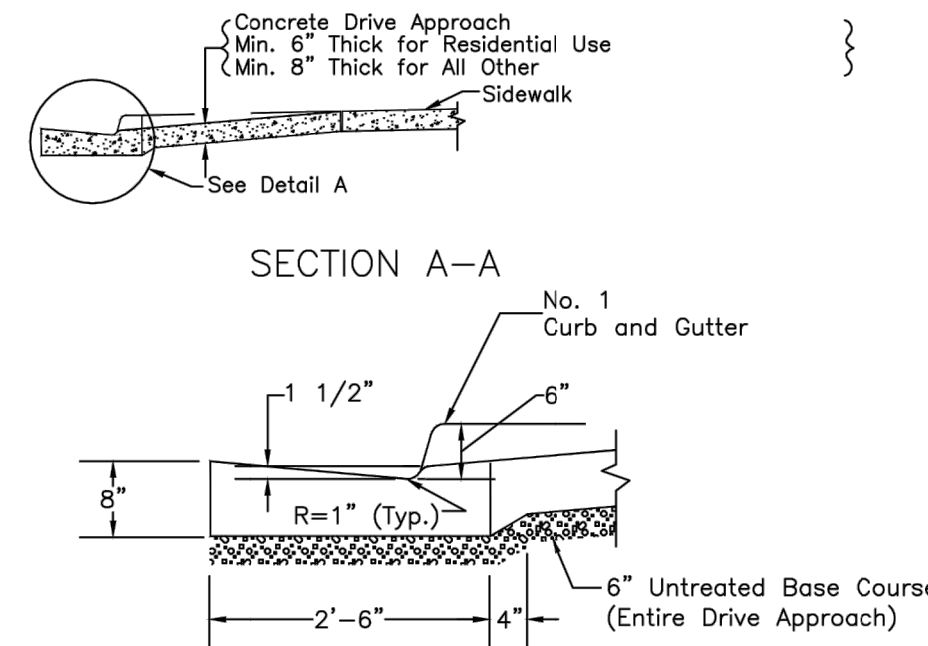
CURB AND GUTTER

STANDARD PLAN
140
SHEET 2 OF 2

CURB AND GUTTER ②
SCALE: NTS



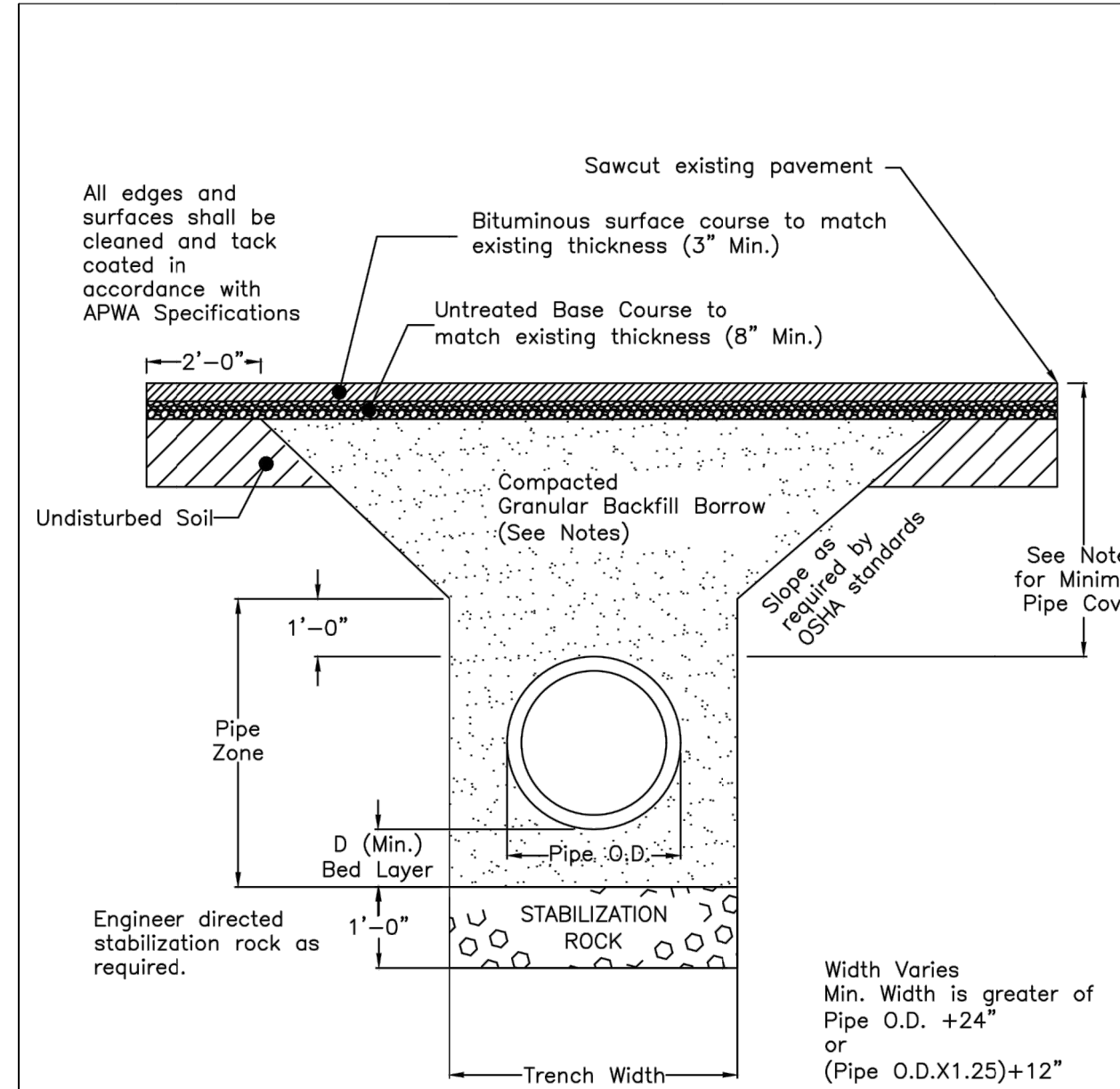
PLAN



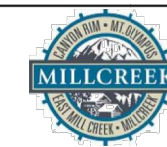
DETAIL A

OPEN DRIVE APPROACH
(FOR REPLACEMENT ONLY)

DRIVE APPROACH ③
SCALE: NTS



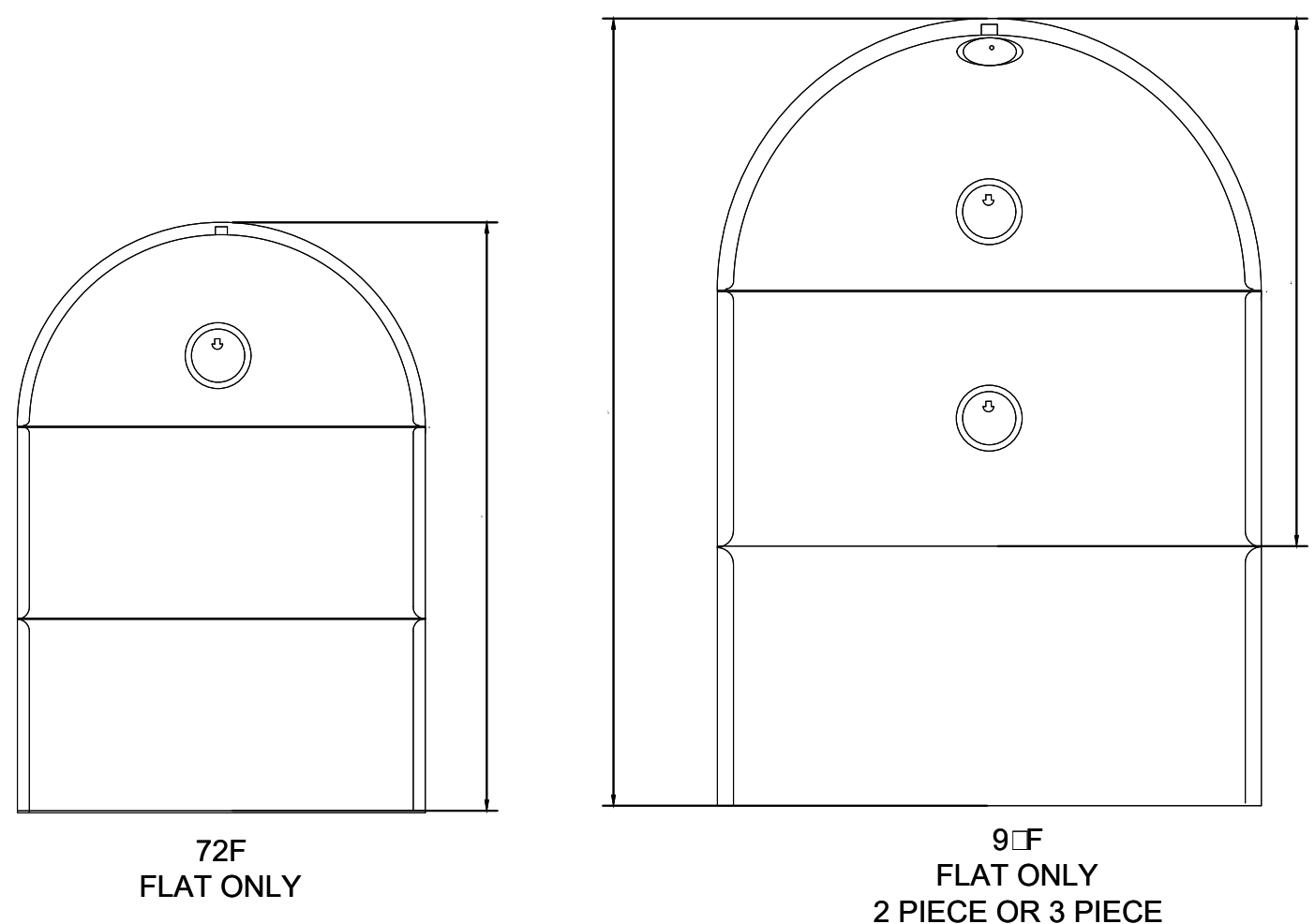
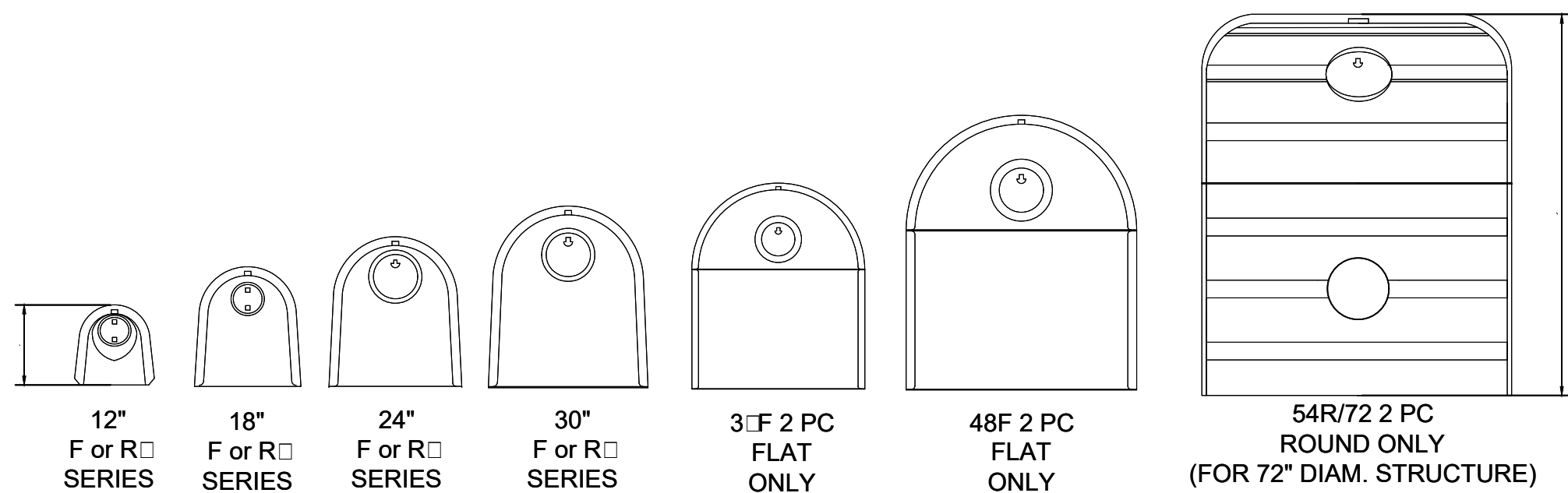
DEPTH OF BEDDING MATERIAL BELOW PIPE	
INSIDE DIA. OF PIPE	D (MIN.)
60" OR SMALLER	4"
66" AND LARGER	6"



TRENCH SECTION

STANDARD PLAN
240
SHEET 2 OF 2

SAWCUT AND ASPHALT RESTORATION ④
SCALE: NTS



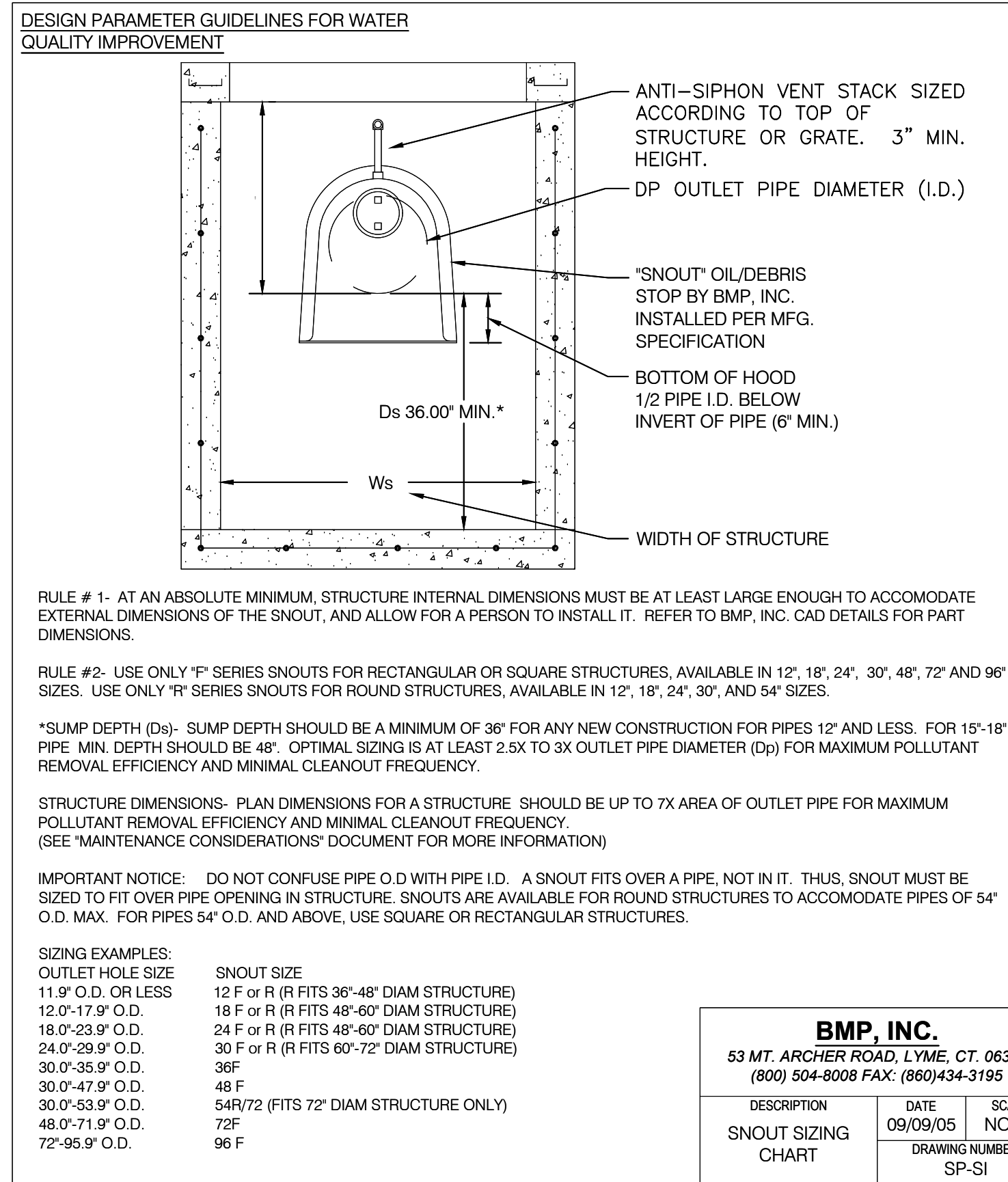
*** R SERIES INSTALLATION NOTE:**
12R- FITS 3'-48" DIAM. STRUCTURE
18R- FITS 48"-0" DIAM. STRUCTURE
24R- FITS 48"-0" DIAM. STRUCTURE
30R- FITS 0-72" DIAM. STRUCTURE
54R- FITS 72" DIAM. STRUCTURE
RECOMMENDED SUMP DEPTH 2.5 TO 3X OUTLET PIPE I.D.

U.S. PATENT # 12,817 INT'L PATENTS PENDING

BMP, INC
53 MT. ARCHER RD., LYME CT 06371
(800) 504-8008 FAX: (860) 434-3195

DESCRIPTION	DATE	SCALE
SNOUT SIZE COMPARISON	09/09/05	NONE
DRAWING NUMBER		SN-SIZES

18 F SNOUT DETAILS ⑤
SCALE: NTS



RULE # 1- AT AN ABSOLUTE MINIMUM, STRUCTURE INTERNAL DIMENSIONS MUST BE AT LEAST LARGE ENOUGH TO ACCOMMODATE EXTERNAL DIMENSIONS OF THE SNOUT, AND ALLOW FOR A PERSON TO INSTALL IT. REFER TO BMP, INC. CAD DETAILS FOR PART DIMENSIONS.

RULE #2- USE ONLY "F" SERIES SNOUTS FOR RECTANGULAR OR SQUARE STRUCTURES, AVAILABLE IN 12", 18", 24", 30", 48", 72" AND 96" SIZES. USE ONLY "R" SERIES SNOUTS FOR ROUND STRUCTURES, AVAILABLE IN 12", 18", 24", 30", AND 54" SIZES.

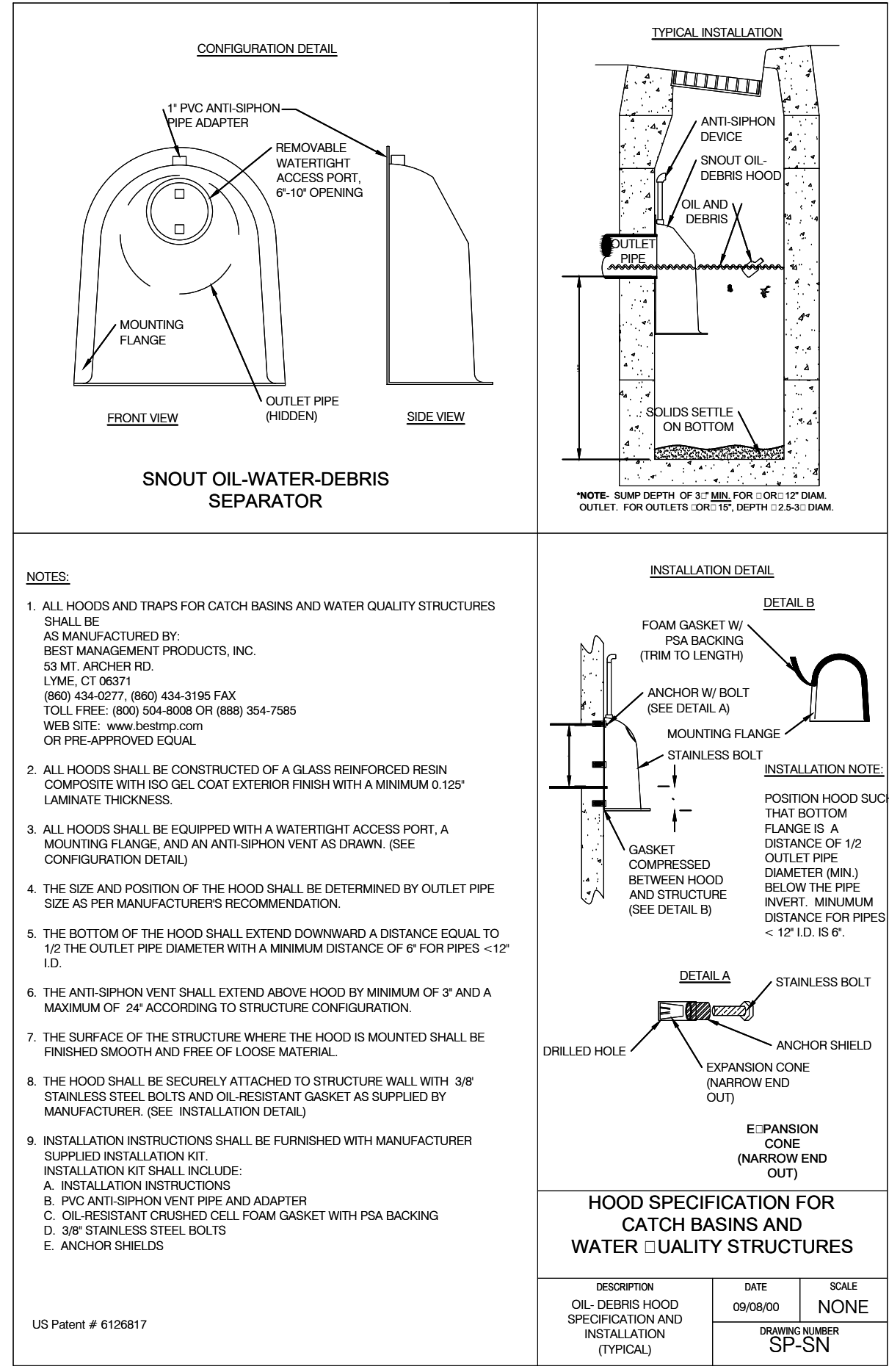
*SUMP DEPTH (Ds) - SUMP DEPTH SHOULD BE A MINIMUM OF 36" FOR ANY NEW CONSTRUCTION FOR PIPES 12" AND LESS. FOR 15"-18" PIPE, MIN. DEPTH SHOULD BE 48". OPTIMAL SIZING IS AT LEAST 2.5X TO 3X OUTLET PIPE DIAMETER (Dp) FOR MAXIMUM POLLUTANT REMOVAL EFFICIENCY AND MINIMAL CLEANOUT FREQUENCY.

STRUCTURE DIMENSIONS- PLAN DIMENSIONS FOR A STRUCTURE SHOULD BE UP TO 7X AREA OF OUTLET PIPE FOR MAXIMUM POLLUTANT REMOVAL EFFICIENCY AND MINIMAL CLEANOUT FREQUENCY. (SEE "MAINTENANCE CONSIDERATIONS" DOCUMENT FOR MORE INFORMATION)

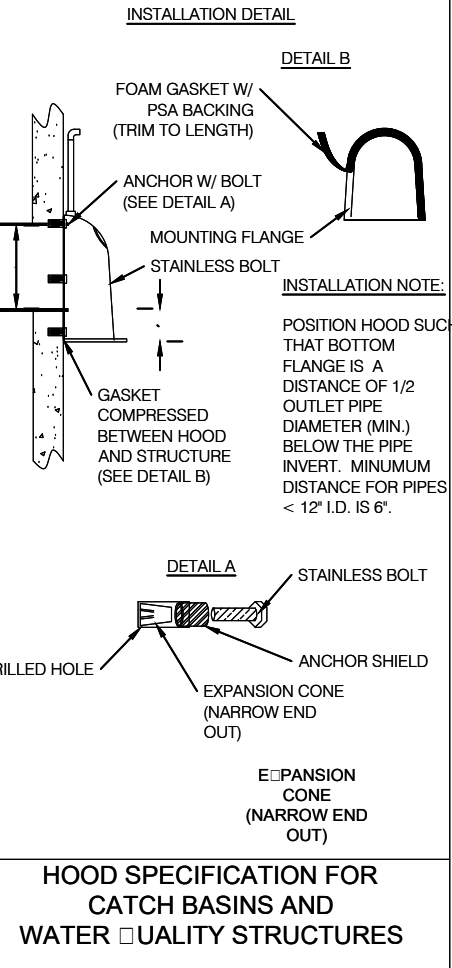
IMPORTANT NOTICE- DO NOT CONFUSE PIPE O.D. WITH PIPE I.D. A SNOUT FITS OVER A PIPE, NOT IN IT. THUS, SNOUT MUST BE SIZED TO FIT OVER PIPE OPENING IN STRUCTURE. SNOUTS ARE AVAILABLE FOR ROUND STRUCTURES TO ACCOMMODATE PIPES OF 54" O.D. MAX. FOR PIPES 54" O.D. AND ABOVE, USE SQUARE OR RECTANGULAR STRUCTURES.

SIZING EXAMPLES:	SNOUT SIZE
OUTLET HOLE SIZE	12 F or R (R FITS 36"-48" DIAM STRUCTURE)
11.9" O.D. OR LESS	18 F or R (R FITS 48"-60" DIAM STRUCTURE)
12.0"-17.9" O.D.	24 F or R (R FITS 48"-60" DIAM STRUCTURE)
18.0"-23.9" O.D.	30 F or R (R FITS 60"-72" DIAM STRUCTURE)
24.0"-29.9" O.D.	36F
30.0"-35.9" O.D.	48 F
30.0"-47.9" O.D.	54R/72 (FITS 72" DIAM STRUCTURE ONLY)
30.0"-53.9" O.D.	72F
48.0"-71.9" O.D.	72F
72"-95.9" O.D.	96 F

BMP, INC.		
53 MT. ARCHER ROAD, LYME, CT. 06371		
(800) 504-8008 FAX: (860) 434-3195		
DESCRIPTION	DATE	SCALE
SNOUT SIZING CHART	09/09/05	NONE
DRAWING NUMBER		SP-SI



- NOTES:
- ALL HOODS AND TRAPS FOR CATCH BASINS AND WATER QUALITY STRUCTURES SHALL BE AS MANUFACTURED BY: BEST MANAGEMENT PRODUCTS, INC. 53 MT. ARCHER RD. LYME, CT 06371 (860) 434-3195 FAX (860) 434-3195 FAX TOLL FREE: (800) 504-8008 OR (860) 364-7585 WEB SITE: www.bmpinc.com OR PRE-APPROVED EQUAL
 - ALL HOODS SHALL BE CONSTRUCTED OF A GLASS REINFORCED RESIN COMPOSITE WITH 150 GEL COAT EXTERIOR FINISH WITH A MINIMUM 0.125" LAMINATE THICKNESS.
 - ALL HOODS SHALL BE EQUIPPED WITH A WATERTIGHT ACCESS PORT, A MOUNTING FLANGE, AND AN ANTI-SIPHON VENT AS DRAWN. (SEE CONFIGURATION DETAIL)
 - THE SIZE AND POSITION OF THE HOOD SHALL BE DETERMINED BY OUTLET PIPE SIZE AS PER MANUFACTURER'S RECOMMENDATION.
 - THE BOTTOM OF THE HOOD SHALL EXTEND DOWNWARD A DISTANCE EQUAL TO 1/2 THE OUTLET PIPE DIAMETER WITH A MINIMUM DISTANCE OF 6" FOR PIPES < 12" I.D.
 - THE ANTI-SIPHON VENT SHALL EXTEND ABOVE HOOD BY MINIMUM OF 3" AND A MAXIMUM OF 24" ACCORDING TO STRUCTURE CONFIGURATION.
 - THE SURFACE OF THE STRUCTURE WHERE THE HOOD IS MOUNTED SHALL BE FINISHED SMOOTH AND FREE OF LOOSE MATERIAL.
 - THE HOOD SHALL BE SECURELY ATTACHED TO STRUCTURE WALL WITH 3/8" STAINLESS STEEL BOLTS AND OIL-RESISTANT GASKET AS SUPPLIED BY MANUFACTURER. (SEE INSTALLATION DETAIL)
 - INSTALLATION INSTRUCTIONS SHALL BE FURNISHED WITH MANUFACTURER SUPPLIED INSTALLATION KIT. INSTALLATION KIT SHALL INCLUDE: A. INSTALLATION INSTRUCTIONS B. PVC ANTI-SIPHON VENT PIPE AND ADAPTER C. OIL-RESISTANT CRUSHED CELL FOAM GASKET WITH PSA BACKING D. 3/8" STAINLESS STEEL BOLTS E. ANCHOR SHIELDS



DESCRIPTION	DATE	SCALE
HOOD SPECIFICATION AND INSTALLATION (TYPICAL)	09/09/05	NONE
DRAWING NUMBER		SP-SN

MEADOWS OF MILLCREEK

3437 SOUTH 1300 EAST
MILLCREEK, UTAH

PROJECT NO. 1810220
DETAIL SHEET
CDT.01
10 OF 11

PROFESSIONAL ENGINEER
No. 10360773
M. CHRIS POULSEN
STATE OF UTAH
BENCHMARK ENGINEERING & LAND SURVEYING
9138 SOUTH STATE STREET SUITE #100
SANDY, UTAH 84070 (801) 542-7192
www.benchmarkcivil.com

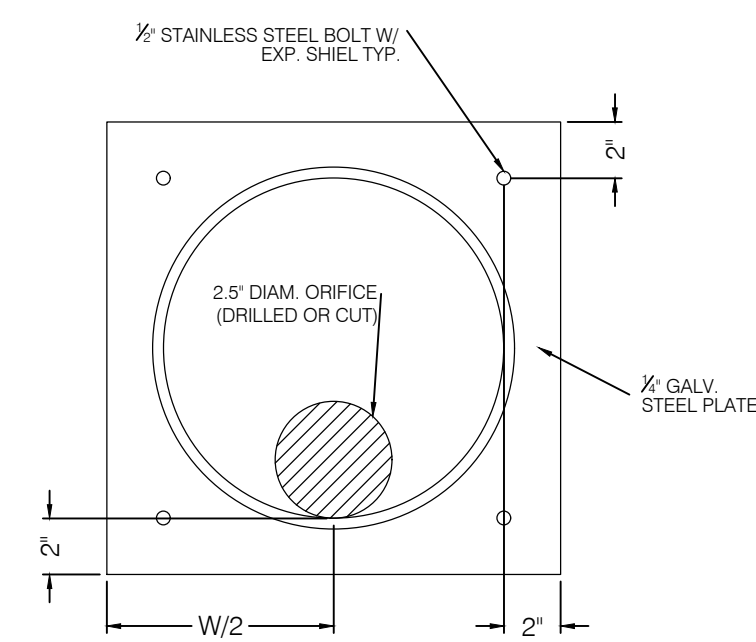


RISER		
HEIGHT	CODE	WEIGHT
1'	UV441R	1,350#
2'	UV442R	2,700#
3'	UV443R	4,050#
4'	UV444R	5,400#
5'	UV445R	6,750#
6'	UV446R	8,100#

VAULT		
HEIGHT	CODE	WEIGHT
3'	CB443	3.225#
4'	CB444	4.575#
5'	CB445	5.925#
6'	CB446	7.275#

NOTES:

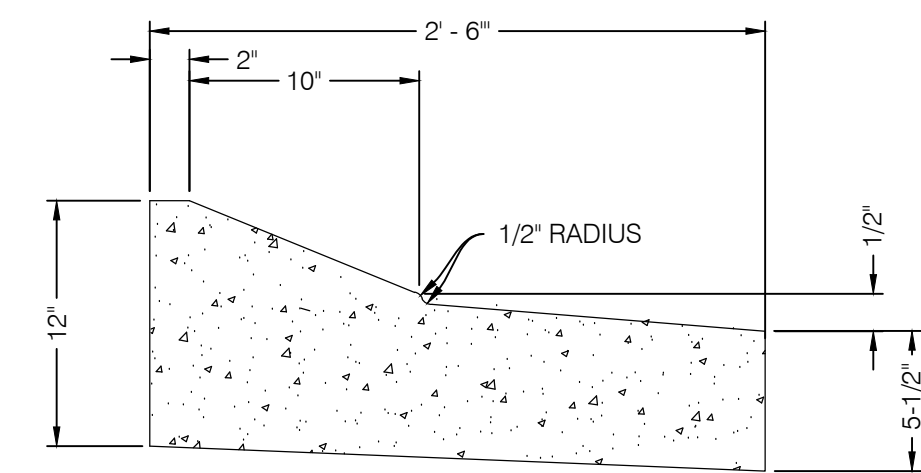
1. CATCH BASINS ARE DESIGNED TO MEET ASTM C858 WITH AASHTO HS-20 LOADING.
2. OPENINGS MAY BE SIZED AND LOCATED AS REQUIRED.
3. OPTIONAL GRATING OR COVER MATERIAL MAY BE CAST IN AS REQUIRED.
4. CHECK HARDWARE SECTION FOR OPTIONAL ACCESSORIES.



2.5" FLOW RESTRICTOR PLATE

1. STEEL: ASTM A 36 STEEL
2. BOLTS: USE $\frac{1}{2}$ " STAINLESS STEEL BOLTS AND $\frac{1}{2}$ " STAINLESS WASHERS.
3. COATING: COAT ALL METAL PARTS WITH ASPHALTUM PAINT.

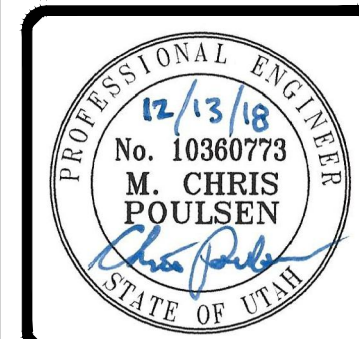
ORIFICE PLATE DETAILS
SCALE: NTS



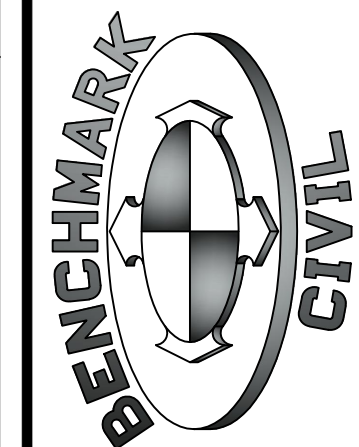
MOUNTABLE RELEASE CURB AND GUTTER

GRANTY	SAM	No.	DATE	DESCRIPTION
CHECKED BY MCP				
FREQ GRW SURVEY				
DATE 12/13/2018				
DWG FILE 1810220 SITE				
d	0.63			

SCALE MEASURES IN PENCIL ON FULL SIZE SHEETS
ADJUST ACCORDINGLY FOR REDUCED SIZE SHEETS



**BENCHMARK
ENGINEERING &
LAND SURVEYING**
9138 SOUTH STATE STREET SUITE #100
SANDY, UTAH 84070 (801) 542-7192
www.benchmarkcivil.com



MEADOWS OF MILLCREEK

3437 SOUTH 1300 EAST
MILLCREEK, UTAH

PROJECT NO. 1810220

DETAIL
SHEET

CDT.02
11 OF 11



When recorded, return to:

Millcreek
Attn: Jeff Silvestrini
3932 South 500 East
Millcreek, UT 84107

DEVELOPMENT AGREEMENT

This Development Agreement (this “Agreement”) is entered into this 4th day of December, 2017, by and between Matrix Capital Advisors, LC (“Developer”), for the land to be included in or affected by the project located at approximately 3437 South 1300 East in Millcreek Utah, a municipal corporation of the State of Utah (“City”). The Developer and the City are sometimes referred to as the “Parties.”

RECITALS

WHEREAS, Developer owns, or will own, approximately 1.24 acres of real property located at 3437 South 1300 East in Millcreek, Utah (“Property”) and intends to develop the Property. A legal description of the Property is attached hereto as exhibit “A.” The Parties desire that the Property be developed in a unified and consistent fashion and establish minimum standards for a new Planned Unit Residential Development (the “Project”) on the Property; and

WHEREAS, Developer hereby represent to the Millcreek Council that it is voluntarily entering into this Agreement; and

WHEREAS, Developer is willing to restrict the Property in a manner that is in harmony with the objectives of the City’s General Plan and long-range development objectives, and which addresses the more specific development issues set forth in this Agreement, and is willing to abide by the terms of this Agreement; and

WHEREAS, the City, acting pursuant to its authority under the Utah Municipal Land Use, Development, and Management Act, Utah Code Ann. §10-9a-101, *et seq.*, and its ordinances, resolutions, and regulations, and in furtherance of its land-use policies, has made certain determinations with respect to the proposed Project, and, in the exercise of its legislative discretion, has elected to approve this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

1. **Affected Property.** The legal description of the Property contained within the Project boundaries is attached as Exhibit “A.” No additional property may be added to or removed from this description for the purposes of this Agreement except by written amendment to this Agreement executed and approved by Developer and the City.

2. **Reserved Legislative Powers.** Nothing in this Agreement shall limit the future exercise of police power by the City in enacting zoning, subdivision, development, transportation, environmental, open space, and related land-use plans, policies, ordinances and regulations after the date of this Agreement, provided that the adoption and exercise of such power shall not restrict Developer’s vested rights to develop the Project as provided herein. This Agreement is not intended to and does not bind the Millcreek Council in the independent exercise of its legislative discretion with respect to such zoning regulations.

3. **Compliance with City Ordinances Standards.** Developer acknowledges and agrees that nothing in this Agreement shall be deemed to relieve it from the obligation to comply with all applicable ordinances and requirements of the City necessary for development of the Project, including the payment of fees, and compliance with applicable City standards.

4. **Specific Design Conditions.** The Project shall be developed and constructed as set forth in the specific design conditions/criteria set forth generally in Exhibit “B.” The Project shall also comply with all requirements set forth in the minutes of the Millcreek Planning Commission and Millcreek meetings on this matter.

5. **Agreement to Run With the Land.** This Agreement shall be recorded in the Office of the Salt Lake County Recorder, shall be deemed to run with the Property, and shall encumber the same; and shall be binding on and inure to the benefit of all successors and assigns of Developer in the ownership or development of any portion of the Property. This Agreement supersedes any and all development agreements that have been executed concerning the Property.

6. **Assignment.** Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without the consent of the other party. This Agreement shall be binding upon any successors and assigns. This restriction on assignment is not intended to prohibit or impede the sale by Developer.

7. **No Joint Venture, Partnership or Third Party Rights.** This Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto nor any rights or benefits to third parties, except as expressly provided herein.

8. **Integration, Modification, and Entire Agreement.** This Agreement contains the entire agreement between the parties with respect to the subject matter hereof and integrates all prior conversations, discussions, or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed and approved by the parties hereto. Exhibits A and B are hereby incorporated into this Agreement.

9. **Notices.** Any notices, requests, or demands required or desired to be given hereunder shall be in writing and should be delivered personally to the party for whom intended, or, if mailed by certified mail, return receipt requested, postage prepaid to the parties as follows:

TO DEVELOPER:	Christopher J. Clifford Matrix Capital Advisors, LC 2715 Swasont Way Holladay, Utah 84117
---------------	--

TO CITY:	Millcreek City Jeff Silvestrini, Mayor 3932 S 500 E Millcreek Utah 84107
----------	---

Any party may change its address by giving written notice to the other party in accordance with the provisions of this section.

10. **Choice of Law and Venue.** Any dispute regarding this Agreement shall be heard and settled under the laws of the State of Utah. Any Utah litigation regarding this Agreement shall be filed in the Third District Court in Salt Lake City, Utah. Any federal litigation regarding this Agreement shall be filed in the United States District Court for the District of Utah in Salt Lake City, Utah.

11. **Severability.** In the event any provision of this Agreement is held to be invalid or unenforceable, the remaining provisions shall remain valid and binding upon the parties. One or more waivers of any term, condition, or other provision of this Agreement by either party shall not be construed as a waiver of a subsequent breach of the same or any other provision.

12. **Limitation on Recovery for Default – No Damages.** No party shall be entitled to any claim for any monetary damages as a result of any breach of this Agreement and each Party waives any claims thereto. The sole remedy available to Developer or and assignee shall be that of specific performance. Notwithstanding such limitation the City may withhold all further reviews, approvals, licenses, building permits and/or other permits for development of the Project in the case of a default by Develop or any assignee.

13. **Term of Agreement.** The term of this Agreement shall be until December 31, 2019 and shall automatically expire on such date.

14. **Force Majeure.** Neither party shall be liable or deemed to be in default for any delay, failure, or interruption in performance under the Agreement resulting, directly or indirectly, from acts of God, acts of civil or military authority, acts of public enemy, war, accidents, fires, explosions, earthquakes, floods, failure of transportation, machinery or supplies, vandalism, strikes or other work interruptions, or any other cause beyond the control of either party. Both Parties, however, agree to make good faith efforts to perform under this Agreement in the event of any such circumstance.

15. **Construction.** The Parties stipulate that this Agreement and all agreements or documents incorporated herein shall not be subject to the rule of construction that a written agreement is construed against the Party preparing or drafting that Agreement.

16. **Headings.** The descriptive headings of the paragraphs of this Agreement are inserted for convenience only and shall not control or affect the meaning or construction of any of the provisions hereof.

17. **No Waiver.** The failure of either Party to exercise in any respect a right provided for in this Agreement shall not be deemed to be a subsequent waiver of the same right or of any other right.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

Millcreek City

Jeff Silvestrini, Mayor

ATTEST:

Leslie Van Frank, Acting City Recorder

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by Jeff Silvestrini and Leslie Van Frank as the Mayor and the Acting City Recorder, respectively, of Millcreek, a Utah municipality.

Notary Public

DEVELOPER

By: _____
Christopher J. Clifford

Title: _____
Managing Member

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On this ____ day of December, 2017, personally appeared before me, Christopher J. Clifford, whose identity is personally known to me or proved to me on the basis of satisfactory evidence, and who is the Managing Member of Matrix Capital Advisors LC, a Utah Limited Liability Company and that the foregoing instrument was signed by him in behalf of said company by authority of its bylaws or of a Resolution of its Board of Directors, and he acknowledged to me that said Limited Liability Company executed the same.

Notary Public

Exhibit "A"

PARCEL 1: #16-32-227-001

Beginning at a point on the Easterly right of way line of 1300 East Street, said point being North 00°18'43" East 671.17 feet from the Southwest corner of Lot 7, Block 23, 10 Acre Plat "A", Big Field Survey, said point also being South 00°18'43" West along the monument line 1091.44 feet and South 89°41'17" East 33.00 feet from the street monument in the intersection of 3300 South and 1300 East Streets and running thence North 89°48'00" East 274.88 feet to a point on the Westerly boundary line of Luckland Subdivision recorded September 21, 1953 as Entry No. 1344766 in Book N Page 66 at the office of the Salt Lake County Recorder; thence South 04°18'00" East 122.33 feet along said Westerly boundary line; thence South 89°48'00" West 284.72 feet to a point on said Easterly right of way line; thence North 00°18'43" East along said Easterly right of way line 122.03 feet to the point of beginning.

PARCEL 2: #16-29-480-018

Beginning at a point on the Easterly right of way line of 1300 East Street, said point being North 00°18'43" East 671.17 feet from the Southwest corner of Lot 7, Block 23, 10 Acre Plat "A", Big Field Survey, said point also being South 00°18'43" West along the monument line 1091.44 feet and South 89°41'17" East 33.00 feet from the street monument in the intersection of 3300 South and East Streets and running thence North 00°18'43" East along said Easterly right of way line 42.93 feet; thence North 89°48'00" East 261.74 feet to a point on the Westerly boundary line of Luckland Subdivision recorded September 21, 1953 as Entry No. 1344766 in Book N Page 66 at the office of the Salt Lake County Recorder; thence along said Westerly boundary line the following two (2) courses 1) South 17°05'00" East 43.64 feet; 2) South 04°18'00" East 1.17 feet; thence South 89°48'00" West 274.88 feet to the point of beginning.

PARCEL 3: #16-29-480-017

Beginning at a point being North 00°18'43" East 714.09 feet and North 89°48'00" East 119.40 feet from the Southwest corner of Lot 7, Block 23, 10 Acre Plat "A", Big Field Survey, said point also being South 00°18'43" West along the monument line 1048.52 feet and South 89°41'17" East 33.00 feet and North 89°48'00" East 119.40 feet from the street monument in the intersection of 3300 South and 1300 East Streets and running thence North 00°18'43" East 67.00 feet; thence North 89°48'00" East 121.40 feet to a point on the Westerly boundary line of Luckland Subdivision recorded September 21, 1953 as Entry No. 1344766 in Book N Page 66 at the office of the Salt Lake County Recorder; thence South 17°05'00" East 70.02 feet along said Westerly boundary line; thence South 89°48'00" West 142.34 feet to the point of beginning.



Exhibit "B"

The proposed Mulberry Place community is located in an area of Millcreek along the north/south 1300 East corridor which is experiencing moderate transitional uses, both commercially and residentially. The property is presently zoned for one unit per 8,000 square feet of land area. Several moderately dense residential projects between 3300 South and 3900 South along 1300 East have developed with great success. There presently is great demand for residential communities of high quality, safe, low maintenance homes. This community will add significant value to the neighboring properties in the area.

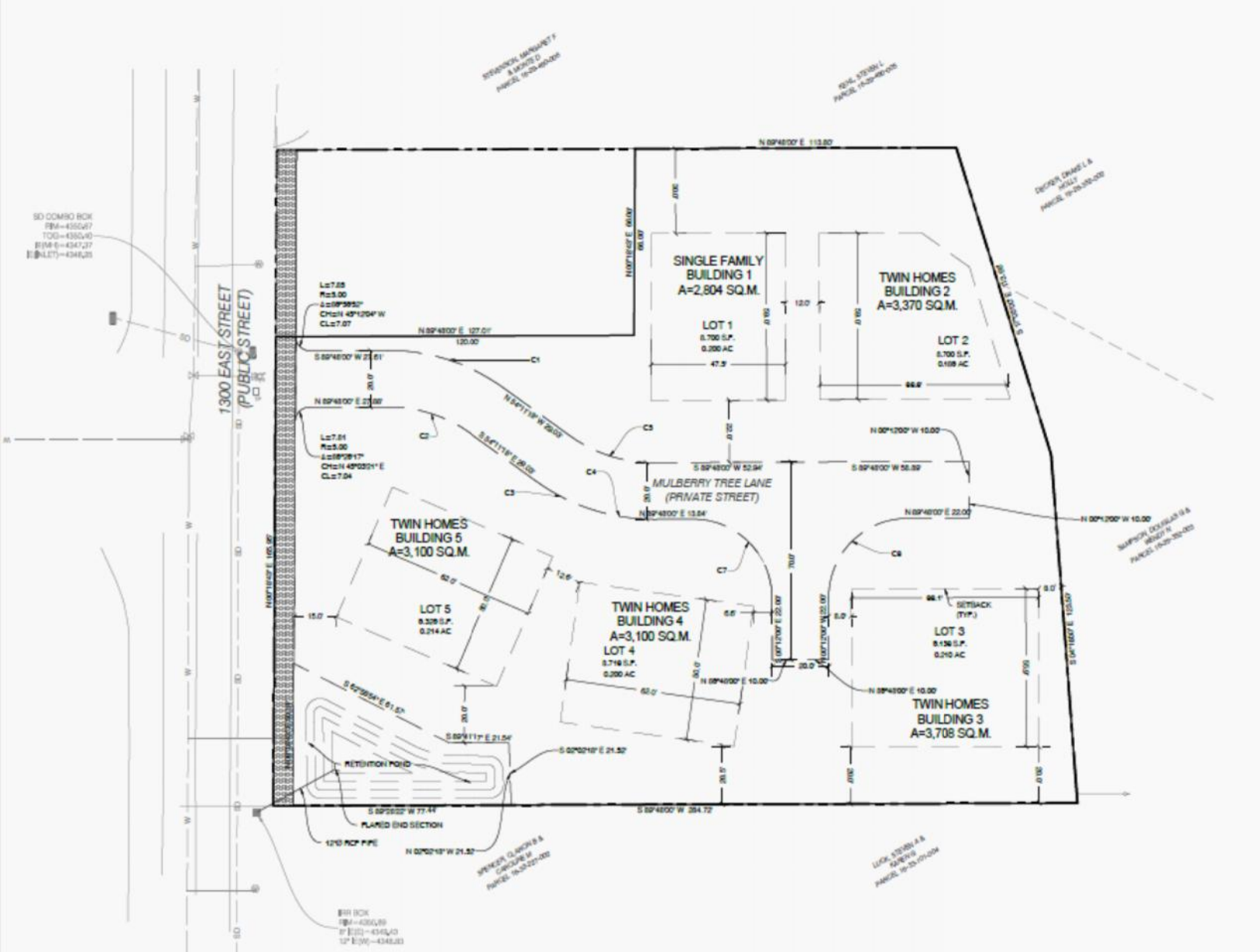
The proposed project will consist of high quality residential units in a safe gate guarded community of 9 dwelling units located on 1.24 acres. The proposed layout will consist of 8 twin-home units with 1 single family unit.

The proposed zoning allows for 2 dwelling units for each 8,000 square foot of land. The density of the proposed layout is 2 dwelling units per 10,800 square feet.

The project will have two areas of common use for homeowners consisting of meeting/gathering areas composed of gazebo/pergola type structures, together with plantings of native shrubs and grass.

Each unit will have similar appearance, with slight variance of color and material (see illustrations and pictures).

The layout of the project is designed to provide maximum views and sightlines. The units front along a winding road, with each staggered so as to provide front and rear unobstructed views and sightlines. The dwelling units are also positioned so as not to interfere with views and vistas of the neighboring dwellings.







3330 S. 1300 E.
Millcreek, UT 84106
801-214-2700
millcreek.utah.gov

File # ZM-17-003

CITY COUNCIL STAFF REPORT

Meeting Date: 11 December 2017
Applicant: Chris Clifford
Property Address: 3429-3437 South 1300 E
Parcel IDs: (16-29-227-007 .78 acres), (16-29-480-017 .22 acres), (16-29-480-018 .24) acres

Request:	Rezone	3429-3437 South 1300 E / R-1-8 to R-2-8
-----------------	---------------	--

Zone: R-1-8

Community Council: Millcreek

Prepared By: Robert May, Planner

SYNOPSIS AND SCOPE OF DECISION (see attached map)

The applicant (**Chris Clifford**) is proposing to rezone two subject parcels from the current R-1-8 Zone to the R-2-8 Zone. The existing zoning allows for single-family development on lots that area at least 8,000 square feet in land area. The current property is approximately 1.078 acres in land area and consists of one single-family home.

The applicant is seeking a zone change as the first step in a proposed subdivision that would include four twin homes and one single-family home, each on an 8,000-square foot lot. The density would be 9 units to the acre, twice what is allowed in the R-1-8 zone. The applicant is proposing a home design that would be similar in height and massing to a typical single-family home.

Per **\$19.90.010** of the Millcreek Code, the Millcreek City Council may amend the number, shape, boundaries, or area of any zone or any regulation within any zone. Zone changes shall not be made or become effective unless the same shall have been proposed by or be first submitted for the recommendation of the planning commission.

On November 15, 2017, the Millcreek Planning Commission held a public hearing to discuss this application. At that public hearing, they unanimously recommended approval of this zone change request, subject to a development agreement.

Existing Use

Existing Zoning	Existing Land Use	Surrounding Uses and Zones	Site Improvements	Size of Property
R-1-8	Single-family dwelling	R-1-8, R-2-8, C-2 and R-M	Rezone	1.078 acres

Project Characteristics and Requirements

	Existing	Proposed
	R-1-8	R-2-8
Height	30-35 feet	30-35 feet
Front Yard Setback	25 feet	30 feet
Side Yard Setback	5 feet one side and 11 feet on the garage or driveway side or 8 feet on each side	8 feet
Rear Yard Setback	With garage is 15 feet, without garage is 30 feet	With garage is 15 feet, without garage is 30 feet

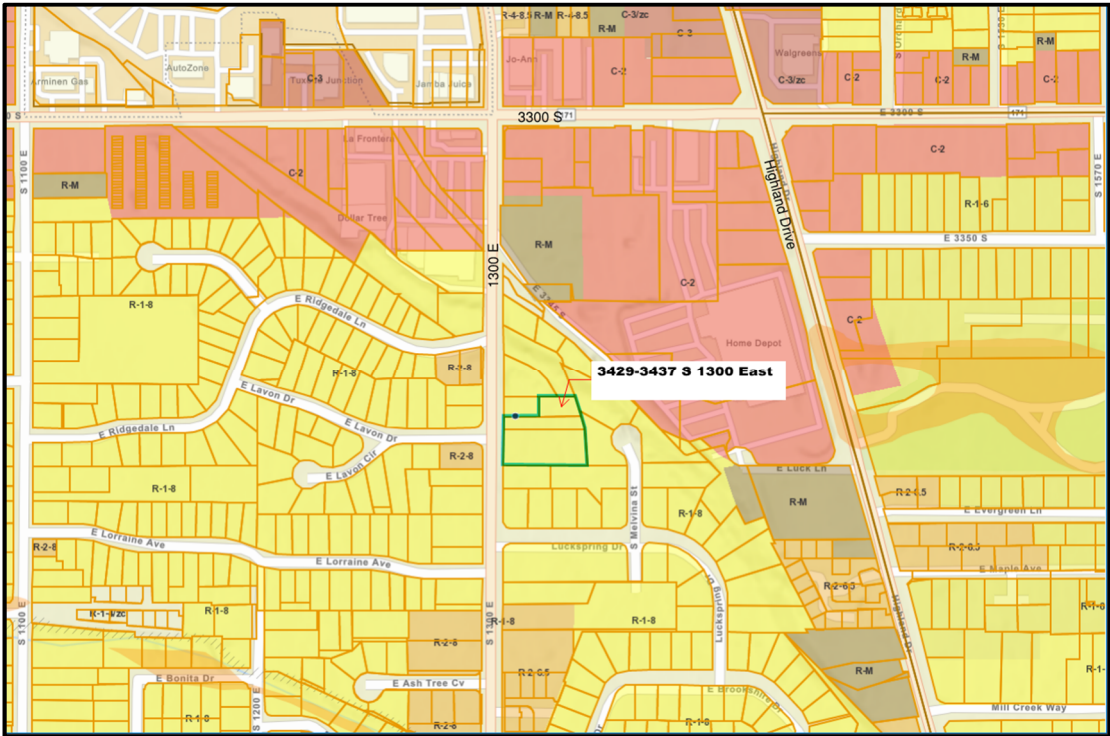
SITE & VICINITY DESCRIPTION (see attached)

Property proposed to be rezoned is located at 3429 - 3437 South 1300 East. The existing parcels are zoned R-1-8. The applicant is seeking to rezone the property to the R-2-8.

Aerial Photo



Zoning Map



Street View



PROJECT INFORMATION

The subject property proposed to be rezoned is in an area along 1300 East that is a mix of R-1-8, R-2-8, C-2 and R-M Zones.

- The purpose of the R-1 zones is to establish single-family neighborhoods which provide persons who reside therein a comfortable, health, safe and pleasant environment as per 19.14.010 of the Millcreek Code. The R-1-8 Zone allows for single-family dwellings on a minimum of 8,000 square feet and a Planned Unit Development at 4.5 units per acre.
- The purpose of the R-2 zones is to establish low to medium density residential neighborhoods which provide persons who reside therein a comfortable, healthy, safe and pleasant environment as per 19.32.010 of the Millcreek Code.

Density - The density of the R-2-8 Zone gives the ability to the developer to achieve as high as 10 units per acre for two family dwellings. The Developer is proposing a mixed composition of single family and twin home development. As per 19.32.030 (Conditional Uses) of the Millcreek Code, the developer would have to make application for a PUD to achieve the proposed development. This application would be subject to a development agreement, which would give Millcreek the ability to impose a design standard suitable for the area. Following a rezone change, the applicant is proposing:

- **5 Proposed Buildings = 10,846.44 sf per pad (1)**
- **9 Proposed Dwellings = 6,025.8 sf per unit (2)**

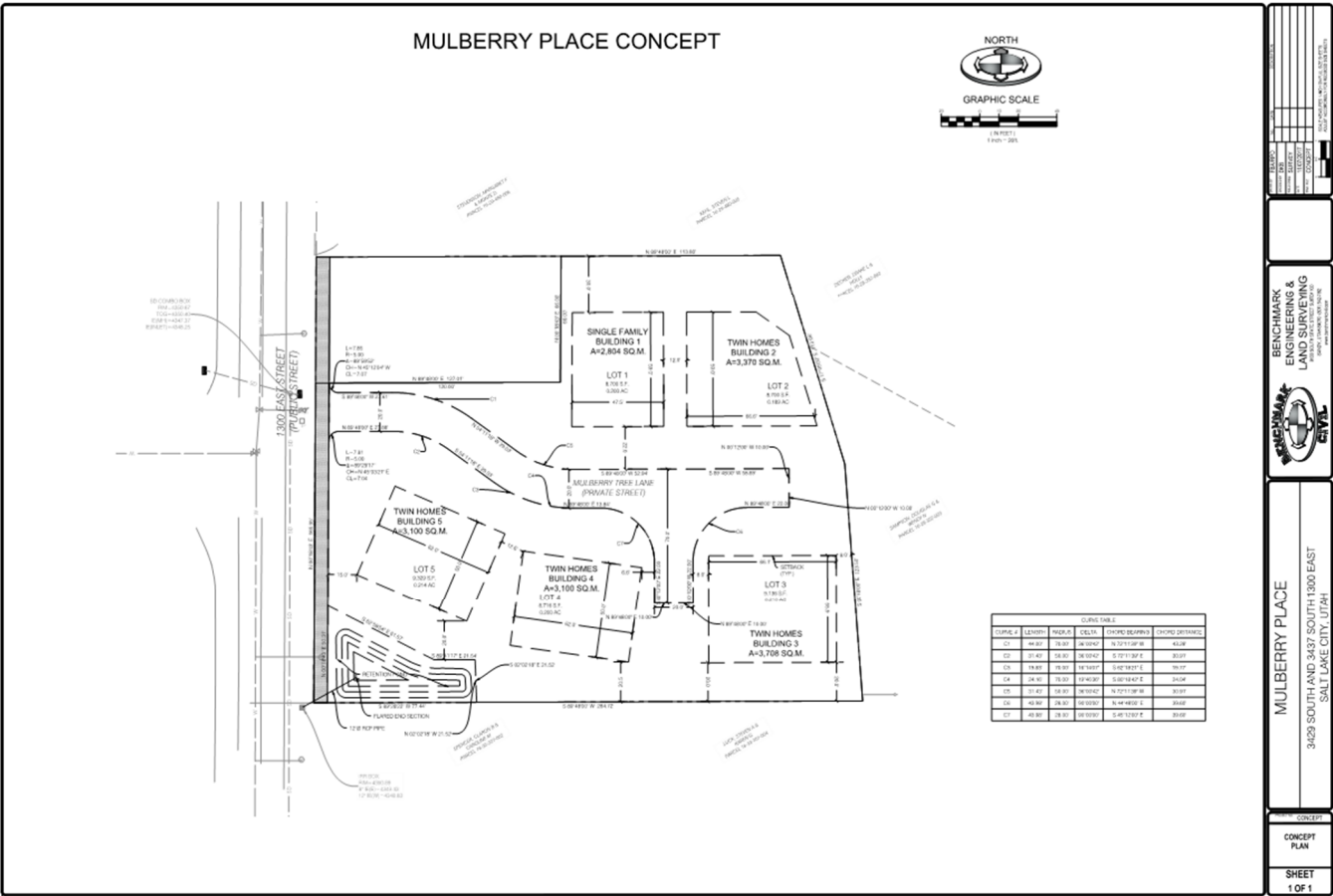
Notes: (1) 4 Twin Homes and 1 Single Family Home = 5

(2) 8 Twin Homes and 1 Single Family Home = 9

Parking – The following minimum parking shall be provided for all multi-family projects under Chapter 19.78 (Planned Unit Developments) of the Millcreek Code.

Parking	
One-bedroom unit	1.5 parking spaces per unit
Two or more-bedroom units	2.0 parking spaces per unit
Guest parking spaces	0.33 parking spaces per unit (min. of 6)

Proposed PUD





ISSUES OF CONCERN/PROPOSED MITIGATION

Due to the density of the proposed zone, there may be some enhanced impacts on culinary water, storm water, sanitary sewer, power, and other utility services. The developer should verify with the City Engineer and other service providers prior to issuance of a building permit that sufficient capacity exists for the development and that any incremental capacity improvements be completed as part of the project.

COMMUNITY COUNCIL RESPONSE

Millcreek Community Council unanimously approved the rezone proposed by Chris Clifford on November 8, 2017.

PLANNING STAFF RECOMMENDATION

The applicant's proposal to rezone from R-1-8 to R-2-8 appears to meet the requirements of becoming a legal zoning lot in the R-2-8 Zone and is compatible with the surrounding area's density requirements and land use designations. The Planning Commission recommended approval of the proposed rezone to the City Council. Staff recommends that City Council approves the rezone subject to the adoption of a development agreement that limits development to the subdivision that is described in the staff report.

Additionally, staff recommends the imposition of a zone condition on the property, to limit the uses to a single family home as indicated on lot 1 in the proposed PUD exhibit, and twin homes as indicated on lots 2 through 5 in the exhibit. This condition will reinforce the terms of the development agreement, which will be recorded on the property once the applicant takes ownership of it.



Millcreek
3330 South 1300 East
Millcreek, UT 84106
Phone: 801-214-2700
www.millcreek.utah.gov

For information regarding Agendas, please visit <https://millcreekut.org>

**MEETING MINUTE SUMMARY
MILLCREEK PLANNING COMMISSION MEETING
November 15, 2017 5:00 PM**

Approximate meeting length: 4 hours

Number of public in attendance: 39 plus those who did not sign or whose names were ineligible

Summary Prepared by: Alexandra Muller

Meeting Conducted by: Chairman Tom Stephens

ATTENDANCE

Commissioners	Present	Absent
Tom Stephens (Chair)	x	
Fred Healey (Vice Chair)	x	
Mark Mumford	x	
David Carlson	x	
Scott Claerhout	x	
Shawn LaMar	x	
Heather Wilson	x	
Dave Allen	x	
Russ Booth	x	

Millcreek Planning	Present	Absent
Mayor Jeff Silvestrini	x	
John Janson	x	
Alexandra Muller	x	
Francis Lilly	X	
John Brems	x	
Robert May	x	

Hearing began at 5:02 p.m.

PUBLIC PORTION OF MEETING OPENED

Chairman Stephens reads opening statement.

ZM-17-003 – Chris Clifford requests rezone from R-1-8 to R-2-8

Location: 3429-3437 S 1300 E **Zone:** R-1-8. **Community:** Millcreek. **Planner:** Robert May

Mr. May said the applicant from R-1-8 to R-2-8. He said lot is currently vacant so applicant is proposing a single-family dwelling. This is also a lot consolidation with property being a little over an acre. He said the rezone will be followed by a conditional use permit that allows irrigation on the property and the applicant has provided drawings of what he proposed. Mr. May said this will be a Mulberry place concept consisting of 5 buildings: 1 single family dwelling and 4 other twin homes.

Commissioner Carlson said he had concerns after actually viewing the property. He said the property is set lower than the property behind it to the east so the concern was with the drainage because there are some major runs offs behind and to the east side of it. He said he took some pics of the lot where he saw 3 or 4 inch irrigation line.

Mr. May said it is a legitimate concern which would be mitigated by the conditional use process where a development agreement would take place.

Commissioner Carlson asked whether the home on 3439th will be demolished?
Mr. May answered he thought it would remain as it is not included in the development.

Applicant Chris Clifford said what he proposed a unique idea that targeted the empty nester or executive with security, low maintenance, and have a community style. He said this sight has some unique impediments such as the irrigation ditch that goes through the middle of east end of the property so they can't use that as a developable area so they cannot put single family homes which would have been allowed. The property itself is 1.24 acres so what they are proposing is 5 building with 3 being duplexes. He said the irrigation will be put underground between the single family and twin homes. Mr. Clifford said they try not have a road of homes but a sense of community as he had done a similar project in Holladay a few years ago and are now selling for \$750,000.

Chairman Stephens asked do you planned unit development?
Mr. Clifford answered yes, there will be a gazebo gathering place for residents.

Commissioner Allen asked if there were 4 twin homes and 1 families single family homes?
Mr. Clifford said yes though he was going to change building number 2 to a single-family home.

Community Council Representative Lynda Bagley, 1250 Manor Circle, stated they had voted to recommend this application. She stated there was a concern regarding notice.

Speaker 1: Dwight Marchant
Address: 3530 Carolyn street
Mr. Marchant said he attended the Millcreek Community Council when it was brought forward and no citizens present.

Chairman Stephens said he and Commissioner LaMar have gone through all the iterations – total of 3 when this property was still being handled by the county.

Speaker 2: Wendy Sampson
Address: 3436 Melvina Street.
Ms. Sampson said this proposal looked great but she is concerned with the change in zoning and whether it would be tied to this particular plan so if it is later sold the next owner can't just build whatever they want.

Chairman Stephens stated when a city has adopted a policy that when a rezone takes place it is accompanied by zoning conditions and development agreement so that which is promised in the rezone process has to be built.

Speaker 3: Payson Neese

Address: 3437 South Melvina Street

Mr. Neese said this was an extremely controversial issue as this is the 10th meeting in the last 2 years on different iterations trying to rezone this property. He said they have done the petition with hundred signatures. He said the silver lining is getting to know his neighbors which they would not have met. He said he had not received notice while a single body has recommended approval when no one was there from the neighborhood. He said from the pictures they have seen the pics look great. His concern is to maintain the current zone so a future developer did not try to build whatever they wanted. He said the master plan designated their neighborhood for moderate change.

Chairman Stephens asked what is overview of development agreement process?

Mr. Lilly said they have a city policy where to bring a zone change typically includes a development agreement though some zone change is not necessary. He said the applicant has provided with enough material such as a site plan and concept elevation. He said the Planning Commission has the option to recommend to the City Council to effect the zone change contingent on a development agreement being approved and adopted which would bind city and developer to that particular development.

Speaker 4: Holly Decker

Address: 3426 South Melvina Street

Ms. Decker said she had not received notice for this meeting or the previous meeting. She said she feels very similar to the previous speakers in that the development looks great. She said speaking more generally now that she hopes there is a limitation on height so there are no 3 story town homes.

Speaker 5: Clarence Spencer

Address: 3443 South 1300 East

Mr. Spencer said this area is divided between a commercial area and there is a geographical diving line as well as a dividing line by water by the irrigation canal that runs through the city. He said there is severe drop off in that area making it not suitable for construction. He said in his opinion single family and town homes would be ok as they already have those. He said what would not fit would be the property proposed by Mr. Clifford without a commitment putting in the time property. He said he is against the rezone unless there is foundation set that Mr. Clifford would build what he is proposing.

Mr. Clifford responded by stating he understand the concern how this will turnout. He said he try to be very sensitive to neighbors of the homes and sight lines so people aren't looking at the back of a house. That is part of the PUD process. He said all of these projects that he has done have done had rental restrictions as the people who purchased were are all empty nesters who have been there since they were built in 1997. He does do not allow rent with the only exception being for a 6-month period. He said it is important to understand that they are trying to provide something marketable consistent with the needs of community.

Commissioner Healey asked for clarification from the applicant's comment in changing to 2 single family homes and 3 twins.

Mr. Clifford answered it was because there was a soil issue on one end of the property so the twin home concept is problematic and there is need to do detailed survey analysis.

Commissioner Wilson asked Mr. Clifford if he was amenable to attending a community council meeting for those who have not been heard or would that delay you too much?

Mr. Clifford answered as a practical matter no, he would not but would be ok with meeting at people's homes.

Public Comment closes at 7:45pm.

Commissioner Allen said he was in favor and with what they have heard from residents here is that the proposal gets fulfilled as proposed. He said developer can't really move any dirt until he gets this approval as there are adequate legal protections. He added this is a good project.

Commissioner Booth said he actually had the longest history with this property as he had tried to buy it 40 years ago.

Mr. May said from a staff perspective is just a recommendation approval to the City Council and more than that the city is in a good position of controlling of how this plays out in terms of permits. He said it is not a done deal yet with more requirements still needing to take place.

Commissioner LaMar said to give brief history where this came to the Commission in September of 2016 and denied the motion because of density. He said then it back in December for a 6 lot PUD which was favorable with the residents then nothing happened for over a year. Commissioner LaMar said he was generally not in favor of a rezone particularly in this type of area that feels like it is in transition. He said this one is difficult for him but after hearing what the audience has brought he was reluctantly in favor as this one seems to finally be the right one.

Commission Healey motions for recommendation of file # ZM-17-003 to City Council of zone change subject to development agreement that it is a planned unit development and conforms closely to the sight plan as well as the architectural renditions by applicant at this meeting including all the conditions stated in the staff report. Commissioner Mumford seconds the motion.

Mr. Brems said is concerned about the rental obligation as it not something the Planning Commission can require.

Commissioner Healey – Yes
Commissioner Claerhout – Yes
Commissioner LaMar – Yes
Chairman Stephens – Yes
Commissioner Wilson – Yes
Commissioner Mumford – Yes
Commissioner Carlson – Yes



Brett.I.Matthews@wellsfargo.com

Today, 1:59 PM

Robert May; dadilius@gmail.com; melzzy.walles@gmail.com



Reply all |

Hi Robert

My wife and I can’t attend tonight’s community council meeting, but we wanted to express our dismay that Millcreek is considering allowing 9 houses to be built on these two lots. This seems overly high density, even with such large parcels of land. We would rather see new owners purchase both properties and restore them, rather than be demolished and replaced with new housing that in no way matches the existing properties or housing styles of this area.

With the current new builds going on with property on 1100 E and approximately 3500 S, the builders aren’t creating quality homes (we’ve looked at the work they’ve done) and aren’t even attempting to match the style of the existing populace. From our place on Alta Vista, we can see these new two stories towering over every other property now, with no tree’s to block line of sight at all. I would hope that we wouldn’t see the same occur, in the event the city approved permit for the properties 1300 E.

If there’s more we can do to comment and help sway the council’s vote, minus attending tonight, please let us know.

Brett I Matthews

Business Support Consultant
Victim Fraud Detection

PVSI | PVSI Fraud and Claims Management | [260 Charles Lindbergh Dr. | Salt Lake City, Utah 84116](#)
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3330 South 1300 East
Millcreek, UT 84106
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File # ZM-19-001

Planning Commission Staff Report

Meeting Date: February 20, 2019
Applicant: Mark Snow
Property Address: 4277 S 500 E
Parcel IDs: 22062280060000

Request: Rezone from R-2-10 to R-1-5 for a new single family residence development located at 4277 S 500 E

Zone: R-2-10

Community Council: Millcreek

Prepared By: Erin O'Kelley

SYNOPSIS AND SCOPE OF DECISION

Millcreek City Planning and Community Development is seeking your input on a request by Mark Snow for a rezone for the property at 4277 S 500 E. Mr. Snow would like to rezone the property from R-2-10 to R-1-5. Mr. Snow's goal for the property is to create another buildable lot for a single-family home. The proposed zone change is the first step and will be followed by a subdivision application, so Mr. Snow is able to sell the single-family house and lot with the intent of the new resident having ownership.

Existing Zoning	Existing Land Use	Surrounding Uses and Zones	Site Improvements	Parcel ID	Size of Property
R-2-10	Single Family	Duplexes and Single-family	New Buildable lot and single-family house	22062280060000	

Per **\$19.90.010** of the Millcreek Code, the Millcreek City Council may amend the number, shape, boundaries, or area of any zone or any regulation within any zone. Zone changes shall not be made or become effective unless the same shall have been proposed by or be first submitted for the recommendation of the planning commission. Staff is *not* recommending that this rezone be subject to a development agreement.

SITE & VICINITY DESCRIPTION

Figure 1: Street View



Figure 2: Zoning map



All nearby properties are zoned R-2-10, with a mix of single family and duplexes. This area is heavy residential, James E Moss Elementary located two blocks south of this property. To the southwest of the property is the Millcreek Gardens PUD, a collection of duplexes subdivided along the shared wall of the structures. The lots widths on this PUD are roughly 35-40 feet in width. The proposed lot widths for this project roughly 50 feet which would be in compliance with the R-1-5 zone but does not meet R-2-10 requirements. This is why the applicant is asking for a rezone.

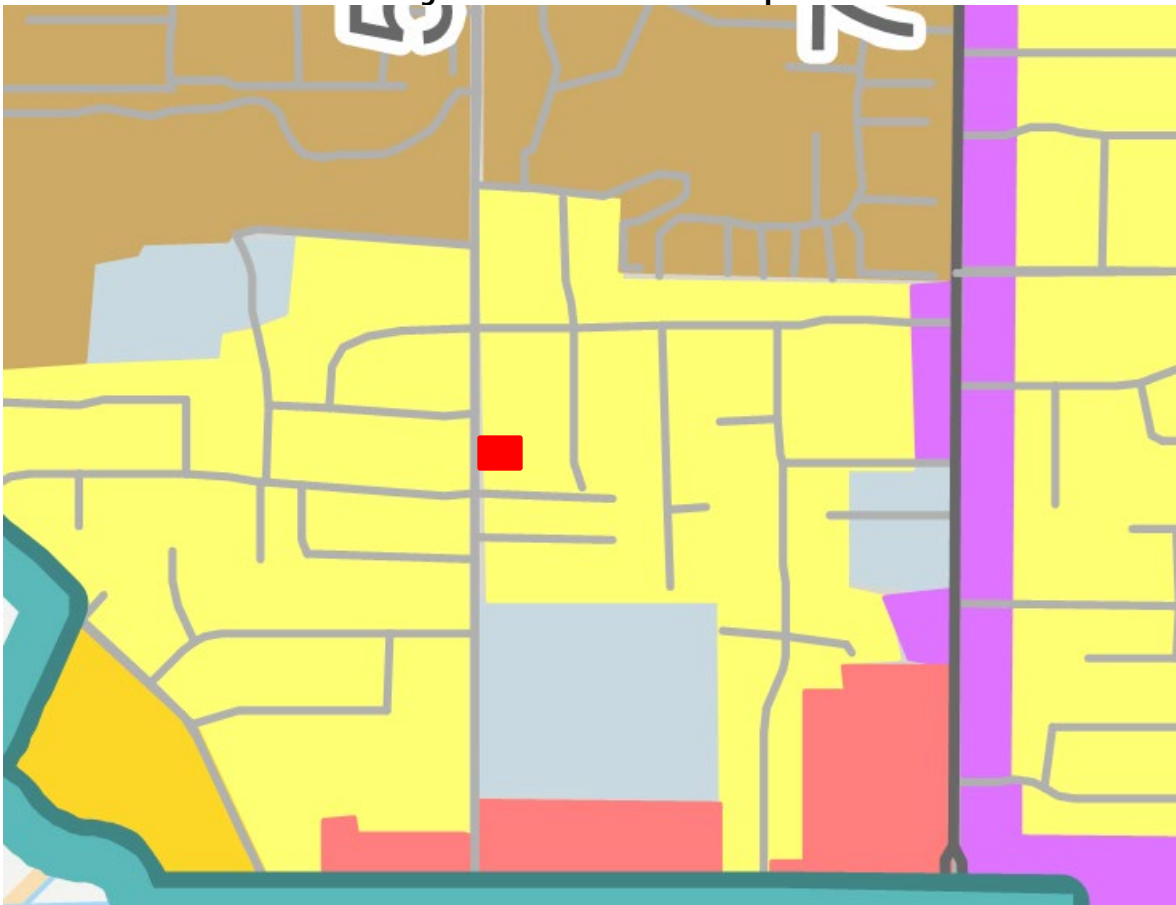
500 E, which serves this property, currently sits at 40 feet wide with a curb, gutter, sidewalk, and park strip on the east side of the street. There are multiple school zones located along this road and during the morning/afternoon hours there is heavy pedestrian traffic along this road. There is on-street parking located along 500 E on both sides of the street. The overall condition index for the street is actually quite good for this area with any one point along 500 E having a score between 74-100 out of 100.

GENERAL PLAN CONSIDERATIONS

The draft Millcreek General Plan Future Land Use Map labels this area as Neighborhood 1, our least dense neighborhood classification. This designation is emphasizing single-family homes with a density scale of 1-6 dwellings per acre.

Staff finds recommends a finding that this proposed project is compatible with the Millcreek General Plan.

Figure 3. Future Land Use Map



CATEGORY	USES	RANGE OF DENSITY/SCALE	KEY CHARACTERISTICS
NEIGHBORHOODS			
NEIGHBORHOOD 1	<p>Primary: Single-family detached homes.</p> <p>Secondary: Parks, greenways, recreation, community gardens, schools, places of worship, and other complementary uses.</p>	Typically 1 – 6 dwelling units per acre.	<ul style="list-style-type: none">Includes neighborhoods (of all ages) that are comprised of predominantly of single-family detached homes.A well-defined pattern of blocks and direct pedestrian and bicycle connections provide residents with direct access to nearby services and amenities.

The *Millcreek Together* General Plan identifies essential questions at the end of each chapter of the plan. These questions will help community councils, the planning commission, and the city council make findings as they make a decision regarding a zoning map amendment, development agreement, or city initiative.

Realizing that not all of these questions will be applicable to every decision, these questions should be considered as a tool to focus on and provide implementation of each them identified in the General Plan.

Unique Neighborhoods per The Millcreek General Plan page 34.

Does the project or initiative...

1. Support adopted relevant small area and neighborhood plans.
2. Encourage additional investment or reinvestment in the neighborhood?
3. Positively contribute to a diversity of affordable housing choices?
4. Stay within the existing mass, scale, and height of the immediate neighborhood.
5. Create options for new gathering areas or centers where possible?
6. Support the redevelopment of underperforming properties?
7. Enhance the connection of neighborhoods to trails, parks, recreation and open space?
8. Enhance cultural, historical, educational, and/or human services opportunities to support neighborhoods?

Staff Response to the above questions:

Where these questions are applicable to the project, staff feels that the proposed development embodies the ideals shared in the above considerations. The project will support reinvestment in the area in a manner compatible with the surrounding development and in line with the future goals of the city.

Where the north side of the property is currently underperforming, this proposal will create a new single-family that city and neighborhood will benefit from more than a vacant lot.

PROJECT INFORMATION

The applicant would like to create another buildable lot from this property that can meet all the current Millcreek zoning ordinance and also have a single-family home that can be owner occupied.

Proposed Uses. Single-family.

Density. 1 single-family dwelling per newly created lot. This will be after a subdivision application has been completed following this rezone.

Site Layout. There will be two single-family houses with a possible shared driveway between them.

Fencing: There is currently fencing around the entire property.

Lighting: Lighting will be afforded from the public street 500 E.

Landscaping: n/a

Access. An additional or shared driveway will be created to accommodate for the second single-family house.

Dedication. N/A

Parking. This project is required to meet all parking requirements form 19.80. "2 parking spaces with at least one covered space per unit", this applies to the new single-family being built, not the existing.

Open Space. Traditional open space for single-family housing will be provide in the front, rear, and side yard setbacks. Applicant does not have exact calculations during the re-zone process. Building will comply will R-1-5 lot coverage standards which is 35%.

Building Design. Building has not been designed yet but will be required to meet all standards of RCOZ and R-1-5 zones.

Height: Required to be 28ft.

Setbacks: Font: 20 feet, Side: 5 feet, Rear: 15 feet

Materials: Not determined at this time.

Massing: n/a

Unit Characteristics. Applicant has not decided floor layout at this time. The project will be a standard single family home most likely two bedrooms.

Amenities. None required.

Utilities and Waste Removal. New lot will have their own garbage and recycling receptacles, connected to utilities along 500 E after receiving approval from the proper entities. This will be done during the subdivision application.

Exceptions. None

Project Information Summary Table

Requirement	R-2-10 Current Zone Requirement	R-1-5 Proposed
Height	30 Ft	28 Feet
Density	2 units per lot	1 unit per lot
Front Yard Setback	30 Feet	20 Feet
Side Yard Setback	8 Feet minimum	5 feet
Rear Yard Setback	15 Feet with Garage	15 Feet with Garage
Lot Width	65 Feet	25 Feet
Lot Area	10,000 per two family dwelling, 5,000 distributed to each unit.	5,000 per single family dwelling
Parking	2 Spaces per unit	2 spaces per unit
Lot Coverage	35 %	35 %
Amenities	None required	None required

Please Note: The difference in lot width requirements is why the applicant is asking for this rezone. If the applicant wanted to subdivide under the current zone the new lots would be non-conforming to the current R-2-10 because of the lack of street frontage.

COMMUNITY COUNCIL RESPONSE

At their meeting on February 5, 2019 the Millcreek Community Council recommended that:

Recommended the proposed rezone be approved in accordance with the staff memo.

NEIGHBORHOOD RESPONSE

Staff received one neighborhood comment from a property south east of the applicant. The neighbors were not opposed to the project and had no complaints or concerns to offer staff.

DEVELOPMENT AGREEMENT CONSIDERATIONS

Staff is ***NOT*** recommending that this rezone be subject to a development agreement.

Based on the similarities in regulation between the current zone R-2-10 and the proposed zone R-1-5 staff feels including a development agreement in this rezone would be an unnecessary burden to the applicant. The goal of this rezone is to allow the new single-family home to be owner occupied. The owner can currently build another unit on the property, but it would not be eligible for owner occupancy, this is the only issue. Staff feels that a development agreement would be too restrictive in this circumstance.

PLANNING STAFF ANALYSIS AND FINDINGS

Mr. Snow came to the staff with the intention of building a duplex or adding an additional house to the current property zoned R-2-10. Perfectly allowable under the current zone, but when Mr. Snow inquired about subdivide the property after building the duplex staff this could not be achieved because the two new lots created from the subdivision would not meet all the current Millcreek code for the R-2-10 zone. Particularly the requirement that all new lots created must have a minimum lot width of 65 feet.

After this discovery, since staff cannot approve a subdivision that doesn't meet the zoning code, Staff recommend rezoning to R-1-5. This would allow for smaller lot widths and more forgiving code to offer flexibility in creating the single-family house on a smaller lot rather than being restricted to a code meant for lots 10,000 sf or larger.

Staff recommends the finding that the proposed re-zone is compatible with the Millcreek General Plan. Staff recommends the finding the proposed development with the re-zone is compatible with the Millcreek General Plan and surrounding neighborhoods.

PLANNING STAFF RECOMMENDATION AND MODEL MOTION

Option 1: Approval

Motion to Recommend Approval of the Rezone Request ZM-19-001 to rezone property located at 4277 S 500 E from R-2-10 to R-1-5 for a new buildable lot to be developed as single-family home not subject to a development agreement.

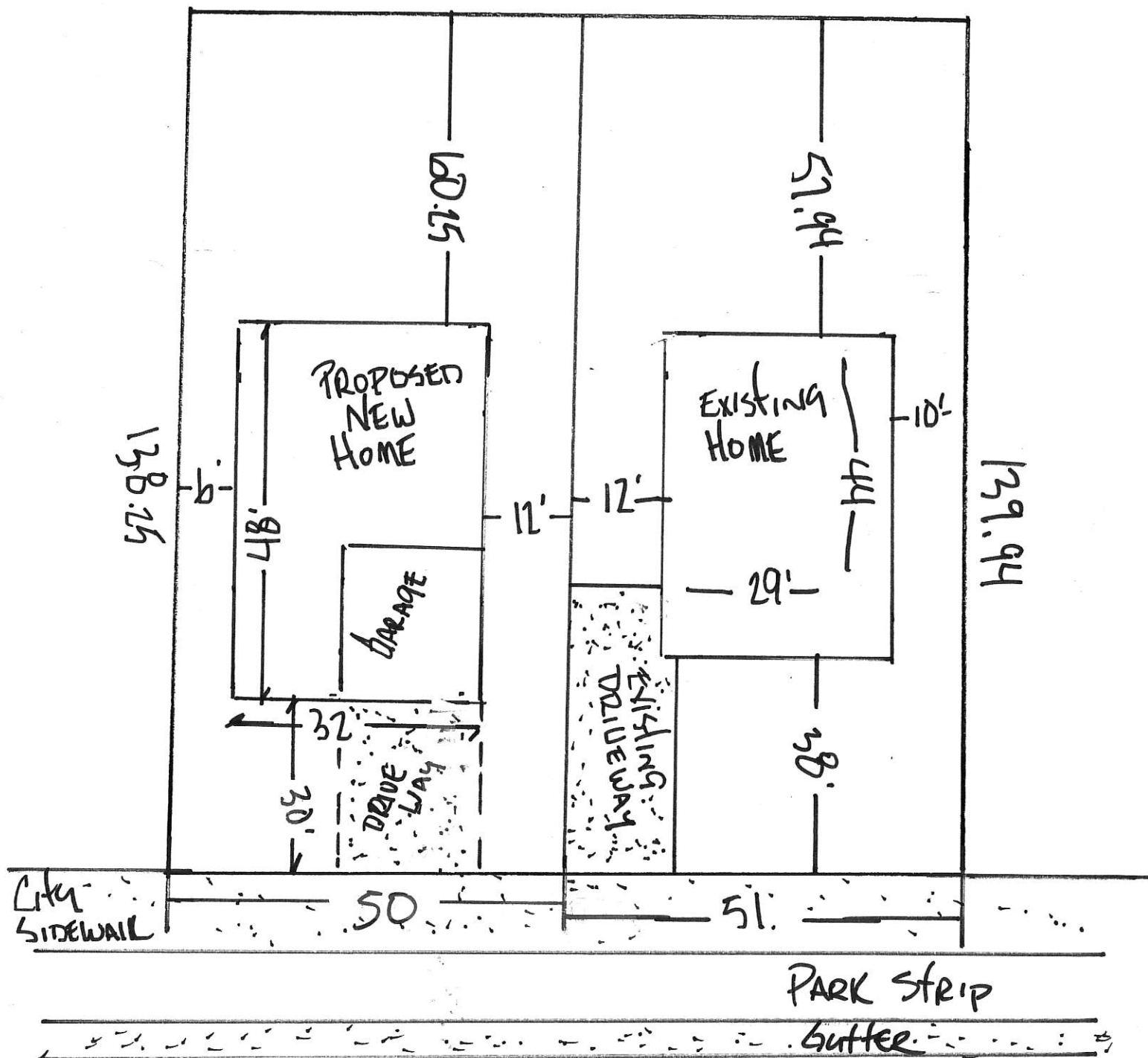
SUPPORTING DOCUMENTS

Include the applicant's submittal documents, and anything else the applicant committed to as part of conditional use review. At a minimum, all applications should include the following – and in the following order:

1. Site Plan

North

91





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

File # ZM-19-002

Planning Commission Staff Report

Meeting Date: February 20, 2019
Applicant: Northstar Builders LLC
Property Address: 3580 South 900 East
Parcel IDs: 16-32-156-001

Request: Rezone from R-2-6.5 to R-M to allow 36 additional condominium units at 3580 South 900 East (Capri Park Townhouse Apartments) subject to a development agreement.

Zone: R-2-6.5 Medium Density Residential Multifamily
Community Council: Millcreek Community Council
Prepared By: Blaine Gehring, AICP, Planner

SYNOPSIS AND SCOPE OF DECISION

Northstar Builders, LLC is requesting a rezone of an old pitch and putt golf course area in the Capri Park Townhouse Apartments complex from R-2-6.5 to R-M to allow additional condominium units to be built. Pursuant to Chapter 19.60.020 of the Millcreek Code, the R-M zone allows multi-family developments as conditional uses. The zone change would allow for additional condominium units to be built in the Capri Townhouse Apartments complex.

Existing Zoning	Existing Land Use	Surrounding Uses and Zones	Site Improvements	Size of Property
R-2-6.5	Vacant pitch and putt course	R-M/ R-1-6/R-1-8/ R-2-6.5/ C-2/M	36 townhouse units as part of Capri Park Townhouse Apts.	1.93 acres

Per §19.90.010 of the Millcreek Code, the Millcreek City Council may amend the number, shape, boundaries, or area of any zone or any regulation within any zone. Zone changes shall not be made or become effective unless the same shall have been proposed by or be first submitted for the recommendation of the planning commission. Per §19.60.070, in any rezoning process, a development

File #: ZM-19-003

If the City Council approves this petition and adopts an R-M Zone, a multi-family development is allowed as a conditional use as per Chapter 19.44.020 of the Millcreek City Code with the approval of the Millcreek City Planning Commission. The Planning Commission is asked to consider this request considering reasonably anticipated positive effects of the proposed uses.

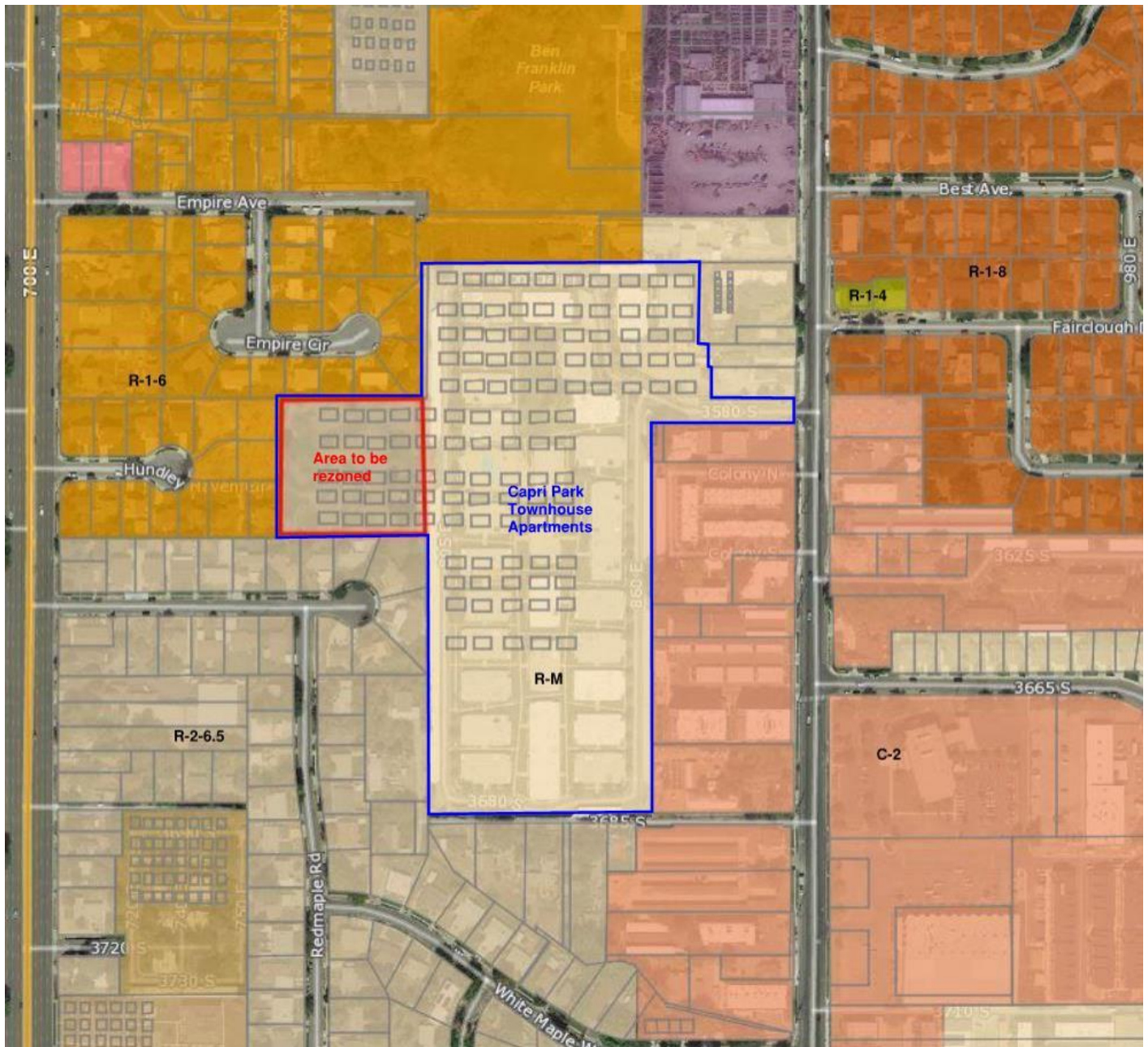
Conditional uses are regulated under Chapter 19.84 of the Millcreek Code. They are presumed compatible with the zone and with the general plan, and permits are to be approved if reasonably anticipated detrimental effects can be mitigated.

Figure 1: Aerial map



The specific site to be rezoned is adjacent to R-1-6 zoning to the north, R-2-6.5 to the south and R-M to the east. There is C-2 Zoning adjacent to Capri Park on the east.

Figure 2: Zoning Map



PROJECT INFORMATION

Existing Land Use and Proposed Change

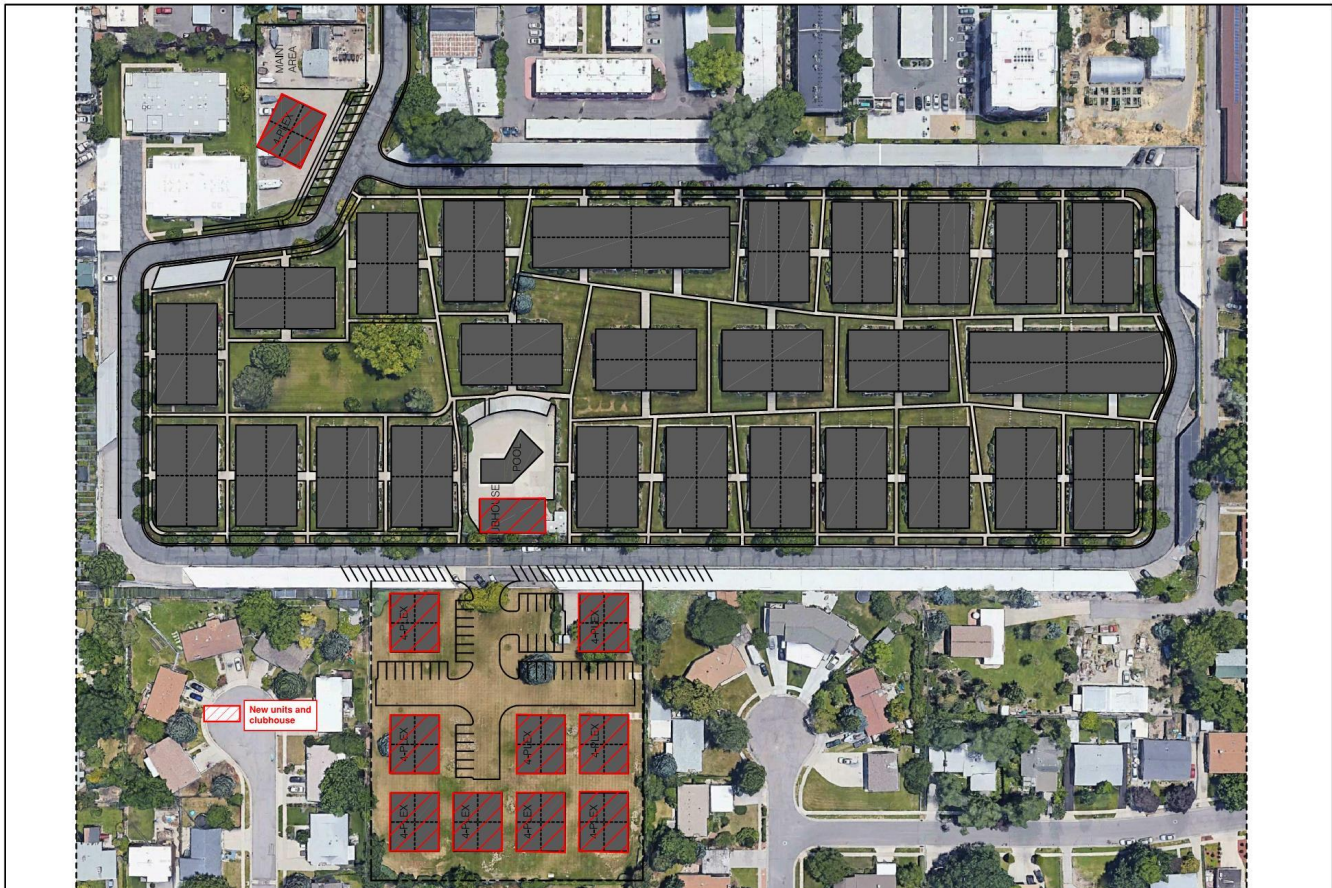
The Capri Park Townhouse Apartments were built between 1975-1978 with a pitch and putt golf course as an amenity. Due to lack of use and funds to maintain the course, it has not been used for some time. Northstar Builders has been working with the Homeowners Association to build additional units in the old golf course area in addition to other units near the front entrance. In exchange, Northstar will repair the

swimming pool and help build a new clubhouse on the existing pool deck along with a new maintenance building at cost. The problem is that the old golf course area is zoned R-2-6.5 where the rest of Capri Park is zoned R-M. Northstar is seeking a rezone of that property to not only conform to the rest of the complex but to allow them to build the additional units.

Proposed Uses. Northstar Builders plan to update the 1.93 acre golf course area along with an RV parking and maintenance shed pad near the front entrance with 40 new for-sale condominium units. These will be one-bedroom units in 10 single story 4-plex buildings. The units will be age-restricted to 55 and over and six of those units will be deed restricted as affordable housing addressing Millcreek's need for affordable housing for those 55 and over. Northstar has been working with the existing homeowners association on design so as to maintain the existing context and general aesthetics of the community.

Density. The R-M zone requires 2,000 square feet per unit for multi-family of 5 or more units. The 1.93 acre golf course site would allow for 42 units. There are 36 units proposed on that site.

Figure 3: Concept Plan



Site Layout. The requested rezone site is located at the west side of the Capri Park complex.

Access. Access will be off 900 East through the existing complex to the west side.

Dedication. No new street dedication is required.

Request: Rezone from R-2-6.5 to R-M

File #: ZM-19-003

Parking. The units are one-bedroom which require 1.5 parking stalls per unit plus .33 guest spaces per unit for a total of 73 spaces. Capri Park is a senior housing area which qualifies for a 20% reduction in parking, so the total required stalls are 58. The applicant's proposal meets the overall residential parking requirement. If this rezone petition is approved, the approved parking ratio will be established as part of a conditional use permit.

Open Space. The new rezoned area will meet or exceed the 40% required open space requirement.

Building Design. The applicant has been working with the HOA and is proposing a building design that will be compatible with the existing units in the complex.

Unit Characteristics. All units will be age-restricted with six of the 40 proposed units deed-restricted. Northstar will be offering the other units for sale at reasonable prices.

Amenities. To replace the golf course amenity, Northstar will be helping to build a new clubhouse on the existing pool deck which will include a kitchen, multiple gathering places and outdoor barbecues along with a new maintenance building at cost.

Utilities and Waste Removal. The new units will be part of the waste collection system already provided in Capri Park.

Fire Code Considerations. All fire considerations have received preliminary approval from the fire marshal.

Exceptions. The applicant is not seeking any exceptions to the required standards of the Millcreek City Code.

Figure 4: Elevations

Unit Elevations



FRONT



LEFT

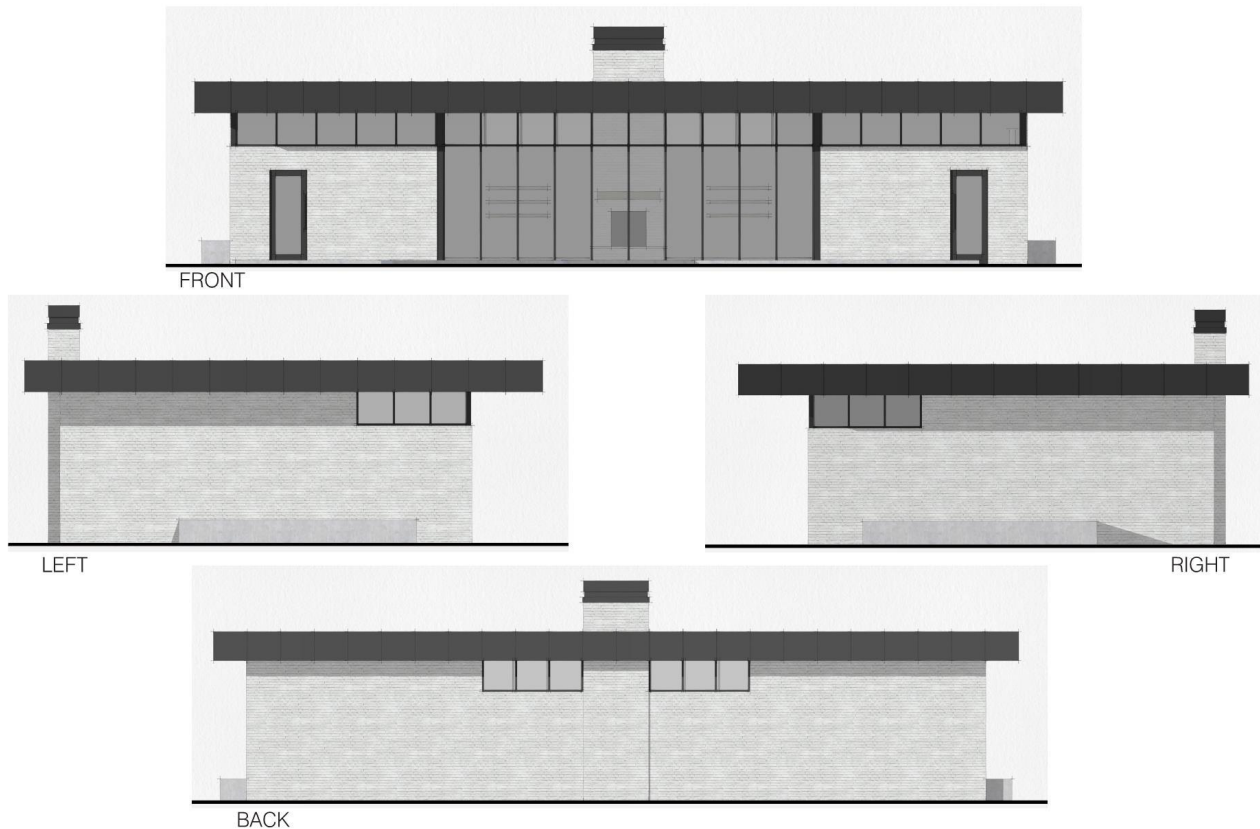


RIGHT



BACK

Clubhouse Elevations



GENERAL PLAN CONSIDERATIONS

All of Capri Park, including the golf course area, is designated Neighborhood 3 on the new future land use map which allows for the higher residential density. The housing plan in the new general plan states the following: "There are approximately 1,308 units/beds in senior living, assisted living, and retirement communities in Millcreek, with about 1,383 households over 65 renting their current home. Furthermore, the City has a population of approximately 9,271 over 65. As this group continues to age, there will be additional need for senior living, assisted living, and retirement communities in Millcreek." The six deed-restricted units will help fill part of that need.

DEVELOPMENT AGREEMENT CONSIDERATIONS

Staff is recommending that this rezone be subject to a development agreement. In addition, because this rezone will also be subject to a conditional use for the multiple family residential, this project may return to the Planning Commission for a conditional use permit approval.

Staff is recommending that a proposed development agreement address the following:

1. Replacement of the Pitch-and-Putt golf course with a club house and an updated maintenance shed.

2. Deed-restrict a portion of the units to provide affordable owner-occupied senior housing for at least 15 years.
3. Update the CC&R's to promote the long-term viability of the Capri Park Homeowners Association.
4. Ensure that the design of the new dwellings is compatible with the existing structures.
5. Stipulate that the new dwellings will be limited to one story in height.

COMMUNITY COUNCIL RESPONSE

At a meeting on Tuesday, February 5, 2019, the Millcreek Community Council unanimously recommended this application for rezone from R-2-6.5 to R-M, subject to a development agreement.

PLANNING STAFF ANALYSIS AND FINDINGS

Planning Staff finds that the rezone is an appropriate addition to this R-M zoned area and will be compatible with existing adjacent development. This project complies with the City's general plan. The proposed project is compatible with the commercial and residential uses in the vicinity. Planning staff recommends approval of this rezone petition, subject to a development agreement.

PLANNING STAFF RECOMMENDATION AND DRAFT MOTION

The applicant's proposal to rezone the property at 3580 South 900 East from R-2-6.5 to R-M will facilitate new development in the Capri Park Townhouse Apartments complex that will enhance and improve the overall appearance and economics of the complex. **Motion to recommend approval of the proposed rezone of the pitch and putt area of the Capri Park Townhouse Apartments from R-2-6.5 to R-M to the City Council, subject to a development agreement.**

SUPPORTING DOCUMENTS

1. Application
2. Applicant Letter
3. HOA President's Affidavit



Planning Services

3330 South 1300 East • Millcreek, Utah 84106

Phone: (801) 214-2750

Millcreek.us

File #

Land Use & Development Application

Zone: _____ Community Council: _____ Planner: _____

Parent File #: _____ Date: _____

Property Address: _____ Parcel #: _____

Name of Project _____ Property Acreage: _____

Please describe your request:

New Development:

- ☐ Conditional Use
- ☐ Permitted Use
- ☐ Subdivision # lots: _____
- ☐ PUD #lots: _____

Modify an Existing Development:

- ☐ Change Conditions of Approval
- ☐ Change the Site Plan
- ☐ Condo Conversion
- ☐ Lot Consolidation
- ☐ Lot Line Adjustment
- ☐ Mobile Store
- ☐ Signs
- ☐ Billboards

Other:

- ☐ Exception Request
- ☐ General Plan Amendment
- ☐ GRAMA (Records Request)
- ☐ Land Use Hearing
- ☐ Non-Conforming
- ☐ RCOZ Appeal (Option C)
- ☐ Research Request
- ☐ Re-zone
- ☐ Right-of-Way Improvement Permit
- ☐ Vacate a Street

Is a key or gate code required to access the property? ☐ Yes ☐ No If yes, code: _____
(or provide driving directions to property):

APPLICANT'S NAME:

First: _____ Last: _____ Initial: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Cell: _____ Email: _____

Property Owner(s):

First: _____ Last: _____ Initial: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Cell: _____ Email: _____

Professional(s): ☐ Engineer ☐ Architect ☐ Other

Company: _____ Contact: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Cell: _____ Email: _____

**NOTE: all correspondence will be sent to the applicant's address:*

To facilitate the land use notice and review process, the undersigned hereby authorize the City to reproduce this application and all documents attached to the application for staff, officials, and the interested public:

Applicant's Signature: Phillip Winston Date _____



Millcreek City Planning Commission

1/18/2019

Northstar Builders

Dear Planning Commission members,

We write to you in reference to our proposed project located within Capri Homes, located at: 3580 S, 900 E, 84106. (Parcel ID: 1632156001)

Northstar Builders plan to update a 1.93-acre unused golf course and a storage pad into 44 age-restricted for-sale condo units. These will be spread across 11, single story 4-plex buildings. 6 of these units will be deed restricted as affordable housing, addressing Millcreek's need for affordable housing for those 55 & over. Millcreek City's General Housing Plan, conducted in April 2018, emphasized the importance of providing opportunities for the community's growing 55+ population to "age in place". We feel that providing affordable, beautiful spaces for Millcreek's 55+ residents will bring only benefits to the city, the residents & Capri as an association.

The entire Capri Homes lot shows as R-M under the assessor map, however, the Millcreek zoning map identifies the golf course as R-2. We would like this addressed so that we can improve the flow of the HOA

We are excited to have been working with the existing HOA members on design, so as to maintain the existing context & general aesthetic of the community.

The new buildings will require very little maintenance, with standing-seam metal roofs and glazed windows, which will minimize heating, venting & cooling costs.

The addition of these units to the HOA will provide the existing homeowners with a large boost in monthly revenue, whilst cutting down on costly landscaping fees for the golf course.

Capri Homes is a beautiful community with a vibrant group of residents. We want to ensure that they can use their amenities year-round, so we will be building a beautiful clubhouse on the existing pool deck. The clubhouse will include a large kitchen, multiple gathering places, and outdoor barbecues.

We will also be providing the HOA with a new, larger maintenance barn in place of the current one that requires many updates.

Northstar will be providing an automatic security gate, to appease any safety concerns the owners have held, and to ensure they don't have to get out of their cars in winter to enter their property.

Although 6 of the 44 units will be officially deed restricted, we will be offering the units for sale at reasonable prices. The 6 affordable units will be listed at and tied to 80% AMI restrictions (Identified as approximately \$178,000 in the study).

The Capri Homeowners' Association supports this plan & we look forward to working to enhance their already wonderful community.

We thank you for your consideration in this matter,

A handwritten signature in blue ink, appearing to read "Phil Winston", is written over a horizontal line.

Phil Winston

Founding Partner, Northstar Builders



3330 South 1300 East, Millcreek, Utah 84106

Phone: (801) 214-2750

Millcreek.us

File #

AFFIDAVIT - Property Owner

STATE OF UTAH }

} ss

COUNTY OF SALT LAKE }

I (we) Gordon Edward Holt, HOA President being duly sworn, depose and say that

I (we) am (are) the owner(s) of the property(s) located at:

3580 S, 900 E (Capri Park Apartment Homes)

My (our) signature below attests that I (we) have reviewed the proposal by Northstar Builders
requesting review and approval of Rezone & Development agreement

and that I (we) consent to the statements and information provided in the attached plans and exhibits

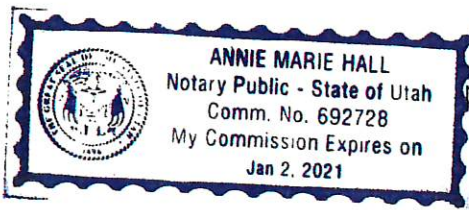
and that all information presented is true and correct to the best of my (our) knowledge.

Property Owner

[Signature]

Property Owner

Subscribed and sworn to me this 18 day of January, 2019.



Notary:

[Signature]

Residing in Salt Lake County, Utah



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

File #CU-19-001

Planning Commission Staff Report

Meeting Date: February 20, 2019
Applicant: Cherish Krueger-Smith/Furry Friends LLC
Property Address: 535 E. 4500 S. #D-250
Parcel ID: 22-06-426-007
Request: Conditional Use Permit for a pet grooming business in an RM zone

Zone: RM

Community Council: Millcreek Community Council

Prepared By: Blaine Gehring, AICP, Planner

SYNOPSIS AND SCOPE OF DECISION

Cherish Krueger-Smith is seeking Planning Commission approval for a conditional use permit to operate a pet grooming business at 535 E. 4500 S. #D-250. Her business is known as Furry Friends. Staff has determined that a pet grooming business falls under the category of Personal Care which is a conditional use in the R-M Zone per Section 19.44.020 of the Millcreek Code. As per Section 19.84.050 of the Millcreek Code, the Planning Commission has the authority to approve or approve with conditions, based on standards, all conditional use applications.

Existing Zoning	Existing Land Use	Surrounding Uses and Zones	Site Improvements	Size of Property
R-M	Professional offices and businesses	Professional offices, businesses, residential and school	Fully developed	2.2 acres (the proposed business would occupy a small office suite)

Building D at 535 E. 4500 S. is one of several buildings in the Professional Plaza on 4500 South. The proposed pet grooming business would occupy a small office suite in that building (D-250). The city attorney has determined that pet grooming falls under the Personal Care category which is a conditional use in the R-M Zone.

SITE & VICINITY DESCRIPTION

Figure 1: Aerial Photo



Figure 2: Zoning map



Professional Plaza is an established business complex located between 500 and 600 East on 4500 South. It is adjacent to the James E. Moss Elementary School on the north, other office uses to the west and single family residential to the west and east.

4500 South is a 7 lane road with existing curb, gutter, and sidewalk. There is no on street parking, but the property provides adequate off street parking. There are currently no fault line, grade, or other geologic considerations to account for. There are also no irrigation or other private water issues that we are aware of that need to be addressed at this time.

PROJECT INFORMATION

Cherish Krueger-Smith is seeking Conditional Use Permit approval for a pet grooming business in an RM zone at 535 E. 4500 S. #D-250. The proposed plan is compatible in the zone and compatible with the intent of the General Plan.

Proposed Uses. Pet grooming business

Density. Not applicable.

Site Layout. Part of the existing business complex.

Access. There a 3 curb cuts on the property, two off 4500 South and 1 off 500 East.

Dedication. Not applicable.

Parking. There are 450 parking stalls in the Professional Plaza complex. Management will make 3 of those stalls available to Furry Friends as part of the lease. Ample parking would be available beyond that.

Open Space. Not applicable.

Unit Characteristics. Not applicable.

Amenities. Not applicable.

Utilities and Waste Removal. A pet grooming business is subject to all rules and regulations under the Salt Lake County Animal Control ordinances which govern cleanliness, waste disposal, use of cleaning solutions, etc..

Development Agreement Considerations. Not applicable.

Exceptions. Not applicable.

COMMUNITY COUNCIL RESPONSE

At their meeting on Tuesday, February 5, 2019, the Millcreek Community Council recommended that: Conditional Use Permit for a pet grooming business in an RM zone at 535 E. 4500 S. #D-250 be approved. The vote was unanimous.

STANDARDS FOR APPROVAL

Per §19.84.060 of the Millcreek Code, All Conditional Use Permits run with the land and may require the applicant to record documents to that effect. The Planning Commission and staff, in their review capacity, may impose site plan modifications and conditions to mitigate the reasonably anticipated detrimental effects of a conditional use.

Staff identified the following reasonably anticipated detrimental effects on this project, and recommend the following modifications and conditions to mitigate them:

- 1. Detrimental effects of decreased street service levels and/or traffic patterns including the need*

for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards, including other reasonable mitigation as determined by a qualified traffic engineer.

Effect: **Staff does not find that there will be likely detrimental effects on account of parking or access, as the applicant's proposal exceeds the parking that is required, and no site changes are required as part of this application.**

Mitigation: **Not applicable.**

2. *Detrimental effects on the adequacy of utility systems, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, or preserving existing systems, including other reasonable mitigation as determined by the City's engineering staff, contracted engineers, and utility service providers.*

Effect: **The pet grooming business will be located in the established Professional Plaza business complex which has all existing utilities in place.**

Mitigation: **Not applicable**

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

Effect: **Not applicable.**

Mitigation: **Not applicable.**

4. *Detrimental effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered acceptable, within a neighborhood including such effects as environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance.*

Effect: **In order to maintain a safe and sanitary environment for employees and patrons, the pet grooming business is under the Salt Lake County Animal Control ordinances which govern cleanliness, waste disposal, use of cleaning solutions, etc..**

Mitigation: **The applicant shall be required to continuously comply with all applicable requirements of the Salt Lake County Animal Control ordinances.**

5. *Detrimental effects that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people arising from, but not limited to, waste disposal, fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands, as determined by City Engineer, City geologist and other qualified specialists.*

Effect: Same as number 4 above.

Mitigation: Same as number 4 above.

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

Effect: Any signage would be subject to limitations in the business complex and Millcreek sign code.

Mitigation: Not applicable.

7. *Detrimental effects arising from incompatible designs in terms of use, scale, intensity, height, mass, setbacks, character, construction, solar access, landscaping, fencing, screening, and architectural design and exterior detailing/finishes and colors within the neighborhood in which the conditional use will be located.*

Effect: Not applicable.

Mitigation: Not applicable.

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

Effect: Not applicable.

Mitigation: Not applicable.

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

Effect: Not applicable.

Mitigation: Not applicable.

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

Effect: Since no new construction is contemplated in this application, a review by the Fire Marshal was not deemed necessary. In order to obtain and maintain a business license, the applicant will need to meet all fire codes related to the safe occupancy of the proposed pet grooming business.

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

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

Effect: Not applicable.

Mitigation: Not applicable.

12. *Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.*

Effect: Not applicable.

Mitigation: Not applicable.

13. Detrimental effects on appearance from graffiti. Applicants shall apply an anti-graffiti material or coating, approved by the City, to building, fence, and other surfaces from ground level to a height of nine feet. The Planning Commission may approve dense planting or appropriate design measures in place of anti-graffiti materials. This requirement may be imposed retroactively where graffiti issues are present.

Effect: Not applicable.

Mitigation: Not applicable.

PLANNING STAFF ANALYSIS AND FINDINGS

Planning Staff finds the proposed business is in compliance with all requirements of the R-M Zone and all Millcreek City development standards.

PLANNING STAFF RECOMMENDATION AND MODEL MOTION

Planning Staff recommends approval of the conditional use permit. A model motion is follows:

Motion to Approve a Conditional Use Permit for a pet grooming business located in an RM zone located at 535 E. 4500 S. #D-250 with the following conditions:

1. The applicant shall be required to continuously comply with all applicable fire codes.
2. The applicant shall be required to continuously comply with all applicable requirements of the Salt Lake County Animal Control ordinances.
3. The applicant shall obtain and continually maintain a Millcreek Business License.
4. Signs and accessory structures will require separate building permits and staff review for zoning/land use compliance.
5. Any modifications to these approved plans must be approved by the Planning Department, in writing, prior to the changes being implemented in the field.
6. All items of the staff report.

SUPPORTING DOCUMENTS

1. Application
2. Affidavit
3. Applicant Letter



Millcreek Community Development

3330 South 1300 East

Millcreek, Utah 84106

Phone: (801) 214-2750

STANDARDS FOR APPROVAL FOR CONDITIONAL USE APPLICATIONS

Section 19.84.060 of the Millcreek Code provides us with standards of approval for conditional use applications. In making your recommendation to the Planning Commission, please review the following standards to develop the findings you wish to make as part of your recommendation. Conditional uses shall meet the standards that we identify to mitigate (but not eliminate) the reasonably anticipated detrimental effects identified below:

19.84.060 Standards For Approval

All Conditional Use Permits run with the land and may require the applicant to record documents to that effect. The Planning Commission and staff, in their review capacity, may impose site plan modifications and conditions to mitigate the reasonably anticipated detrimental effects of a conditional use. All conditional uses shall meet the following standards:

- A.** The proposed conditional use shall comply with City ordinances, Federal, State Law, as applicable to the use and to the site where the conditional use will be located, and;
- B.** Mitigation is required of reasonably anticipated detrimental effects arising from the conditional use, including:
 - 1.** Detrimental effects of decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards, including other reasonable mitigation as determined by a qualified traffic engineer.
 - 2.** Detrimental effects on the adequacy of utility systems, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, or preserving existing systems, including other reasonable mitigation as determined by the City's engineering staff, contracted engineers, and utility service providers.
 - 3.** Detrimental effects on connectivity and safety for pedestrians and bicyclists.
 - 4.** Detrimental effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered acceptable, within a neighborhood including such effects as environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance.
 - 5.** Detrimental effects that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people arising from, but not limited to, waste disposal, fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands, as determined by City Engineer, City geologist and other qualified specialists.



Millcreek Community Development

3330 South 1300 East

Millcreek, Utah 84106

Phone: (801) 214-2750

-
6. Detrimental effects of modifications to or installation of signs and exterior lighting that conflict with neighborhood compatibility.
 7. Detrimental effects arising from incompatible designs in terms of use, scale, intensity, height, mass, setbacks, character, construction, solar access, landscaping, fencing, screening, and architectural design and exterior detailing/finishes and colors within the neighborhood in which the conditional use will be located.
 8. Detrimental effects on the tax base and property values.
 9. Detrimental effects on the current level of economy in governmental expenditures.
 10. Detrimental effects on emergency fire service and emergency vehicle access.
 11. Detrimental effects on usable/functional/accessible open space.
 12. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.
 13. Detrimental effects on appearance from graffiti. Applicants shall apply an anti-graffiti material or coating, approved by the City, to building, fence, and other surfaces from ground level to a height of nine feet. The Planning Commission may approve dense planting or appropriate design measures in place of anti-graffiti materials. This requirement may be imposed retroactively where graffiti issues are present.



**Minutes of the
Millcreek Planning Commission
January 16, 2019
5:00 p.m.
Regular Meeting**

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, January 16, 2019 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106.

PRESENT:

Commissioners

Fred Healey, Chair
Tom Stephens, Vice Chair
David Allen (excused)
Russ Booth
Dave Carlson (not in attendance)
Scott Claerhout
Shawn LaMar
Mark Mumford
Heather Wilson (excused)

City Staff

John Brems, City Attorney
Francis Lilly, Community Development Director
Elyse Greiner, City Recorder
Blaine Gehring, Planner
Robert May, Planner
Erin O'Kelley, Planner

Attendees: Council Member Dwight Marchant, Council Member Bev Uipi, Mehran Tahmassebi, Carolin Cady, Sue Denkers, David Clark, Jay Mirrafie, Matt Gardner, David Pedrazas, Eric Bowers, Helen Sorensen, Brian McMullin, Ella Loveland, Jake Halpin, Matt Johnson, Jason & Alicia Williams, Amber Measom, Aaron Walker, Ada Rosann and Sean Steinman.

REGULAR MEETING – 5:00 p.m.

TIME COMMENCED: 5:02 p.m.

Chair Healey read an opening statement explaining the duties of the Planning Commission.

1. Public Hearings

1.1 Consideration of CU-18-022/SD-18-015, Conditional Use Permit and preliminary plat approval for a 9-unit Planned Unit Development Location: 3360 S. Ararat Dr. Applicant: Fox Den LLC Planner: Blaine Gehring

Blaine Gehring said the property is vacant and there are no existing curb, gutter or sidewalk improvements. The rezone to RM was granted in September 2017 with a development agreement and the planned unit development was approved in October 2018. The townhomes will be 3-bedroom 2-story units that will be 28 feet in height and will have two-car garages and 6 guest parking spaces. At their meeting on January 8, 2019, the Millcreek Community Council recommended approval with a recommendation that additional guest parking be provided in the areas where detention was proposed. Two adjacent neighbors spoke in favor of the project at that meeting and since then staff has

received one email opposed to the project from a resident to the south of the project. Planning staff found that the proposed project is in keeping with the intent of the R-M zone, that it will enhance an existing residential neighborhood on a high-visibility roadway, provided that any detrimental effects are appropriately mitigated. The private residential site plan and development design will make a meaningful enhancement to the character of the area. Staff recommended approval of the conditional use permit with the following conditions:

1. The applicant shall provide parking as approved in the development agreement.
2. The applicant shall provide the proposed exterior detailing/finishes as provided for in the development agreement.
3. The development will be limited to the nine three-bedroom units.
4. The setbacks are as approved in the development agreement.
5. The proposed building height is no more than 28'.
6. All service and mechanical equipment must be screened by landscaping or other methods as set forth in section 19.77.070 of the zoning ordinance.
7. Signs will require separate building permits and staff review for zoning/land use compliance.
8. No light source (light bulb, fluorescent tube, or other direct source of light used to illuminate a parking area) shall be visible beyond the property line of any off-street parking area as required by Section 19.80.030 of the zoning ordinance.
9. Any modifications to these approved plans must be approved by the City Council as an amendment to the development agreement.
10. Landscaping shall be installed as per the development agreement.
11. The applicant will comply with all requirements established through the technical review process prior to receiving final conditional use approval.
12. The applicant will comply with all requirements of the Unified Fire Code, subject to approval by the Fire Marshal.
13. The applicant shall install "No Parking" signs in the fire access lane.
14. The applicant shall obtain a complete review for an approved building permit and shall continually comply with the requirements of Millcreek City, Salt Lake City Department of Public Utilities, and the S. L. City Suburban Sewer District.
15. The applicant and its successors shall properly and continually maintain all required landscaping, fencing, buildings, and roads.
16. All items of the staff report.

Commissioner LaMar asked if the townhomes were two stories. Chair Healey said yes, 28 feet in height. Commissioner Stephens said the development agreement stated 24 parking stalls, but the ordinance calls for 26. Gehring said the ordinance required 24 at the time the project was first approved.

Chair Healey asked for comments from the Millcreek Community Council. No community council members were present.

Brian McMullin, applicant, said the reason the project has taken so long was going through the planned unit development (PUD) process for financing.

Chair Healey opened the public hearing.

No comments were given.

Chair Healey closed the public hearing.

Commissioner Stephens moved to approve the preliminary plat with application SD-18-015. Commissioner Mumford seconded. Chair Healey called for the vote. All Commissioners voted yes. The motion passed unanimously.

Commissioner Stephens moved to approve the conditional use permit CU-18-022 subject to the conditions listed in the development agreement and motions listed in the staff report and also subject to the development agreement terms, motions 1-16, incorporated by reference. Commissioner Booth seconded. Chair Healey called for the vote. All Commissioners voted yes. The motion passed unanimously.

1.2 Consideration of CU-18-020, Conditional Use Permit for a 9-unit townhome multifamily development Location: 3325 S. 1100 E. Applicant: David Pedrazas Planner: Blaine Gehring

Blaine Gehring said the property was currently occupied by the applicant's law office. The townhomes will be 2-bedroom, 3-story units at 38 feet in height with two-car garages and 3 guest parking spaces. The Millcreek Community Council recommended approval with a recommendation that additional guest parking be provided. Planning Staff recommends approval of the conditional use permit with the following conditions:

1. The applicant shall provide a project parking ratio of 2 stalls per residential unit, plus 0.33 stalls of visitor parking, for a minimum total of 21 parking stalls.
2. The applicant shall provide the proposed exterior detailing/finishes as provided for in the application drawings.
3. The development will be limited to the nine two-bedroom units.
4. The side and rear yards shall be 14 feet.
5. The approved building height is 38 feet.
6. All service and mechanical equipment must be screened by landscaping or other methods as set forth in section 19.77.070 of the zoning ordinance.
7. Signs will require separate building permits and staff review for zoning/land use compliance.
8. No light source (light bulb, fluorescent tube, or other direct source of light used to illuminate a parking area) shall be visible beyond the property line of any off-street parking area as required by Section 19.80.030 of the zoning ordinance.
9. Any modifications to these approved plans must be approved by the Planning Department, in writing, prior to the changes being implemented in the field.
10. Landscaping shall be installed in compliance with Chapter 19.77 Water Efficient Landscape Design and Development Standards. Any revisions to the landscape plan package shall be reviewed and approved in writing by the director or designee prior to commencement of construction. Re-certification of compliance with the requirements of the landscaping ordinance shall be provided by the qualified professionals who prepared and submitted the original plan.
11. The applicant will comply with all requirements established through the technical review process prior to receiving final conditional use approval.
12. The applicant will comply with all requirements of the Unified Fire Code, subject to approval by the Fire Marshal.
13. The applicant shall install "No Parking" signs in the fire access lane.
14. The applicant shall obtain a complete review for an approved building permit and shall continually comply with the requirements of Millcreek City, Salt Lake City Department of Public Utilities, and the S. L. City Suburban Sewer District.
15. The applicant and its successors shall properly and continually maintain all required landscaping, fencing, buildings, and roads.
16. All items of the staff report.

Commissioner Stephens asked about the 20-foot front yard setback. Gehring said it was 18.5 feet to the sidewalk, an exception granted in the ordinance. Lilly said the reduced setback is not subject to enhanced landscaping but by taking an average of the existing

setbacks. Commissioner Mumford asked about a light at the intersection of 3300 S. and 1100 E. Lilly said there was already a light there and it belongs to UDOT.

David Pedrazas, applicant, said the 18.5-foot setback was from the property line, not the sidewalk. He said he thought the project would be consistent with the City Center area plans. Chair Healey said the Millcreek Community Council asked the developer to consider more than three guest parking stalls. He asked if the developer tried to add more. Pedrazas said the lot is narrow, so adding additional parking spaces would cause loss of a unit. He said if there was flexibility with open space or setbacks, then he could look at adding some. Lilly said staff has reviewed this project a lot. Commissioner LaMar asked how the emergency vehicles would access the property. Pedrazas said the buildings will have sprinklers and it could park in the no parking strip. Commissioner Stephens said the Planning Commission would not have discretion with the open space requirement because it is in code. Commissioner Claerhout confirmed that there is only one access to the property, and it was on 1100 E.

Chair Healey opened the public hearing.

Ada Ruth Rosann, 1128 E. Taitlynn Circle, asked about the average sale price for the units. Chair Healey said the units are rentals.

Aaron Walker, 1068 Granite Mill Court, said the neighborhood is concerned about the current traffic on the corner of 3300 S. He asked for traffic considerations, like a turn lane or barrier. He said parking has been an issue on 1100 E. He also inquired about the removal of refuse.

Chair Healey closed the public hearing.

Pedrazas said the refuse will be picked up privately so there will not be cans on the street. He said as far as parking, they are in compliance with code, but he has preliminarily spoken to Millcreek Hollow about setting up an agreement to use their parking. Pedrazas said the rent would be around \$2,200-2,400 a month per unit. Chair Healey asked about snow removal. Pedrazas pointed out a spot on the site plan where the snow would be piled.

Commissioner LaMar said he was ok with going under the 40% open space requirement. John Brems said the Planning Commission does not have authority to change the ordinance without a provision to do so. Lilly said there was not a provision. Chair Healey said to mitigate parking on 1100 E., he would like to see the agreement with the neighboring property owner to the south. Lilly suggested to the Commission that the developer make his best effort to secure a parking lease as a condition of approval. Brems said if the applicant agrees then it can be a condition, but the City has a hard time enforcing people to enter into an agreement with a third party. Pedrazas said he was willing to do his best. Lilly said staff could help.

Commissioner Stephens, as respects to CU-18-020, moved to approve the conditional use permit for a 9-unit townhome located at 3325 S. 1100 E. subject to the conditions listed in the staff report, items 1-16 by reference with an additional item, 17, that the applicant will

make his best effort to secure additional guest parking to the south. Commissioner Mumford seconded. Chair Healey called for the vote. All Commissioners voted yes. The motion passed unanimously.

1.3 Consideration of CU-18-021, Conditional Use Permit for a mixed use multifamily development consisting of 18 units and ground-floor commercial Location: 4572-4600 S. 900 E. Applicant: Jay Mirrafie Planner: Robert May

Robert May gave a history of the project. On April 3, 2018 the Millcreek Community Council recommended approval of the rezone from R-1-10 to C-2. On April 18, 2018 the Millcreek Planning Commission recommended to the City Council approval of the with the following conditions:

- Limit hours of operation for the retail portion of the development from 7am to 10pm
- Retail uses for the development are limited to “Neighborhood Retail and Services Uses” only as defined under Chapter 19.04.466 and Chapter 19.04.463 of the Millcreek Code
- No alcohol-oriented business as defined under the definition of “tavern” by the Utah Department of Alcoholic Beverage Control is permitted as a use for the retail portion of the development.

In May 2018, the Millcreek City Council approved the requested rezone from R-1-10 to C2 subject to a Development Agreement to construct the mixed use/multi-family project. At their meeting on January 8, 2019 the Millcreek Community Council recommended approval of the proposed conditional use permit.

May said the site plan, landscape plan, and elevations are what was in the approved development agreement. He said the project exceeds what was required in parking, amenities, and open space. May showed the Commission updated renderings. He went through the project proposal in comparison to the C-2 Zone Requirements. Commissioner Claerhout confirmed that enhanced landscaping allowed the 20-foot front yard setback. Planning staff found that the project complies with the General Plan and meets all minimum standards required for a mixed use development in the C-2 Zone. Staff recommended to the Planning Commission to approve CUP 18-021 subject to the recorded development agreement and the following conditions:

1. The design of the site and building shall comply with all applicable development standards and any site development standards required by the City Engineer and Fire Marshal.
2. Prior to receiving final conditional use approval, the applicant shall certify that existing utility services have the capacity to accommodate additional demand induced by the development, or that the services will be upgraded to meet the additional demand.
3. Accessory structures will require separate building permits and staff review for zoning/land use compliance.
4. Any modifications to these approved plans must be approved by the Planning Department, in writing, prior to the changes being implemented in the field.
5. The applicant will comply with all requirements established through the technical review process prior to receiving final approval including all necessary bonding and addressing.
6. All applicable zoning, building, health, fire and safety requirements must be met including all requirements listed in the adopted Flag Lot Policy prior to receiving final approval of a building permit.
7. All items of the staff report.

Amber Measom, 3437 S. Melvina Street, said she represented the Millcreek Community Council and they recommended approval of the project.

Mehran Tahmassebi, with the applicant, said the front yard setback is 20 feet in one corner but as it goes south it opens up to 27 feet. He said he enhanced the curb appeal of the building and raised the fascia of the building to have a paneled look. Commissioner Mumford asked how close the developer would build to the look of the renderings. The applicant said as close as he could.

Chair Healey opened the public hearing.

No comments were given.

Chair Healey closed the public hearing.

Commissioner Stephens said the first application presented tonight went quickly because the Planning Commission had seen it three times before. He said rezones include development agreements, which are binding as to what gets built. He said lack of Commission discussion on applications does not mean they do not care about the project, just that it has already been vetted.

Commissioner Mumford moved that CU-18-021, Conditional Use Permit for a mixed use multifamily development consisting of 18 units, be approved based on the development agreement and also the recommendations in the staff report to move forward as indicated. Commissioner Claerhout seconded. Chair Healey called for the vote. All Commissioners voted yes. The motion passed unanimously.

The Commission took a break from 5:56 to 6:06 p.m.

1.4 Consideration of ZM-18-014, Rezone from A-1 to RM, subject to a development agreement for a Planned Unit Development consisting of 11 townhomes Location: 4046 S. 700 W. Applicant: Rick Whiting Planner: Robert May

Robert May said the surrounding property to this site is zoned A-1 and the only access would be on 700 W. He then went through the specifications of the project. The 3-story townhomes would be no higher than 30 feet in height and each unit would comprise of 3,000 square feet, all 3-bedroom units. Covered parking was included in the design of each unit with unobstructed space that was 20 feet wide by 22 feet in length. The development meets Millcreek's parking requirements. Adequate fire turnaround was provided where parking will be prohibited within the approved fire access and turnaround facilities. Unified Fire Authority has found the concept plan to be acceptable. Vehicular access to the development was designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian, and bicycle traffic. Adequate emergency vehicle access was provided and conceptually approved by Unified Fire Authority. Maximum lot coverage for proposal was approximately 35%. Total open space for the proposal was approximately 42%.

May said the project would contain an excess of 16 parking stalls than what was required by code. May said there are two stalls in the garage and two in the driveway, with an additional three guest parking stalls. Commissioner Stephens said the ordinance allows stacked parking in the driveway. May went through the staff analysis and findings. May

said the future land use map in the general plan does allow for neighborhood 2 and 3 in the area. Neighborhood 2 and 3 designations consists of a density that ranges from 6-35 units per acre and heights of up to 2 stories. Staff found that the proposal was in harmony with basic planning concepts and the General Plan that suggest placing higher density near public transit to create transit-oriented neighborhoods. The proposed site was within one-mile of the Meadowbrook Trax Station and the Sunnyvale Neighborhood Center. Staff found the proposed rezone from A-1 to R-M to be a compatible and re-enforced the long-range goals and objectives that Millcreek envisioned for the 3900 South and 700 West “Sunnyvale Neighborhood.” He said the A-1 Zone in Millcreek was a zone that was slowly being rezoned for development and hosted a variety of uses that are not compatible with residential urban areas. The proposed rezone placed a more compatible use for the area and was in sync with Millcreek’s future land use map.

May said the applicant held an informal neighborhood meeting on September 20, 2018. At their meeting on January 8, 2019, the Millcreek Community Council recommended continuance of the application until a neighborhood meeting was held to discuss concerns in more depth. May said 11 more units to the neighborhood would not trigger very much traffic. Staff agreed with the continuance per an open neighborhood meeting and a traffic study being conducted. Commissioner Mumford said 700 W. was in bad shape.

Amber Measom, Millcreek Community Council, said the Council did not properly address the item due to time constraints. She said she had concerns about the 3-story height and recommended 2 stories. She was worried that the housing was too expensive for the area, which needs low-income housing, and she had concerns about parking in the summer with the farmers market. She then asked if the mature trees would be taken down for the development. May said trees would be a point of discussion.

Rick Whiting, applicant, provided the Commission with a booklet which reflected his PowerPoint presentation. Whiting said his partner and the property owner was Jason Williams. Whiting presented a slideshow to the Commission which included current photographs of the property and the proposed site plan. He provided resources stating that multifamily housing was a need in the Salt Lake Valley and this project accomplished fulfilling that need. The project would be a gated community and there would be many amenities for the residents. He went through building elevations and floor plans, then through a list of neighbor’s concerns, which included items like traffic, the area becoming less rural, and height of the buildings causing problems. Jason Williams said there were positives with the development, like that it would bring revenue to the neighborhood.

Chair Healey opened the public hearing.

Ella Loveland, 728 E. Roosevelt Avenue, said she owns the property north of the site. She said the neighbors have been there for a long time and they have agricultural uses on their property. She said to the south and west there are irrigation ditches. She said the ditches are attractive to kids. One of the complaints relevant to housing near farms is the animals and she does not want that to be an issue because she has farm animals. She said this was a high crime area and kids steal fruit from her trees and play in her garden. She said buses also create traffic problems for the neighborhood and they stop at high density

housing. The corner of 3900 S. 700 W. has a lot of accidents. During the summer, the farmer's market traffic blocks access to her property. She said there are a lot of problems in the area that are not being addressed and she felt the subject property would be better suited with single-family homes. Chair Healey said there needs to be more discovery, which was why a continuance was being recommended.

Matt Gardner, 2859 S. Wainwright Road, said he serves on the Canyon Rim Community Council. He mentioned that this was the most uneasy he has felt about a zone change. He expressed concerns about the small drive approach and that townhomes did not feel right for the area.

Chair Healey closed the public hearing.

Whiting said many of the issues that have been brought up will be discussed with staff and residents. He felt that overall the development would be a benefit to the area. Chair Healey said it was very difficult in a PUD to have guest parking and suggested that it would be easier to remove the existing structure and provide another unit.

Lilly said there could be a note on the plat stating that the development abuts existing agricultural property. Chair Healey asked if the irrigation ditches were open. May said the ditches would be piped and that can be worked out in the conditional use process. Whiting brought up that they might convert the existing house on the property to a club house. Commissioner Mumford said there was a senior center on 700 W. to be aware of.

Commissioner LaMar, regarding file ZM-18-014, moved to continue this proposed rezone until after the applicant and the neighborhood have reached an agreement that resolves their concerns. Commissioner Stephens seconded. Chair Healey called for the vote. All Commissioners voted yes. The motion passed unanimously.

1.5 Consideration of ZT-18-013, Amendments to Title 19, establishing a procedure to convert existing multifamily developments into condominiums Applicant:

Resonance Development Planner: Blaine Gehring

Blaine Gehring said he has been approached several times about converting existing multi-family developments into condominiums. He said condominium conversion was the process of dividing real estate held under one title into individually owned units that share common elements. Almost any type of property can be converted to condominium ownership: an apartment building, an industrial building, commercial space, or attached housing (duplex, townhouse). A condominium development may be very large or may be as small as four units. Gehring said the proposed ordinance provides some important things to consider in light of the current housing affordability problems in Utah. By converting existing rental properties to condominiums, ownership opportunities are opened up. This creates more affordable housing units for ownership rather than the new townhomes being built in today's high cost market. Also, older units can now be brought up to current code standards making them safer, and in some cases, more energy efficient. Gehring talked about ownership differences with PUDs and condominiums. Francis Lilly said several people have approached the City about doing a PUD and found that doing a PUD is difficult. Currently people could apply for a condominium project

and escape the requirements established for a PUD. The intention of this ordinance was to close that loophole to get around the PUD requirements.

Sean Steinman, Resonance Homes and Development, said the ordinance would invoke affordability in homes sales in Millcreek. He would like to focus on side-by-side unit redevelopment. He would give current rental tenants the opportunity to buy the unit after the condo conversion took place. Commissioner Stephens asked about Steinman's desired improvements for a project on 1300 E. Steinman said bringing units up to building code would be the priority because the exterior has been well kept. Chair Healey asked about a timeline for converting the particular units. Steinman said it depended on the code, but about 60-75 days. Chair Healey said the hang up with these types of conversions was usually with the HOA's starting up and maintaining the property. Chair Healey recommended a continuance on the application. Steinman said the ordinance text came from North Salt Lake City. He would like FHA and Fannie-Mae approvals in place and said it was harder for stacked condos and easier for side-by-side condos to get financing. Steinman felt that the ordinance accomplished those concerns. Commissioner Mumford questioned that the applicant would change the affordable rental to an affordable ownership. Steinman said mortgage expenses was close to current rent expenses. Commissioner Mumford asked if owners could rent units out. Steinman said a percentage of the units must be owner occupied. Commissioner Booth said he has experience with the homeowners not following through with their obligations. Steinman said the HOA documents would be subject to planning staff review.

Commissioner LaMar asked if conversions on existing property took place, if they would need to meet open space requirements. Gehring said they would work with what is there, but new condominiums would have to meet code. The land use does not change, just the ownership. Lilly said he did not want to create a situation where someone creates a four-plex then comes back 9 months later and changes the project, so there would be a trigger in the ordinance for the project to be established for at least 5 years.

Amber Measom, Millcreek Community Council, said the community council did not have a chance to discuss the item at their meeting. She said the Council did not fully understand the ordinance. She asked about notice to residents about the conversion. Steinman said they would honor the lease if there was one. She requested an opportunity to give renters a chance to acquire leasing. She asked about a maximum complex size if a 4-plex was the minimum. Chair Healey said the financing agencies control the size. Measom expressed concern about high HOA fees making ownership unaffordable.

Chair Healey opened the public hearing.

Jake Halpin, partner with Steinman, said they could keep HOA fees affordable because of lack of existing amenities.

Chair Healey closed the public hearing.

Commissioner Stephens said converting a 4-plex did not seem viable. He said there could be unintended consequences of a displacement of current tenants. Commissioner Stephens said the intent of the ordinance was to make new condos comply with the PUD

ordinance. Lilly said West Valley, South Salt Lake City and Murray have rigorous codes on condominium conversions. Chair Healey said he has seen developers put in a certain percentage of sales prices into an escrow to help set up the HOA.

Commissioner Mumford moved to continue ZT-18-013 for further discussion and also details regarding the conversion. Commissioner LaMar seconded. Chair Healey called for the vote. All Commissioners voted yes. The motion passed unanimously.

The Commission took a break from 7:30 to 7:44 p.m.

1.6 Consideration of ZT-18-015, Amendments to Title 2 and Title 19, establishing public noticing requirements and clarifying procedures to notice community councils for certain land use applications Planner: Blaine Gehring

Blaine Gehring said staff had been working on these amendments to better codify and define the City's public noticing requirements. He went over key points of the ordinance. Where an application is within 600 feet of a community council district boundary, staff will notify and solicit input from both community councils; if staff receives an application on a month that a community council does not hold a meeting, they may hold a neighborhood meeting in lieu of a community council meeting. They will still solicit input, but it will be in writing, and not at a meeting. Notice will be sent to the community council seven days in advance inviting them to attend the neighborhood meeting. Staff would also like to codify the practice of sometimes holding neighborhood meetings before a formal application is submitted. The applicant will bear the burden of noticing and scheduling the meeting and providing staff with proof of notice for the following: future land use map amendments, rezones and development agreements, conditional use applications for uses requiring new construction, or for a use that is anticipated to create traffic or parking demand at least 20 percent greater than the existing use, PUD's, and multi-family developments in a residential zone. The ordinance will keep the 300-foot notice for conditional use permits, special exceptions, subdivision amendments, etc. and go to a 600-foot notice for zone changes and general plan amendments.

Lilly said these items came about from learned experience by staff in the last year at Millcreek. There have been neighborhood meetings held before on controversial applications and this ordinance would require that. The distinction with 600 feet and 300 feet noticing is legislative vs administrative items. Staff started noticing community council meetings and it was causing more public input at their meetings. He said the burden ought to be on the developer, not the community councils to get the first go at public input. Lilly said two community councils do not hold meetings twice a year due to holidays and state law requires applications be heard in a certain amount of time after submittal. The community councils will still have the opportunity to comment on application in writing via email to staff.

Chair Healey said San Jose and Las Vegas have similar ordinances on meetings.

Matt Gardner, Canyon Rim Citizens Association, said the Association felt that the ordinance was appropriate since they take July and December off. He asked about voting on applications over email. Lilly said they could vote and comment over email. Amber Measom agreed with Gardner's comments.

Commissioner Mumford asked about the applicant's responsibility with neighborhood meetings. Gehring explained that the applicant had to notice the meeting, conduct the meeting, take minutes of the meeting, and submit the minutes to staff. Gehring said the County or staff could help the applicant put together the mailing list. Chair Healey said other cities require a member of planning staff to be present at the neighborhood meetings. Lilly said his preference was that his staff be there. Chair Healey suggested the applicant prepare the mailings but give it to staff to ensure that it got mailed. Commissioner LaMar asked if the neighborhood meeting notice had to have specific language. Erin O'Kelley said it would require the place, date, and time of the meeting. Chair Healey said it ought to say what the project was. Commissioner Mumford requested a standard template for notices. Lilly said the ordinance could say the applicant shall send the notice using the form provided by the City. Commissioner Claerhout asked about notice timeline requirements. O'Kelley said the applicant must notice the meeting one week prior to the meeting date.

Chair Healey opened the public hearing.

No comments were given.

Chair Healey closed the public hearing.

Commissioner Stephens moved to send a favorable recommendation to the City Council to approve ZT-18-015 as presented with two additional suggested text changes; 1) the notice sent to the property owners would be on a form provided by the City, and 2) the City will deliver the stamped addressed notices to the post office as opposed to the developer doing that. Commissioner LaMar seconded. Chair Healey called for the vote. All Commissioners voted yes. The motion passed unanimously.

2. Continuing Business

2.1 Consideration of ZT-18-012, Amendments to Title 19, establishing new regulations for on-premise signs Planner: Erin O'Kelley

Erin O'Kelley said there was more business outreach and community council input provided on the distributed survey. Commissioner Stephens asked if staff sought continuance or action from the Commission. O'Kelley said it was up to the Commission. O'Kelley said after the last Planning Commission meeting, the survey was sent to 325 people who had applied for a Millcreek business license in the last nine months. Francis Lilly said it was also promoted in the electronic newsletters, on social media, and on the City's website. There were 122 responses, 95% were residents and 18% were business owners. She went through the survey questions and comments that were provided on each question. On the maximum size for signs being reduced question, 77% of the responses were for the change and 12% were against. On reducing the maximum height for signs, 69% were for and 15% were against. On changing the setback to 5 feet from the public right-of-way for all signs change, 76% were for and 15% against. Lilly said the reasoning for 5 feet was that other cities do it and it promotes improved streetscape and landscape. On electronic message center (EMC) signs being approved over the counter as opposed to a public hearing process, 79% were for and 17% against. On adding a new section about temporary signs and requirements, 76% were for the regulations and 16% were

against. She said the open-ended question about other comments on signs produced questions about nonconforming signs and new signs vs old signs. Lilly said state law sets the response for nonconforming signs and said signs do not last forever, and they tend to move a lot.

O'Kelley said the input from the community councils on the amendments were; Mt. Olympus recommended approval of the ordinance; East Mill Creek recommended approval with conditions, to confirm the time that the EMC lights would turn off and suggested it be on a seasonal basis or at sunset; Canyon Rim Citizens Association recommended continuance to see all the survey results; and Millcreek recommended continuance to have more time to read the changes. Commissioner Stephens asked about the current EMC language. O'Kelley talked about the ambient lighting requirements but the code did not say anything about it being based on the season.

O'Kelley said there had been a significant amount of outreach. Commissioner Stephens commented that the survey had strong support for the recommended changes. Lilly recommended the Commission forward the proposal to the City Council pending the remaining community councils' input.

Amber Measom said the Millcreek Community Council did not have time to properly discuss it. She asked about residents' input outside of business ownership. O'Kelley said about 30 initial responses from residents were provided. Measom said the challenge in Millcreek was that it is diverse and hard to address all the areas of the City. She said 6 months seemed too long to allow temporary signs. Lilly said a code enforcement officer could document when the sign was placed then notify the owner when it needed to come down. She also said new signs would be at a disadvantage with new setbacks.

Matt Gardner said the Canyon Rim Citizens Association had some concern about small businesses being able to advertise on the street with the one-foot setback for temporary signs. He said the Association would probably recommend approval of the ordinance amendments at the next meeting.

Commissioner Stephens said the maximum size pole sign in C-2 and C-3 zones being 200 square feet was too large. He would recommend that it not exceed 150 feet. O'Kelley said the survey showed that the ratio of frontage to sign size was fair. Commissioner Stephens also commented on the distance for EMC signs from residential zones. He said the code currently triggers a conditional use permit if it was within 300 feet from a residential zone. The proposed text states the minimum would be 100 feet, but he recommended it be increased to 150 or 200 feet on the same street that abuts a residential zone, not on a radius. He recommended to keep EMC signs as a permitted use but expand the distance from a residential zone to 200 feet.

Chair Healey said he would like to see the 5-foot setback reduced. Commissioner Stephens said other cities have 5-foot setbacks. Commissioner Stephens said he would like to see pole signs be a maximum of 150 square feet and EMC signs be 200 linear feet from a residential zone, not including residential zones behind commercial zones. The Commission expressed that it should be radial, not linear feet.

Commissioner Stephens, as respects to ZT-18-012 amendments to Title 19 establishing new regulations for on-premise signs, moved to recommend approval to the City Council subject to the following: all community councils make a final recommendation, the maximum size pole sign face not exceed 150 square feet, and the minimum distance from any residential zone as respects to EMC signs be not less than 150 radius feet in all directions. Commissioner Mumford seconded.

Commissioner Booth asked about a maximum height on projecting blade signs. He said the reason for the sign ordinance was to make things look better. He wanted to encourage pole sign owners to repaint them, for staff to include beautification in the ordinance.

Commissioner Stephens clarified that his motion was, as respects to ZT-18-012 amendments to Title 19 establishing new regulations for on-premise signs, to recommend adoption of these amendments to the City Council subject to the remaining: the community councils to give their recommendation, as respects to pole signs the maximum size pole sign face not to exceed 150 square feet, as respects to EMC signs the minimum radial distance from a residential zone is 200 linear feet from the sign. Commissioner Mumford re-seconded. Chair Healey called for the vote. All Commissioners voted yes. The motion passed unanimously.

3. Business Meeting

3.1 Approval of December 19, 2018 Meeting Minutes

Commissioner Stephens moved to approve the minutes. Commissioner Claerhout seconded. Chair Healey called for the vote. All Commissioners voted yes. The motion passed unanimously.

4. New Items for Subsequent Consideration

None.

5. Calendar of Up Coming Planning Meetings

- Combined City Council & Planning Commission Special Work Mtg., 1/23/19 at City Hall
- Mt. Olympus Community Council Mtg., 2/5/19, 6:00 p.m. at 3450 E. Oakview Dr.
- Millcreek Community Council Mtg., 2/5/19, 6:30 p.m. at 1025 E. 4405 S.
- Canyon Rim Citizens Association Mtg., 2/6/19, 7:00 p.m. at 2375 E. 3300 S.
- East Mill Creek Community Council Mtg., 2/7/19, 6:30 p.m. at 2266 E. Evergreen Ave.
- City Council Mtg., 2/11/19, 5:00 p.m. at City Hall
- Planning Commission Mtg., 2/20/19, 5:00 p.m. at City Hall

Chair Healey went over the list of the up-coming events. Lilly said staff was bringing changes to the Planning Commission in a future meeting about guest parking. He will be hiring a consultant to give a professional opinion on quantity of guest parking. He hoped they would clarify that guest parking ought not to be on the driveway. Chair Healey wanted an opinion on 3-bedroom and 4-bedroom unit parking. Lilly said they will also clean up the tandem parking issue. Commissioner Mumford asked about street parking width accommodations. Lilly said the transportation master plan has a private right-of-way section that was at least 24 feet. Commissioner Stephens said the Planning Commission thought that 20-foot wide alleyways were too tight.

Lilly asked the Commission about their opinion on using city issued iPads in lieu of being provided printed packets for meetings. Commissioner Stephens said sometimes iPads are too small to be able to read the material. Commissioner Healey thought it was a good idea and mentioned that Apple does a discount for governmental agencies.

ADJOURNED: Commissioner Booth moved to adjourn the meeting at 9:01 p.m. Commissioner Claerhout seconded. Chair Healey called for the vote. All Commissioners voted yes. The motion passed unanimously.

APPROVED: _____ **Date**

Fred Healey, Chair

Attest:

Elyse Greiner, City Recorder

DRAFT



**Minutes of the
Millcreek City Council and
Planning Commission
January 23, 2019
5:30 p.m.
Special Joint Work Meeting**

The City Council and Planning Commission of Millcreek, Utah, met in a special public work meeting on January 23, 2019 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106.

PRESENT:

Council Members

Jeff Silvestrini, Mayor
Silvia Catten, District 1
Dwight Marchant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4

Planning Commissioners

Fred Healey, Chair (left at 7:20 p.m.)
Tom Stephens, Vice Chair
David Allen (not in attendance)
Russ Booth
Dave Carlson (not in attendance)
Scott Claerhout
Mark Mumford
Heather Wilson (not in attendance)

City Staff

John Geilmann, City Manager
Elyse Greiner, City Recorder
Francis Lilly, Community Development Director
Kurt Hansen, City Services Director
Laurie Johnson, HR-Finance Director
John Miller, Public Works Director
Mike Winder, Economic Development Director
Rita Lund, Communications & Programs Director
Alexandra Muller, Deputy Recorder/Law Clerk
Robert May, Planner
Blaine Gehring, Planner
Erin O'Kelley, Planner

Attendees: Kumar Shah, Kevin McCulley, France Ross, Wayne Johnson, Joan Haven, Chip Spencer, Jeff Waters, Matt Johnson, Richard Williamson, Howard Hoffeth, Clark Smith, Kurt Zimmerman, Gardner Reid, Jamie Walker, Nick Morgan, Suzanne Dunbar, Amber Measom, Jack Vettorli, Elijah Lewis, Nancy Carlson-Gotts, Kelly Winslow, Nate Gibby, Nicholas Dyson, Rob Hunsaker, Phong Nguyen, Mark Maxwell, Kory Meyerink, Alan Westenskow, Rob Peterson, Braden Saunders, Brian Jorgensen, Tammy Murillo, Steve Knox, and Diane Angus.

WORK MEETING – 5:30 p.m.

TIME COMMENCED: 5:41 p.m.

Mayor Silvestrini invited Scout Troop 710 to lead the pledge of allegiance.

1. Introduction of City Department Heads and Their Roles; Mayor Jeff Silvestrini

Mayor Silvestrini said the purpose of the meeting was to talk about ways to improve the way the City serves the residents. He thanked the community councils and Planning Commission for their work in meetings. He described the services provided by the City which were taken over from the County, and they include building department functions, business licensing,

planning, engineering, economic development, community relations and finance. The Department Directors introduced themselves and their responsibilities; Kurt Hansen, Francis Lilly, Rita Lund, John Geilmann, John Miller, Mike Winder, Laurie Johnson, and Elyse Greiner.

Mayor Silvestrini said he wanted to give the new community council members tools to do their job the Millcreek way. He said the City tries to engage with the residents whenever they can. When an application comes into the City, the applicant works with staff, the application goes to the community councils, then a recommendation from the community council goes to the Planning Commission. He said the Planning Commission makes administrative decisions, other matters that are legislative in nature go to the City Council with a recommendation from the Planning Commission. Mayor Silvestrini said the recommendations should include a rationale.

2. Training

2.1 Planning Role of the Community Council; Francis Lilly, Community Development Director and Rita Lund, Communications and Programs Director

Francis Lilly said there are two types of planning decisions; administrative and legislative. Administrative decisions apply existing law or policy to a particular application or petition from a citizen or developer. They typically apply to an individual or small group of citizens. Examples of administrative decisions include: conditional use permits, planned unit developments, special exceptions, legalization of nonconforming uses, and sidewalk exceptions. The community councils make recommendations to the Planning Commission and the Planning Commission makes the decision. Lilly showed a video on conditional use permits provided by the Land Use Academy of Utah.

Lilly said legislative decisions make law or create policy and apply equally to anyone in a community or are categorical in nature. Legislative decisions include zone text changes, zoning map amendments, and adoption and amendments to the General Plan and small area plans. The process is that the community councils make recommendations to the Planning Commission, the Planning Commission makes recommendations to the City Council, and the City Council makes the final decision. Lilly said for legislative actions, the City should look to the General Plan for guidance. He said the public bodies could also request staff to look into ordinance changes. Millcreek Code identifies the possible detrimental effects caused by conditional use. Lilly went through a parking and rezone example of what could be conditioned. Mayor Silvestrini said the rezone example was a real case that came before the City Council. A reason for a condition on the rezone was not provided as part of the recommendation. He said the City's decisions can be attacked if they are arbitrary. The Council followed what was permitted with the zone. He said it is helpful to have reasons and evidence of conditions, and by providing reasons for decisions in the meeting, the public trusts and respects the decisions and finding. He expressed concern about legal challenges to decisions. Lilly said the City inherited a rough general plan for guidance. The proposed general plan is a lot more prescriptive. He said the community councils and Planning Commission provide an indispensable function for the City.

Amber Measom, Millcreek Community Council, asked how the community councils' comments filter to the City Council. Lilly said ideally the recommendations would come

in writing. Lilly said he documents their votes and summarizes the concerns of the prevailing and minority votes of each application to the Planning Commission. He said the community councils could document that themselves in a letter/email to the Planning Commission. Mayor Silvestrini said the City Council values the councils' opinions.

Kumar Shah, Mt. Olympus Community Council, said the resources the community councils have are limited. Rita Lund read from Code 2.56.100 Community Councils; Planning and Zoning Recommendations, "The staff of the city planning and development services shall act as the staff to each community council on planning and zoning matters, and shall also arrange meetings between the applicants and community councils when so requested." She said staff is there to help the community councils.

Chip Spencer, Millcreek Community Council, expressed concern that the community council could make a decision on a rezone based on what they think the applicant wants to do with the property, but the applicant does not have to do what was presented. Mayor Silvestrini said that used to be the way with the County, but the City now requires a development agreement that stipulates the applicant will build what was approved and conditioned on for the rezone.

Amber Measom relayed an example of a rezone case involving agricultural property in an area that the general plan allows for higher density. Lilly said the general plan talks about rezones being compatible with surrounding zones and neighborhood character. He said the general plan shows the upper bound for zoning, so the Planning Commission could scale the zoning back. Lilly said the general plan is a new tool for Millcreek to use.

Rita Lund said as an applicant works through the planning process, changes may need to happen, but if a project substantially changes, the application must go through the approval process again.

2.2 Planning Role of the Planning Commission; Francis Lilly, Community Development Director

The Planning Commissioners introduced themselves; Russ Booth, Shawn LaMar, Tom Stephens, Mark Mumford, Fred Healey, and Scott Claerhout.

2.3 Role of the City Council; John Geilmann, City Manager

John Geilmann passed out a memorandum. He then went over Section II in the handout which included State Code 10-8-84, and it read, "The municipal legislative body may pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by this chapter, and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city." He said, "Black's Law Dictionary defines an Ordinance as an 'authoritative law or decree.' Ordinances are the 'local laws of a municipal corporation, duly enacted by the proper authorities, prescribing general, uniform and permanent rules of conduct relating to the corporate affairs of the municipality..." It should be noted that the Legislative Body not only adopts ordinances, but that body also adopts resolutions and creates legislative and administrative policies. All municipal entities, such as the Planning Commission,

Community Councils and City Staff are subject to the ordinances, resolutions and legislative and administrative policies adopted by the City Council. Hence, whenever the municipal entities are reviewing or making recommendations to the City Council, those entities must function within the boundaries of and pursuant to the policies adopted by the City Council. He said the community councils' job was to take the information they are reviewing for a recommendation and filter through the policy, resolutions and ordinance. If they go outside of them, they have gone beyond their job. He gave a metaphor of a baseball diamond with policy and budget outside the foul lines. He said we can hit homeruns every time at bat, but we cannot hit foul balls.

Mayor Silvestrini commended the community councils and Planning Commission for the way they conduct their meetings.

2.4 Open and Public Meetings Act; Elyse Greiner, City Recorder

Mayor Silvestrini said the City Council and Planning Commission are required to have the training, but the Community councils are not, though they can learn from the Act. He said meetings needed to be open and gave some preliminary information on reasons for closed meetings.

Elyse Greiner went over the Open and Public Meetings Act. The policy behind the Act is that public bodies exist to aid in the conduct of the people's business and their actions and deliberations should be taken and conducted openly. Greiner defined a public body, a quorum, and meeting. She went over the noticing, agenda, recording, and minute requirements. She described emergency meetings and closed meetings, then went into detail about the process and record of closed meetings. She ended the training with mentioning that disruptive people could be removed from meetings and mentioned the penalties for violating the Act.

Chip Spencer asked about City policy in removing disruptive people from a meeting.

Joan Haven, Community Council, asked about discussing business and minute changes via email. Greiner told her that the community councils were not subject to the Act, but recommended they deliberate about such matters during their meetings.

2.5 Meeting Decorum; Mayor Jeff Silvestrini

Mayor Silvestrini said if there is a controversial item on the agenda, the community councils and Planning Commission could request that Unified Police Department have a presence at the meeting if they are worried about disruptive behavior. Mayor Silvestrini said the Chairs could make an appeal at the beginning of the meeting that everyone involved are neighbors and there should be a respectful discussion about an application. He suggested that the Chairs could recess the meeting and come back when the public calms down. He said it is the prerogative of the Chair to control the meeting. Mayor Silvestrini invited the community councils to hold their meetings at City Hall. He said the City's resources were available to them. He also said that he would like the community councils to have more of a presence on the City's website. He mentioned the Council's and Planning Commission's meeting packets are posted online.

Diane Angus, Millcreek Community Council, asked about recusing themselves when a conflict of interest application came before the public body. Mayor Silvestrini said the City Council, Planning Commission, and community councils fill out a conflict of disclosure form when they start their term. He said they could also disclose conflicts of interest as they arise during the meeting. Council Member Catten asked about the Chair's using their prerogative to reorder the agenda. Mayor Silvestrini said they can but it would require a motion to do so.

Jamie Walker, Millcreek Community Council, suggested getting quicker agenda items out of the way first. Mayor Silvestrini said it is a balancing act, but it is up to the Chair's discretion. Mayor Silvestrini said the State has put requirements on how timely cities process applications. Walker said they did not get to some items on the agenda at the last meeting because there were too many. Mayor Silvestrini suggested that they could have two meetings a month depending on the volume of items.

The training portion of the meeting ended and there was a break from 7:17 to 7:54 p.m.

3. Break Out Sessions

3.1 Planning Commission Discussion on Off-Premise Signs; Promise Room; Francis Lilly, Community Development Director

Francis Lilly explained the history of billboards in the area and how other cities handled different aspects such as setbacks, height, and size. He spoke about the billboard bank that capped the number of billboards in cities and how state law affected use of electronic signs. Dewey Reagan, owner of Reagan Outdoor Advertising, said he would like to see ordinances with flexibility and wanted to work with the City in being a good partner in the community. He further explained that many signs were from local companies instead of national companies. Lilly discussed the tradeoffs between having fewer larger billboards or more smaller billboards, given that the total square footage of billboard sign area will remain the same. He cited the public process he went through when he worked at South Salt Lake. Some Commissioners commented on how the signs looked shabby in the Millcreek area or that it did not seem to have uniformity in placement while other Commissioners expressed a desire to remove smaller signs in exchange for larger signs in a more high-traffic area. The meeting concluded with Francis Lilly stating they needed to begin making decisions and crafting the ordinance with a timeline to bring it before the Planning Commission in March.

ADJOURNED: Commissioner Claerhout moved to adjourn the Planning Commission meeting at 9:00 p.m. Commissioner Booth seconded. Vice Chair Stephens called for the vote. All Commissioners voted yes. The motion passed unanimously.

APPROVED: _____ Date
Fred Healey, Chair

Attest: _____
Elyse Greiner, City Recorder

3.2 Community Council Roles and Responsibilities; Millcreek Room; Rita Lund, Communications and Programs Director

John Miller discussed with the community councils the capital improvement budget process and the need for them to recommend projects to him in February. He also discussed policy creation and requested the community councils review the draft Traffic Calming Policy in preparation for presentation of it to the City Council at a later date.

Rita Lund discussed the web page “maps” and “report a concern” functions. They discussed the Salt Lake County Operations contract and the frequency and cost of snow removal. Lund also went over the City’s funding sources and restrictions; gas tax, property tax, sales tax, and grants. The community councils then filled out the required volunteer packet forms.

The meeting ended at 8:55 p.m.

3.3 City Council Work Session and Strategic Planning; East Mill Creek Conference Room; Laurie Johnson, HR-Finance Director

Laurie Johnson asked the council members what a strategic plan was, and each council member provided feedback. She said it was a systematic process of envisioning a desired future and translating this vision into broadly defined goals or objectives and a sequence of steps to achieve them. In contrast to long-term planning (which begins with the current status and lays down a path to meet estimated future needs), strategic planning begins with the desired-end and works backward to the current status. A strategic planning process includes vision, gathering information, formulating a strategy, implementing a strategy, and evaluating and updating the strategy. She said there are consultants who can help facilitate the process.

Baldrige Performance Excellence Program is part of the United State Department of Commerce and it oversees the nation’s only Presidential award for performance excellence while offering a wide array of award-winning products and services, including the world-renowned Baldrige Excellence Framework. She said Malcom Baldrige was the Secretary of Commerce and he developed a program to reward and recognize manufacturers who were doing very efficient things. She said it now incorporates health care and local government. She described her experience with the program on the Baldrige Board of Examiners. The framework emphasizes leadership, strategy, customers, measurement, workforce, and results.

Johnson said she has started to work on a 5-year budget and asked the Council if they wanted to proceed in creating a strategic plan. Johnson said the community councils and staff would provide input, but it would be the Council’s strategic plan. John Geilmann said the Council could start the plan now or financial and capital improvement projects now that build into a strategic plan next year. Council Member Catten said this year plus the next term, if she is re-elected, would let her see the 5-year plan. Council Member Uipi requested a public process being the first step. Council Member Marchant asked how many cities are involved in Baldrige. Johnson said she did not know but at least South Jordan was. She mentioned conducting a public survey was critical. It was brought up that an election year does not provide time for other projects. Council Member Uipi asked about using Qualtrics as a public survey resource. Mayor Silvestrini said the Utah

State University extension offers that service. Council Member Jackson said there needs to be multiple avenues for the outreach to the public. Johnson went through Fort Collins, Colorado application as an example. Johnson said if the award is on applications that meet a standard, there is not a set number of winners. The idea is to use the resources in the best way possible.

Johnson asked what the Council would like prepared for the budget planning work session tentatively planned for March 11. She said insurance costs would go up about \$36,000. She said two issues are the Unified Police Department contract and the Salt Lake County Public Works contract. Mayor Silvestrini said John Miller said the County could raise the City's contract by about \$1.5 million for the same level of service. He said Millcreek may join other cities if they are not able to come to an agreement with the County. Mayor Silvestrini said the Unified Police Department contract might go up by inflation. Council Member Uipi asked about the legislation allowing the Unified Police Department Board being able to hire a chief. Mayor Silvestrini said that legislation should not make the fees go up. Mayor Silvestrini said Millcreek does not have an option for public works in the short term. He would explore partnering with Taylorsville and Holladay.

Geilmann said over the next 5 years, he anticipates the population of the City to be about 74,000 or more. He said Millcreek has maxed out the employee ratio. He anticipates over the next 3-4 years a \$29 million budget that does not include the Unified Police Department property tax. He is still working on history which will help with that projection. He mentioned that the City Center will bring in more money. Mayor Silvestrini said the City needs to make a commitment to start the strategic plan process. He said the second phase of the City Center is in the works. Mayor Silvestrini said he went to the Salt Lake Christian Center to scope out the property for future public use. Mayor Silvestrini said the owner is looking to sell and would be willing to set terms of purchase with the City. Geilmann said the property owner is asking \$3.3 million. Johnson said she could start to build a visual representation of the strategic planning.

Hansen brought up that the County Animal Services contract would not be going up in price. Mike Winder showed the Council a video put together by the City Center consultants. He also showed renderings of what the video represented.

ADJOURNED: Council Member Uipi moved to adjourn the Council meeting at 9:03 p.m. Council Member Catten seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

APPROVED: _____ **Date**
Jeff Silvestrini, Mayor

Attest: _____
Elyse Greiner, City Recorder