



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

File # ZM 19-005

## Planning Commission Staff Report

**Meeting Date:** 17 April 2019  
**Applicant:** JF Glenwood, LLC  
**Property Address:** 3999 S. Main St.  
**Parcel IDs:** 16-31-351-005, 16-31-351-006, and 16-31-351-007

**Request:** Rezone from M zone to MD zone for the development of a mixed-use development

**Zone:** M – Light Manufacturing and C-3 Commercial   **Proposed Zone:** MD Mixed Development

**Community Council:** Millcreek

**Prepared By:** Blaine Gehring, AICP, Planner II

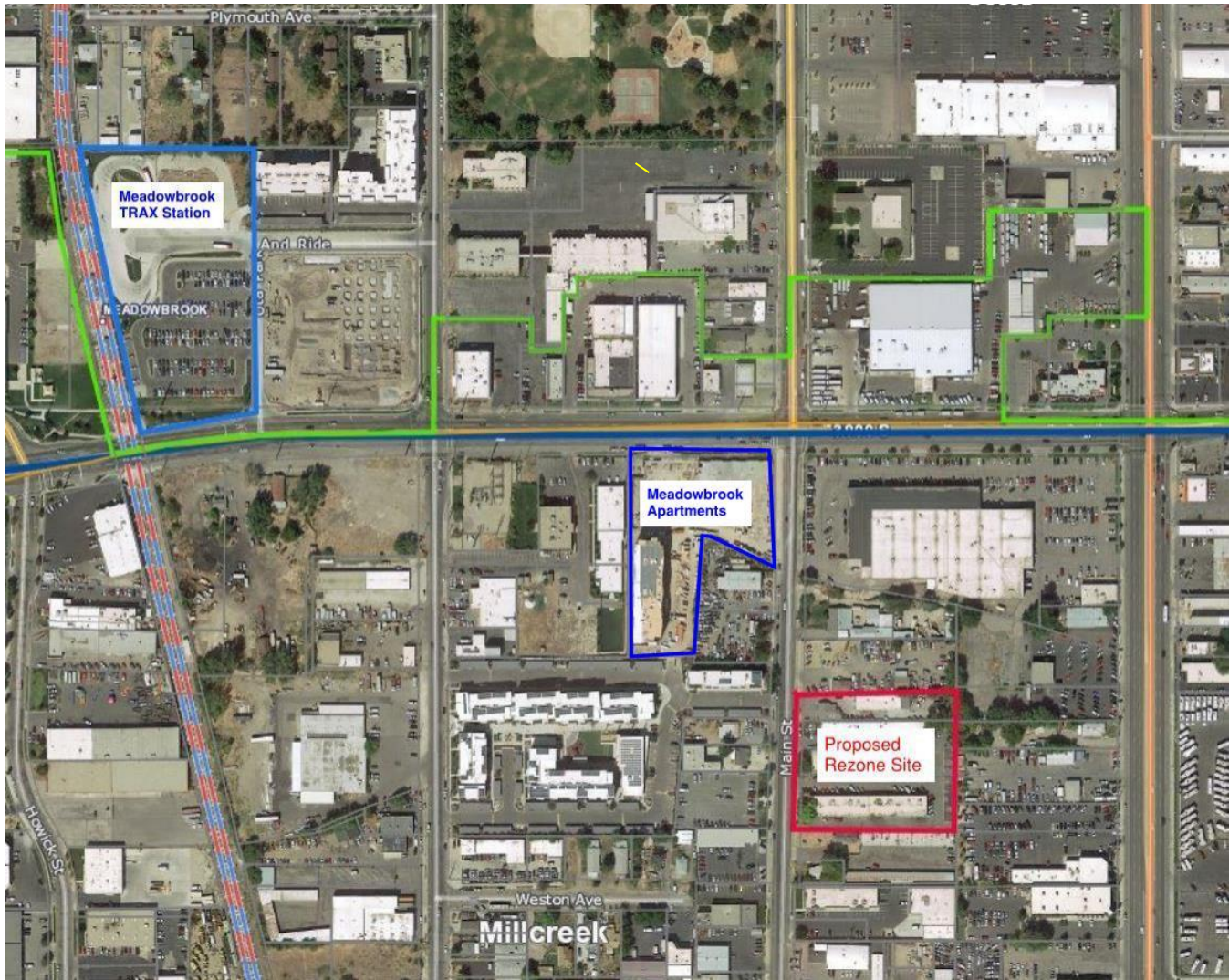
### SYNOPSIS AND SCOPE OF DECISION

The applicant, JF Glenwood, LLC is requesting a rezone of their properties from M (Light Manufacturing) and C-3 (Commercial) Zones to MD (Mixed Development) Zone to develop a mixed-use development consisting of 6,800 SF of commercial space and 176 residential units. The project will be developed on three existing parcels between 3975 and 3999 S. Main Street.

Existing Zoning	Existing Land Use	Surrounding Uses and	Site Improvements	Parcel ID	Size of Property
M	Auto sales and related business	M and C-3	Full Redevelopment	16-31-351-005	.47 acres
M	Auto sales and related business	M and C-3	Full Redevelopment	16-31-351-006	.47 acres
M	Auto sales and related business	M and C-3	Full Redevelopment	16-31-351-007	.95 acres

If the City Council approves this petition and adopts an MD Zone, mixed-use development **is allowed as a permitted use** in the MD zone pursuant to Chapter 19.55.020 of the Millcreek Code. The Planning Commission is asked to consider this request considering reasonably anticipated positive effects of the proposed uses. The use shall be approved if it can ensure an assemblage of properties in a unified plan with a coordinated and harmonious development which will promote outstanding design.

## SITE & VICINITY DESCRIPTION



**“The purpose of the mixed-use development zone is to provide for the combining of a variety of uses...within a walkable setting and to encourage such use mixes near transit stations in the Meadowbrook Area.” (Section 19.55.010 Millcreek Zoning Ordinance)**

The subject property consists of 1.89 acres and is currently zoned M and C-3. The properties are currently used for auto sales and auto related businesses. Adjacent uses are auto related businesses as well. Multi-family residential uses are the Meadowbrook Apartments being developed on the southwest corner of 3900 South and Main. The site is within one-half mile from the Meadowbrook TRAX Station.

## PROJECT INFORMATION

The project consists of one mixed-use building with 2 levels of parking and 4 levels of apartments. The building has 6,800 square feet of commercial space and 117 2-bedroom and 59 1-bedroom apartments for a total of 176 units and a height of 66 feet 6 inches. The parking is proposed at 275 total stalls with 247 residential and 28 commercial stalls. This is based on a parking study done by Hales Engineering. The city is intending to upgrade

Main Street from 3900 South to Central Avenue to include curb, gutter, sidewalk, street lighting, parallel parking and 2 travel lanes in an 80 foot right-of-way..

Project Characteristics and Requirements		
	M Zone	Project
Height	72 feet	66 feet 6 inches
Front Yard Setback	10 feet	10 feet
Side Yard Setbacks	20 feet	20 feet
Rear Yard Setback	20 feet	20 feet
Minimum Lot Area	20, 000 sf	83,635.2 sf (1.92 acres)
Max Lot Coverage	80 % of site	67%
Minimum Height	2 stories	6 stories

**Building Design and Height.** The applicant is proposing a contemporary building design that will establish a defining presence along Main Street. The project is designed to comply with the minimum depth and frontage requirements for mixed development, general use projects in the MD zone.



MIXED-USE APARTMENT BUILDING, MILLCREEK, UT  
CONCEPTUAL EXTERIOR DESIGN

03.04.2019 JF CAPITAL THE RICHARDSON DESIGN PARTNERSHIP  
TEL: 801.355.4848 WWW.TRDP.COM

Special Regulations for MD Zones shall be as specified in the **Special Design Standards for the MD Zone 19.55.050.**

**Open Space** – detail how the project will include open space, and where it will be.

**Amenities** – what amenities are being proposed for the project?

**Commercial uses** – The development will have 6,800 square feet of commercial space covering 100% of the building’s frontage where the ordinance only requires 50%.

**Parking** – The development consists of 275 stalls for commercial and residential uses in the building. The total proposed parking ratio is 1.56 parking spaces per unit, inclusive of the commercial spaces. For residential parking alone, the ratio is 1.4 parking spaces per unit. The parking study commissioned by Hales Engineering analyzed the shared parking characteristics of a transit-adjacent mixed use building, and found that a shared parking total of 214 stalls would be appropriate, given the sharing of the commercial and residential uses. The developer is proposing ratios well above that. By comparison, the nearby Artesian Springs multifamily project was approved at 1.17 parking spaces per dwelling, and the Moda Meadowbrook project on 3900 South and West Temple was approved at 1.4 parking spaces for unit, inclusive of commercial spaces. For this project, the applicant is requesting a higher parking ratio than what has been approved for similar projects in the area.

### **19.55.050 Special Design Considerations for the MD Zone**

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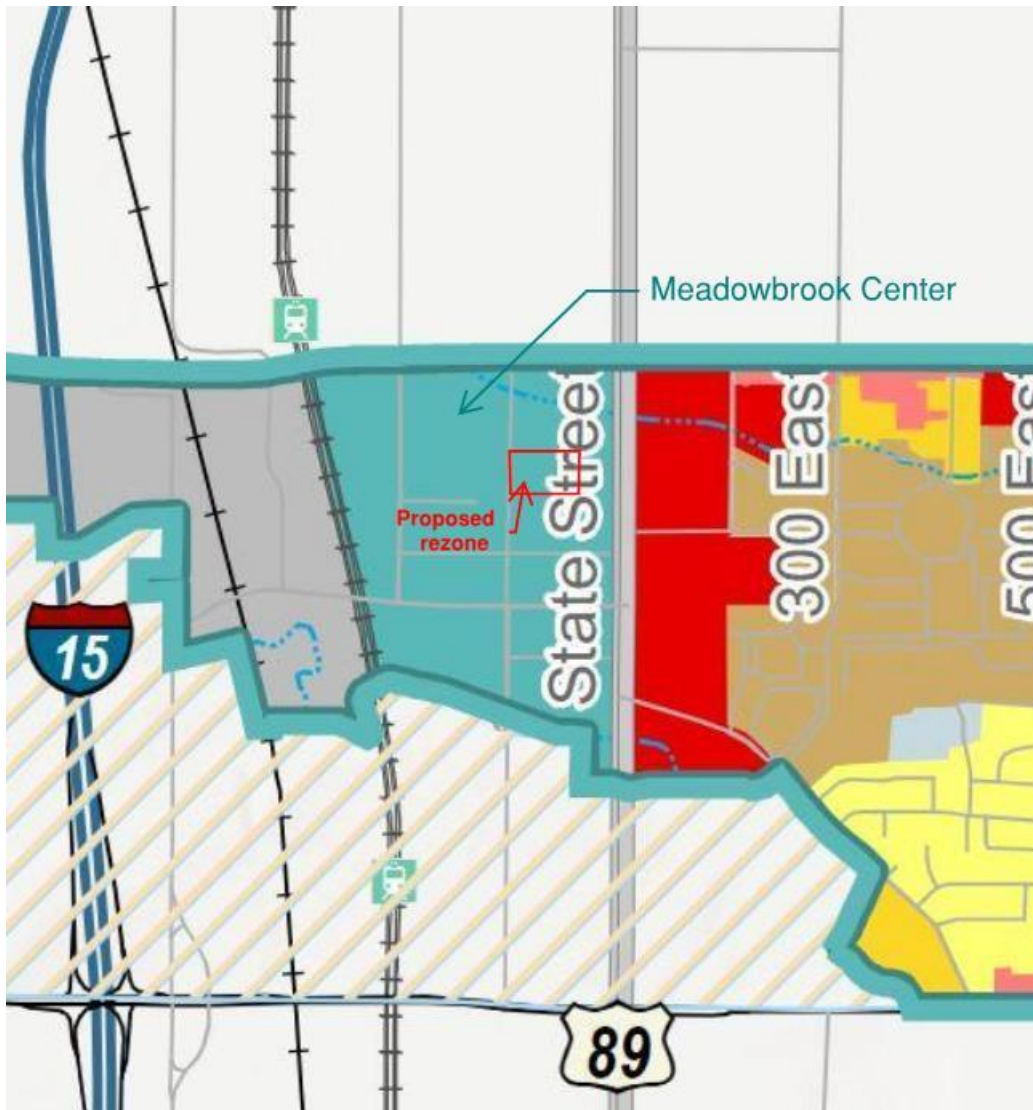
In order to meet the purposes of this chapter the Planning Commission shall consider the following prior to approval of any plan:

1. Lots may be accumulated to provide the minimum lot area. Individual lots with an area smaller than the minimum lot area are not suitable for a mixed development.
2. The development shall provide on-site amenities and appropriate buffering to adjacent properties and uses.
3. Safe access shall be provided within the site and to public streets.
4. Residential uses shall include some commercial uses along the public street or be constructed in a manner to allow for future commercial uses on the first floor (convertible space).
5. Uses adjacent to Big Cottonwood Creek shall include a usable open space buffer area next to that creek, defined as the flood plain setback or 30’ as a minimum. Such areas are recommended for a trail system.
6. Signs are limited to signs located on the building, low profile signs not exceeding 5’ in height, and temporary A-frame signs. Size, locations, and number limitations are defined in MKZ 19.82.

## **GENERAL PLAN**

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This site falls within the Meadowbrook Center Area in the future land use plan. “Meadowbrook is an area where a greater mix of uses, ***including significantly more residential use***, is desired and is supported by effective transit connections. Development within Meadowbrook will generally be more intense than found in areas surrounding the center. Development in Meadowbrook is intended to be mid-rise in scale. Parking is typically located off street and internal to the development site, although on street parking is essential to a complete street.” (Millcreek Together, p. 52, emphasis added)



<p><b>MEADOWBROOK CENTER</b></p>	<p><b>Primary:</b> Diverse mix of uses, including multifamily condominiums or apartments, office, retail, and restaurants.</p> <p><b>Secondary:</b> Cultural and public facilities, health services, plazas, squares, pocket parks, community gardens, and other gathering spaces. Flex uses are also appropriate in this area. (See Glossary page 116 for Flex definition).</p>	<p>Building heights range from 2 - 6; however, there is potential for increased heights depending on proximity to transit stops and major streets.</p>	<ul style="list-style-type: none"> <li>• Intended to develop as a concentrated and dense mix of uses.</li> <li>• Scaled to create a functional, walkable, pedestrian-friendly urban environment with public gathering spaces.</li> <li>• Vertical and horizontal mix of uses that integrates high density residential units with retail, commercial, office and restaurant uses.</li> <li>• Sited adjacent to major regional roadways and potential future transit facilities.</li> <li>• Promote cohesive urban design with consistent development standards.</li> </ul>
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The Millcreek Together general plan identifies essential questions at the end of each chapter of the plan. These questions will help the community councils, planning commission, and city council make findings as they make a decision regarding a zoning map amendment, development agreement, or city initiative.

## Unique Neighborhoods

### Does the project...

**Support adopted and relevant small area and neighborhood plans?** Yes. This is part of the Meadowbrook Center in the general plan which calls for higher density housing near transit stations.

**Encourage additional investment or reinvestment in neighborhoods?** Yes. There needs to be a starting point for investment to encourage reinvestment in this area. This is part of that starting point.

**Positively contribute to a diversity of affordable housing choices?** Yes. This will provide new housing choices in this Meadowbrook Center area.

**Stay within the existing mass, scale, and height of the immediate neighborhood?** Yes, it meets the requirements for the Meadowbrook Center.

**Support the redevelopment of blighted and/or underperforming properties?** Yes. The three properties in this project currently house a variety of auto repair related businesses. This project will make these properties perform better in the current housing market.

## Thriving Economy

### Does the project ...

**Advance the Goals and Policies of the Economic Development Plan?** Yes. By providing new housing in the area, it creates a population base for new retail and other businesses.

**Create or enhance a built environment with amenities that will help attract new, skilled talent to Millcreek?** Yes. Today's housing markets are attracting a younger population with new skills and talents for Millcreek.

Contribute to effective and efficient use of City resources? Yes. No new utilities are needed for this project but will add to the tax base to support those resources.

Result in construction and / or renovation that is compatible with the existing mass, scale, and height of the immediate neighborhood? Yes. The Meadowbrook Center plan call for higher densities in mass, scale and height in this neighborhood.

## Vibrant Gathering Places

### Does the project...

**Support the overall focus of the Vibrant Gathering Places vision?** Yes. As more of these types of projects occur in the area, it should be come more walkable with new cultural and public facilities.

**Support the continued development/redevelopment of the City Center, Meadowbrook Center, or Village Centers?** Yes. This is in the Meadowbrook Center.

**Result in additional infill, development, or redevelopment of appropriate types in appropriate locations?** Yes. This will be a major redevelopment of appropriate types of uses in this area.

**Provide a range of opportunities for transportation access, interconnection of urban centers and enhanced demand and feasibility for multimodal transportation options?** Yes. The project is within a half mile of the Meadowbrook TRAX station.

**Result in well designed, well integrated and compatible development?** Yes. This is the second of this type of project which will continue to add to the design and compatibility of development in the area.

**Include, result in or support the creation of new or enhanced places for community interaction?** Yes. More residents mean more interaction and more opportunities to create new gathering places.

**Result in places that are inclusive, adaptable, sustainable and resilient?** Yes. This goes along with the previous question.

### Great Connections

#### Does the project...

**Specifically contribute in any way to enhanced transit?** Yes. The project is within a half mile walking distance to the Meadowbrook TRAX Station.

**Contribute to enhanced non-motorized transportation systems, connections with them or their use?** Yes. By being that close to the TRAX station, enhanced walkability and use of bikes and overall active transportation will result.

**Result in fiscally sustainable additions or other changes to the transportation network?** This project will be part of the improvements to Main Street including additional on-street parking improvements.

**Have a positive impact on walkability?** Yes. The close vicinity to the TRAX station and the Jordan River will add to walkability.

### Health and Environment

#### Does the project...

**Support the overall focus on the Health and Environment theme?** Yes. This project will begin to add to the walkability and active transportation options in the area.

**Incorporate green building principles?** Inclusion of green principles can be part of the development agreement.

**Enhance pedestrian connectivity in Millcreek?** Walkability has already been noted in other sections.

**Protect or expand Millcreek's urban tree canopy?** Inclusion of specific street tree types will help this.

### Outdoor Lifestyle

#### Does the project...

**Contribute to the connectivity within and between neighborhoods, particularly for walkability, access to multimodal transportation alternatives, and contribution to the feasibility of alternative modes?** Yes as already discussed in other sections.

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## COMMUNITY COUNCIL RESPONSE

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On Tuesday, April 2, 2019, the Millcreek Community Council voted to deny the rezone due to a lack of adequate parking by a vote of 9 to 1. The council did not feel the parking study was adequate for this site.

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## PLANNING STAFF ANALYSIS AND FINDINGS

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Planning staff finds that the proposed rezone is in keeping with the intent of the Millcreek Together General Plan and the MD zone. This project should comply with the City's development standards and MD design standards. The project also has the support of the Millcreek Economic Development Department. (See attached letter)

## **PLANNING STAFF RECOMMENDATION AND MODEL MOTION**

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Staff recommends that the Planning Commission recommend approval of the proposed rezone to the City Council, subject to a development agreement that restricts the development to a mixed-use development as described in this staff report with the following:

1. A total of 275 parking spaces provided in the podium parking structure.
2. The building be no more than 66'6" high as presented.
3. Provide 6,800 square feet of commercial space across 100% of the building frontage.
4. The building be designed as represented in the application.
5. Setbacks shall be as shown on the site plan.
6. Install improvements to Main Street per Millcreek Engineering design.
7. Provide landscaping per Chapter 19.77 of the Millcreek Zoning Ordinance to include suitable street trees, street furniture and lighting along the frontage.
8. Incorporate green building principles in the project.

**Motion to send a favorable recommendation to the City Council to Approve the Rezone Request ZM 19-005 from M and C-3 to MD for property located between 3975 and 3999 S. Main, subject to a development agreement as described in the staff report.**

### **Attachments:**

Rezone application  
Building and site plans  
Parking study  
Economic Development letter of support



**Planning Services**

3330 South 1300 East • Millcreek, Utah 84106

Phone: (801) 214-2750

**Millcreek.us**

File # \_\_\_\_\_

# Land Use & Development Application

Zone: M - Light Manufacturing Community Council: \_\_\_\_\_ Planner: \_\_\_\_\_

Parent File #: \_\_\_\_\_ Date: \_\_\_\_\_

Property Address: 3975 3999 South Main St. Millcreek UT. Parcel #: 1631351005, 1631351006  
1631351007

Name of Project MODA Glenwood Property Acreage: 1.89

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: Jake Last: Wood Initial: \_\_\_\_\_

Address: 1148 W. Legacy Crossing Blvd City: Centerville State: UT Zip: 84014

Phone: \_\_\_\_\_ Cell: 919.619.3451 Email: Jake@JFCapital.com

**Property Owner(s):**

First: JF Properties, LLC Last: \_\_\_\_\_ Initial: \_\_\_\_\_

Address: 1148 W. Legacy Crossing Blvd. City: Centerville State: UT Zip: 84014

Phone: \_\_\_\_\_ Cell: 801.335.8500 Email: \_\_\_\_\_

**Professional(s):**  Engineer  Architect  Other

Company: The Richardson Design Partnership Contact: Eric Hansen

Address: 510 South 600 East City: SLC State: UT Zip: 84102

Phone: 801.355.6868 Cell: 801.822.3271 Email: ehansen@trdp.com

*\*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:  \_\_\_\_\_

Date 3/12/2019



**Planning Services**

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) Owen Fisher being duly sworn, depose and say that

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

3975 - 3999 South Main Street Millcreek, UT.

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

requesting review and approval of Re-Zone

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 JF Glenwood, LLC

Subscribed and sworn to me this 15th day of January, 2019.



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

Millcreek Economic  
Development  
Mike Winder, Director  
Nicole Chidester, Assistant



Millcreek Offices  
3330 South 1300 East  
Millcreek, Utah 84106  
801-214-2700  
[www.millcreek.us](http://www.millcreek.us)

April 8, 2019

Dear Mayor, City Council, and Planning Commissioners,

The Millcreek Economic Development Department has reviewed the proposal by JF Glenwood, LLC for their plans at 3999 South Main Street. **We strongly encourage SUPPORT of the rezone and moving this project forward** for the following reasons:

- Beyond the required 50% storefront commercial, this project is doing 100% storefront commercial, adding to the economic vitality of the area.
- There will be 6,800 sf of retail that is likely to accommodate five unique storefronts. These may be mini-markets, cafes, or other retail to help rectify the urban food desert that Main Street in Millcreek currently experiences.
- The commercial potential advances the goals and policies of the Economic Development Plan.
- The assessed value of those properties today is \$1,535,400; however, with the addition of this \$40 million-dollar mixed-use structure, the taxable value increases exponentially. This results in a significant contribution to the Community Reinvestment Agency of Millcreek, as the area is already set up in an Urban Reinvestment Area (URA). Tax increment coming from this project will be used to enhance Main Street in Millcreek over the next 17 years of the URA's life.
- This area is one of two Millcreek census tracts that are within a federal Opportunity Zone, and this investment further encourages others to take advantage of this tool.
- It is only a nine-minute walk along Main Street from Big Cottonwood Creek (Murray/Millcreek border) to 3900 South (Millcreek/South Salt Lake border). This project is an essential piece to help make Main Street Millcreek a walkable, commercially vibrant district. Other projects completed or under construction (Artesian Springs, Moda Meadowbrook, The Front gym) combined with this and other potential mixed-use projects on that street will add greatly to the tax base and livability of this part of Millcreek.

Sincerely,

Mike Winder  
Economic Development Director

## MEMORANDUM

Date: March 11, 2019  
To: Millcreek City  
From: Hales Engineering

**Subject: Millcreek Moda Woodbury Flex Parking Study Update**

UT18-1286

This memorandum discusses the parking study completed for the proposed Moda Woodbury Flex development located in Millcreek, Utah. The study identifies the Millcreek City parking rates and details a time-of-day parking demand analysis to find the recommended parking demand for the complex. This serves as an update to the original parking study completed in August 2018.

### Project Description

The proposed Moda Woodbury Flex project is located on the east side of Main Street at approximately 4000 South in Millcreek, Utah. A vicinity map of the project site is shown in Figure 1, and a full site plan is found in Appendix A. The development will consist of the following uses:

- 176 apartment units:
  - 59 one-bedroom units
  - 117 two-bedroom units
- 6,800 square feet of commercial

The proposed site plan calls for 275 parking stalls on site. The project is located within a half-mile of the Meadowbrook TRAX station.

### Millcreek City Parking Code

The Millcreek City code specifies parking rates for various land use types. According to section 19.80.040 of the code, the city requires the following parking for the project uses:

- Apartments:
  - One-bedroom: 1.5 parking stalls per unit + 0.33 guest stalls per unit
  - Two-bedroom: 2 parking stalls per unit + 0.33 guest stalls per unit
- Commercial: 1 stall per 400 sq. ft. (2.5 stalls per 1,000 sq. ft.)

Based on these rates, Hales Engineering calculated the total required parking stalls for the project, as shown in Table 1. As shown, 398 parking stalls are required based on Millcreek City parking rates.

**Table 1: Parking Requirements – Millcreek City**

Millcreek City Code				
Land Use	Intensity	Units	Rate	Stalls
Apartment (1-bed)	59	units	1.83	108.0
Apartment (2-bed)	117	units	2.33	272.6
Commercial	6.8	1,000 sq. ft.	2.5	17.0
<b>TOTAL</b>				<b>398</b>

*Source: Section 19.80.040 of Millcreek City Code*



**Figure 1: Vicinity map of the project in Millcreek, Utah**

### ITE Parking Generation

Hales Engineering referred to the Institute of Transportation Engineers (ITE), *Parking Generation*, 5<sup>th</sup> Edition, 2019 to determine the parking that would be needed for the proposed project. ITE has a land use category specific to a mid-rise (3 to 10 stories) multi-family development within a half-mile of transit. The suggested parking by ITE for the residential and commercial land uses for the project is shown in Table 2. As shown, based on 85<sup>th</sup> percentile ITE rates, approximately 250 parking stalls would be sufficient for this site.

**Table 2: ITE Parking Generation**

ITE Parking Generation							
ITE LU	Land Use	# of Units	Setting / Location	Average		85th %	
				Rate	#	Rate	#
221	Mid-rise Multi-family	176	Within 1/2 mile of Rail Transit	1.12	<b>198</b>	1.27	<b>224</b>
820	Shopping Center	6.8	General Urban/Suburban	1.95	<b>14</b>	3.68	<b>26</b>
<b>TOTAL</b>					<b>212</b>		<b>250</b>

*Source: ITE Parking Generation, 5th Edition, 2019*

Parking demand can vary throughout the day depending on land use. This provides opportunity for shared parking use when and a development has land uses with offsetting peak times. Hales Engineering performed a time of day analysis of the parking demand for the proposed Moda Woodbury Flex apartments based on ITE parking rates and ITE time-of-day percentages. Table 3 shows a summary of time-of-day parking demand.

As shown, the peak parking demand during the day when considering shared use between the apartments and commercial space is anticipated to be approximately 214 stalls based on ITE rates. However, overnight the apartment units will need the full anticipated demand. Therefore, based on ITE rates and methodologies, approximately 224 stalls would be needed for this project.

### Data Collection

Hales Engineering has collected parking demand data at several multi-family developments in the Salt Lake Valley. A summary of this data collection is shown in Appendix B. The following is a summary of the average parking demand rates for multi-family developments adjacent to transit or with podium parking:

- Multi-family adjacent to transit: 1.49 stalls per unit
- Multi-family with podium parking: 1.17 stalls per unit

**Table 3: Time of Day Distribution**

Time	Demand		Time-of-Day Percentages		Total
	Apartments	Commercial	Apartments	Commercial	
6:00 AM	206	0	92%	0%	206
7:00 AM	166	1	74%	5%	167
8:00 AM	143	5	64%	18%	148
9:00 AM	112	10	50%	38%	122
10:00 AM	90	18	40%	68%	107
11:00 AM	90	24	40%	91%	113
12:00 PM	90	26	40%	100%	116
1:00 PM	90	25	40%	97%	115
2:00 PM	90	25	40%	95%	114
3:00 PM	90	23	40%	88%	112
4:00 PM	99	20	44%	78%	119
5:00 PM	132	16	59%	62%	148
6:00 PM	155	17	69%	64%	171
7:00 PM	148	20	66%	77%	168
8:00 PM	168	18	75%	70%	186
9:00 PM	172	11	77%	42%	183
10:00 PM	206	8	92%	30%	214
11:00 PM	211	3	94%	10%	213

As shown, it has been observed at other multi-family developments that parking demand is less when the development is near transit and/or if the site features podium parking. Both of these apply to the proposed Moda Woodbury project. Therefore, it is anticipated that the site will experience less parking demand than a general multi-family development. Assuming a parking rate of 1.17 stalls per unit, the project would require approximately 206 parking stalls for the residential units. Assuming that the commercial space has the City-required 17 stalls, this would be 223 total parking stalls.

**Recommendation**

Millcreek City code requires the Moda Woodbury site to have at least 398 parking stalls. However, other data from ITE and other local developments suggest that less parking is needed. Based on ITE, approximately 224 parking stalls would be needed. Local data suggests that as little as 223 parking stalls are needed.

Therefore, based on ITE rates and local data, it is anticipated that the planned 275 parking stalls will be sufficient for anticipated demand of the project.

## Study Summary

Hales Engineering makes the following conclusions and recommendations for the proposed parking at the proposed Millcreek Moda Woodbury Flex development in Millcreek, UT.

- The proposed development will consist of 59 one-bedroom apartments, 117 two-bedroom apartments, and 6,800 square feet of commercial space.
- Based on **Millcreek City Code** section 19.80.040, 398 stalls will be required for the development for both residential and commercial uses.
- Based on **ITE Parking Generation**, it is anticipated that the apartments will require approximately 224 stalls and the commercial will require approximately 26 stalls for a total of 250 stalls
  - When considering **time-of-day distributions** and shared use, it is anticipated that a maximum of 224 stalls will be needed on-site, as the commercial uses will not need parking overnight.
- **Local parking data collection** at sites in the Salt Lake Valley suggest parking rates between 1.17 and 1.49 stalls per unit for developments with nearby transit and/or podium parking. Assuming a rate of 1.17 stalls per unit and 17 stalls for the commercial space, approximately 223 parking stalls would be needed.
- It is anticipated that the proposed 275 parking stalls will be sufficient for the anticipated parking demand on-site.

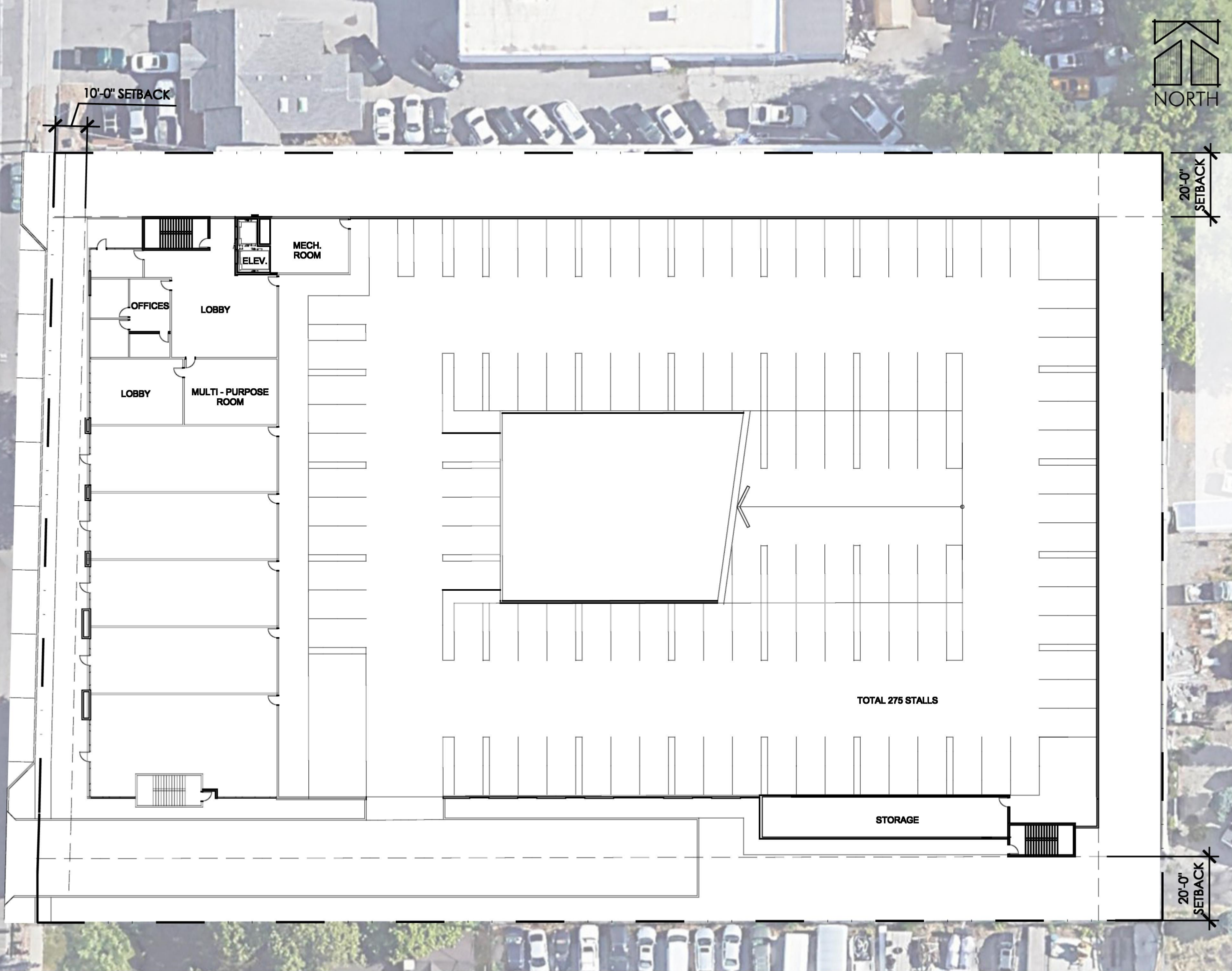
If you have any questions regarding this memo, please contact us at 801.766.4343.

# APPENDIX A

## Site Plan

**SITE SUMMARY:**

SITE AREA:	+/- 1.92 ACRES
NUMBER OF LEVELS:	2 LEVELS PARKING + 4 LEVELS OF APARTMENTS
NUMBER OF UNITS:	+/- 176 UNITS TOTAL
2 BEDROOM:	+/- 121 UNITS
1 BEDROOM:	+/- 55 UNITS
COMMERCIAL SPACE:	+/- 6,800 S.F.
PROVIDED PARKING:	+/- 275 STALLS
RESIDENTIAL:	+/- 247 STALLS (1.4 RATIO)
COMMERCIAL:	+/- 28 STALLS



# APPENDIX B

## Parking Data Collection

## **Transit Friendly Parking Rates**

### **Birkhill Apartments**

The Birkhill apartments are located at 16 Gilbride Avenue, Murray, Utah within the Salt Lake Valley, and consist of 202 units (see Figure 16). During our data collection, it was observed that 250 parking stalls were occupied, 117 were empty and there were 26 garages with 2 vehicles in the driveways and 64 vehicles parking adjacent to the curb within or near the complex. The project appears to be over-parked as 65 additional units are under construction and will be rented by Aug. 2014. The Murray North (4400 South) TRAX Station is located nearby along with the 200, 205, 45, 47 and 228 bus lines.

The following conclusions can be made:

1. Supply (striped parking stalls on-site) = 2.87 stalls / unit
2. Demand (total parked vehicles on-site and off-site) = 2.48 stalls / occupied unit



**Figure 16: Birkhill Apartments - Murray, Utah**

Due to the current construction of 64 additional units (and no additional parking stalls) at the Birkhill apartments, this location was not used in the average rate calculation of “Transit Friendly” sites. Parking conditions will change as the units become available, so the parking rates here would not reflect the actual conditions.

## 21 and View Apartments

The 21 and View apartments are located at 2070 South View Street, Salt Lake City, Utah within the Salt Lake Valley, and consist of 29 units (see Figure 17). During our data collection, it was observed that 38 parking stalls were occupied, 10 were empty and there were no garages and 0 vehicles parking adjacent to the curb within or near the complex. Although curbside parking was occupied, it appeared to be used by the adjacent restaurant. The 220, 21, and 213 bus lines run near the site and the end of the street car line is a few blocks away.

The following conclusions can be made:

1. Supply (striped parking stalls on-site) = 1.66 stalls / unit
2. Demand (total parked vehicles on-site and off-site) = 1.36 stalls / occupied unit



**Figure 17: 21 and View Apartments - South Salt Lake, Utah**

## Brickstone Apartments

The Brickstone apartments are located at 220 East 3300 South, South Salt Lake, Utah within the Salt Lake Valley, and consist of 100 units (see Figure 18). During our data collection, it was observed that 76 parking stalls were occupied, 84 were empty and there were 60 garages and 0 vehicles parking adjacent to the curb within or near the complex. The manager estimated that approximately 50% of the garages were used for parking and the other 50% were used for storage. The Millcreek (3300 South) TRAX station is about 0.65 miles to the west and the 200, 205, and 33 bus lines run near the development.

The following conclusions can be made:

1. Supply (striped parking stalls on-site) = 2.20 stalls / unit
2. Demand (total parked vehicles on-site and off-site) = 1.40 stalls / occupied unit



**Figure 18: Brickstone Apartments - South Salt Lake, Utah**

## 2550 South Main

The apartments at 2550 South Main, South Salt Lake, Utah are located within the Salt Lake Valley, and consist of 112 units (see Figure 19). During our data collection, it was observed that 78 parking stalls were occupied, 24 were empty and there were 68 garages with 34 vehicles parked in the driveway outside of the garage. There were 10 vehicles observed parking on-street adjacent to the complex. The 200 bus line runs near the development. The Central Pointe (2100 South) TRAX station is located less than a mile away.

The following conclusions can be made:

1. Supply (striped parking stalls on-site) = 2.13 stalls / unit
2. Demand (total parked vehicles on-site and off-site) = 1.71 stalls / occupied unit



**Figure 19: 2550 South Main - South Salt Lake, Utah**

### **“Transit Adjacent” Data Collection Summary**

The following demand at the various “Transit Friendly” apartment complexes was calculated:

21 and View parking demand =	1.36
Brickstone parking demand =	1.40
2550 South Main parking demand =	<u>1.71</u>
	1.49 Average parking demand / occupied unit (3)

### **Multifamily with Podium Parking Data Collection Summary**

Hales Engineering collected parking demand data at two podium parking multifamily developments on Tuesday, June 19, 2018 at the following two apartment developments in the Salt Lake Valley:

- Element 31: 1243 East Brickyard Road, Salt Lake City
- Artesian Springs: 4197 South Main Street, Millcreek

Element 31 has 208 dwelling units and is not located near any major transit lines. Part of the Element 31 parking is shared with an adjacent office building during the day.

Artesian Springs has 378 dwelling units and is located approximately one quarter-mile from the Murray North TRAX station.

Parking demand data were collected at these locations between 12:00 a.m. (midnight) and 4:00 a.m. to determine peak parking demand. Vehicles were counted in the parking areas and on the adjacent streets (if any) to determine total demand.

The following conclusions were made for Element 31:

1. Supply (striped parking stalls on-site) = 2.60 stalls / unit
2. Demand (total parked vehicles on-site and off-site) = 1.17 stalls / occupied unit

The following conclusions were made for Artesian Springs:

1. Supply (striped parking stalls on-site) = 1.18 stalls / unit
2. Demand (total parked vehicles on-site and off-site) = 1.17 stalls / occupied unit



**MIXED-USE APARTMENT BUILDING, MILLCREEK, UT**  
CONCEPTUAL EXTERIOR DESIGN

03.04.2019



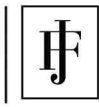
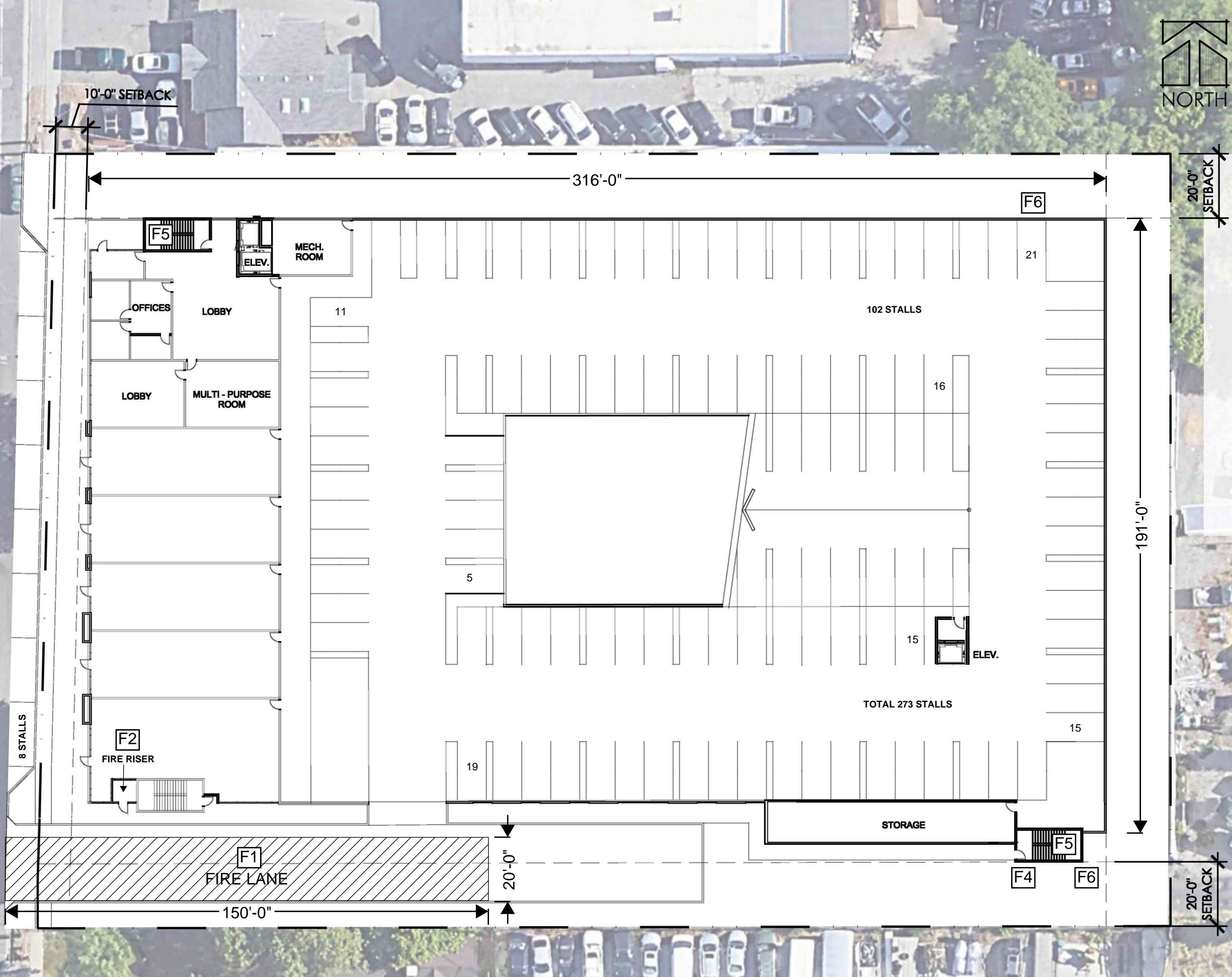
JF CAPITAL®

THE RICHARDSON  
DESIGN PARTNERSHIP  
TEL: 801.355.6868  
WWW.TRDP.COM



**SITE SUMMARY:**

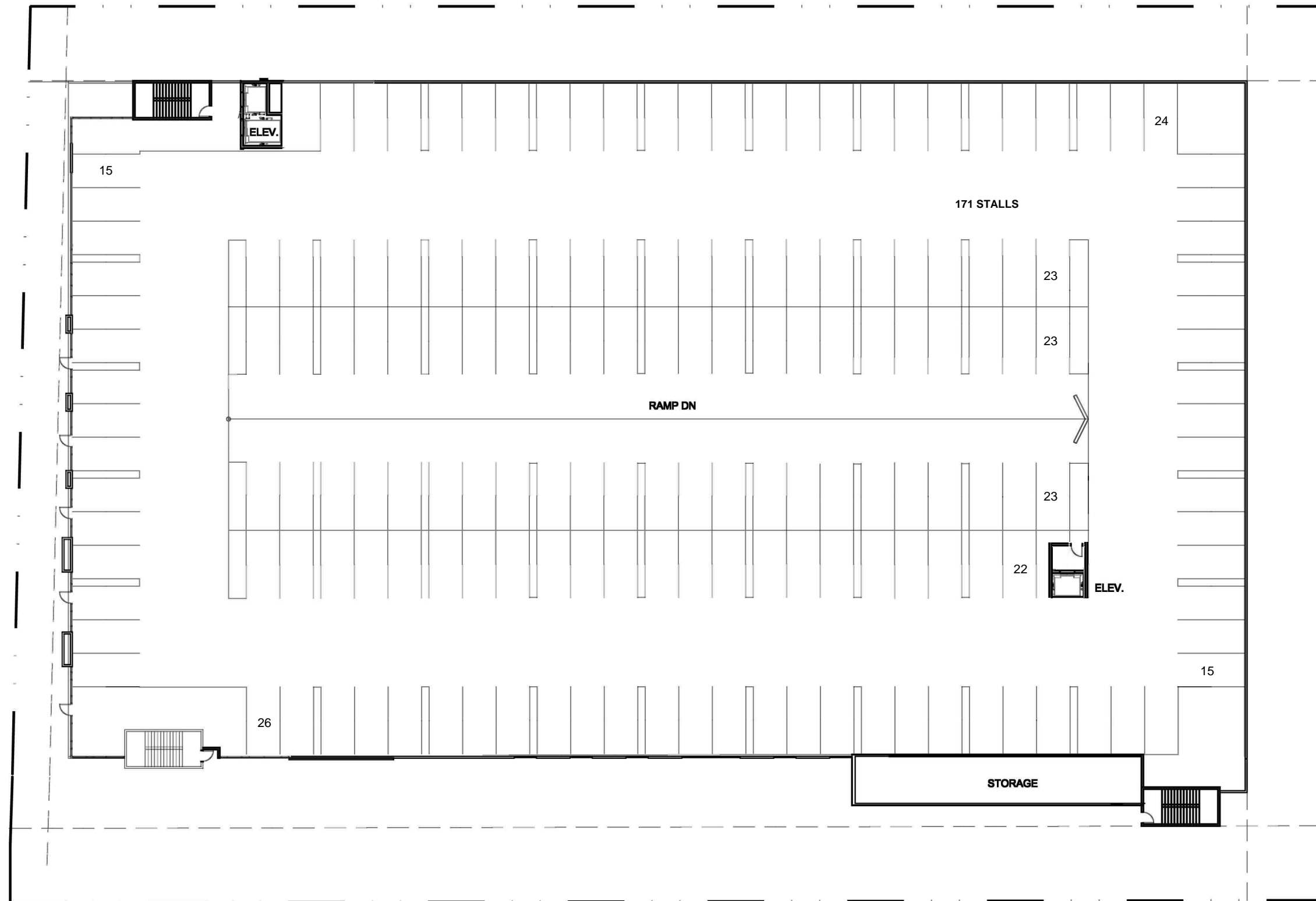
SITE AREA:	+/- 1.92 ACRES
NUMBER OF LEVELS:	2 LEVELS PARKING + 4 LEVELS OF APARTMENTS
NUMBER OF UNITS:	+/- 176 UNITS TOTAL
2 BEDROOM:	+/- 117 UNITS
1 BEDROOM:	+/- 59 UNITS
COMMERCIAL SPACE:	+/- 6,800 S.F.
PROVIDED PARKING:	+/- 275 STALLS
RESIDENTIAL:	+/- 247 STALLS (1.4 RATIO)
COMMERCIAL:	+/- 28 STALLS





# SITE SUMMARY:

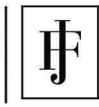
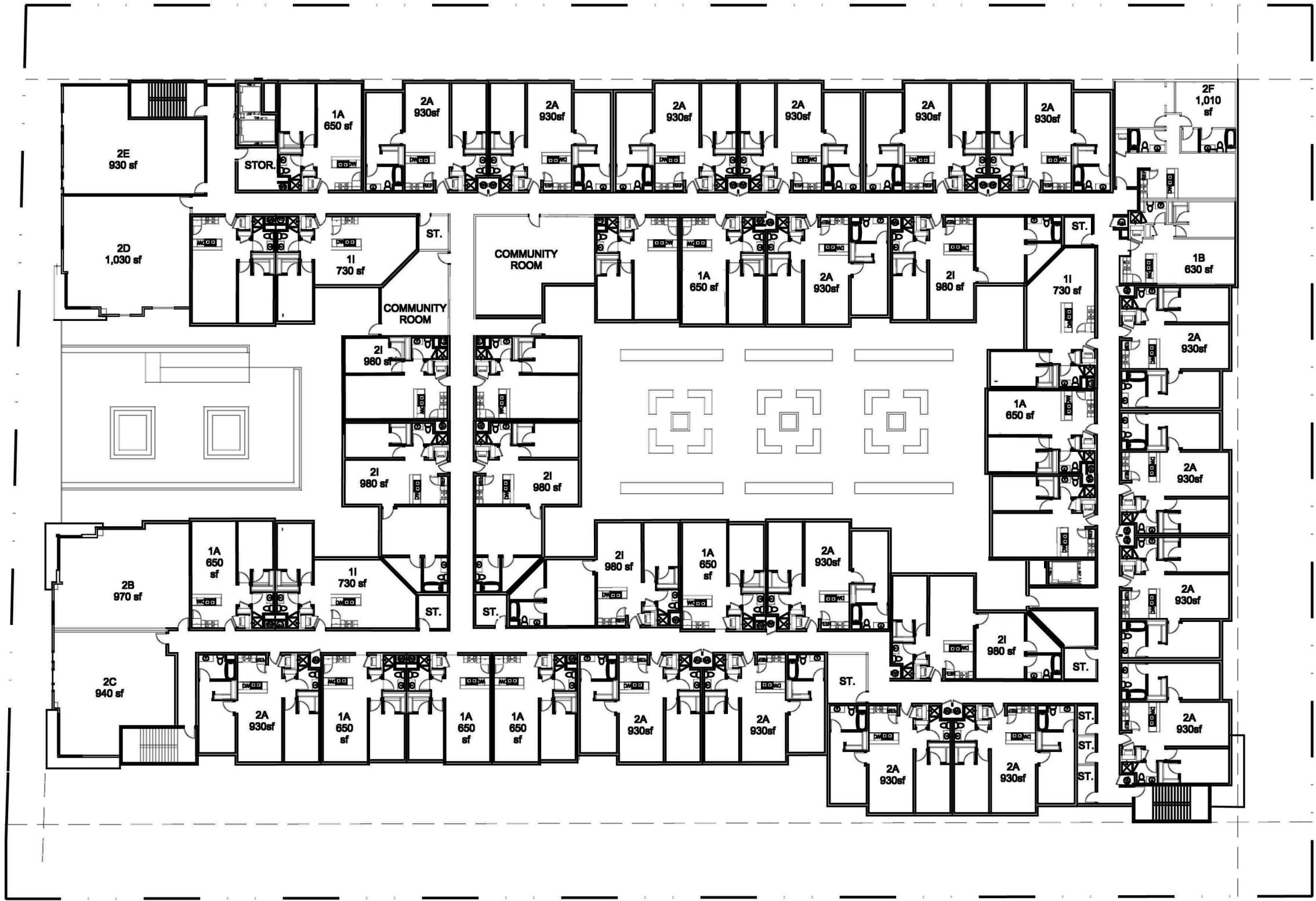
SITE AREA: +/- 1.92 ACRES  
NUMBER OF LEVELS: 2 LEVELS PARKING + 4 LEVELS OF APARTMENTS  
NUMBER OF UNITS: +/- 176 UNITS TOTAL  
2 BEDROOM: +/- 117 UNITS  
1 BEDROOM: +/- 59 UNITS  
COMMERCIAL SPACE: +/- 6,800 S.F.  
PROVIDED PARKING: +/- 275 STALLS  
RESIDENTIAL: +/- 247 STALLS (1.4 RATIO)  
COMMERCIAL: +/- 28 STALLS





**SITE SUMMARY:**

SITE AREA: +/- 1.92 ACRES  
 NUMBER OF LEVELS: 2 LEVELS PARKING + 4 LEVELS OF APARTMENTS  
 NUMBER OF UNITS: +/- 176 UNITS TOTAL  
   2 BEDROOM: +/- 117 UNITS  
   1 BEDROOM: +/- 59 UNITS  
 COMMERCIAL SPACE: +/- 6,800 S.F.  
 PROVIDED PARKING: +/- 275 STALLS  
   RESIDENTIAL: +/- 247 STALLS (1.4 RATIO)  
   COMMERCIAL: +/- 28 STALLS



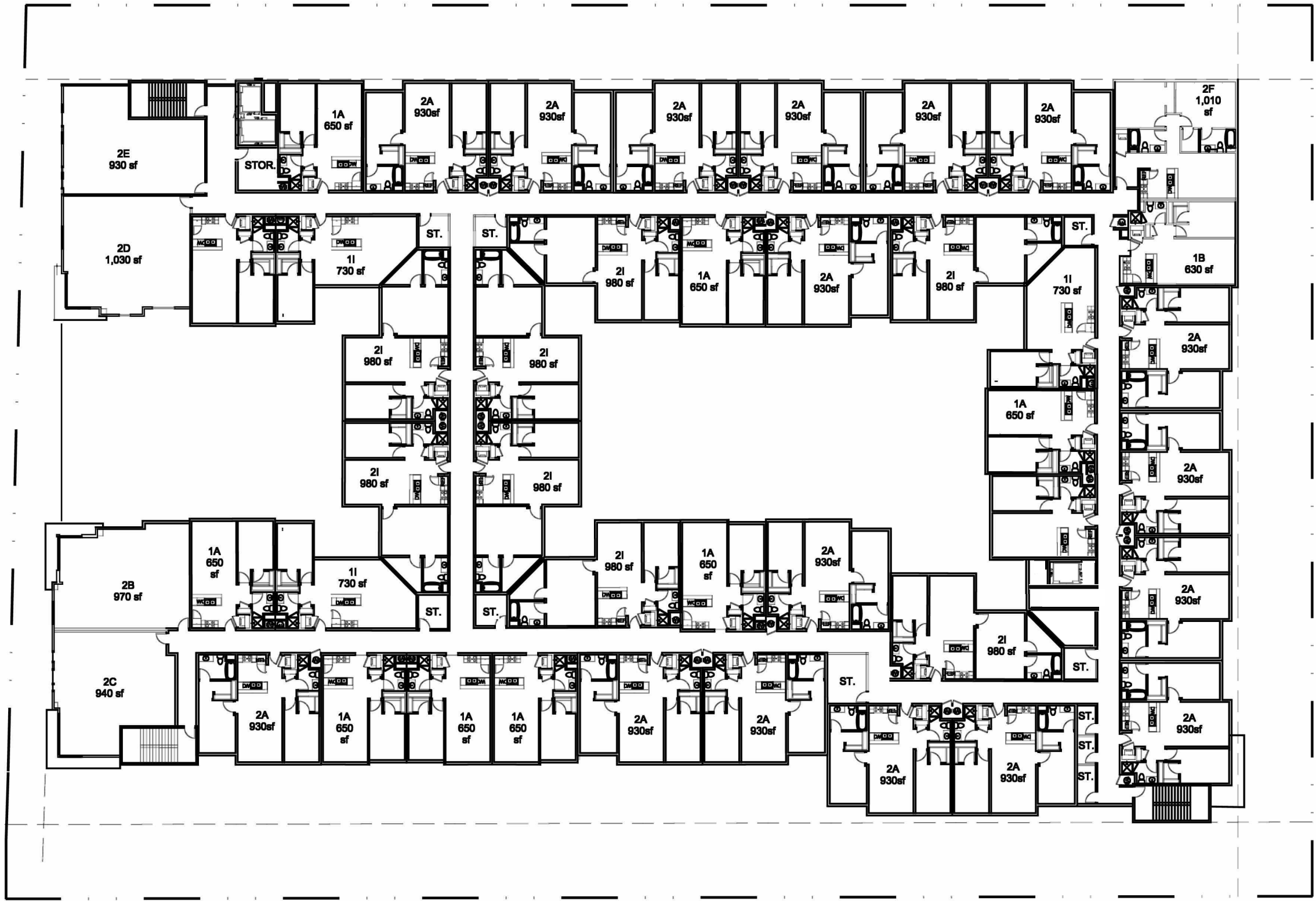


**SITE SUMMARY:**







SITE AREA: +/- 1.92 ACRES  
 NUMBER OF LEVELS: 2 LEVELS PARKING + 4 LEVELS OF APARTMENTS  
 NUMBER OF UNITS: +/- 176 UNITS TOTAL  
 2 BEDROOM: +/- 117 UNITS  
 1 BEDROOM: +/- 59 UNITS

COMMERCIAL SPACE: +/- 6,800 S.F.

PROVIDED PARKING: +/- 275 STALLS  
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- |   |   |   |                                |
|---|---|---|--------------------------------|
|  | (WD-1)<br>Longboard Light Cherry<br>6" groove plank |  | (ST-2)<br>Chelsea Grey Stucco  |
|  | (BR-1) Brick  |  | (ST-3)<br>Urbane Bronze Stucco |
|  | (ST-1)<br>Amber Wave Stucco                         |  | (ST-4)<br>Ivory Lace Stucco    |



SOUTH ELEVATION  
SCALE : 1" = 30'-0"



WEST ELEVATION  
SCALE : 1" = 30'-0"

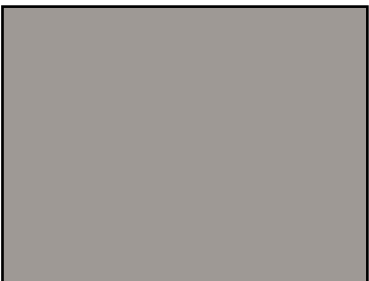
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|  | (WD-1)<br>Longboard Light Cherry<br>6" groove plank |  | (ST-2)<br>Chelsea Grey Stucco  |
|  | (BR-1) Brick  |  | (ST-3)<br>Urbane Bronze Stucco |
|  | (ST-1)<br>Amber Wave Stucco                         |  | (ST-4)<br>Ivory Lace Stucco    |



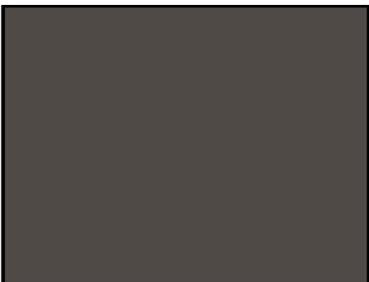
WD-1  
LONGBOARD  
LIGHT CHERRY 6" V GROOVE PLANK



ST-1  
"AMBER WAVE" STUCCO



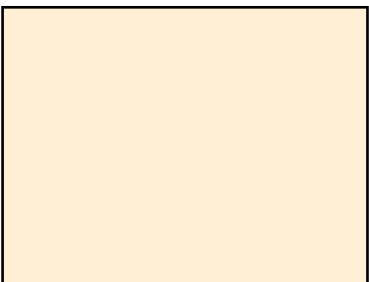
ST-2  
"CHELSEA GREY" STUCCO



ST-3  
"URBANE BRONZE" STUCCO



BR-1  
INTERSTATE BRICK  
3-5/8" EMPEROR - MIDNIGHT BLACK



ST-4  
"IVORY LACE" STUCCO



**Millcreek City Planning and Community Development**

3330 South 1300 East

Millcreek, Utah 84106

Phone: (801) 214-2750

Inspections: (385) 468-6690

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**STAFF MEMORANDUM**

**From:** Erin O'Kelley, Planner  
**To:** Planning Commission  
**Meeting Date:** April 17, 2019

**RE:** Re-zone from R-2-8 to RM for a multi-family PUD project.

**Parcel ID's**                    16323280150000  
   16323280050000  
   16323280040000

**Applicant:** Hamlet Homes Development

**File No.:** ZM-19-006

---

**NOTE:** The applicant is requesting to delay any decisions made by the Planning Commission until the May meeting. Staff is bringing this application to Planning Commission now because it has been publicly noticed and therefore must be brought to the announced hearings. Staff has brought a summary of what the applicant has done so far but this project may still change between now and the May meeting.

**Request**

Millcreek Planning and Community Development is seeking your input on a request by Hamlet Development who would like to rezone property located at 950 S Grape Ivy Wy from R-2-8 to RM. The applicant is proposing 22 new townhomes with a picnic area, community garden, and dog park as amenities. These townhomes will be owner occupied.

**Existing Land Use and Proposed Change**

The current property is 3 separate parcels, which have single-family homes and one duplex. The property is located off a private lane which accesses from 900 E. The private lane is Grapy Ivy Way. The applicant is proposing to consolidate the parcels into one property and then rezone to RM. The RM zone is our multi-family zone. Under this zone that applicant will then go through a Planned Unit Development Application so that the townhomes and can be owner occupied.



**Millcreek City Planning and Community Development**

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Millcreek, Utah 84106

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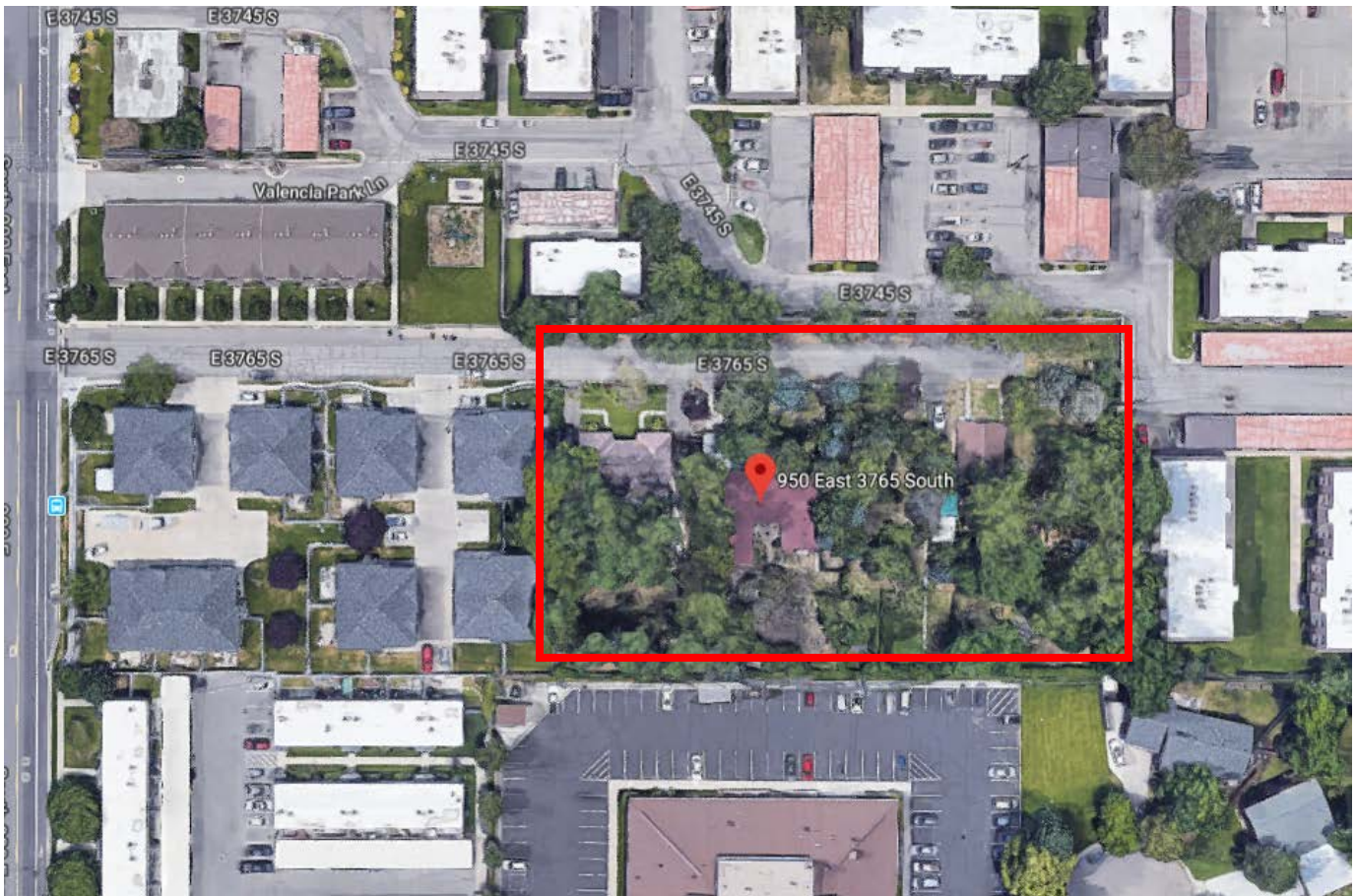
**Millcreek City Planning and Community Development**

3330 South 1300 East

Millcreek, Utah 84106

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**Neighborhood Meeting**

On March 27, 2019 the applicant held a neighborhood meeting with nearby residents. Attendance for the meeting was close to 30 people. Property owners adjacent to the property brought up the following concerns:

- Traffic/Congestion
- Snow removal
- Garbage
- Road improvements
- Fire Access Emergency Access
- Height/View Encroachments
- Landscaping – Removal of Mature Trees
- Safety for pedestrians along the private lane
- Guest Parking

The applicant is requesting another month to show how they are addressing these concerns.



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**Community Council Action**

The Millcreek Community Council, by the request of the applicant, continued the application until May.

**Attachments**

Aerial photos, building rendering and heights, project summary proposed plat and development agreement

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**PROJECT INFORMATION**

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- **22 Townhomes**
- **3 story +- 1,800 sq ft totaly**
- **Guest parking: 22 stalls**
- **Amenities: Dog Park, Public Garden, Picnic Area**

<b>Requirement</b>	<b>Proposed Zone – RM Development Agreement Conditions</b>
<b>Height</b>	<b>35 Ft</b>
<b>Density</b>	<b>2,000 per unit</b>
<b>Front Yard Setback</b>	<b>25 Ft</b>
<b>Side Yard Setback</b>	<b>20 Ft</b>
<b>Rear Yard Setback</b>	<b>25 Ft</b>
<b>Lot Width</b>	<b>Each townhome lot is approximately 22 feet wide.</b>
<b>Lot Area</b>	<b>Each townhome lot is approximately 950 Sq Ft or greater in lot area, as noted on the plat.</b>
<b>Parking</b>	<b>Each unit consists of a two-car garage. The site has 22 additional guest parking stalls.</b>
<b>Amenities</b>	<b>The applicant is proposing a small community park featuring a community garden, picnic area, and dog park.</b>



**Millcreek City Planning and Community Development**

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Millcreek, Utah 84106

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**Millcreek City Planning and Community Development**

3330 South 1300 East

Millcreek, Utah 84106

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Inspections: (385) 468-6690

## Rendered Landscape Plan



Hamlet Development / March 2019



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

File # ZM-19-003

## Planning Commission Staff Report

**Meeting Date:** April 17, 2019  
**Applicant:** Byron Goates  
**Property Address:** 3999 S 500 E  
**Parcel IDs:** 16314760010000, 16314760020000

**Request: Rezone from R-2-10 to R-1-3 subject to a development agreement for a multi-family project development located at 3999 S 500 E Delno Dr.**

**Zone:** R-2-10  
**Community Council:** Millcreek  
**Prepared By:** Erin O'Kelley

### SYNOPSIS AND SCOPE OF DECISION

The applicant would like to rezone the current property from R-2-10 to R-1-3. The intent of this re-zone is to create 3 duplexes on the property with 6 dwellings total. Each dwelling will have its own driveway, shall be two stories, and have a 15 ft backyard/patio.

Existing Zoning	Existing Land Use	Surrounding Uses and Zones	Site Improvements	Parcel ID	Size of Property
R-2-10	Single Family	Single Family Duplex	Landscaping, curb, sidewalk, gutter, new housing	16314760010000, 16314760020000	.52 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. Staff is recommending that this rezone be subject to a development agreement.

# SITE & VICINITY DESCRIPTION

Figure 1: Street View



Figure 2: Zoning map



The applicant’s properties for the the project are directly adjacent to R-2-10 zones some of them being used as duplexes some of them as single-family. There is a large apartment complex North West of the property and the property across

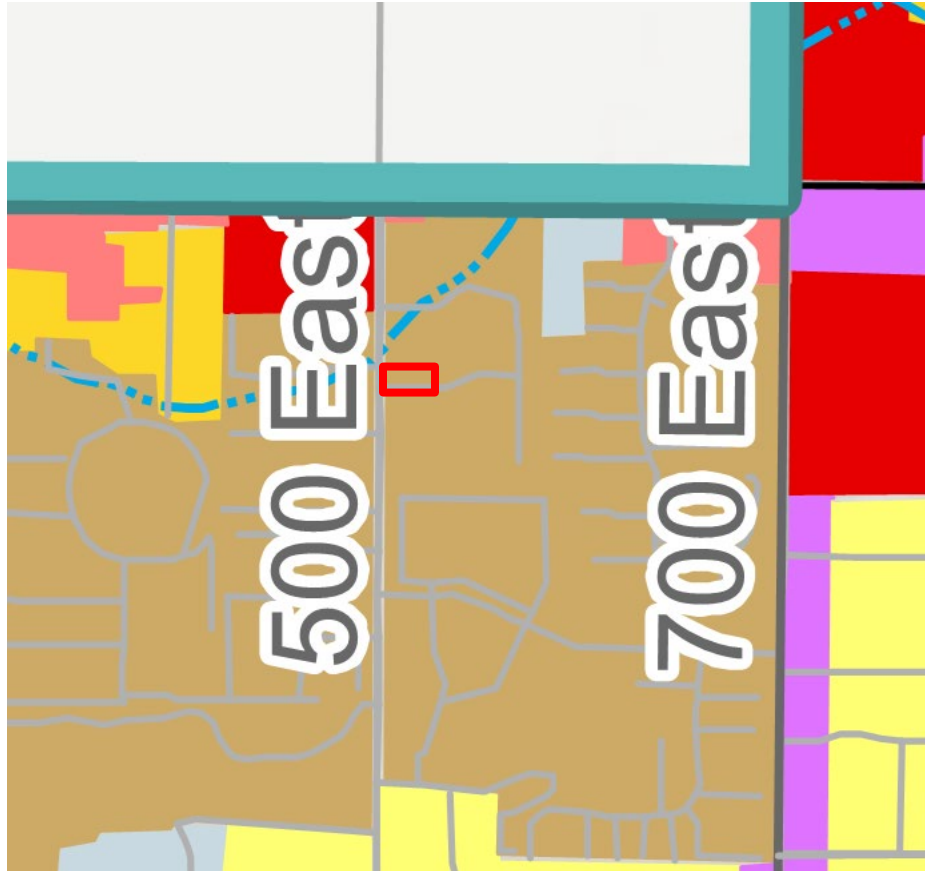
**Request:** Rezone from R-2-10 to R-1-3

**File #:** ZM-19-003

the street is defined under the tax assessor data as 50+ units classification on 4.5 acres. The density for this property comes to roughly 165 per acre.

All of the uses surrounding this property are residential. From the feedback staff has received from multiple nearby residents the families living in this neighborhood have younger children, that attend the elementary school located just down the street on 500 E.

## GENERAL PLAN CONSIDERATIONS



**Figure 3. Future Land Use Map (Subject Property Outline in Red)**

<p><b>NEIGHBORHOOD 3</b></p>	<p><b>Primary:</b> Multifamily apartments or condominiums.</p> <p><b>Secondary:</b> Townhomes or duplexes, neighborhood retail, restaurants, public facilities, senior services, parks, recreation facilities, community gardens, schools, and places of worship. Secondary uses should be along major corridors.</p>	<p>Typically 18 – 35 dwelling units per acre. Development in multifamily neighborhoods is generally between 3 to 4 stories and is located within a ¼ of a high-frequency transit stop (transit corridor or bus route that serves the corridor every 15 min. or less, or has overlapping bus routes).. Development abutting lower-intensity, established residential neighborhoods should provide transitions in massing and height.</p>	<ul style="list-style-type: none"> <li>• A mix of higher density housing types located in areas that are proximate to retail, health and human services, schools, parks, employment, and public transit.</li> </ul>
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The Millcreek Future Land Use Map designates this neighborhood as Neighborhood 3. This classification allows for highest residential density but does not necessarily require that max density be utilized on every property.

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 makes findings as they make a decision regarding a zoning map amendment, development agreement, or city initiative.

Realizing that not all 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?

Page 16 of the Millcreek General Plan:

*“Range of Density and Scale. It is important to note that the General Plan’s upper limits in the Range of Density Scale and the Key Characteristics for each Category must not be interpreted as a presumption of right or entitlement by those planning to develop or redevelopment a property or group of properties. What constitutes an ultimately acceptable use, density, scale and key characteristics for a specific location is dependent on a robust public process, the guidance and goals provided by this General Plan and, most importantly, the current zoning ordinances.”*

Staff would like to use the above exhibit from the Millcreek General Plan. Scale, density, and use are not just determined by our future land use map but may be location specific. Not all properties under the same classification, such as neighborhood 3, will afford the maximum density offered in the zone. Our General Plan knows that some properties may be restricted by adjacent properties and that will determine their compatibility in the neighborhood.

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## PROJECT INFORMATION

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**Proposed Uses.** Single-family townhomes.

**Density.** 6 units 1/3,000 sq ft

**Site Layout.** 6 dwellings on the property alternating between a 0 and 5 ft setback in between each dwelling.

**Fencing:** There will perimeter fencing between the properties to the South and to the East. The property line along 500 E and Delno Dr. will not be fenced.

**Lighting:** n/a

**Landscaping:** All designated open space will be landscaped, trees will also be planted between driveways of homes.

**Access.** All 6 townhomes will have their own driveway that is accessed off Delno Dr.

**Dedication.** n/a

**Parking.** All parking for units will be in the garage and driveways of each unit. There is no guest parking requirement in the R-1-3 zone.

**Open Space.** No open space requirements for R-1-3 zones.

**Building Design.**

*Height:* 2 stories tall, R-1-3 limits height 35 ft applicant is proposing 26Ft.

*Setbacks:* Side 5 ft unless attached to a dwelling on an adjacent lot, 20 ft front yard, 30 ft side yard facing 500 E, 15 ft rear yard.

*Materials:* Stucco with brick and wood architectural enhancements.

*Massing:* Standard residential, rectangular massing.

**Unit Characteristics.** Units will be 2-bedroom, upstairs patio in the front, private patio/backyard in the back, and 2 car garages.

**Amenities.** Private back yard for each unit.

**Utilities and Waste Removal.** All utilities will meet standards for a residence with individual ownership. There will be one point of excavation in the street to distribute utilities to each dwelling unit. Waste containers will be individual garbage receptacles for each individual unit.

**Exceptions.** The developer is not requesting an exception for this rezone.

**Project Information Summary Table**

Requirement	R-1-3 Zone Requirement	Proposed
Height	35 ft	2 stories
Density	1 unit per 3,000 sq ft lot	1 unit per 3,000 sq ft lot
Front Yard Setback	20 ft	20 ft
Side Yard Setback	20 ft on Corner, 5 ft Interior	20 ft on Corner, 5 ft Interior
Rear Yard Setback	15 Ft Minimum	15 Ft
Lot Width	25 Ft	35 Ft
Lot Area	3,000 sq ft	3,000 sq ft
Parking	2 Covered Garage	2 Covered Garage
Open Space	None Required	
Amenities	None Required	

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## COMMUNITY COUNCIL RESPONSE

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At their meeting on February 5, 2019 the Millcreek Community Council recommended that:

**Recommended denial of the project as is.**

**Recommended continuance of the project subject to site plan changes and that the applicant holds a neighborhood meeting with residence.**

At their meeting on April 2, 2019 the Millcreek Community Council unanimously voted to:

**Recommend approval of the project as is subject to the development agreement conditions created by staff.**

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## NEIGHBORHOOD RESPONSE

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Neighborhood Meeting February 19, 2019:

Multiple residents have called staff to express concerns. Concerns already expressed are:

- Traffic, congestion of cars.
- Guest Parking
- Recreational Vehicles, Parking for Recreational Vehicles
- Children
- Additional cars for teenage drivers.

A letter to the Planning Commission from a residents is disclosed in supplemental documents.

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## DEVELOPMENT AGREEMENT CONSIDERATIONS

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Staff is recommending that this rezone be subject to a development agreement.

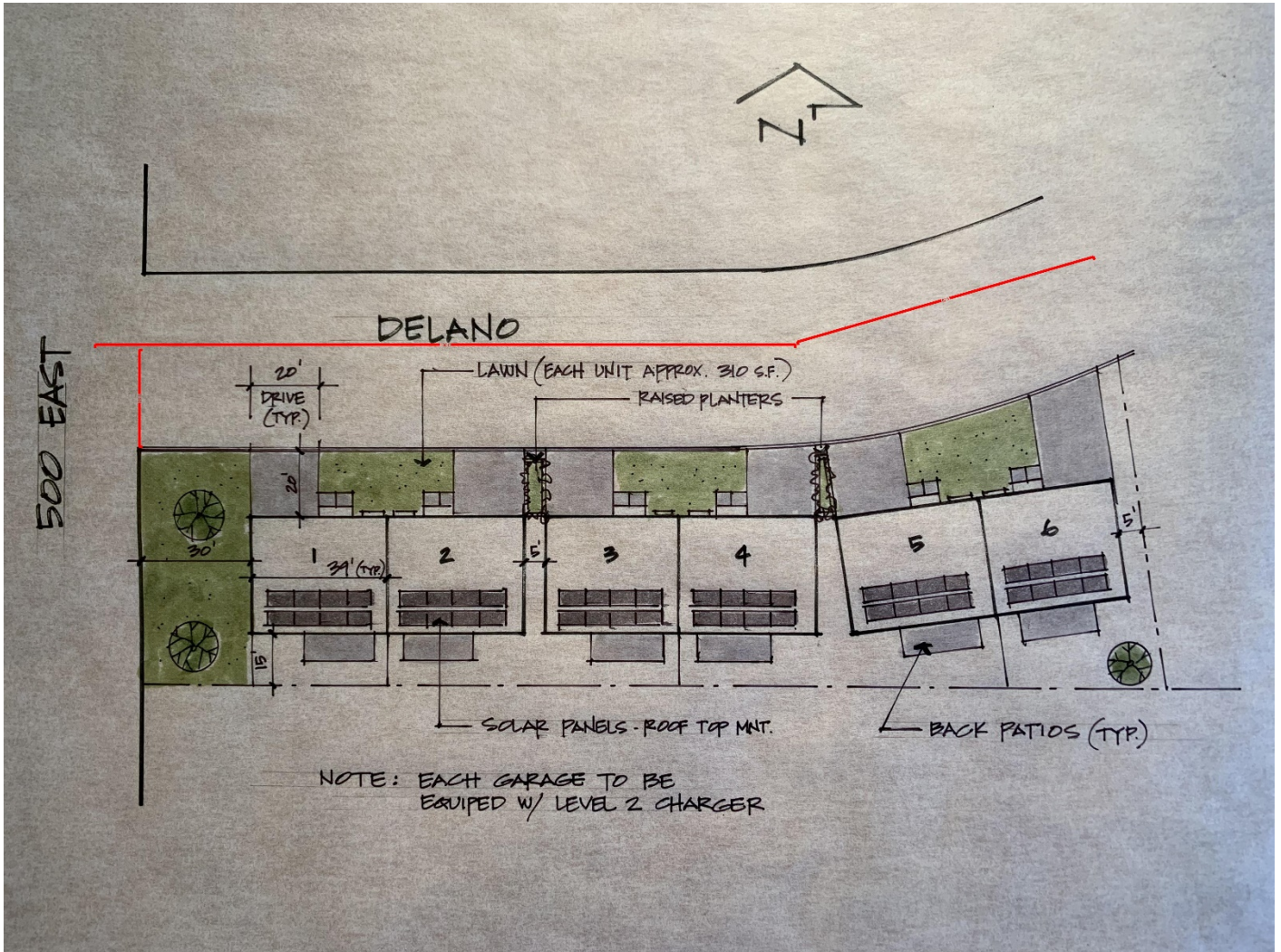
If approved for a rezone subject to a development agreement, this project may return to the Planning Commission for a conditional use permit approval. Per §19.84.060 of the Millcreek Code, All Conditional Use Permits run with the land and may require the applicant to record documents to that effect. 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.

Possible included in development agreement:

1. Traffic, Parking, and Circulation
2. Height
3. Design
4. Compatibility with surrounding buildings and uses.
5. Setbacks
6. Required public improvements, such as dedications, sidewalks, storm water...

- 7. Landscaping
- 8. Anything else deemed appropriate.

## PLANNING STAFF ANALYSIS AND FINDINGS



Red line on the above pictures shows the actual width of Delno to scale with the proposal.

The applicant has listened to the concerns of the neighborhood and has altered the project to mitigate detrimental effects.

## PLANNING STAFF RECOMMENDATION AND MODEL MOTION

**Motion to Approve** Rezone Request ZM-19-003 to rezone property located at 3999 S 500 E from R-2-10 to R-1-3 for a 6-unit multi-family development subject to a development agreement that contains at a minimum the following:

- Height is limited to 28 ft.
- Enhanced landscaping along public streets and in rear yards to provide privacy for neighbors and reduce impact of new development in the neighborhood. Trees are required as part of the landscape plan.
- Wood features proposed in the illustrations of the project are required, as well as brick materials. These

**Request:** Rezone from R-2-10 to R-1-3

**File #:** ZM-19-003

materials must be used anywhere a structure faces a public street.

- Solar panels and charging stations be required in all units.

## **SUPPORTING DOCUMENTS**

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1. Site Plan
2. Elevations
3. Letter to the Planning Commission from neighboring property owners



MEMO

April 2, 2019

To: Mill Creek Community Council

From: Delno Drive community property owners Mr. and Mrs. Pat Gordon (own duplex at 4026 S. and 4028 S. 565 E), and Mr. and Mrs. Jay Smith (homeowner at 537 E Delno Dr.).

Subject: Up-dated results of our canvassing the neighborhood for opinions on Millcreek Project Number ZM-19-003, rezoning from R-2-10 to R-1-3, for 6 townhomes. **We have enclosed three petitions containing 26 signatures of our neighbors owning or renting neighborhood residences who are opposed to the zone change.** *In addition, we talked to four more residents about the zone change, two of whom approved of the zone change, and two of whom were uncertain as to whether they approved or disapproved of the zone change, and chose not to sign the petition opposing the zone change.*

Statistically:

**86.6% of those we interviewed, OPPOSED THE ZONE CHANGE.**

**6.7% of those we interviewed, APPROVED THE ZONE CHANGE.**

**6.7% of those we interviewed, WERE UNCERTAIN WHETHER THEY APPROVED OR DISAPPROVED OF THE ZONE CHANGE.**

WE HOPE YOU UNDERSTAND HOW UNHAPPY MOST OF THE NEIGHBORS OF THIS PROPOSED PROJECT ARE AND **THE ADVERSE IMPACT THIS PROJECT WILL HAVE ON OUR NEIGHBORHOOD!** PLEASE RECOMMEND THAT THIS REZONING BE DISAPPROVED!

**PETITION**

**TO: MILL CREEK COMMUNITY COUNCIL, PLANNING COMMISSION,  
AND CITY COUNCIL. Date: 3-14-2019**

**We are residents and/or property owners in the greater Delno/565 E/3955 S Streets area, bounded on the west by 500 East, on the north by 3900 South, on the South by the Fox Point Old Farm (major apartment development just South of the most southerly 565 East Cul-De-Sac), and the easterly lot lines of the lots lying on the east side of 565 East.**

**Our pleasant, quiet, residential area is characterized mostly by single story, single family, duplex and triplex dwelling units. We like it this way, and would appreciate keeping this character of our neighborhood. Please help us preserve to quiet, lower density, low traffic family-friendly character of our properties.**

**The recent specific application of (Zone Change) Project Number ZM-19-003 from R-2-10 to R-1-3, in our opinion, represents an adverse change in the character of our area. It likely will set the stage for the invasion of more such projects and finally will lead to the loss of the quiet, lower density, generally single story residential area we enjoy today.**

**Thank You For Considering Our Request**

Paul Griffin 4026 S. 565 E Millcreek ut. 84107  
~~4028 S. 565 E Millcreek UT 84107~~  
~~3945 S. 565 E Millcreek UT 84107~~  
Valerie Johnson 3965 S. 565 E Millcreek UT 84107  
Ruby Kern 513 Delno Dr. " " 84107  
CHARLIE APPELLO 513 565 E DELNO DR SLC 84107  
Diane Lee 557 E Delno Dr SLC 84107  
MR F 565 565 E Millcreek 84107  
Ann Bishop 3965 565 E Millcreek 84107 SLC  
Lisa Taylor 3965 565 E Millcreek 84107 ~~84107~~  
Ashley Olsen 3965 S. 565 E Millcreek 84107  
Joffe Heather Teeter 3945 S. 565 E. Millcreek, UT 84107  
Halle Teeter 3943 S. 565 E Millcreek, UT 84107  
Alexa Callahan 4036 S 565 E owner of property  
Kashia Pat Jordan 4026 S 565 E owner of property  
Bredy & Beverly Hansen 549 E Delno Cir. 84107 Owner  
Emily Hestett 565 Delno Cir Millcreek  
Neal M. Hestett 527 Delno Circle







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

File # CU-19-003

## Planning Commission Staff Report

**Meeting Date:** April 17, 2019  
**Applicant:** Kasey Kershaw  
**Property Address:** 4137 S. 900 E.  
**Parcel ID:** 22-05-128-100 (.36 acres)

**Request:** Conditional use permit for two duplexes in an R-M Zone

**Zone:** R-M

**Community Council:** Millcreek

**Prepared By:** Blaine Gehring, AICP

### SYNOPSIS AND SCOPE OF DECISION

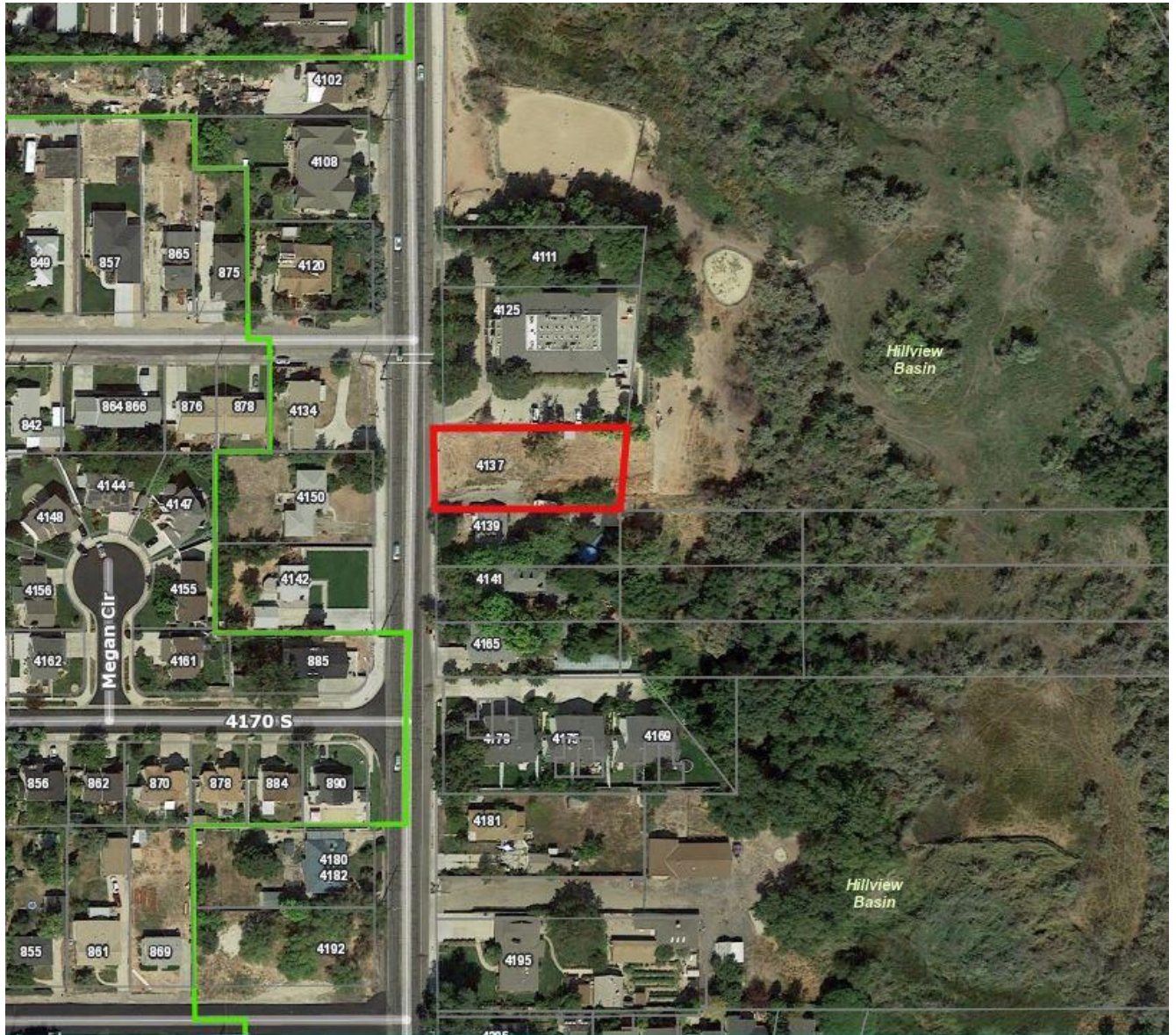
Applicant is requesting a conditional use permit for two duplexes on his lot at 4137 S. 900 E. in an R-M Zone. Any residential use over a single-family dwelling in the R-M Zone requires a conditional use permit.

Existing Zoning	Existing Land Use	Surrounding Uses and Zones	Site Improvements	Parcel ID	Size of Property
R-M	Vacant	R-1-10, R-M, R-2-10 and R-1-5	None	22-05-128-100	.36 acres

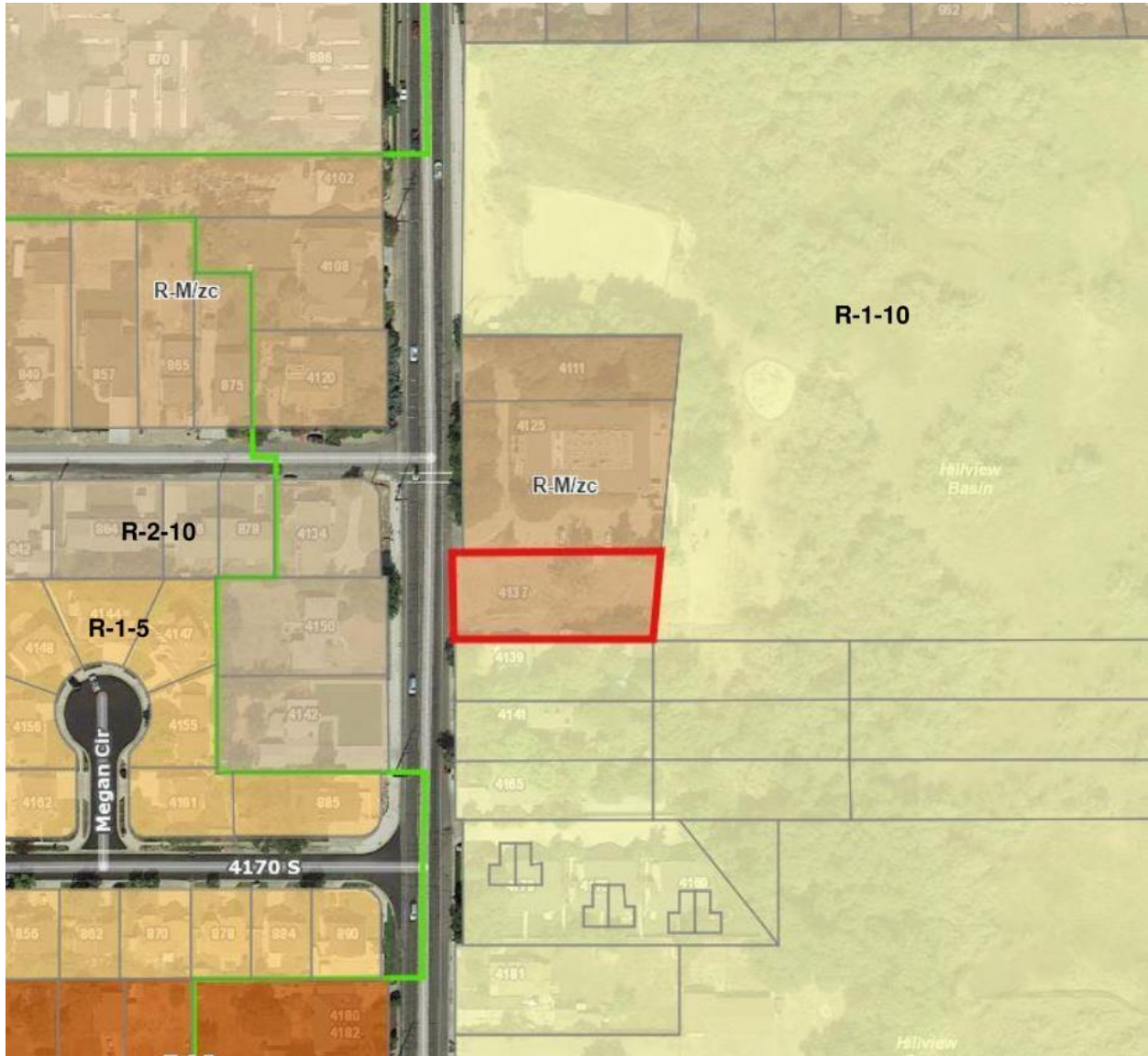
Pursuant to Chapter 19.44.030 of the Millcreek Code, the R-M zone allows two-family dwellings once a conditional use permit is approved. The Planning Commission is asked to consider this request considering reasonably anticipated detrimental effects of the proposed use for the neighborhood.

# SITE & VICINITY DESCRIPTION

## Aerial Map



## Zoning map



The property is vacant and located adjacent to a senior living facility on the north and a single-family residence on the south. There are several apartments along 900 East to the north with R-M and R-2-10 Zoning on the west of 900 East. The property also backs the Hillview Basin conservation area owned by Salt Lake County to the east.

## PROJECT INFORMATION

The project has two duplexes with a common driveway and access. The front duplex consists of two two-bedroom units with a one-car garage each while the rear duplex has two three-bedroom units with a two-car garage each. Each unit has tandem parking in front of the garage and one space for guest parking.

**Proposed Uses.** Two-family residential with 4 total units.

**Density.** In the R-M Zone, 3,500 sq. ft. is required for each unit in a two-family dwelling. Thus, 14,000 sq. ft. of lot area is required for the two duplexes. The lot contains 15, 681.6 sq. ft.

**Site Layout.** Two-family residential with required fencing and landscaping.

**Access.** A single driveway accessing all garages from an interior paved area.

**Dedication.** A 7-foot street dedication is required across the entire frontage.

**Parking.** A single car garage plus tandem parking for each two-bedroom unit, a two-car garage plus 3 tandem parking spaces for each three-bedroom unit.

**Open Space.** 40% required in R-M Zone. 42% provided.

**Building Design.** Two story two-family with garages.

**Height:** 26 ft. as measured from a relatively flat grade

**Setbacks:** Lot 202 – 20' front, 25' street side, garage side and 8' rear (exception granted)  
Lot 203 – 20' front, 17.7' rear, 5 garage side and 16' rear

**Materials:** Stucco with hardy board and cedar along with some stone on front

**Unit Characteristics:** The front duplex will have two-bedrooms each and the rear duplex will have three-bedrooms each. They are two stories in height.

**Amenities.** Not applicable.

**Utilities and Waste Removal.** Private trash collection

**Development Agreement Considerations.** Not applicable.

**Exceptions.** None.

## GENERAL PLAN

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The future land use in the general plan for this area is Neighborhood 1 which is single family detached homes. However, this property is already zoned R-M which allows for multiple family residential as a conditional use. There is existing duplex zoning across 900 East to the west and R-M zoning north along 900 East as well. The project meets the housing section of the general plan by providing new moderate-income housing in the area.

**Project Information Summary Table**

<b>Requirement</b>	<b>R-M Zone Requirement</b>	<b>Proposed</b>
Height	30 feet if within 100 feet of residential zone, one-story minimum required	28' 10" with two stories
Density	3,500 sq. ft. per unit in duplex	14,000 sq. ft. for the two duplexes
Front Yard Setback	25 feet	25 feet
Side Yard Setback	10 feet	10 feet
Rear Yard Setback	20 feet with garage	20 feet
Lot Width	50 feet	80 feet
Lot Area	3,500 sq. ft. per unit in duplex	15, 681.6 sq. ft
Parking	2 spaces per single family dwelling with one covered space (tandem parking is allowed for individually owned units)	A single car garage plus tandem parking for each two-bedroom unit, a two-car garage plus 3 tandem parking spaces for each three-bedroom unit.
Open Space	40%	42%

**COMMUNITY COUNCIL RESPONSE**

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At their meeting on April 2, 2019 the Millcreek Community Council recommended the approval of the conditional use permit by a unanimous vote.

**STANDARDS FOR APPROVAL**

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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:

- 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:** No effect on the traffic patterns. The single driveway access was reviewed by engineering and found to be appropriate.

**Mitigation:** None.

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:** Water, sewer and storm drainage exist. No effect on existing systems.

**Mitigation:** None.

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

**Effect:** Existing sidewalk across the frontage that is too close to traffic.

**Mitigation:** New street dedication with new curb, gutter and sidewalk.

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:** Not applicable.

**Mitigation:** None.

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:** The property abuts the Hillview Basin area which will remain as open space. Drainage from the project will be to 900 East and not into the basin.

**Mitigation:** None.

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

**Effect:** Not applicable.

**Mitigation:** None.

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:** The duplex plans will be compatible with the existing neighborhood. There is no existing fencing on the property.

**Mitigation:** Fencing to be installed per R-M Zone requirements.

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

**Effect:** New homes which will provide new property taxes.

**Mitigation:** None.

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

**Effect:** Not applicable.

**Mitigation:** None.

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

**Effect:** Not applicable.

**Mitigation:** None.

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

**Effect:** Not applicable.

**Mitigation:** None.

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

**Effect:** Not applicable.

**Mitigation:** None.

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:** None.

## **PLANNING STAFF ANALYSIS AND FINDINGS**

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**Per §19.84.060 of the Millcreek Code**, the Planning Commission can 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 and is conceptually in compliance with the City's development standards, the final conditional use permit will be evaluated for potential detrimental impacts established in the Millcreek Code.

Building plans will be reviewed for compliance with building code standards.

## **PLANNING STAFF RECOMMENDATION AND MODEL MOTION**

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Planning Staff recommends approval of the conditional use permit. A model motion is as follows:

**Motion to Approve a conditional use for two duplexes in an R-M Zone located at 4137 S. 900 E. with the following conditions:**

1. Compliance with R-M Zone standards with regards to fencing.
2. Parking shall be provided with one single car garage and one tandem and one guest space per two-bedroom unit and one two car garage with two tandem spaces and one guest space per three-bedroom unit.
3. 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.
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. Landscaping shall be installed in compliance with Chapter 19.77 Water Efficient Landscape Design and Development Standards.
6. The applicant will comply with all requirements established through the technical review process prior to receiving final conditional use approval.
7. All items of the staff report.

## **SUPPORTING DOCUMENTS**

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Application  
Affidavit  
Site Plan  
Landscape plan  
Elevations







**Planning Services**

3330 South 1300 East • Millcreek, Utah 84106

Phone: (801) 214-2750

Millcreek.us

File # CU19-003

# Land Use & Development Application

Zone: R-M Community Council: Millcreek Planner: Blaine Gehring  
Parent File #: CU-19-003 Date: 3/12/2019

Property Address: 4137 S. 900 E. Parcel #: 22-05-128-100  
Name of Project 4137 S. Townhomes Property Acreage: .36 ACRE

Please describe your request:  
Two twin homes to be built. 4 units total.

**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: Kasey Last: Kershaw Initial: J.  
Address: 4949 Cottonwood Lane City: Holladay State: Ut Zip: 84117  
Phone: 801-953-6004 Cell: 801-953-6004 Email: idirealestate@gmail.com

**Property Owner(s):** SAME AS ABOVE

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:  Date 3-12-2019



**Planning Services**  
 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) KASON KERSHAW, IDE PROPERTIES, LLC being duly sworn, depose and say that

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

4137 S. 900 E.

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

requesting review and approval of \_\_\_\_\_

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 

Property Owner \_\_\_\_\_

Subscribed and sworn to me this 28 day of February, 2019.

Notary: 

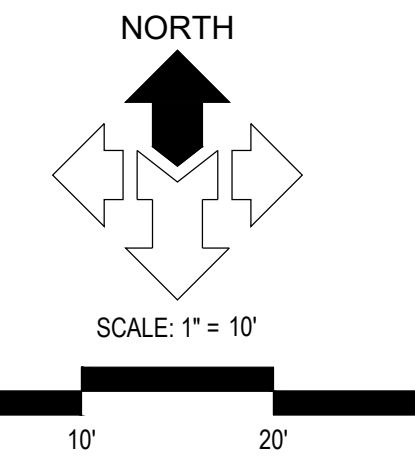
*Residing in Salt Lake County, Utah*





FOUND BRASS  
CAP MONUMENT  
WITH RING & LID

3900 SOUTH STREET



**MCNEIL ENGINEERING**  
Economic and Sustainable Designs, Professionals You Know and Trust  
8410 South Sandy Parkway, Suite 200 Sandy, Utah 84070 801.255.7700 mcneilengineering.com  
Civil Engineering • Consulting & Landscape Architecture  
Structural Engineering • Land Surveying & HDS

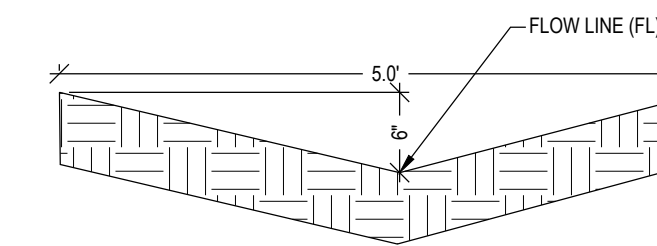
**GENERAL NOTES:**  
SITE GRADING SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS AND THE RECOMMENDATIONS SET FORTH IN THE SOILS REPORT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING AND REPLACING ALL SOFT, WEIRDING OR UNSUITABLE MATERIALS AND REPLACING WITH SUITABLE MATERIALS AS SPECIFIED IN THE SOILS REPORT. ALL EXCAVATED OR FILLED AREAS SHALL BE COMPACTED TO 95% OF MODIFIED PROCTOR MAXIMUM DENSITY PER ASTM TEST D-1557 EXCEPT UNDER BUILDING FOUNDATION WHERE IT SHALL BE 98% MIN. OF MAXIMUM DENSITY. MOISTURE CONTENT AT TIME OF PLACEMENT SHALL NOT EXCEED 2% ABOVE NOR 3% BELOW OPTIMUM. CONTRACTOR SHALL SUBMIT A COMPACTION REPORT PREPARED BY A QUALIFIED REGISTERED SOILS ENGINEER, VERIFYING THAT ALL FILLED AREAS AND SUBGRADE AREAS WITHIN THE BUILDING PAD AREA AND AREAS TO BE PAVED, HAVE BEEN COMPACTED IN ACCORDANCE WITH THESE PLANS & SPECS AND THE RECOMMENDATIONS SET FORTH IN THE SOILS REPORT.

THE CONTRACTOR IS TO USE BEST MANAGEMENT PRACTICES FOR PROVIDING EROSION CONTROL FOR CONSTRUCTION OF THIS PROJECT. SPECIFIC DETAILS SHOWN ON SHEET C2.02 SHALL BE USED IN COMBINATION WITH OTHER ACCEPTED LOCAL PRACTICES.

EXISTING UNDERGROUND UTILITIES AND IMPROVEMENTS ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED UPON RECORD INFORMATION AVAILABLE AT THE TIME OF PREPARATION OF PLANS. LOCATIONS MAY NOT HAVE BEEN VERIFIED IN THE FIELD AND NO GUARANTEE IS MADE AS TO ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN. IT SHALL BE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXISTENCE AND LOCATION OF THOSE UTILITIES SHOWN ON THESE PLANS OR INDICATED IN THE FIELD BY LOCATING SERVICES. ANY ADDITIONAL COSTS INCURRED AS A RESULT OF CONTRACTORS FAILURE TO VERIFY LOCATIONS OF EXISTING UTILITIES PRIOR TO BEGINNING OF CONSTRUCTION IN THEIR UTILITY SHALL BE BORNE BY THE CONTRACTOR AND ASSUMED INCLUDED IN THE CONTRACT.

**KEYED NOTES:**  
PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED AND THE DETAILS NOTED AND AS SHOWN ON THE CONSTRUCTION DRAWINGS:

- ① GRADE SITE TO ELEVATIONS AND CONTOURS SHOWN ON PLAN.
- ② 5' DRAINAGE SWALE, SEE DETAIL THIS SHEET.
- ③ CONSTRUCT NEW RETENTION POND TO ELEVATIONS SHOWN ON PLAN WITH 3:1 MAX SIDE SLOPES.



5' DRAINAGE SWALE DETAIL

	BUILDING SF	HARDSCAPE SF	LANDSCAPE SF	TOTAL
AREA 1	890	1091	2363	4344
AREA 2	2162	4185	4887	11,234
				15,578

KERSHAW TOWNHOMES

4167 S 900 E  
MILLCREEK, UTAH

REV	DATE	DESCRIPTION

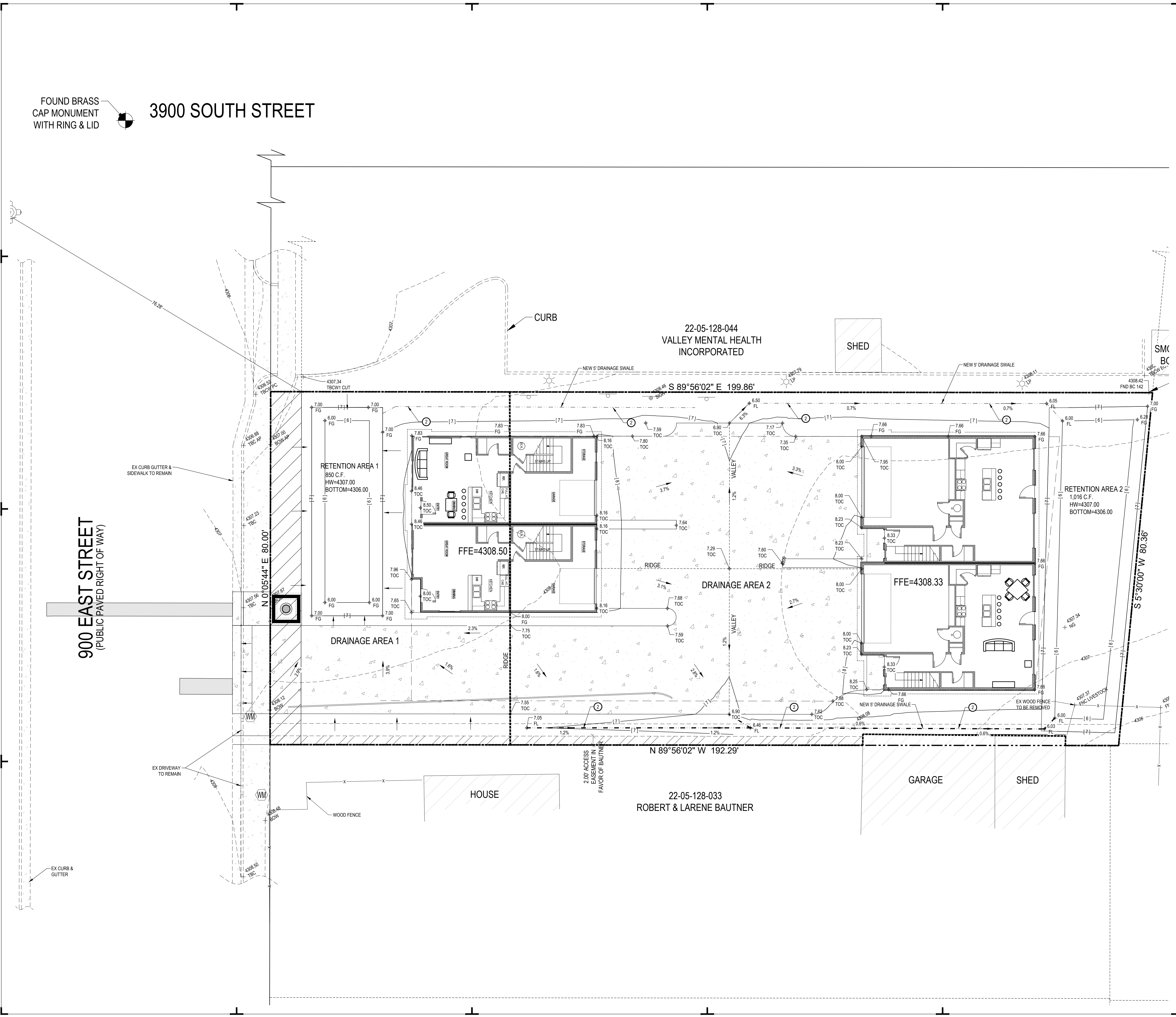
PROJECT NO: 19022  
DRAWN BY: RJP  
CHECKED BY: RJP  
DATE: 2-12-19

GRADING AND  
DRAINAGE  
PLAN

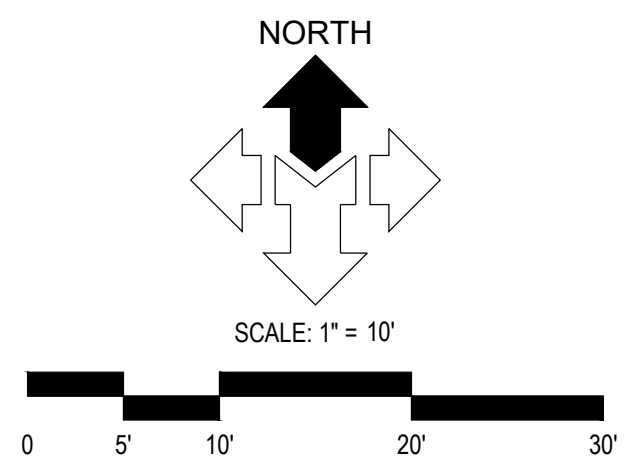
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3900 SOUTH STREET



**GENERAL NOTES:**  
 CONTRACTOR IS TO COORDINATE ALL UTILITIES WITH MECHANICAL DRAWINGS.  
 ALL NEW WATER CONSTRUCTION TO BE DONE IN ACCORDANCE WITH LOCAL GOVERNING MUNICIPALITY STANDARDS & SPECIFICATIONS.  
 ALL NEW SANITARY SEWER CONSTRUCTION TO BE DONE IN ACCORDANCE WITH LOCAL GOVERNING MUNICIPALITY STANDARDS & SPECIFICATIONS.  
 CONTRACTOR SHALL FIELD VERIFY LOCATIONS AND INVERT ELEVATIONS OF EXISTING MANHOLES AND OTHER UTILITIES BEFORE STAKING OR CONSTRUCTING ANY SEWER LINES.  
 FOUR FEET OF COVER IS REQUIRED OVER ALL SEWER LINES.  
 MAINTAIN A MINIMUM OF 48 INCHES OF COVER ON ALL WATER LINES.  
 CONTRACTOR IS TO COORDINATE LOCATIONS OF NEW TELEPHONE SERVICE TO BUILDING WITH CENTURY LINK. A PVC CONDUIT, PLYWOOD BACKBOARD, AND GROUND WIRE IS REQUIRED FOR SERVICE THROUGH PROPERTY. COORDINATE SIZES AND LOCATION WITH CENTURY LINK.  
 CONTRACTOR IS TO SUBMIT SITE PLAN TO DOMINION ENERGY FOR DESIGN OF GAS LINE SERVICE TO BUILDING. CONTRACTOR TO COORDINATE WITH DOMINION ENERGY FOR CONTRACTOR LIMITS OF WORK VERSUS DOMINION ENERGY LIMITS.  
 LOCATION OF ALL UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE LOCATIONS. CONTRACTOR IS TO VERIFY CONNECTION POINTS WITH EXISTING UTILITIES. CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE CAUSED TO EXISTING UTILITIES AND UTILITY STRUCTURE THAT ARE TO REMAIN.  
 UTILITY ALERT PHONE NUMBERS  
 WATER: WATER PROVIDER  
 SEWER: SEWER DISTRICT  
 NATURAL GAS: DOMINION ENERGY  
 ELECTRICAL: POWER PROVIDER  
 TELEPHONE: CENTURY LINK

**KEYED NOTES:**  
 PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED AND THE DETAILS NOTED AND AS SHOWN ON THE CONSTRUCTION DRAWINGS:  
 1 EXISTING WATER METER TO BE KILLED AT THE MAIN PER MILLCREEK STANDARDS. ASPHALT REPAIR PER APWA STD PLAN 255.  
 2 CONNECT NEW 1-1/2" TYPE 'K' COPPER WATER SERVICE LINE TO EXISTING 8" WATER MAIN, PER APWA PLAN NO. 522.  
 3 EX FIRE HYDRANT TO REMAIN 76 FEET FROM NORTHWEST CORNER OF PROPERTY.  
 4 1-1/2" WATER SERVICE METER SET, PER APWA PLANS NO. 522 & 505.  
 5 1-1/2" TYPE 'K' COPPER WATER SERVICE LINE, PER APWA PLAN NO. 541.  
 6 1-1/2" POLYPIPE WATER SERVICE LINE CONNECT TO TYPE 'K' COPPER 3" PAST METER.  
 7 6" PVC SDR-35 SANITARY SEWER LATERAL, INCLUDING ALL FITTINGS. CLEANOUTS AT 100-FOOT MAXIMUM SPACING. SEE APWA PLANS NO. 381 & 382 FOR TRENCHING. SEE APWA PLAN NO. 431 FOR CLEANOUTS.  
 8 SANITARY SEWER CLEANOUT, PER APWA PLAN NO. 431.  
 9 UNDERGROUND CABLE AND POWER LINES. CONTRACTOR TO COORDINATE WITH COMCAST AND ROCKY MOUNTAIN POWER.  
 10 APPROXIMATE LOCATION OF NEW NATURAL GAS LINE. CONTRACTOR TO COORDINATE SIZE, DESIGN AND INSTALLATION BY DOMINION ENERGY WITH OTHER CONSTRUCTION.  
 11 APPROXIMATE LOCATION OF NEW NATURAL GAS METER(S). CONTRACTOR TO COORDINATE SIZE, DESIGN AND INSTALLATION WITH DOMINION ENERGY AND WITH MECHANICAL PLANS.  
 12 TELEPHONE LINE. CONTRACTOR TO PROVIDE TRENCHING 30" DEEP X 24" WIDE FOR CENTURY LINK AND THEN BACKFILL AS REQUIRED.

**MCNEIL ENGINEERING**  
 Economic and Sustainable Designs, Professionals You Know and Trust  
 8610 South Sandy Parkway, Suite 200 Sandy, Utah 84070 801.255.7700 mcneilengineering.com  
**Civil Engineering • Consulting & Landscape Architecture**  
**Structural Engineering • Land Surveying & HDS**

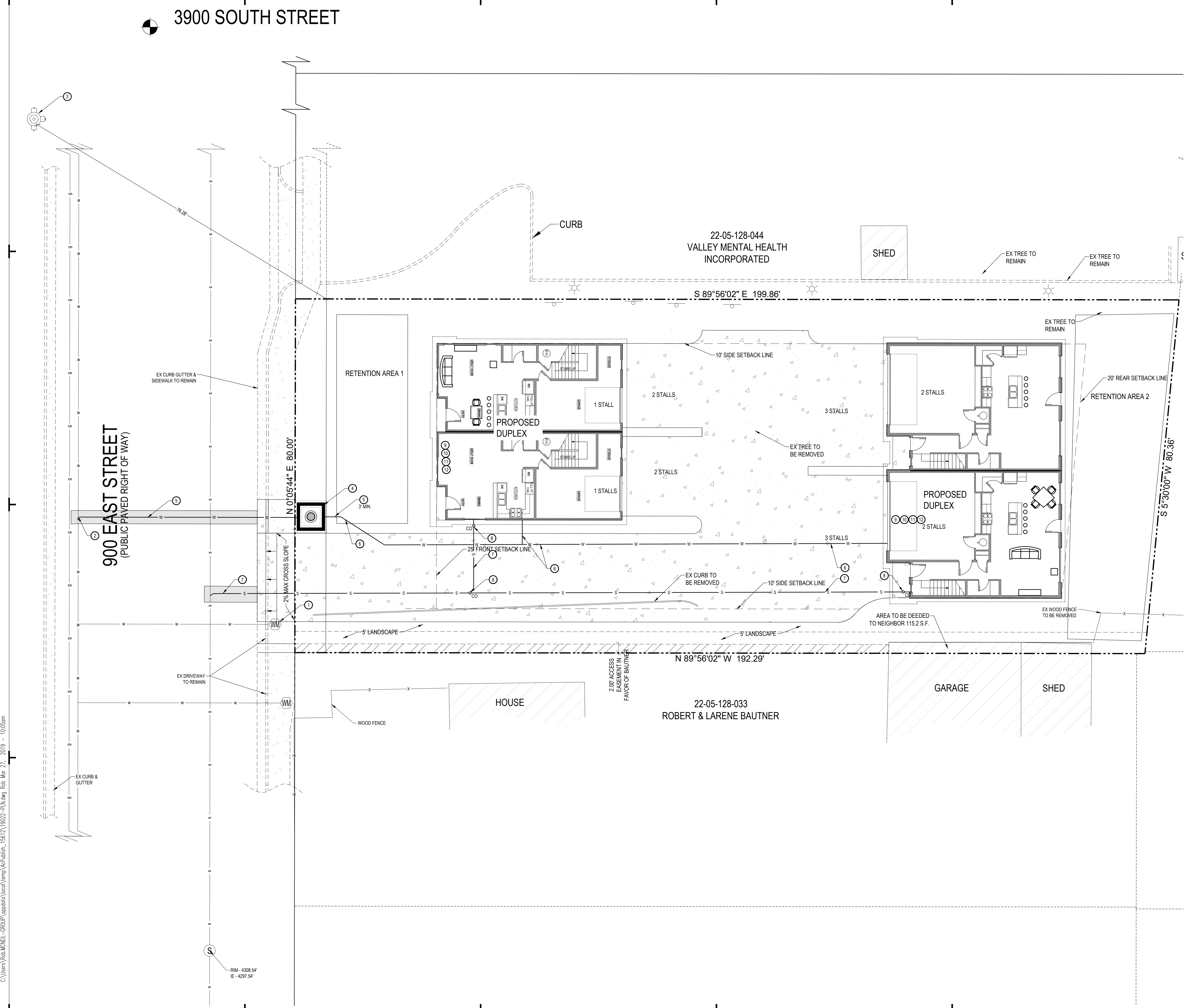
**KERSHAW TOWNHOMES**  
 4167 S 900 E  
 MILLCREEK, UTAH

REV	DATE	DESCRIPTION

PROJECT NO: 19022  
 DRAWN BY: RJP  
 CHECKED BY: RJP  
 DATE: 2-12-19

**SITE UTILITY PLAN**

**C4.01**



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PLANT LEGEND

TREES

SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE	QTY.
AM	American Maple	Acer fraxinifolium	2" cal.	6
H	Honeylocust	Gleditsia triacanthos	2" cal.	2
WA	Western Australian Cordular	Chamaecyparis fraxinifolia	6-7'	6

SHRUBS

SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE	QTY.
T	Tiger Eye Shrub	Rhus typhina	5 gal.	6
VD	Ivory Halo Red Twig Dogwood	Cornus alba	5 gal.	18
BV	Burwood Viburnum	Viburnum burkwoodii	5 gal.	14
MK	Miss kam Lilac	Syringa patula	5 gal.	5
KR	Kelley Rose Grass	Fernandina ovicoides	1 gal.	26

PERENNIALS & GROUNDCOVER

SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE	QTY.
C	Wild Berry	Echinacea purpurea	1 gal.	59
S	Carex Sedge "Ice Cream"	Ophiopogon	1 gal.	47

1" MANUS CRUSHED ROCK - STINKER PANSION NORTH SALT LAKE UT W/64:01:00 GRW  
 3" DEPTH OF ROCK OVER DEWITT PNO 5 W/ED BARRIER CLOTH OR EQUAL. ROCK AREA/ PLANTER BEDS TO HAVE ADAPTABLE TOPSOIL MIXTURED TO WET GRADE. AROUND WITH DRAINAGE CONTROL (AS NEEDED) TO INSURE LONG TERM PLANT HEALTH.  
 PLANTER BEDS TO BE SLOPED. 6" MOUNTED IMPROVED/STOCKPILE TOP TYPICAL BASE LAYER TO BE SLOPED. SAND WITH SLOPES 50%/50% AS NEEDED TO ENSURE LONG TERM HEALTHY LIFE.

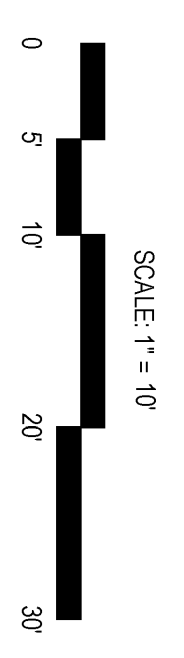
GRAV CRUSHER FINES - COMPACTABLE GRAVEL (4" DEPTH OVER WEED FABRIC)

3/4" X 5/8" STEEL BRONZE STANDARD PLAT BAR, N. 207 INCHES W/DEPTH AT THE GRAV/S TO BE USED TO DEFINE ALL BEDS. SEPARATE TUBE FROM ROCK AND ROCK ROW/ CRUSHER FINES.

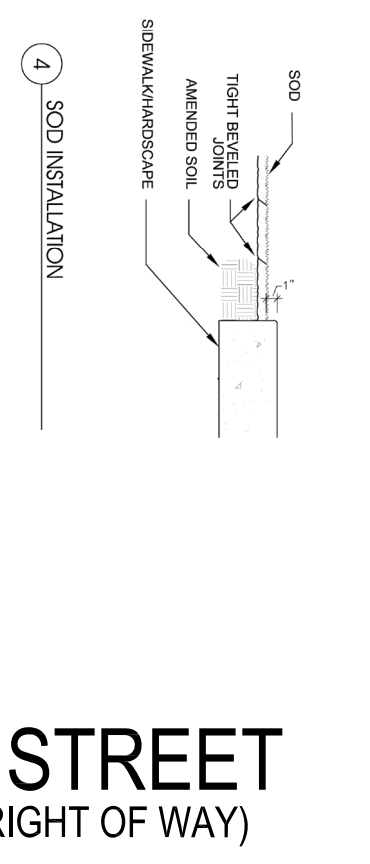
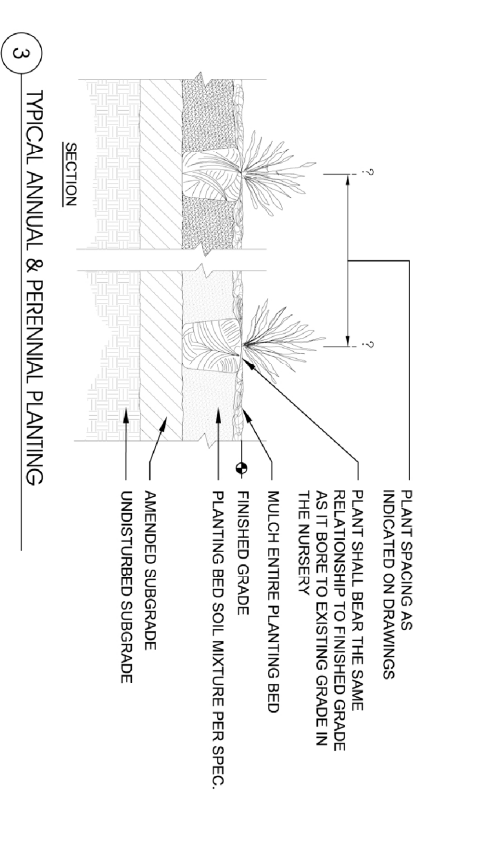
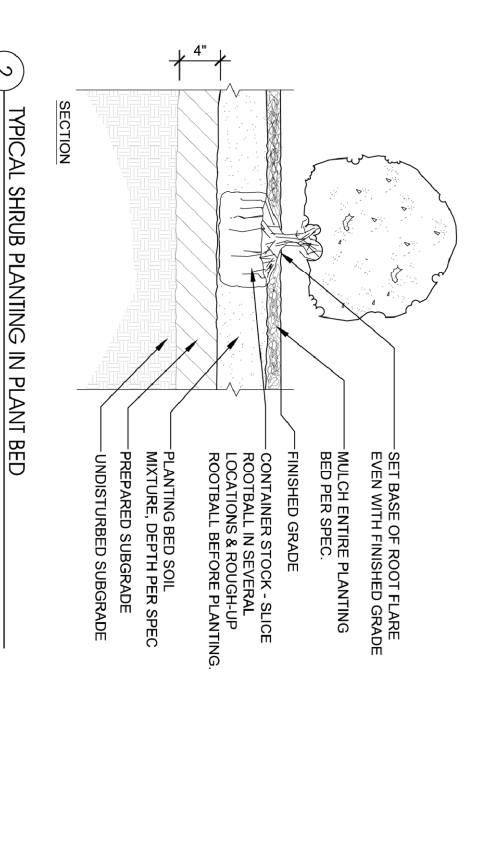
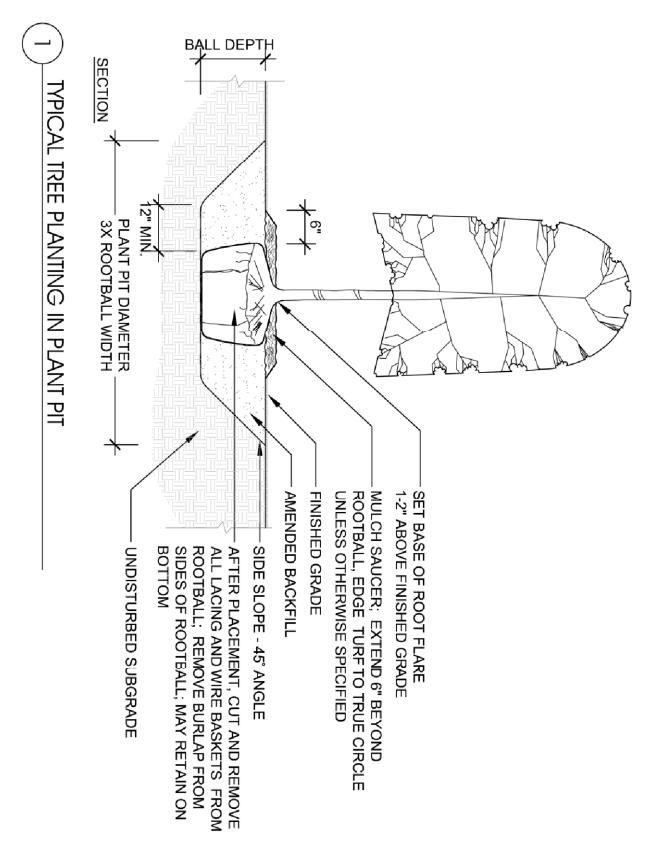
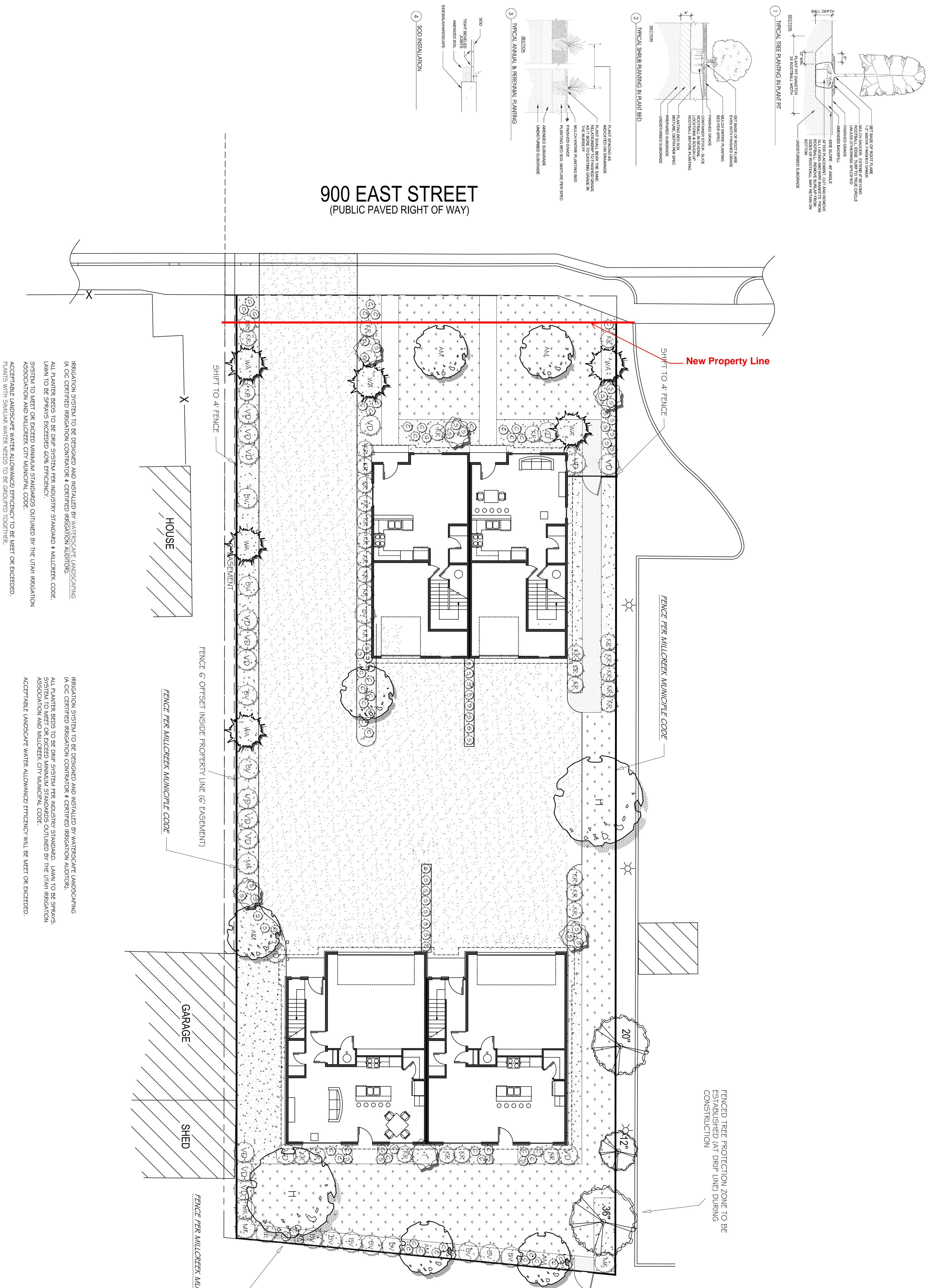
IRRIGATION SYSTEM TO BE DESIGNED AND INSTALLED BY WATERSCAPE LANDSCAPING OR EXCEEDING MINIMUM STANDARDS OUTLINED BY THE UTAH IRRIGATION ASSOCIATION AND MILLCREEK CITY MUNICIPAL CODE. ACCEPTABLE LANDSCAPE WATER ALLOWANCE EFFICIENCY WILL BE MET OR EXCEEDED.

General Notes

- 1) The contractor shall verify the exact location of all existing and proposed utilities and all site conditions prior to beginning construction. The contractor shall coordinate his work with the project manager and all other contractors working on this site.
- 2) The finish grade of all planting area shall be smooth, even and consistent, free of any humps, depressions or other irregularities. The contractor shall ensure that all trees shall be graded consistently 3/4" below the top of all surrounding walk, curbs, etc.
- 3) The contractor shall stake the location of all signs for approval prior to planting. Trees shall be located equidistant from all surrounding plant material. Shrubs and ground covers shall be triangular and equidly spaced.
- 4) The plant materials list is provided as an indication of the specific requirements of the plants specified, wherever in conflict with the planting plan, the planting plan shall govern.
- 5) The contractor shall provide all materials, labor and equipment required for the proper completion of all landscape work as specified and shown on the drawings.
- 6) All plant materials shall be approved prior to planting. The Owner/Landscape Architect has the right to reject any and all plant material not conforming to the specifications. The Owner/Landscape Architect decision will be final.
- 7) The contractor shall keep the premises, storage areas and working areas neat and orderly at all times. Remove trees, sweep, clean, hose, etc. daily.
- 8) The contractor shall plant all plants per the planting details, stake/day as shown. Top of root balls shall be panned flush with grade.
- 9) The contractor shall not impede drainage in any way. The contractor shall always maintain positive drainage away from the building, walls, etc.

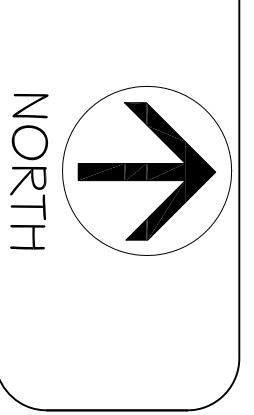


900 EAST STREET  
(PUBLIC PAVED RIGHT OF WAY)



IRRIGATION SYSTEM TO BE DESIGNED AND INSTALLED BY WATERSCAPE LANDSCAPING (A CIC CERTIFIED IRRIGATION CONTRACTOR & CERTIFIED IRRIGATION AUDITOR). ALL PLANTER BEDS TO BE DRIP SYSTEM PER INDUSTRY STANDARD & MILLCREEK CODE. SYSTEM TO MEET OR EXCEED MINIMUM STANDARDS OUTLINED BY THE UTAH IRRIGATION ASSOCIATION AND MILLCREEK CITY MUNICIPAL CODE. ACCEPTABLE LANDSCAPE WATER ALLOWANCE EFFICIENCY TO BE MET OR EXCEEDED. PLANTS WITH SIMILAR WATER NEEDS TO BE GROUDED TOGETHER.

IRRIGATION SYSTEM TO BE DESIGNED AND INSTALLED BY WATERSCAPE LANDSCAPING (A CIC CERTIFIED IRRIGATION CONTRACTOR & CERTIFIED IRRIGATION AUDITOR). ALL PLANTER BEDS TO BE DRIP SYSTEM PER INDUSTRY STANDARD. LAWN TO BE SPRINKLER SYSTEM TO MEET OR EXCEED MINIMUM STANDARDS OUTLINED BY THE UTAH IRRIGATION ASSOCIATION AND MILLCREEK CITY MUNICIPAL CODE. ACCEPTABLE LANDSCAPE WATER ALLOWANCE EFFICIENCY WILL BE MET OR EXCEEDED.



Scale: 1" = 10'  
 Date: 3/14/19  
 Drawn By: SLK

REVISIONS  
 3-25-19 PER CITY REVIEW

KERSHAW TOWNHOMES - LANDSCAPE  
 4167 SOUTH 900 EAST - MILLCREEK CITY, UTAH

745 WEST 200 NORTH - NORTH SALT LAKE UTAH, 84054  
 SHANE@WATERSCAPE.LI.COM  
 SHANE KERSHAW 801-859-5570

LAYOUT/ CONCEPT  
 L-1.0

# Front Building



**FRONT ELEVATION**

SCALE

1/4" = 1'-0"

# Rear Building



FRONT ELEVATION

SCALE

1/4"=1'-0"



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

File # ZM-19-007

## Planning Commission Staff Report

**Meeting Date:** April 17, 2019  
**Applicant:** Blake Hansen  
**Property Address:** 3125 S 2300 E  
**Parcel IDs:** 16274010120000

**Request:** Rezone from R-1-8 to R-1-6 subject to a development agreement for a flag lot subdivision that fulfills the Millcreek adopted flag lot policy development located at 3125 S 2300 E

**Zone:** R-1-8

**Community Council:** Canyon Rim Community Council

**Prepared By:** Erin O'Kelley

### SYNOPSIS AND SCOPE OF DECISION

The applicant would like to subdivide the property to create two single-family lots. After receiving approval to rezone the property to R-1-6 the applicant will seek approval to subdivide and create a flag lot on the property, demolish the house facing 2300 E and create a single-family home.

Existing Zoning	Existing Land Use	Surrounding Uses and Zones	Site Improvements	Parcel ID	Size of Property
R-1-8	Single-Family House and Triplex	R-1-8, single-family to the East and South, Church to the North	Create a new single-family home on one of the new lots.	16274010120000	.47 Acres

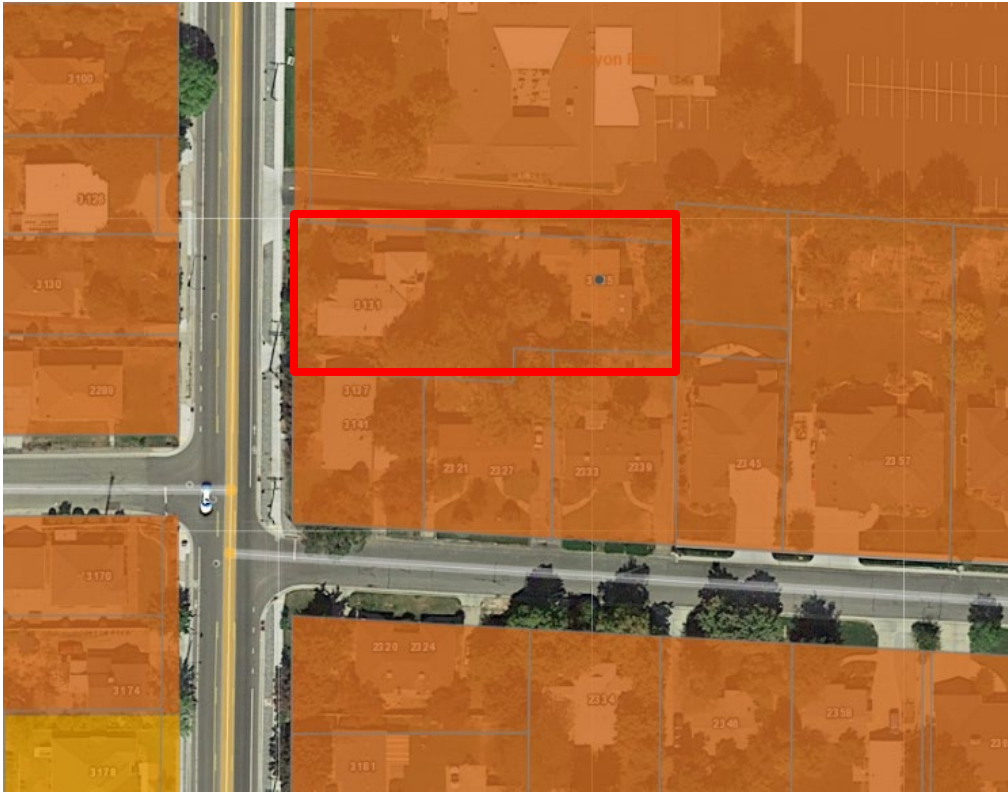
Per **§19.90.010** of the Millcreek Code, the Millcreek City Council may amend the number, shape, boundaries, or area of any zone or any regulation within any zone. Zone changes shall not be made or become effective unless the same shall have been proposed by or be first submitted for the recommendation of the planning commission. Staff is recommending that this rezone be subject to a development agreement.

# SITE & VICINITY DESCRIPTION

Figure 1: Street View



Figure 2: Zoning map



The property is one single lot with two structures on it in the R-1-8 zone rendering the lot nonconforming as it currently stands. The western structure is a non conforming triplex which suffered a fire last year leaving the house uninhabitable, it has been vacant ever since. The house in the back of the property to the East is still in good condition. 2300 E is in good condition with a bike lane, curb, gutter and sidewalk adjacent to the property.

Both of the properties access from 2300 E off of the single driveway that the property currently has. The applicant intends to create an easement for the rear flag lot to have access off of the same drive.

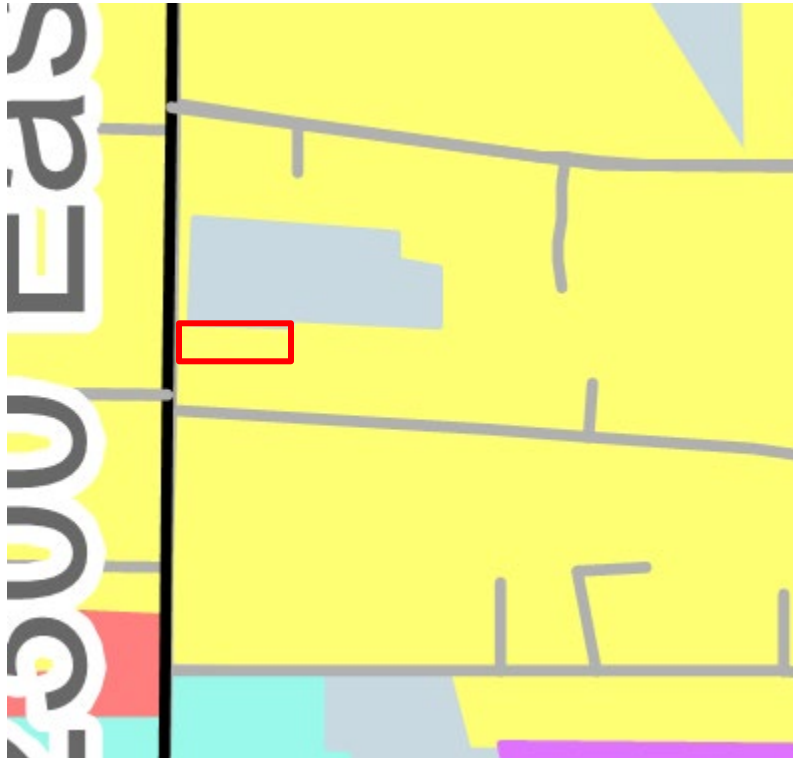
## GENERAL PLAN CONSIDERATIONS

---

The Millcreek General Plan designates this area in the General Plan as Neighborhood 1. Our lowest density classification reserved for single-family homes and some neighborhood amenities and services.

Staff recommends the finding that the proposed zone change is compatible with the Millcreek General Plan.

**Figure 3. Future Land Use Map**



Re-zone considerations and questions from the General Plan:

Does the project...

Encourage additional reinvestment in the neighborhood?	The proposed application will create a new lot for a single-family home.
Stay within the existing mass, scale, and height of the immediate neighborhood?	Staff recommends including something in the development agreement to satisfy this.
Support the redevelopment of an underperforming property?	The current single-family house on 2300 E endured a fire last year and left the structure in disrepair, the applicant will be completely demolishing the structure and rebuilding a completely new home.

## PROJECT INFORMATION

---

The applicant would like to do a flag lot subdivision following this rezone application and build a new single-family house on the base lot.

**Proposed Uses.** Single-family

**Density.** 1 unit per lot.

**Site Layout.** There will be two single-family houses proposed for the project. One house on each proposed lot.

*Fencing:* Fencing already exists along the current the property lines.

*Lighting:* Existing street lighting is located along 2300 E.

*Landscaping:* With the demolition of the current house on the west of the property the applicant will be reconstructing the landscaping as well.

**Access.** One driveway to access both homes. There will be an easement on the existing driveway for the flag lot to have access.

**Dedication.** No road dedication.

**Parking.** Applicant will be providing two spaces for each single-family home.

**Open Space.** Cannot exceed 35% of building coverage.

**Building Design.** The design of the proposed structure has not yet been determined.

*Height:*

*Setbacks:*

*Materials:*

*Massing:*

**Unit Characteristics.** The unit characteristics has not yet been determined.

**Amenities.** n/a

**Utilities and Waste Removal.** The two structures are already connected to utilities and already have the appropriate garage and recycling for the proposed use.

**Exceptions.** No exception is being sought by the applicant.

**Project Information Summary Table**

<b>Requirement</b>	<b>R-1-6 Zone Requirement</b>	<b>Proposed R-1-6</b>
Height	28 Ft	
Density	1 unit per 6,000 sq ft	
Front Yard Setback	25 Feet	
Side Yard Setback	8 Ft Minimum	
Rear Yard Setback	15 Ft with Garage 30 Without garage	
Lot Width	60 Ft	
Lot Area	6,000 Min	
Parking	2 Spots, at least one covered	
Open Space	Can't exceed 35% Building Coverage	
Amenities	n/a	n/a

The applicant will be expected to meet the above requirements for the R-1-6 zone but has not yet created plans for the proposed single-family home.

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## **COMMUNITY COUNCIL RESPONSE**

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At their meeting on April, 3 2019 the Canyon Rim Community Council recommended that:

The Canyon Rim Community Council public meeting was not appropriately noticed and therefore the Community Council will make a decision on this application in May.

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## **NEIGHBORHOOD RESPONSE**

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Staff received one call about the proposed application. The resident inquiring about the project did not have any concerns for the intended uses or proposed rezone.

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## **DEVELOPMENT AGREEMENT CONSIDERATIONS**

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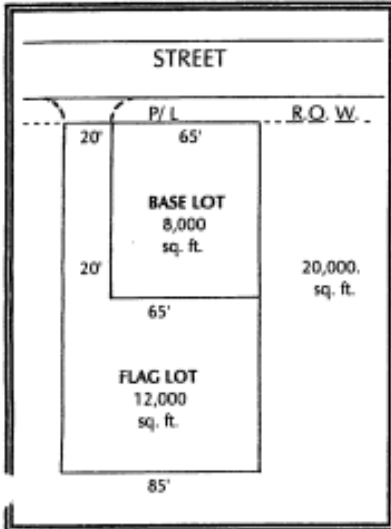
Staff is recommending that a proposed development agreement address at a minimum the following:

1. The base lot must only be used for a single-family house
2. All parking must be off street.
3. Enhanced landscaping must replace the trees that are being taken down for the construction of the new single-family home.

## PLANNING STAFF ANALYSIS AND FINDINGS

### 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.

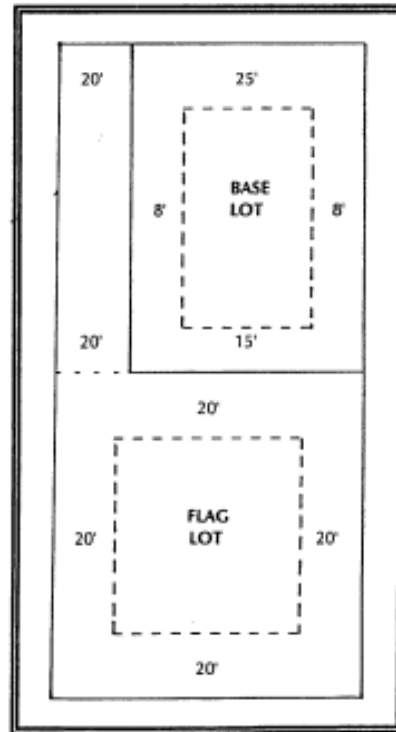
##### Flag Lot

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.



Under Millcreek's adopted flag lot policy, a property needs a total of 20,000 sq ft to qualify to subdivide the lot into two properties, therefore the applicant is requesting a rezone to R-1-6.

Because this is property is located in the R-1-8 the existing conditions with two houses on one lot is nonconforming to the current Millcreek Code. With the rezone proposal, the applicant will be creating a new legally conforming lot along 2300 E.

## **PLANNING STAFF RECOMMENDATION AND MODEL MOTION**

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**Option 1: Continuance**, to received feedback from the Canyon Rim Community Council.

### **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. Applicant Letter
2. Site Plan



**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: 3125 s 2300 e Parcel #: 16-27-401-012

Name of Project Bawden Subdivision Property Acreage: .45

Please describe your request:  
 We are applying for a re-zone from R 1-8 to R 1-6 with the purpose of creating a flag lot so we can tear down an old, delapidated, non-conforming triplex and create a new building lot for a single family home

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

Is a key or gate code required to access the property?  Yes  No If yes, code: \_\_\_\_\_

(or provide driving directions to property):

## LETTER OF INTENT

RE: 3125 S 2300 E IN MILLCREEK

### BAWDEN SUBDIVISION

To Whom It May Concern:

We are submitting for a re-zone of this parcel from R1-8 to R1-6. The purpose of this re-zone is to allow for a flag lot subdivision to be created. In the current zoning, 20,000 square feet is necessary for a flag lot. We currently have approx. 19,550 feet; just 450 square feet short. R1-6 zoning only requires 15,000 feet for a flag lot

#### The Reason

The reason this re-zone would be beneficial to both the landowner and the city is that it will remove an eyesore and danger from the community and will allow for reinvestment in the community. As the land currently stands, there is a non-conforming triplex on the front half of the property and a single-family home on the back half of the property. The triplex has long been abandoned and has been a gathering place for homeless people, vagrants and drug addicts. A few months ago transients set fire to it causing severe damage. It is a blighted property that poses a danger to the neighborhood.

#### Our Plan

In order to remove a blighted property and encourage re-investment in new, affordable housing, our plan will be as follows:

- Re-zone to R1-6 (there is surrounding R1-6)
- Subdivide into a flag lot
- Remove all noxious weeds, over-grown bushes and dead trees from the property
- Perform a full renovation the back home (already underway) and sell as a new, remodeled home
- Completely demolish and remove the run-down, abandoned triplex
- Grade out and prepare the front lot for sale to a builder for a new single-family home

Please consider our proposal as a mutually beneficial situation for the landowner and the City of Millcreek. We will be ridding the community of an old, half-burned triplex and replacing it with a new home. We will also be renovating an older home for resale to a new family



Blake Hansen  
425-890-7669  
blakehansen33@gmail.com



Millcreek Community Development  
3330 South 1300 East  
Millcreek, Utah 84106  
Phone: (801) 214-2750

## ESSENTIAL QUESTIONS FOR ZONING MAP AMENDMENTS, DEVELOPMENT AGREEMENTS, AND CITY INITIATIVES

The Millcreek Together general plan identifies essential questions at the end of each chapter of the plan. These questions will help the community councils, planning commission, and city council make findings as they make a decision regarding a zoning map amendment, development agreement, or city initiative.

Realizing that not all these questions will be applicable to every decision, these questions should be considered as a tool to focus on and provide implementation of each theme identified in the general plan.

### Unique Neighborhoods

Does the project or initiative...

1. Support adopted and relevant small area and neighborhood plans?

Yes

2. Encourage additional investment or reinvestment in neighborhoods?

Yes. A new building lot will be created. A builder will then be able to build a new home

3. Positively contribute to a diversity of affordable housing choices?

Yes. The new home will be at or near the median home price for Millcreek

4. Stay within the existing mass, scale, and height of the immediate neighborhood?

Yes. The new home will be equal or smaller than the existing structure

5. Create options for new gathering areas or centers where possible?

No

6. Support the redevelopment of blighted and/or underperforming properties?

Yes! The triplex on the lot now is terrible. Burnt and blighted. Dangerous eyesore

7. Enhance the connection of neighborhoods to trails, parks, recreation, and open spaces?

No

8. Enhance cultural, historical, educational, and/or human service opportunities to support neighborhoods?

## Thriving Economy

Does the project or initiative...

1. Advance the Goals and Policies of the Economic Development Plan?

2. Support the retention of existing Millcreek businesses?

3. Help attract new businesses in targeted business sectors?

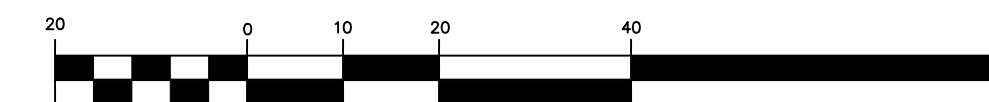
# BAWDEN

## SUBDIVISION

LOCATED IN THE SE 1/4 OF SECTION 27, T1S, R1E,  
SALT LAKE BASE & MERIDIAN  
MILLCREEK CITY, SALT LAKE COUNTY, UTAH



GRAPHIC SCALE



(IN FEET)  
1 inch = 20 ft.

### SURVEYOR'S CERTIFICATE

I, SPENCER W. LLEWELYN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NUMBER 10516507 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, HEREFTER TO BE KNOWN AS:

### BAWDEN SUBDIVISION

AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

Spencer W. Llewelyn  
Professional Land Surveyor  
Certificate No. 10516507

Date \_\_\_\_\_

### BOUNDARY DESCRIPTION

A portion of the SE 1/4 of Section 27, Township 1 South, Range 1 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point on the Easterly line of 2300 East Street, said point also being on the Southerly line of that Real Property described in Deed Entry No. 11774404 of the Official Records of Salt Lake County, located S89°46'40"E along the 1/4 Section line 50.34 feet and South 357.32 feet from the Center 1/4 Corner of Section 27, T1S, R1E, SLB&M, said Center 1/4 Corner being located N89°46'40"W along the 1/4 Section line 24.45 feet from a Witness Corner to said Center 1/4 Corner found in 2300 East Street; thence S85°31'40"E along said deed 239.52 feet to the Westerly line of that Real Property described in Deed Entry No. 11314415 of the Official Records of Salt Lake County; thence S00°43'50"W along said deed and along the Westerly lines of those Real Properties described in Deed Entry No. 11314414 and Entry No. 11314413 of the Official Records of Salt Lake County 69.96 feet to the Northeasterly corner of that Real Property described in Deed Entry No. 11200096 of the Official Records of Salt Lake County; thence N85°20'40"W along said deed and along the Northerly line of that Real Property described in Deed Entry No. 6673149 of the Official Records of Salt Lake County 100.40 feet; thence S00°43'50"W along said deed 21.03 feet; thence N85°20'40"W along said deed and along the Northerly line of that Real Property described in Deed Entry No. 11227876 of the Official Records of Salt Lake County 139.17 feet to the Easterly line of 2300 East Street; thence N00°43'50"E along said street 90.22 feet to the point of beginning.

Contains: 19,550 square feet +/-

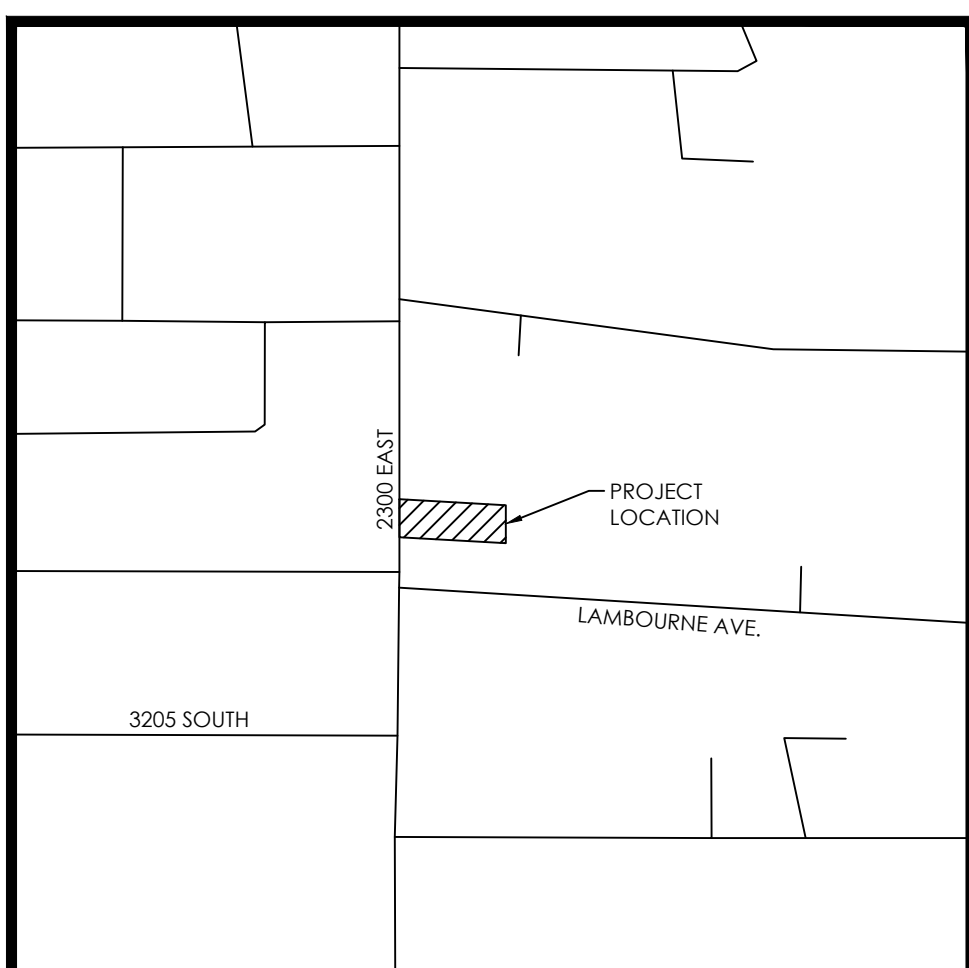
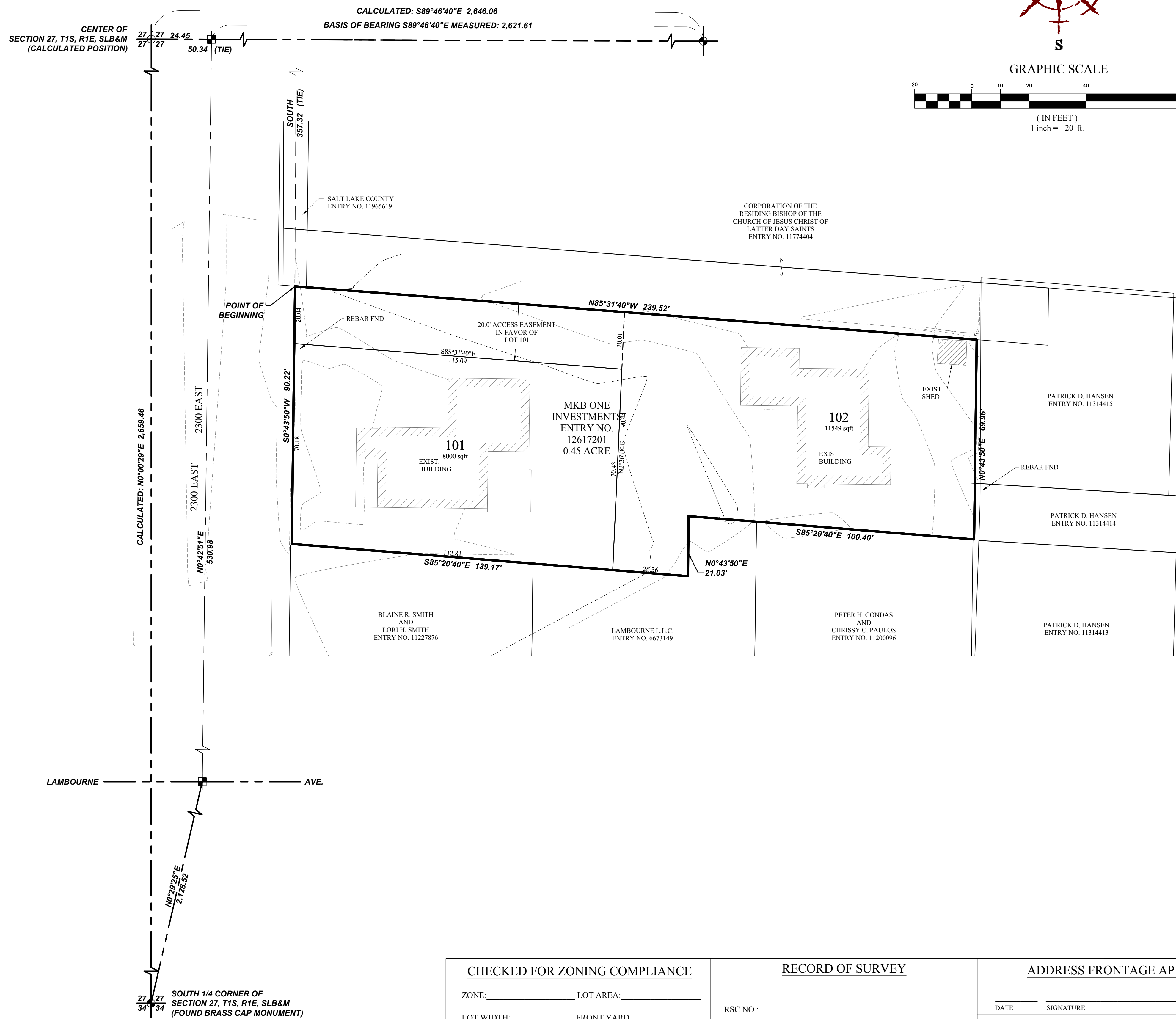
### OWNER'S DEDICATION

KNOWN ALL BY THESE PRESENT THAT WE, THE UNDERSIGNED OWNERS OF THE DESCRIBED TRACT OF LAND ABOVE, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO HEREAFTER BE KNOWN AS

### BAWDEN SUBDIVISION

DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE, AND 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 WHEREOF, WE HAVE HEREUNTO SET OUR HANDS THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_



VICINITY MAP

**LEGEND**

- BOUNDARY
- LOT LINE
- SECTION LINE
- SECTION MONUMENT (FOUND)
- SECTION MONUMENT (NOT FOUND)
- STREET MONUMENT (FOUND)
- EXISTING BUILDING

OWNER/DEVELOPER

PREPARED BY  
**FOCUS**  
ENGINEERING AND SURVEYING, LLC  
32 WEST CENTER STREET  
MIDVALE, UTAH 84047 PH: (801) 352-0075  
www.focusutah.com

SALT LAKE VALLEY HEALTH  
DEPARTMENT

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2015.

DIRECTOR, S. L. VALLEY HEALTH DEPT.

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2015.

SALT LAKE COUNTY ATTORNEY

CHECKED FOR ZONING COMPLIANCE

ZONE: \_\_\_\_\_ LOT AREA: \_\_\_\_\_

LOT WIDTH: \_\_\_\_\_ FRONT YARD \_\_\_\_\_

SIDE YARD: \_\_\_\_\_ REAR YARD \_\_\_\_\_

DATE \_\_\_\_\_ SIGNATURE \_\_\_\_\_

PLAN REVIEW

I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.

DATE \_\_\_\_\_ TOWNSHIP SERVICES MANAGER \_\_\_\_\_

RECORD OF SURVEY

RSC NO.: \_\_\_\_\_

DATE \_\_\_\_\_ SIGNATURE \_\_\_\_\_

MAYOR

PRESENTED TO THE SALT LAKE COUNTY MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_ AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

DATE \_\_\_\_\_ MAYOR \_\_\_\_\_

ADDRESS FRONTAGE APPROVED

DATE \_\_\_\_\_ SIGNATURE \_\_\_\_\_

UNIFIED FIRE AUTHORITY

DATE \_\_\_\_\_ SIGNATURE \_\_\_\_\_

MILLCREEK PLANNING COMMISSION

PRESENTED TO THE SALT LAKE COUNTY MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_ AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

ATTEST: MILLCREEK PLANNING COMMISSION

BAWDEN  
SUBDIVISION

LOCATED IN THE SE 1/4 OF SECTION 27, T1S, R1E,  
SALT LAKE BASE & MERIDIAN  
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



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

File # ZM-19-008

## Planning Commission Staff Report

**Meeting Date:** 17 April 2019  
**Applicant:** Millcreek  
**Property Address:** 3608 South Jupiter Drive  
**Parcel IDs:** 16-36-351-012

**Request: Rezone from R-1-8 to C-2, subject to a zone condition limiting uses to public uses, to facilitate the reconstruction of a fire station**

**Zone:** R-1-8

**Community Council:** Mount Olympus

**Prepared By:** Francis Xavier Lilly, AICP, Director

### SYNOPSIS AND SCOPE OF DECISION

Millcreek Community Development is seeking your input on city-initiated rezone from R-1-8 to C-2 for the property at 3608 South Jupiter Drive, to facilitate the reconstruction of a fire station. Staff is recommending imposing a zone condition that would limit uses to public uses. The Unified Fire Authority would like to proceed with a reconstruction of Station 112 as soon as possible.

Existing Zoning	Existing Land Use	Surrounding Uses and Zones	Site Improvements	Parcel ID	Size of Property
R-1-8	Public Uses – Fire Station	C-2 – Commercial to the west.  R-1-8 – single family residential to the east	The site is currently occupied by UFA Station 112	16-36-351-012	0.42 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.

Furthermore, **§19.90.060** of the Millcreek Code allows the City Council to impose conditions on a rezone, specifically:

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

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

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## SITE & VICINITY DESCRIPTION

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**Figure 1: Street View**



Figure 2: Zoning Map – Property Highlighted in Red

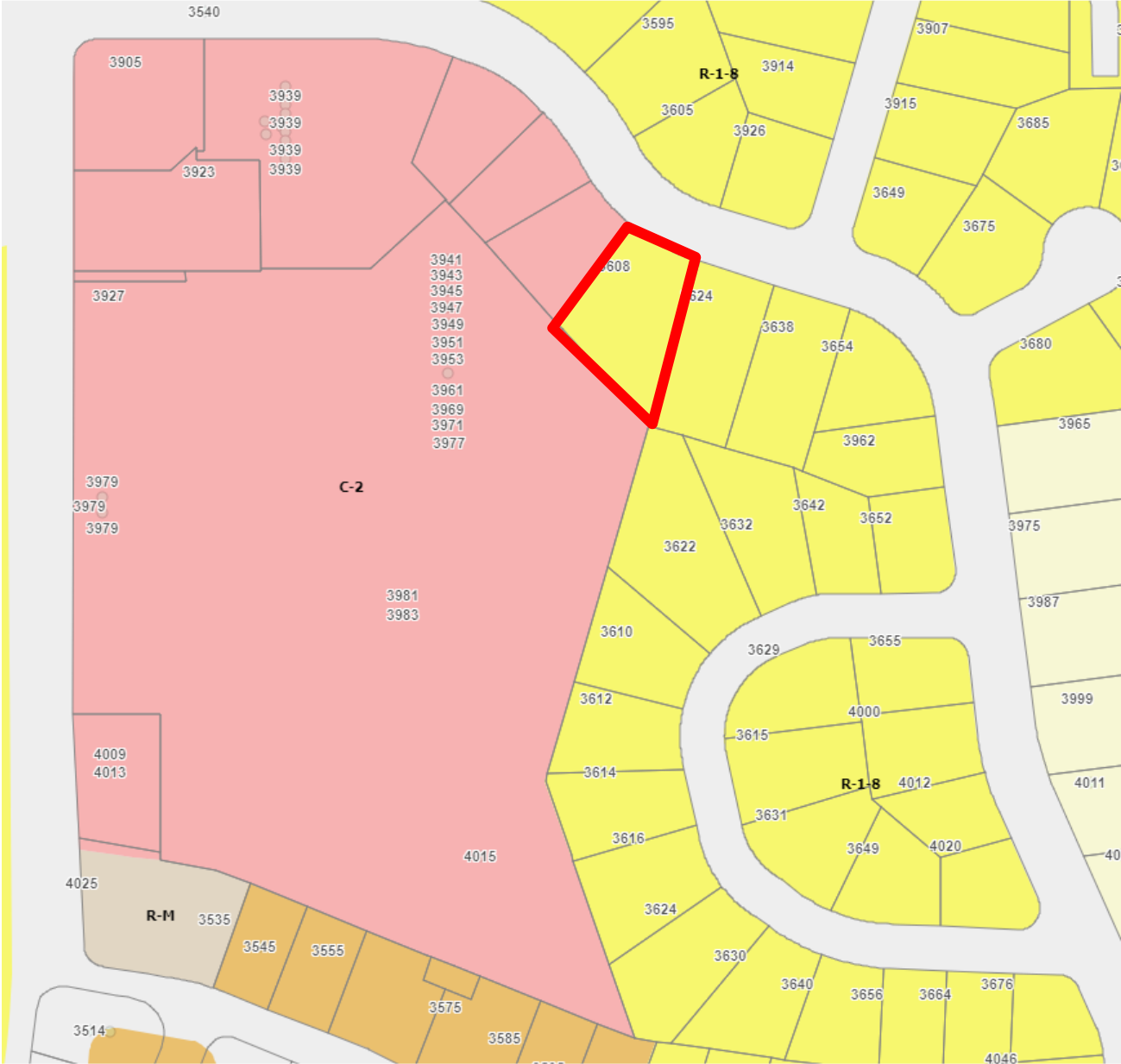
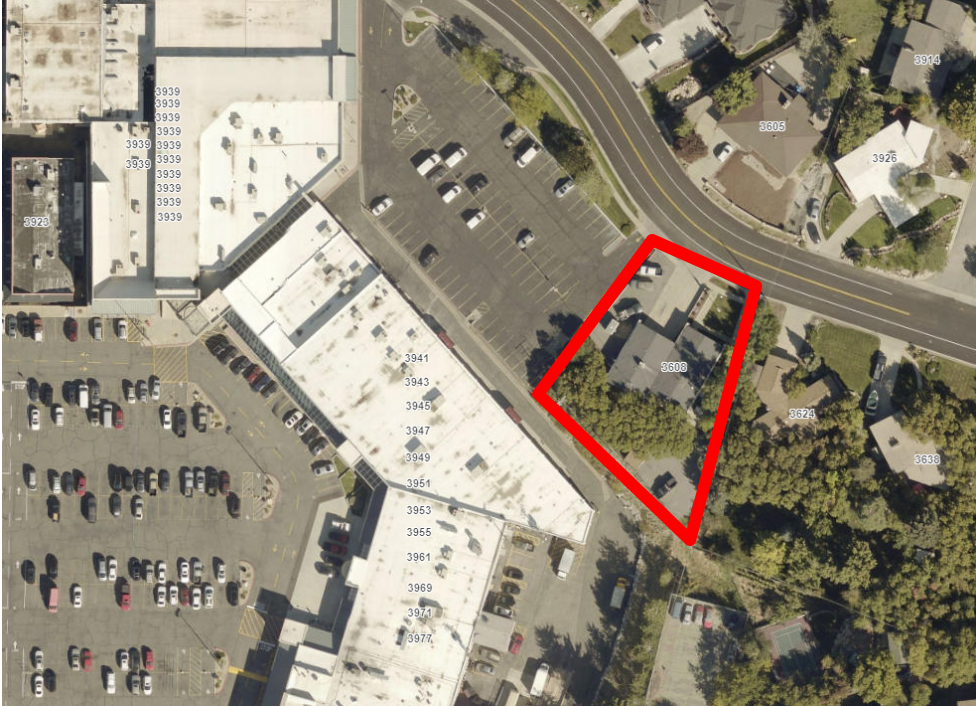


Figure 3: Aerial Photo – Property Highlighted in Red



## GENERAL PLAN CONSIDERATIONS

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Staff is recommending a rezone of this property to a commercial use, which is technically contrary to the future land use map designation, showing the future land use remaining a “neighborhood 1” use. However, the Neighborhood 1 category includes community uses as uses secondary to the residential character of the neighborhood. A fire station is a community use that is compatible with neighborhood uses. Staff’s rationale for seeking a commercial rezoning is to allow the new station the benefit of no side yard setback against the adjoining commercial property to the east – which would allow the station to be modernized and expanded while maintaining a reasonable setback to the east, against existing residential uses.

In order to maintain fidelity with the intent of the future land use map, staff is recommending that the rezone be conditioned to limit the uses to public and quasi public uses, a category of uses that is compatible with the Neighborhood 1 designation in the future land use map and is also permitted or conditional in the R-1 zones.

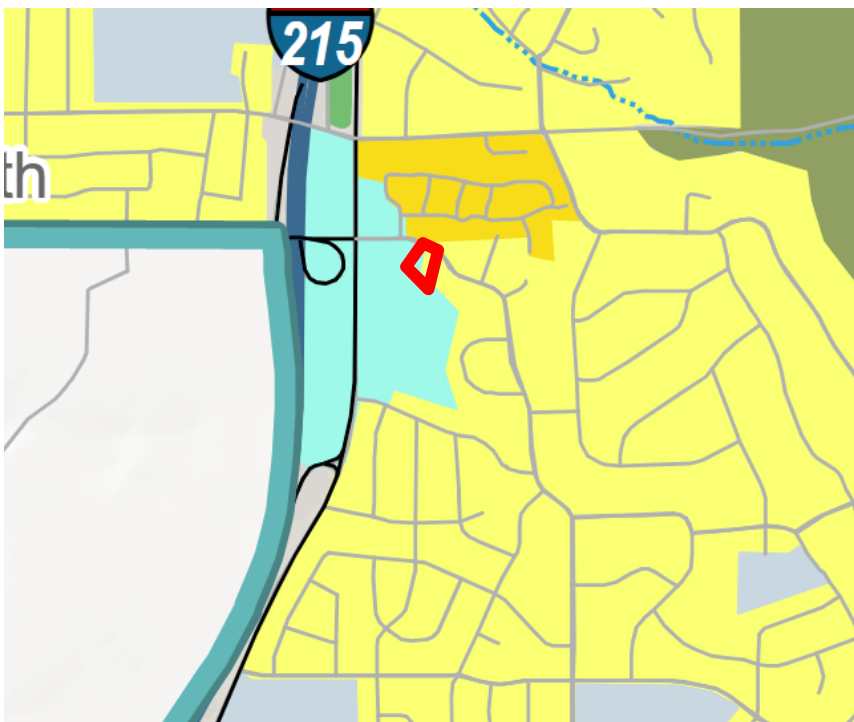
Moreover, the Millcreek General Plan specifically recommends a strategy for the replacement of Station 112:

***Resilience: Goal HE-8: Strengthen resiliency to natural disasters and climate realities through development patterns, hazard mitigation, and education***

*Strategy 8.5: Partner with the United Fire Authority to determine areas suitable for a new fire station, with particular emphasis on the Mount Olympus Service Area.*

In the end, and in consultation with the United Fire Authority, staff finds that the most suitable location for an updated station is where the current station sits: it is already optimally positioned to serve the Mount Olympus Service Area. A rezone to C-2 would allow the station to expand to meet modern standards and codes in a manner that allows it to maintain an appropriate setback against surrounding residential uses.

**Figure 4. Future Land Use Map**



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## COMMUNITY COUNCIL RESPONSE

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At their meeting on Tuesday, 2 April 2019 the Mount Olympus Community Council **unanimously** recommended that the rezone request be approved, subject to a zone condition limiting allowable uses to public and quasi-public uses.

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## NEIGHBORHOOD RESPONSE

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Staff received one telephone comment from a nearby resident, expressing support of the proposed rezone.

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## PLANNING STAFF ANALYSIS AND FINDINGS

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The property is currently occupied by Unified Fire Authority's Station 112. The proposed change will accommodate a more modern facility, with two apparatus bays and single-story living and support facility on the east side of the property.

Public or semipublic buildings may be erected up to 40 feet, subject to an additional one foot setback for every foot higher than the normal height requirement in the zone – in this case, 30 feet. Staff is seeking a rezone to allow the fire station to have minimal or no setback along the west property line, shared with the Olympus Hills Shopping Center, and to preserve as large a setback as possible on the east side. A rezone to C-2 subject to a zone condition would fulfill the general plan goals of promoting public safety and promoting neighborhood compatibility by allowing the station to be reconstructed while preserving the current setbacks adjacent to existing residential uses. It will also implement a specific strategy in the General Plan, calling for the reconstruction of Fire Station 112.

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## PLANNING STAFF RECOMMENDATION AND MODEL MOTION

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### Option 1: Approval

**Motion to Approve** Rezone Request ZM-19-008 to rezone property located at 3608 South Jupiter Drive from R-1-8 to C-1, subject to a zone condition limiting uses to public uses, to facilitate the reconstruction of a fire station.

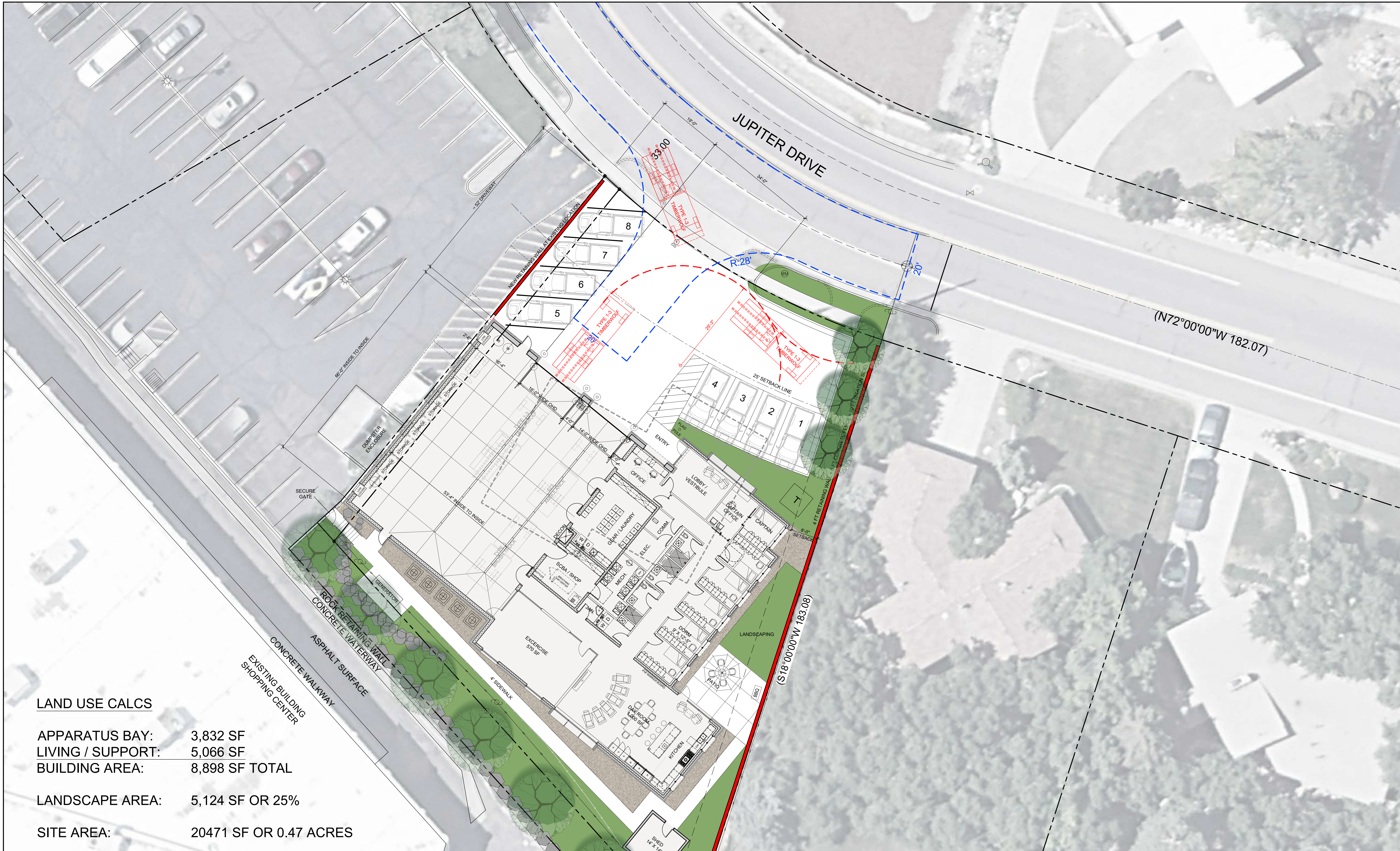
**Option 2: Continuance**, to address concerns raised during the Planning Commission meeting.

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## SUPPORTING DOCUMENTS

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1. Proposed Site Plan



**LAND USE CALCS**

APPARATUS BAY:	3,832 SF
LIVING / SUPPORT:	5,066 SF
BUILDING AREA:	8,898 SF TOTAL
LANDSCAPE AREA:	5,124 SF OR 25%
SITE AREA:	20471 SF OR 0.47 ACRES

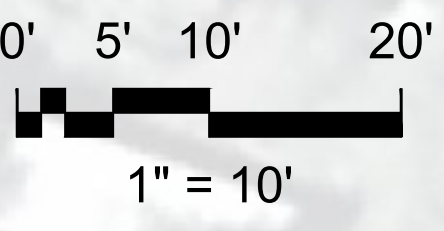
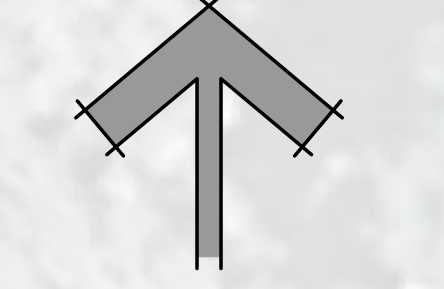
# PROPOSED SITE PLAN - SCHEME E

UNIFIED FIRE AUTHORITY • REPLACEMENT STATION #112 • MARCH 12, 2019



**GOULD PLUS**  
ARCHITECTS

NORTH





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

File # SD-19-004

## Planning Commission Staff Report

**Meeting Date:** 17 April 2019  
**Applicant:** David and Melodie Webb  
**Property Address:** 2378 & 2380 East Evergreen Avenue

**Parcel ID:** Lot # 1, #2 of the Webb Creekside Subdivision

**Request:** Final plat approval to amend the Webb Creekside Subdivision

**Zone:** R-1-10

**Prepared By:** Robert May, Planner

### SYNOPSIS AND SCOPE OF DECISION

David and Melodie Webb are requesting a subdivision amendment to consolidate Lot #1 and Lot #2 of the Webb Creekside Subdivision located at 2378 & 2380 East Evergreen Avenue. The applicant is the current owner of each lot. The applicants intent is to consolidate each existing lot into one lot for the purpose of expanding their single-family dwelling. Typically, this type of proposal would be exempt from platting requirements, but due to the amendment involving the alteration or removal of an easement, final plat approval by Planning Commission is required.

#### **18.18.050 Other Amendments to Subdivisions**

*An amendment to a recorded subdivision that involves the alteration or removal of an easement, private right-of-way, condition, limitation, or special*

*requirement shall follow the approval procedure outlined in MKC 18.08.010 with the following variations:*



- Only those persons or entities who have a direct interest in, or who will be directly affected by the proposed change (including the applicant) must be notified of any pending action; and
- No preliminary plat need be approved. The recommendations of the affected entities and the approval of the planning commission may be based on a final plat.

**18.04.090 Easement**

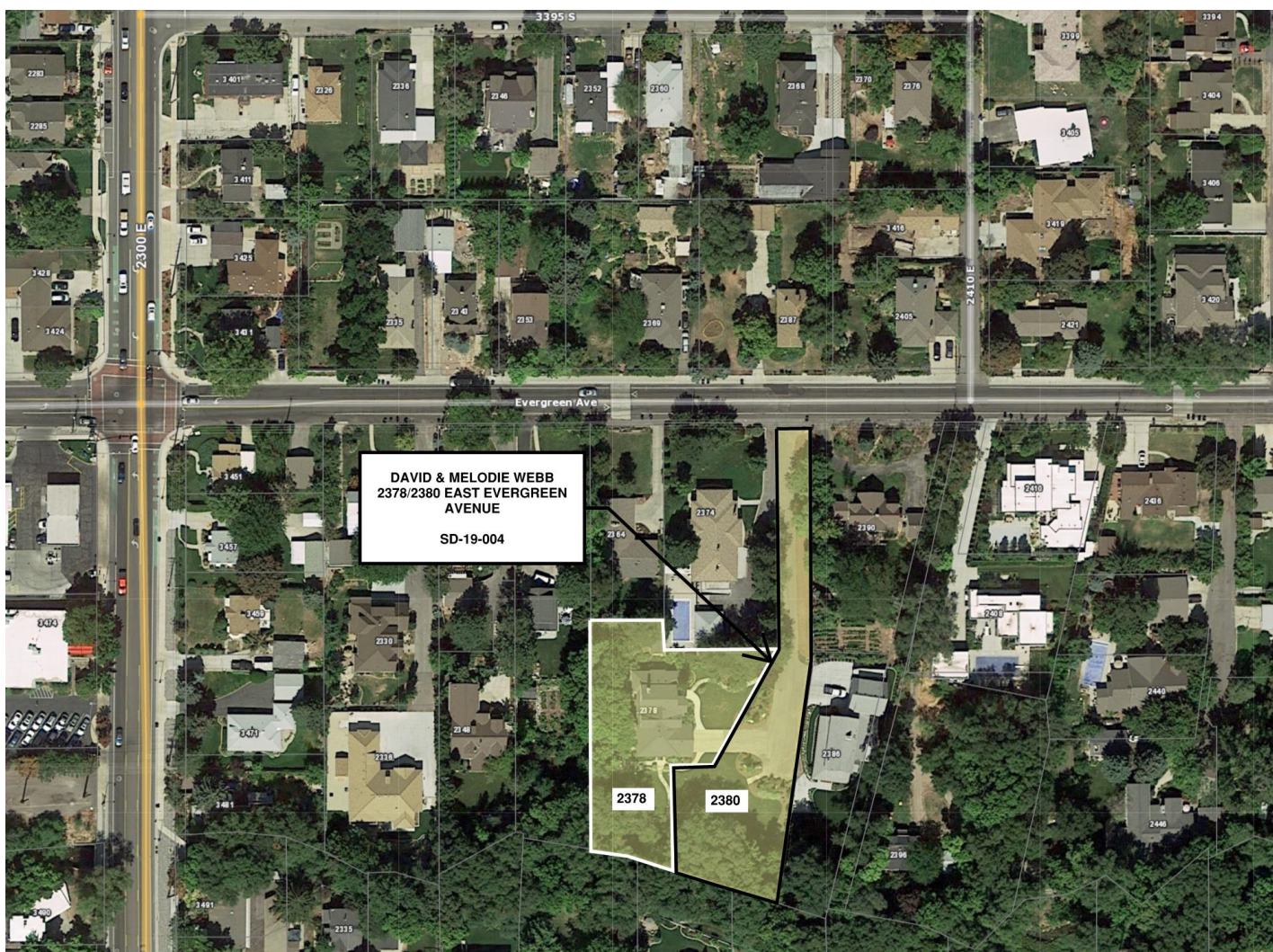
"Easement" means the quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.

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## SITE VICINITY AND DESCRIPTION

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**Aerial Location Map, Existing plat and location of PUE, Proposed Plat,**



Location Map





- **The merged parcels will comply with the minimum area, width and setback requirements of the R-1-10 Zone.**
- **The newly amended lot will be located in the Salt Lake City Water Improvement District.**
- **The newly amended lot will be located in the Salt Lake City Suburban Sewer District.**
- **The newly amended lot is subject to the Residential Compatibility Overlay Zone in addition to base zone standards.**
- **The newly amended lot 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.**
- **The proposed amendment meets the minimum for Unified Fire acceptance for the turnaround.**
- **The proposed subdivision plat has completed a survey that identify all topographical conditions that meet the Millcreek Engineering requirements.**
- **The proposed subdivision plat will be required to complete a final technical review which also includes an engineering review to ensure that the final plat complies with all conditions of approval of the preliminary plat and to ensure that the final plat complies with the design standards, codes, and ordinances and with minimum engineering/surveying requirements**
- **The newly amended lot will consist of a one, one-family dwelling.**

## **TITLE 18 SUBDIVISION CODE FOR AMENDMENTS**

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### **\*18.16.010 Required Information**

The final plat, which must be prepared by a licensed land surveyor not in the employ of the city or county on a sheet of approved reproducible Mylar and made with approved waterproof black india drawing ink, with text not less than one-tenth inch in size, shall be so drawn that the top of the sheet faces either north or east, whichever accommodates the drawing best, shall contain all information required on the preliminary plat (except contours), and shall comply with the following:

### **\*18.08.010 Procedure Generally**

The planning commission shall be the land use authority for subdivisions. In order to assure that each subdivision fully complies with the provisions of this title, the director or director's designee shall administer formal application and review procedures for subdivisions. An application shall not be deemed complete until the full application, fees and all required materials have been submitted. The payment of a partial fee and submission of preliminary plans for a pre-submittal review does not constitute a complete application.

Each process shall include the following components:

1. An application procedure, which shall include:
  1. Submission of an application form, as designed by the director or director's designee to clearly indicate the type of application, property address, applicant information, and other pertinent information;
  2. Submission of supplementary materials, including a legal description, property plat, the required number of plans/preliminary plats, and mailing labels (if required) for notifications;
  3. Payment of fees, as required under MKC Title 3, Revenue and Finance.
2. A review procedure, which shall include:
  1. An on-site review by the director or director's designee on behalf of the city as provided by Utah Code 10-9a-303;
  2. Review of the submitted site plan/preliminary plat for compliance with city land use ordinances;
  3. Reference of the application and site plan/preliminary plat to any other government agency and/or affected entity which the director or director's designee deems necessary to protect the health, safety, and welfare of the public and to ensure the project's compliance with all applicable ordinances and codes;
  4. The processing of any exception requests that have been made in conjunction with the subdivision application.
3. A preliminary plat approval procedure, which shall include:
  1. Confirmation that all necessary agencies have responded to the requests for recommendation with a recommendation of approval or approval with conditions;
  2. Integration of the recommendations from the other government agencies and affected entities involved above into the preliminary plat;
  3. Receipt of a recommendation from the planning staff;
  4. Approval of the preliminary plat as outlined in MKC 18.12.030 and issuing a preliminary plat approval letter.
4. A final plat approval procedure, which shall include:
  1. An engineering review to ensure that the final plat complies with all conditions of approval of the preliminary plat and to ensure that the final plat complies with the design standards, codes, and ordinances and with minimum engineering/surveying requirements;
  2. A check of appropriate background information, such as: lot access, property title, record of survey, field boundary verification, etc.;
  3. The collection of the necessary approval signatures (planning commission representative, director or director's designee on behalf of the city, health department, city attorney, mayor or his) on the final plat;
  4. Payment of final fees and bond;

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## ISSUES OF CONCERN/PROPOSED MITIGATION

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**While staff finds that the subdivision amendment can meet preliminary and final 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.**

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## NEIGHBORHOOD RESPONSE

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*"Only those persons or entities who have a direct interest in, or who will be directly affected by the proposed change (including the applicant) must be notified of any pending action"*

Staff sent notices to directly affected property owners and entities on April 2, 2019.

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## COMMUNITY COUNCIL RESPONSE

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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.

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## REVIEWING AGENCIES RESPONSE

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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.**

The applicants building permit plans to expand the existing dwelling will be subject to a Storm Water Maintenance Agreement which may require a new grading and drainage plan.

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## PLANNING STAFF ANALYSIS AND FINDINGS

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Staff as found that the proposed amendment to the Webb Creekside Subdivision can meet the requirements of Title 18 of the Millcreek Subdivision Code. Staff finds that the proposed subdivision amendment is in harmony with the Millcreek General Plan and character of the surrounding neighborhood. All new development will be subject to the requirements under the R-1-10 Zone and the Residential Compatibility Overlay (RCOZ) Zone.

## PLANNING STAFF RECOMMENDATION

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Staff recommends to the Millcreek Planning Commission **to approve the proposed amendment to the Webb Creekside Subdivision with the following conditions:**

1. The applicant shall maintain a minimum of 2 covered parking spaces.
2. The design of the site and building shall comply with all applicable development standards and any site development standards required by the Millcreek Engineer and Building Official, and Unified Fire Authority.
3. 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.
4. 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. The proposed subdivision plat must complete a final technical review that includes an engineering review to ensure that the final plat complies with all conditions of approval of the preliminary plat and to ensure that the final plat complies with the design standards, codes, and ordinances and with minimum engineering/surveying requirements.
7. Prior to recordation, the applicant must pay all technical review fees, including addressing and surveying review fees accumulated.
8. All applicable zoning, building, health, fire and safety requirements including engineering standards must be met prior to receiving final approval of a building permit.
9. All items of the staff report.

## **SUPPORTING DOCUMENTS**

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1. Application and Affidavit
2. Zoning Map
3. Proposed Plat
4. Webb Creekside Subdivision



**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](http://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: 2378 & 2380 Evergreen Ave. Parcel #: 14-34-201-049  
14-34-201-050  
 Name of Project Webb Creekside Subdivision Property Acreage: 46529 square feet  
Total: 1.0682 acres  
 Please describe your request:  
Lot consolidation

<b>New Development:</b>	<b>Modify an Existing Development:</b>	<b>Other:</b>
<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 checked="" type="checkbox"/> Subdivision # lots: <u>Amendment</u>	<input checked="" type="checkbox"/> Condo Conversion	<input type="checkbox"/> GRAMA (Records Request)
<input type="checkbox"/> PUD #lots: _____	<input checked="" 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 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: Owners Last: \_\_\_\_\_ Initial: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Cell: \_\_\_\_\_ Email: \_\_\_\_\_

**Property Owner(s):**

First: David & Melodie Last: Webb Initial: as trustees of the David & Melodie Webb Trust

Address: 2378 Evergreen Ave. City: SLC State: UT Zip: 84109

Phone: (801) 278-3101 Cell: (801) 879-8687 Email: dave.webb63@gmail.com  
melodie@webbtours.com

**Professional(s):**  Engineer  Architect  Other

Company: Curtis & Associates Contact: Byron T. Curtis

Address: 9921 Kramer Circle City: Sandy State: Utah Zip: 84092

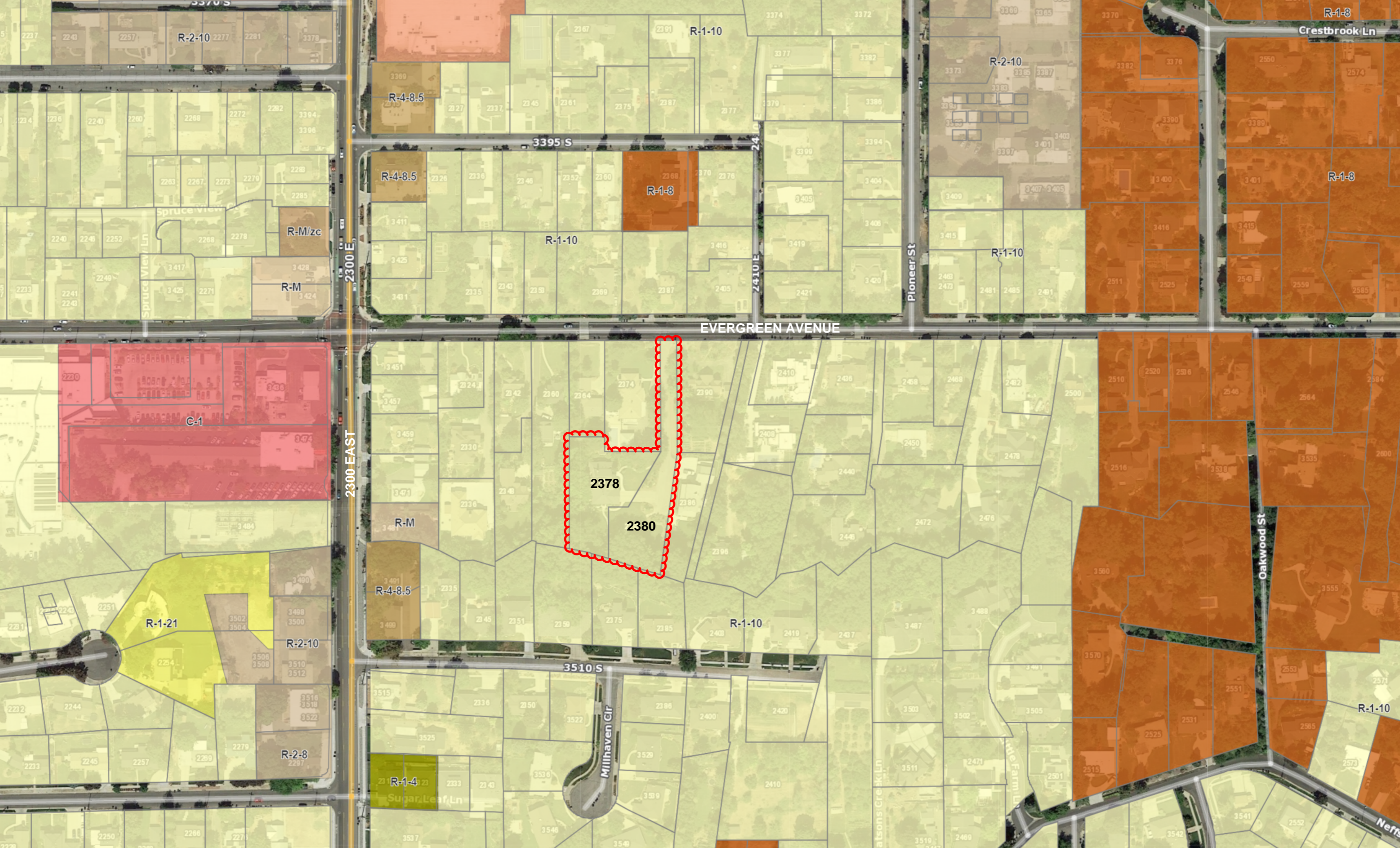
Phone: (801) 915-6003 Cell: \_\_\_\_\_ Email: btcurtis@msn.com

\*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 3/6/19





R-2-10

R-1-10

R-1-8

Crestbrook Ln

R-4-8.5

R-2-10

R-1-8

R-M/zc

R-1-8

R-1-10

R-M

R-1-10

EVERGREEN AVENUE

C-1

2300 EAST

2378

2380

R-M

R-4-8.5

R-1-10

R-1-21

R-2-10

3510 S

R-1-4

Millhaven Cir

R-1-10

Sugar Leaf Ln

Nerf

# WEBB CREEKSIDE SUBDIVISION AMENDING LOTS 1&2

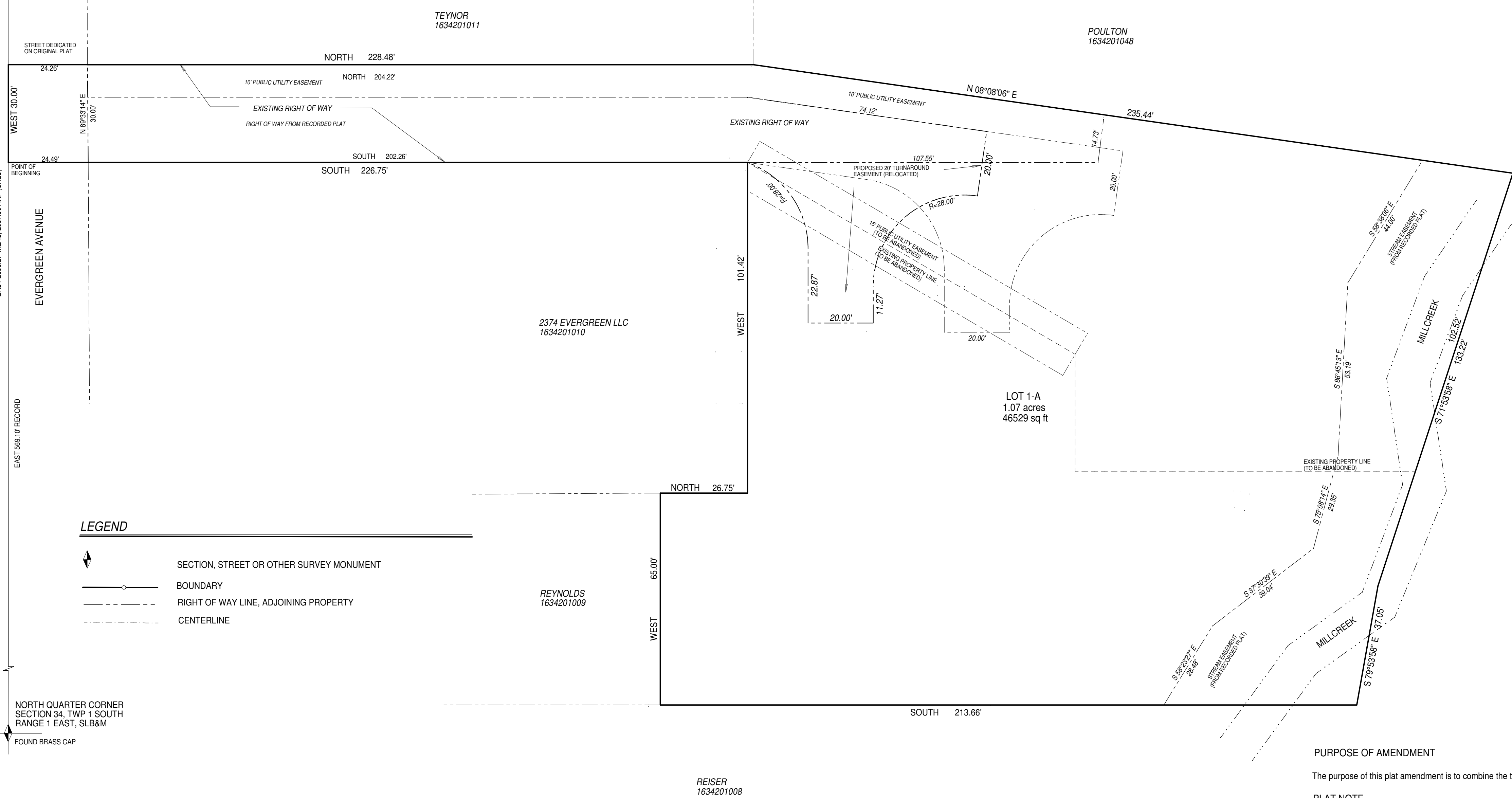
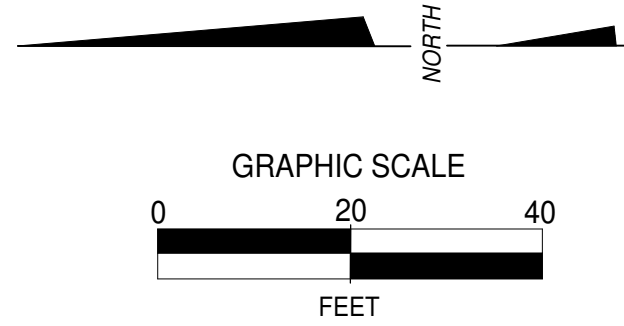
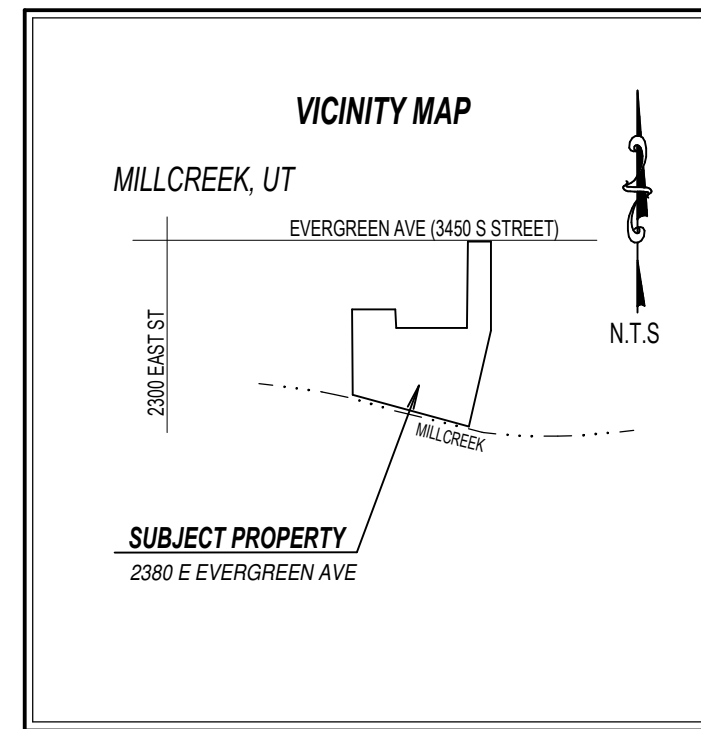
LOCATED IN THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 1 SOUTH,  
RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN  
MILLCREEK CITY, SALT LAKE COUNTY, UTAH  
MARCH 2019

FOUND BRASS CAP  
NORTHEAST CORNER  
SECTION 34, TWP 1 SOUTH  
RANGE 1 EAST, SLB&M

BASIS OF BEARINGS  
EAST 268&27 MEAS. 2657.59 ARP (CALC.)  
EAST 6681.07 RECORD

EVERGREEN AVENUE

NORTH QUARTER CORNER  
SECTION 34, TWP 1 SOUTH  
RANGE 1 EAST, SLB&M  
FOUND BRASS CAP



**PURPOSE OF AMENDMENT**  
The purpose of this plat amendment is to combine the two lots.

**PLAT NOTE**  
All other notes and easements shown on the original plat still apply.

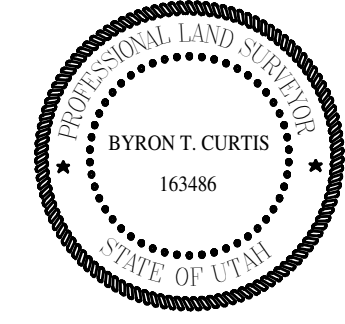
### SURVEYORS CERTIFICATE

I, BYRON T. CURTIS, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 163486 AS PRESCRIBED UNDER THE 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 AND STREETS HEREAFTER TO BE KNOWN AS

**WEBB CREEKSIDE SUBDIVISION  
AMENDING LOTS 1&2**

AND THAT SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT. I FURTHER CERTIFY THAT ALL LOTS MEET FRONTAGE WIDTH AND AREA REQUIREMENTS OF THE APPLICABLE ZONING ORDINANCES.

DATE \_\_\_\_\_



### BOUNDARY DESCRIPTION

BEGINNING at a point East, along section line 569.10 feet from the North quarter corner of Section 34, Township 1 South, Range 1 East, Salt Lake Base and Meridian; thence South, 226.75 feet; thence West, 101.42 feet; thence North, 26.75 feet; thence West, 65.00 feet; thence South, 213.66 feet; thence South 79°53'58" East, 37.05 feet; thence South 71°53'58" East, 133.22 feet; thence North 08°08'06" East, 235.44 feet; thence North, 228.48 feet; thence West, 30.00 feet to the POINT OF BEGINNING; said described tract containing 46,529 square feet, or 1.07 Acres, more or less.

### OWNERS DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE 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 THE:

**WEBB CREEKSIDE SUBDIVISION  
AMENDING LOTS 1&2**

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.

IN WITNESS WHERE OF WE HAVE HEREUNTO SET OUR HANDS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_.

### ACKNOWLEDGEMENT

STATE OF UTAH }  
COUNTY OF SALT LAKE } s.s.

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF SALT LAKE IN SAID STATE OF UTAH, THE SIGNERS OF THE ABOVE OWNER'S DEDICATION, \_\_\_\_\_ IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THAT THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC \_\_\_\_\_

PARCEL NO'S. 16342010498, 1634201050  
2380 E EVERGREEN DR., MILLCREEK CITY, UTAH  
PREPARED AT THE REQUEST OF:  
DAVID W. AND MELODIE M. WEBB  
ZONING R-1-10

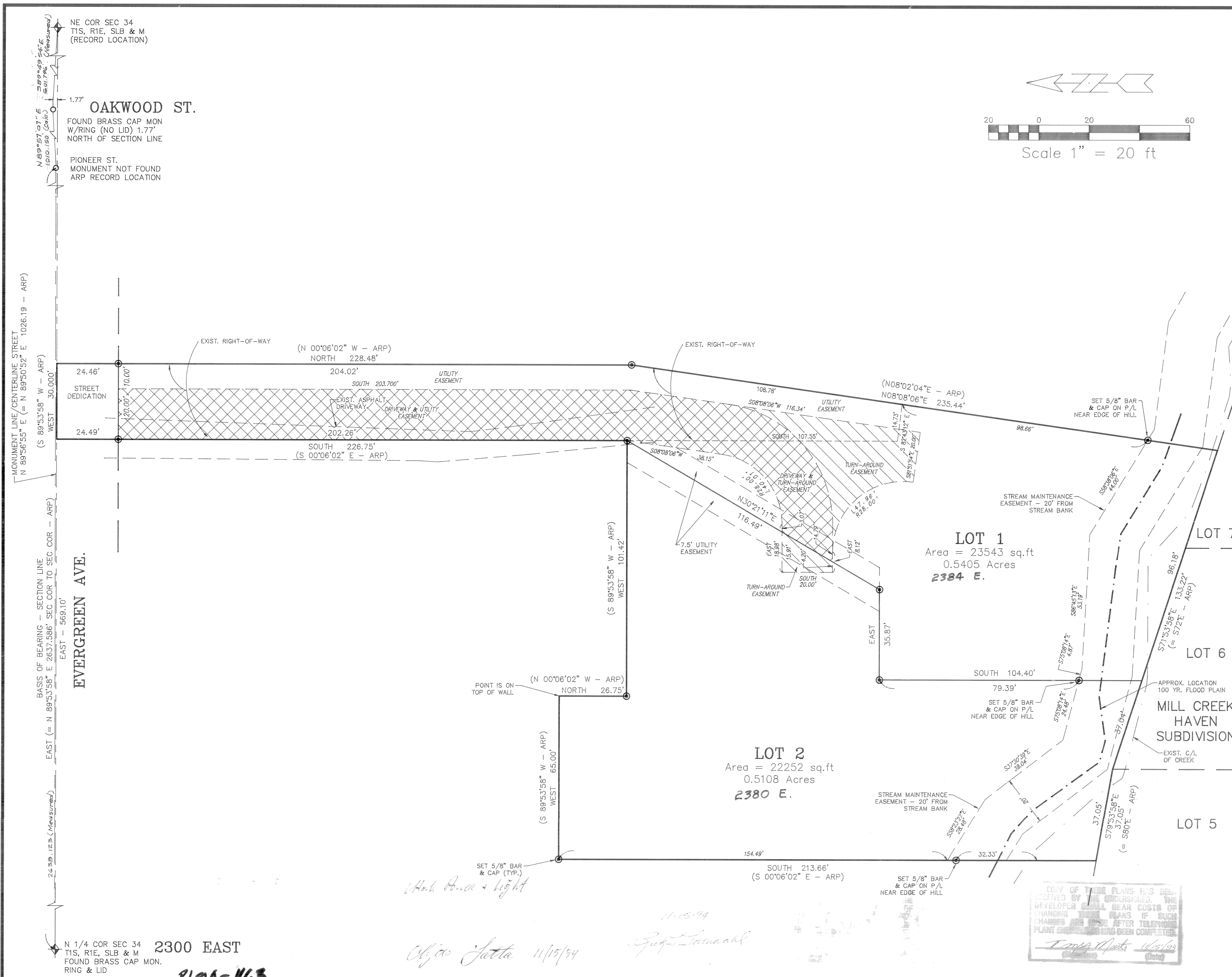
## WEBB CREEKSIDE SUBDIVISION AMENDING LOTS 1&2

A LOT COMBINATION PLAT, COMBINING LOTS 1 AND 2

LOCATED IN THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 1 SOUTH,  
RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN  
MILLCREEK CITY, SALT LAKE COUNTY, UTAH

<b>PUBLIC UTILITY APPROVAL</b> COMCAST _____ DOMINION ENERGY _____ CENTURY LINK _____ ROCKY MOUNTAIN POWER _____		<b>ADDRESS APPROVAL</b> ADDRESS APPROVED/ASSIGNED THIS _____ DAY OF _____, A.D. 20__. ADDRESSING DEPARTMENT _____		<b>UNIFIED FIRE AUTHORITY</b> APPROVED THIS _____ DAY OF _____, A.D. 20__ BY THE UNIFIED FIRE AUTHORITY FIRE AUTHORITY _____		<b>WATER DEPARTMENT</b> APPROVED THIS _____ DAY OF _____, A.D. 20__ BY THE WATER DEPARTMENT MANAGER, WATER DEPARTMENT _____		<b>PLAN CHECK</b> I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE. DATE _____ PLAN CHECKER _____		<b>COMMUNITY DEVELOPMENT</b> APPROVED THIS _____ DAY OF _____, A.D. 20__ BY THE MILLCREEK CITY COMMUNITY DEVELOPMENT DEPT DIRECTOR _____			
<b>CURTIS &amp; ASSOCIATES</b> LAND SURVEYORS LAND PLANNING 9921 S KRAMER CIR SANDY, UTAH 84092 PHONE (801) 801-915-6003		<b>BOARD OF HEALTH</b> APPROVED THIS _____ DAY OF _____, A.D. 20__. SALT LAKE VALLEY HEALTH DEPARTMENT _____		<b>SEWER DISTRICT</b> APPROVED THIS _____ DAY OF _____, A.D. 20__ BY THE SEWER DISTRICT MANAGER, SEWER DISTRICT _____		<b>PLANNING COMMISSION</b> APPROVED THIS _____ DAY OF _____, A.D. 20__ BY THE MILLCREEK CITY PLANNING COMMISSION. CHAIR, MILLCREEK CITY PLANNING COMMISSION _____		<b>ENGINEERS CERTIFICATE</b> I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE. DATE _____ CITY ENGINEER _____		<b>APPROVAL AS TO FORM</b> APPROVED AS TO FORM THIS DAY OF _____, A.D. 20__ MILLCREEK CITY ATTORNEY _____		<b>CITY MAYOR</b> PRESENTED TO THE MAYOR AND CITY COUNCIL THIS _____ DAY OF _____, A.D. 20__ AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED. MAYOR _____ ATTEST CITY RECORDER _____	

**RECORDED#**  
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF:  
DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
FEE \_\_\_\_\_ SALT LAKE COUNTY RECORDER \_\_\_\_\_



**SURVEYOR'S CERTIFICATE**

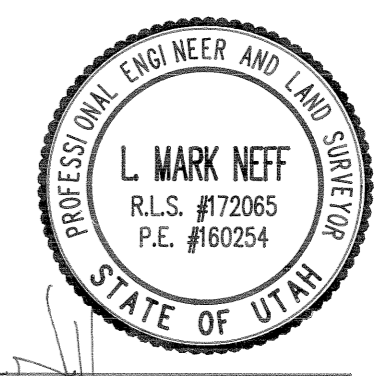
I, L. Mark Neff, do hereby certify that I am a registered Civil Engineer, and or Land Surveyor, and that I hold Certificate No. 172065, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets hereafter to be known as WEBB CREEKSIDE SUBDIVISION and that the same has been correctly surveyed and staked on the ground as shown on this plat.

**BOUNDARY DESCRIPTION**

Beginning at a point East, along the section line (North 89°53'58" East - ARP), 569.10 feet from the North quarter corner of Section 34, Township 1 South, Range 1 East, Salt Lake Base and Meridian, and running thence South (South 00°06'02" East - ARP), a distance of 226.75 feet; thence West (South 89°53'58" West - ARP), a distance of 101.42 feet; thence North (North 00°06'02" West - ARP), a distance of 28.75 feet; thence West (South 89°53'58" West - ARP), a distance of 65.00 feet; thence South (South 00°06'02" East - ARP), a distance of 213.66 feet to the North boundary of Mill Creek Haven Subdivision, as recorded in the office of the Salt Lake County Recorder, and the center of Mill Creek; thence along the center of Mill Creek and said subdivision boundary South 79°53'58" East (South 80° East - ARP), a distance of 37.05 feet; thence South 71°53'58" East (South 72° East - ARP), a distance of 133.22 feet; thence leaving Mill Creek and said subdivision boundary, North 08°08'06" East (North 08°02'04" East - ARP), a distance of 235.44 feet; thence North (North 00°06'02" West - ARP), a distance of 228.48 feet; thence West (South 89°53'58" West - ARP), a distance of 30.00 feet to the POINT OF BEGINNING.

Containing 2 lots and 46529 square feet or 1.0682 acres, more or less.

I further certify that all lots meet the frontage, area, and width requirements of the applicable zoning ordinance.



Nov 16 1994  
DATE

**OWNER'S DEDICATION**

Know all men by these presents that WE, the undersigned owner(s) of the above described tract of land, having caused same to be subdivided into lots and streets to be hereafter known as WEBB CREEKSIDE SUBDIVISION

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use.

In witness whereof we have hereunto set our hand this 16th day of January, A.D., 19 94.

**ACKNOWLEDGMENT**

STATE OF UTAH } S.S.  
County of Salt Lake } DAVID W. WEBB

On the 16 day of January, A.D., 19 94, personally appeared before me, the undersigned Notary Public, in and for said County of Salt Lake in said State of Utah, the signer(s) of the above Owner's Dedication, we, in number, who duly acknowledged to me that we signed it freely and voluntarily and for the uses and purposes therein mentioned

MY COMMISSION EXPIRES: May 21, 1998  
David W. Webb  
NOTARY PUBLIC  
RESIDING IN SALT LAKE COUNTY

**WEBB CREEKSIDE SUBDIVISION**

LOCATED IN THE NORTHEAST CORNER OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN

RECORDED # 6024932  
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF DAVID W. WEBB

DATE 2-21-95 TIME 8:40AM BOOK 95-2P PAGE 37  
# 3200 FEE \$

Deputy SALT LAKE COUNTY RECORDER

CONSULTING ENGINEERS  
LAND SURVEYORS  
PLANNERS  
**neff**  
ENGINEERING INC.  
4658 SOUTH 2300 EAST SUITE 104  
SALT LAKE CITY UTAH 84117  
tel. (801) 272-8341  
fax (801) 272-8348

WEBB CREEKSIDE  
SUBDIVISION

REVISIONS:	DESCRIPTION
DATE	
11/16/94	
DRAWING FILE NAME:	446_sur.dwg
DATE:	November, 7, 1994
FILE NO.	00446
SHEET NO.	1 OF 1

PROJECT NAME AND STREET NAMES <u>N/A</u>	PLANNING COMMISSION APPROVED THIS <u>25th</u> DAY OF <u>Nov</u> , A.D. 19 <u>94</u> BY THE SALT LAKE COUNTY PLANNING COMM. <u>Chairman</u> CHAIRMAN, SALT LAKE COUNTY PLANNING COMM.	BOARD OF HEALTH APPROVED THIS <u>15th</u> DAY OF <u>Nov</u> , A.D. 19 <u>94</u> <u>Paul Hansen</u> DIRECTOR, S. L. CO. BOARD OF HEALTH	S. L. CO. DEVELOPMENT SERVICES DIV. I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE. <u>11/30/94</u> DATE <u>Paul Hansen</u> DIRECTOR	APPROVAL AS TO FORM APPROVED AS TO FORM THIS <u>2</u> DAY OF <u>January</u> , A.D., 19 <u>95</u> <u>David W. Webb</u> SALT LAKE COUNTY ATTORNEY	COUNTY COMMISSION PRESENTED TO THE BOARD OF SALT LAKE COUNTY COMMISSIONERS THIS <u>16</u> DAY OF <u>February</u> , A.D., 19 <u>95</u> , AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED. <u>Chairman</u> CHAIRMAN, BD. OF CO. COM. <u>16-34-21-045</u>
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2300 EAST  
RING & LID  
9194-163

CHECKED FOR ZONING  
R-2-10  
90 YEAR 50 E  
10-23-94

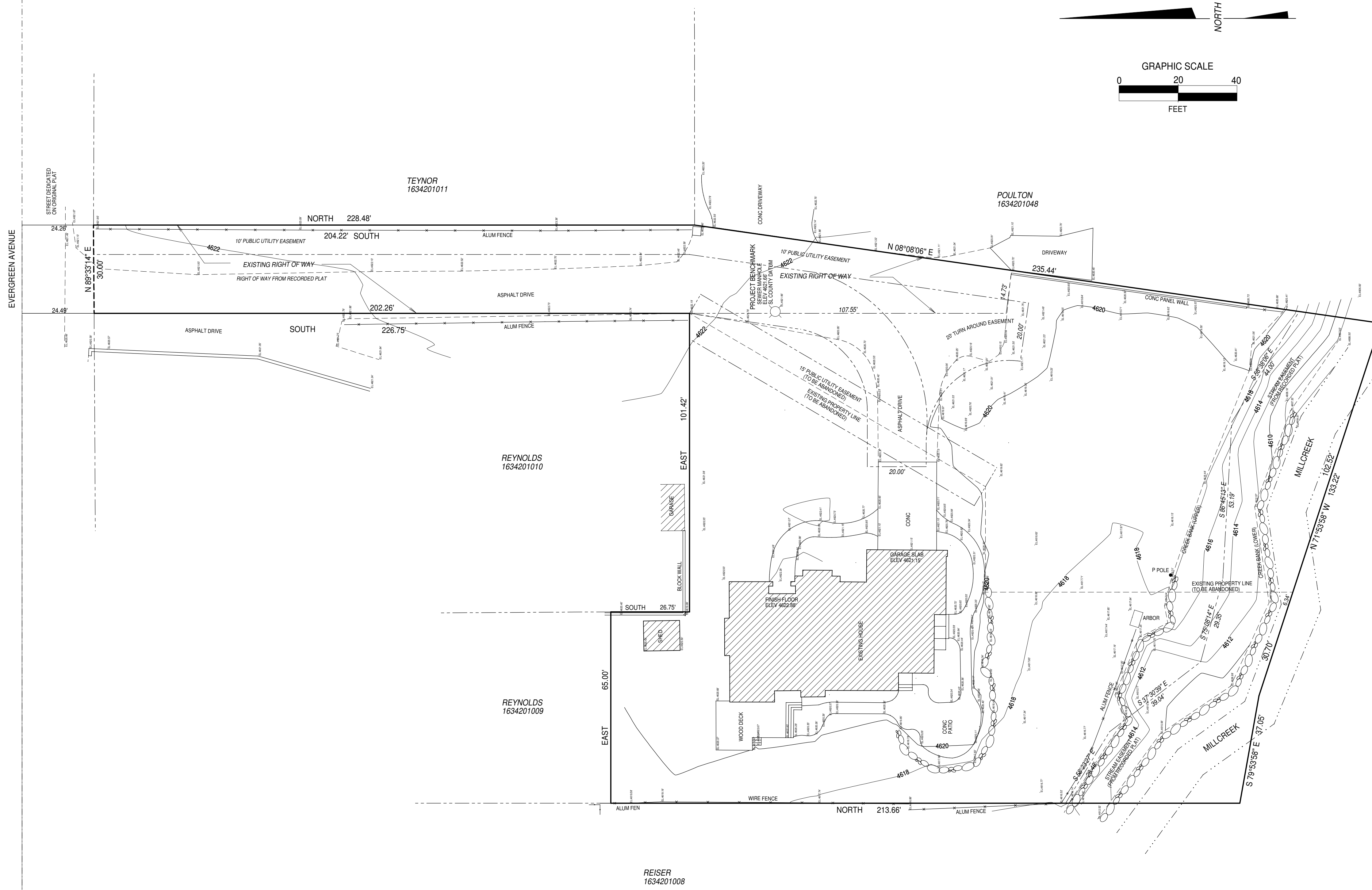
16-34-21-045  
-047  
\$ 32.00  
**95-2P-37**

DRAWING NUMBER

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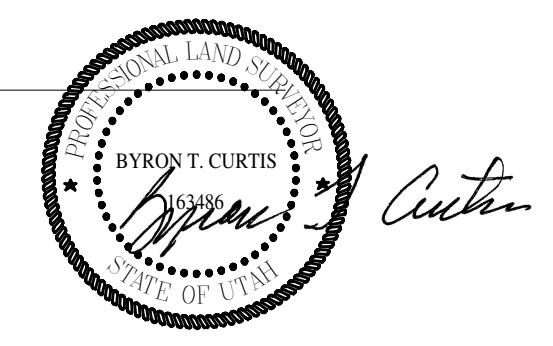
DRAWING NUMBER



**SURVEYORS CERTIFICATE**

I, BYRON T. CURTIS, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 163486, AS PRESCRIBED BY UTAH STATE LAW. I FURTHER CERTIFY, THAT BY AUTHORITY OF THE OWNER, OR HIS REPRESENTATIVE, THAT I HAVE MADE A SURVEY ON THE GROUND OF THE PROPERTY SHOWN ON THIS PLAT FOR THE PURPOSE OF DETERMINATION OF BUILDING LOCATION AND HEIGHTS AND OTHER IMPROVEMENTS THAT MAY BE CONSTRUCTED ON THE PROPERTY.

MARCH 5, 2019  
DATE



NOTE: SEWER DISTRICT HAS RECORDED A NON-STANDARD SEWER AGREEMENT, EJECTOR PUMP.

**LEGEND**

- SECTION, QUARTER SECTION, STREET OR OTHER SURVEY MONUMENT
- PROPERTY CORNER, NOT SET
- BOUNDARY OR PROPERTY LINE, WITH CORNER, FOUND OR SET
- RIGHT OF WAY LINE
- CENTERLINE
- FENCE LINE
- UTILITY LINE, TYPICAL
- SEWER, STORM DRAIN OR OTHER UTILITY MANHOLE
- SPOT ELEVATION
- MAJOR ELEVATION CONTOUR
- MINOR ELEVATION CONTOUR
- EDGE OF PAVEMENT, ASPHALT OR GRAVEL
- TREE OR BRUSH LINE

TITLE		<b>CURTIS &amp; ASSOCIATES</b> LAND SURVEYORS LAND PLANNING	
TOPOGRAPHIC AND EXISTING CONDITIONS SURVEY			
PREPARED FOR:	DAVID AND MELODIE WEBB		
LOCATION AND ADDRESS			
2380 EVERGREEN AVENUE, SALT LAKE CITY UT			
LOTS 1 AND 2, WEBB CREEKSIDE SUBDIVISION			
DATE: MARCH 5, 2019	SCALE: 1"=20'	FILENAME: WEBB.PCS	
		9921 KRAMER CIR SANDY, UTAH 84092 PHONE (801) 915-6003	



**MILLCREEK COMMUNITY DEVELOPMENT**  
3330 SOUTH 1300 EAST  
MILLCREEK, UTAH 84106

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## MEMORANDUM

To: **Planning Commission**  
From: **Francis Xavier Lilly, AICP, Director**  
Date: **10 April 2019**

**Re: ZT-19-001 – Billboard Ordinance Amendments**

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Attached is an updated billboard ordinance for your review.

The proposed changes are limited to the following:

- 1) Billboard operators will be required to obtain one business license to operate *all* signs in the city, rather than a business license for each sign.
- 2) Billboard operators will no longer be required to share with the city a full lease, although they may do so if they choose.

It is likely that the billboard operators will come to the meeting requesting additional changes, and you will likely hear from residents and other stakeholders as well. Attached to this memorandum are changes that are recommended by Reagan Outdoor Advertising, as well as a letter recommending changes to the proposed requirement for downward-directed lighting.

In addition, staff requests that you review the following items:

- 1) [Click here](#) to review the previous staff report.
- 2) [Click here](#) to review a map that shows how the proposed billboard ordinance will impact the relocation of future billboards. The map shows how the proposed zoning restrictions (radial and linear separation, prohibited zones and intersections, and the 150 foot setback from residential uses) leaves a relative handful of locations where signs can be relocated under the current code, unless a relocation incentive is granted.

**For best results, please turn on all the layers on the GIS map by clicking on the layers on the right left side of the map.**

### **Attachments**

1. Proposed Ordinance Amendment – Clean Copy
2. Proposed Ordinance Amendment – Redlines
3. Letter from Reagan Outdoor Advertising Regarding Lighting Requirement
4. Comments on Proposed Ordinance Amendment from Reagan Outdoor Advertising

**Add the following Definition:**

**“ground level vantage point” means a position where an object can be viewed at no more than six feet above original grade.**

**19.82.185 Off-Premises Signs; Billboards**

1. Purpose. In keeping with the goals of the Millcreek General Plan to promote signs that are responsive to neighborhood character, and to improve the aesthetics of major streetscapes, the purpose of the billboard ordinance is to provide reasonable regulation of billboards in order reduce the heights and area of future billboards, mitigate negative impacts, promote safety, protect property values, and reduce impediments for economic development and redevelopment. It is the policy of Millcreek to reduce the number and combined square footage of billboards where feasible.
2. Cap on Area of Billboards. The combined square footage of all billboards allowed in the City shall be limited to the combined square footage of billboards that are existing as defined herein as of December 27, 2013, within the boundaries of the city as it was incorporated on December 28, 2016. This cap shall automatically decrease as billboards are annexed into a municipal jurisdiction or removed and not relocated.
3. Billboards are only allowed in the C-2, C-3, and M zones as a permitted use, subject the additional restrictions established in this chapter.
4. Location. Billboards shall not be allowed in those locations listed in Subsection 6 of this chapter, below, notwithstanding the underlying zone.
5. Size. Billboards shall not exceed 300 square feet in the C-2, C-3, and M zones, except as provided below and in Subsection 12 of this chapter.
  - a. Signs that are intended to be viewed from an Interstate freeway travel lane shall not exceed 600 square feet.
  - b. Signs oriented for viewing along State Street and located within 20 feet of the State Street right-of-way shall not exceed 600 square feet
6. Prohibited Locations. Billboards, notwithstanding the underlying zone, shall not be permitted anywhere within 100 feet of the Main Street right-of-way, east of Interstate e215, or within 500 feet of the following intersections, as measured as a radius from the nearest property line to the intersection right-of-way line:
  - a. 2000 East and 3300 South
  - b. 1100 East and 3900 South
  - c. 1300 East and 3900 South
  - d. 2300 East and 3900 South
  - e. 2300 East and Claybourne Avenue

- f. Murray-Holladay Road and Highland Drive
7. Height. Except as provided below and in Subsection 11 of this chapter, the maximum height of a billboard shall be 32 feet above the grade level of the road in the C-2, C-3, or M zones, except as provided below:
  - a. Signs that are oriented for viewing on an Interstate freeway travel lane may have a maximum height of 50 feet, but in no event shall be greater than 25 feet above freeway grade level.
  - b. In the event that a billboard cannot be viewed from any residential zone, it may exceed 32 feet in height, up to a maximum height of 40 feet. In order to achieve the additional height, the billboard owner must certify as part of a building permit that the billboard meets the following requirements:
    - a. The billboard is not visible from a ground-level vantage point on any property in a residential zone within 150 feet of the residential zone boundary, and
    - b. The billboard must be situated on the same side of the street and within 50 feet of an existing building or buildings and have no greater height than the immediately adjacent building(s).
8. Separation. The minimum distance between all billboards on the same side of the street shall be 500 lineal feet as measured along the same side of the street including intersections. All billboards must be at least 250 radial feet from any other billboard located on the opposite side of the street from where a new sign is to be located.
9. Setbacks.
  - a. Setbacks from Rights-of-Way. The minimum setback shall be five feet to the leading edge of a billboard, including all structural and service support elements. The billboard's front-yard setback shall be measured from the future right-of-way line as indicated on the Functional Classification Map of the General Plan. The closest edge of a billboard shall not project into any required setback area.
  - b. Setbacks from property line. The minimum setback from any property line shall be five feet to the leading edge of the billboard, including all structural and service support elements.
  - c. Setbacks from on-premise ground signs. The minimum setback between a billboard and any on-premise ground sign shall be 100 feet.
  - d. Setbacks from A-1, R-1, R-2, R-4, and RM Zones. The minimum setback between a billboard and any residential zone boundary shall be one hundred fifty feet. The minimum setback of a billboard may be reduced to 100 feet if the billboard owner certifies as part of a building permit that no portion of the proposed billboard is visible from any ground level vantage point on a property in an A-1, R-1, R-2, R-4, or RM zone that is within 150 feet of the proposed sign, as measured from the zone boundary line.

10. Lighting. Lighting shall be confined to the sign face and the lighting source shall not be directly visible from any ground-level vantage point. Illumination of billboards shall comply with the standards established in MKC Section 19.82.130 and 19.82.135.
11. Design. Billboards shall utilize either the "mono-pole" or the "bi-pole" design and shall be continually maintained structurally and on the sign face. The back of any single-faced billboard and the structure behind the sign shall be painted a dark color. The billboard owner shall make a good faith effort to design the billboard so as to reduce and minimize the visual bulk and mass of the pole and other structural elements of the billboard. Internally illuminated billboards, electronic display, digital display, LED display, video display billboards and electronic message centers are only allowed immediately adjacent to the Interstate 15 and shall be limited to no more than one change to the copy face in a twenty-four hour period. Two-decked billboards are prohibited in all zones.
12. Maintenance. All billboards, including the entirety of the sign area and all structural supports, shall be continuously maintained by the billboard company. Any area under the sign and all structural supports shall be continuously maintained and kept free of all animal droppings or other environmental and safety hazards by the billboard owner or the lessor of the land.
13. Relocation of Billboards to Accommodate Redevelopment. In order to accommodate the redevelopment of sites within a community reinvestment area, or any site in the city that is at least one acre in size, the City may allow the following deviations from the standards in this chapter:
  - a. The minimum separation distance between billboards may be reduced to 400 lineal feet as measured along the same side of the street including intersections, and may be reduced to 150 radial feet from any other billboard.
  - b. The maximum height of a billboard may be increased to 40 feet in height, subject to the standards established in Section 7(b) above.
14. Credits for Removal. Prior to the removal of any billboard, the owner shall obtain a permit for the demolition of the billboard. Permits may be provided following application to the City. After any billboard is removed, the City shall create a "billboard bank account" for the sign owner. The account shall solely reflect credits for the billboard advertising space square footage as well as the date of removal, and the street address from which the billboard was removed. Any billboard credits not used within thirty-six months of their creation shall expire and be of no further value or use. A billboard owner may sell or otherwise transfer billboards and/or billboard bank account credits. The transfer of any billboard bank account credits does not extend their thirty-six-month life as provided in this section. Removal of a billboard that has two in-use advertising faces shall receive billboard bank account credits for the square footage of each sign face. Credits may not be used to enlarge any non-conforming billboard or conforming billboard, other than those billboards located immediately adjacent to the Interstate 15 freeway, along State Street or within 20 feet of the State Street right-of-way.
15. Relocation. The owner of an existing billboard may remove an existing billboard from any site to an approved location only after a permit for relocation is obtained upon substantiation of

compliance with this chapter. Prior to approval of a permit for relocation, the billboard owner (applicant) shall submit to the City a complete copy of the completed and signed lease agreement or other document to be signed by the property owner, indicating at a minimum the duration of the lease and renewal and termination provisions. Additionally, prior to approval of a permit for relocation, the City shall by letter inform the affected community council chair and planning commission chair that application for a billboard permit has been received. If a sign is to be relocated within 600 feet of a community district boundary, the city shall inform the affected community council chairs of each community district. Billboards moved to approved locations shall conform to all billboard requirements of the new location. Billboards moved from one location to another must be installed in the new approved location within the period allotted by the International Building Code (IBC). A new billboard permit shall only be issued if the applicant has billboard bank account credits of a sufficient number of advertising face square feet for the billboard to be constructed. When the permit for construction of a new billboard is issued, the City shall deduct from the sign owner's billboard bank account the advertising face square footage used for the new billboard. If the new billboard uses less than the entire available square footage credits, any remaining square footage credits shall remain in the sign owner's billboard bank account.

16. Notice Required for Billboards Relocated Subject to State Statute. If the City receives written notice, electronic or otherwise, from a billboard owner to invoke intent, rights or benefits of any kind under Section 2(a) of UCA 10-9a-513 or under any other or future State Statute that applies in any manner to billboards or outdoor advertising, the City shall provide written notice of such request or intent to all property owners of record located within 500 feet of the property to which the sign is to be relocated or erected. Property owner notices shall be sent via first class mail within one week of receipt of notice from the billboard owner, and a copy of the notice shall be sent to the billboard owner.
17. Business Licenses Required for Billboards.
  - a. Each billboard operator shall obtain a business license and paying the required fee as established in the Millcreek fee schedule.
18. Severability and Conflict. This section and its various parts are hereby declared to be severable if a court of competent jurisdiction declares any subsection, clause, provision or portion of this section invalid or unconstitutional. No court decision will affect the validity of either this section as a whole or any parts not declared invalid or unconstitutional by that decision. If any part of this section is found to be in conflict with any other provision of the City, the most restrictive or highest standard will apply, prevail and govern.

# Redlines

## Add the following Definition:

“ground level vantage point” means a position where an object can be viewed at no more than six feet above original grade.

## **19.82.185 Off-Premises Signs; Billboards**

1. Purpose. ~~This section provides for the reasonable regulation of off-premises signs billboards with the intent of enhancing economic development, redevelopment, the aesthetics of existing and future billboards, mitigating negative impacts, promoting safety and protecting property values that further the goals and planning policies of the City. In keeping with the goals of the Millcreek General Plan to promote signs that are responsive to neighborhood character, and to improve the aesthetics of major streetscapes, the purpose of the billboard ordinance is to provide reasonable regulation of billboards in order reduce the heights and area of future billboards, mitigate negative impacts, promote safety, protect property values, and reduce impediments for economic development and redevelopment. It is the policy of Millcreek to reduce the number and combined square footage of billboards where feasible.~~
2. ~~Cap on Number Area of Off-Premises Signs Billboards.~~ The ~~number combined square footage of off-premises signs all billboards~~ allowed in the City shall be limited to the ~~number of off-premises signs combined square footage of billboards~~ that are existing as defined herein as of December 27, 2013, within the boundaries of the city as it was incorporated on December 28, 2016. This cap shall automatically decrease as ~~off-premises signs billboards~~ are annexed into a municipal jurisdiction or removed and not relocated.
- 2.3. ~~Billboards are only allowed in the C-2, C-3, and M zones as a permitted use, subject the additional restrictions established in this chapter.~~
- 3.4. ~~Location. Off-premises signs Billboards shall not be allowed in the C-1 zone in those locations listed in Subsection 6 of this chapter, below, notwithstanding the underlying zone, as a conditional use. Off-premises signs shall be allowed in the C-2, C-3, M-1 and M-2 zones as a permitted use.~~
5. ~~Size. Off-premises signs Billboards shall not exceed six hundred seventy-two 300 square feet in the C-2, C-3, M-1 and M-2 and M zones, except as provided below and in Subsection 12 of this chapter. Off-premises signs located in a C-1 zone shall not exceed three hundred square feet in size.~~
  - a. ~~Signs that are intended to be viewed from an Interstate freeway travel lane shall not exceed 600 square feet.~~
  - b. ~~Signs oriented for viewing along State Street and located within 20 feet of the State Street right-of-way shall not exceed 600 square feet.~~
6. ~~Prohibited Locations. Billboards, notwithstanding the underlying zone, shall not be permitted anywhere within 100 feet of the along Main Street right-of-way, east of Interstate the I-215 freeway, or within 500 feet of the following intersections, as measured as a radius from the nearest property line to the intersection right-of-way line:~~

# Redlines

- a. 2000 East and 3300 South
- b. 1100 East and 3900 South
- c. 1300 East and 3900 South
- d. 2300 East and 3900 South
- e. 2300 East and Claybourne Avenue

4.f. Murray-Holladay Road and Highland Drive

7. Height. The maximum height of an off-premises sign shall be thirty-five feet in a C-1 zone. The Except as provided below and in Subsection 11 of this chapter, the maximum height of an off-premises sign billboard shall be forty-five 32 feet above the grade level of the road in the C-2, C-3, M-1 and M-2 or M zones, except as provided below: or, when oriented for freeway viewing only and located within three hundred feet of the nearest freeway lane, twenty-five feet above freeway grade level or fifty feet overall, whichever is greater.

a. Signs that are oriented for viewing on an Interstate freeway travel lane may have a maximum height of 50 feet, but in no event shall be greater than 25 feet above freeway grade level.

b. In the event that a billboard cannot be viewed from any residential zone, it may exceed 32 feet in height, up to a maximum height of 40 feet. In order to achieve the additional height, the billboard owner must certify as part of a building permit that the billboard meets the following requirements:

a. The billboard is not visible from a ground-level vantage point on any property in a residential zone within 150 feet of the residential zone boundary, aAnd

5.b. greater in height on the same side of the street and billboard The billboard must be situated on the same side of the street and within 50 feet of an existing building or buildings and have no greater height than the immediately adjacent building(s).

6.8. Separation. The minimum distance between off-premises signs larger than three hundred square feet shall be five hundred lineal feet as measured along the same side of the street including intersections. The minimum distance between all off-premises signs billboards on the same side of the street three hundred square feet or less in size shall be three hundred shall be 500 lineal feet as measured along the same side of the street including intersections. All off-premises signs billboards must be at least one hundred fifty 250 radial feet from any other off-premises sign billboard located on the opposite side of the street from where a new sign is to be located.

9. Setbacks.

a. Setbacks from Rights-of-Way. The minimum setback shall be eighteen inches five feet to the leading edge of a billboard, including all structural and service support elements, for off-premises signs. The sign billboard's front-yard setback shall be measured from the

# Redlines

future right-of-way line as indicated on the Functional Classification Map of the General Plan (see Transportation Improvement Plan). The closest edge of an ~~off-premises billboard sign~~ shall not project into any required setback area.

- b. Setbacks from property line. The minimum setback from any property line shall be five feet to the leading edge of the billboard, including all structural and service support elements.
- c. Setbacks from on-premise ground signs. The minimum setback between a billboard and any on-premise ground sign shall be 100 feet.
- d. Setbacks from A-1, R-1, R-2, R-4, and RM Zones. The minimum setback between ~~a~~ ~~an~~ ~~off-premises sign~~ a billboard and any residential zone boundary shall be one hundred fifty feet. The minimum setback of a billboard may be reduced to 100 feet if the billboard owner certifies as part of a building permit that no portion of the proposed billboard is visible from any ground level vantage point on a property in an A-1, R-1, R-2, R-4, or RM zone that is within 150 feet of the proposed sign, as measured from the zone boundary line.

8.10. Lighting. Lighting shall be confined to the sign face, and the lighting source shall not be directly visible from any ground-level vantage point. Illumination of billboards shall comply with the standards established in MKC Section 19.82.130 and 19.82.135.

11. Design. ~~Off-premises signs~~Billboards shall utilize either the "mono-pole" or the "bi-pole" design and shall be continually maintained structurally and on the ~~copy sign~~ face. The back of any single-faced of the sign billboard and the structure behind the sign shall be painted a dark color. The billboard owner shall make a good faith effort to design the billboard so as to reduce and minimize the visual bulk and mass of the pole and other structural elements of the billboard. Tri-vision sign faces shall be permitted and, if illuminated, must be externally illuminated. Internally illuminated ~~off-premises signs~~billboards, electronic display, digital display, LED display, video display billboards (outdoor video advertising) and electronic message centers are only allowed immediately adjacent to the interstate freeway system-Interstate 15 freeway and shall be limited to no more than one change to the copy face in a twenty-four hour period. Two-decked ~~off-premises signs~~billboards are prohibited in all zones.

12. Maintenance. All billboards, including the entirety of the sign area and all structural supports, shall be continuously maintained by the billboard company. Any area under the sign and all structural supports shall be continuously maintained and kept free of all animal droppings or other environmental and safety hazards by the billboard owner or the lessor of the land.

13. Relocation of Billboards to Accommodate Redevelopment. In order to accommodate the redevelopment of sites within a community reinvestment area, or any site in the city that is at least one acre in size, the City may allow the following deviations from the standards in this chapter:

- a. The minimum separation distance between billboards may be reduced to 400 lineal feet as measured along the same side of the street including intersections, and may be reduced to 150 radial feet from any other billboard.

# Redlines

9-b. The maximum height of a billboard may be increased to 40 feet in height, subject to the standards established in Section 7(b) above.

10-14. Credits for Removal. Prior to the removal of any ~~off-premises sign~~ billboard, the owner shall obtain a permit for the demolition of the ~~off-premises sign~~ billboard. Permits may be provided following application to the ~~Salt Lake County Planning and Development Services Division on behalf of the City. The Salt Lake County Planning and Development Services Division on behalf of the City shall by letter inform the City.~~ After any ~~off-premises sign~~ billboard is ~~demolished~~ removed, the ~~Salt Lake County Planning and Development Services Division on behalf of the City~~ shall create a "billboard bank account" for the sign owner. The account shall solely reflect credits for the ~~off-premises billboard -advertising space sign~~ square footage as well as the date of ~~removal~~ removal, and the street address from which the billboard was removed. Any ~~off-premises sign billboard~~ credits not used within thirty-six months of their creation shall expire and be of no further value or use. An ~~off-premises sign~~ billboard owner may sell or otherwise transfer ~~off-premises signs~~ billboards and/or billboard bank account credits. The transfer of any billboard bank account credits does not extend their thirty-six-month life as provided in this section. ~~Demolition~~ Removal of a billboard ~~n-off-premises sign~~ that has two in-use advertising faces ~~shall~~ receive billboard bank account credits for the square footage of each sign face. Credits may not be used to enlarge any non-conforming billboard, or conforming billboard sign, other than those billboards located immediately adjacent to the Interstate -15 freeway, along State Street or within 20 feet of the State Street right-of-way.

11-15. Relocation. The owner of an existing ~~off-premises sign~~ billboard may remove an existing ~~off-premises sign~~ billboard from any site to an approved location only after a permit for relocation is obtained upon substantiation of compliance with this chapter. Prior to approval of a permit for relocation, the ~~sign~~ billboard owner (applicant) shall submit to the ~~county~~ City a ~~notarized affidavit signed by the property owner, a complete~~ copy of the completed and signed lease agreement or other document to be signed by the property owner, indicating at a minimum the duration of the lease and renewal and termination provisions. Additionally, prior to approval of a permit for relocation, ~~Salt Lake County Planning and Development Services Division on behalf of the City~~ shall by letter inform the affected community council chairman and ~~affected~~ planning commission chairman that application for a ~~billboard n-off-premises sign~~ permit has been received. If a sign is to be relocated within 600 feet of a community district boundary, the city shall inform the affected community council chairs of each community district. ~~Off-premises signs~~ Billboards moved to approved locations shall conform to all ~~off-premises sign~~ billboard requirements of the new location. ~~Off-premises signs~~ Billboards moved from one location to another must be installed in the new approved location within the period allotted by the International Building Code (IBC). A new ~~off-premises sign~~ billboard permit shall only be issued if the applicant has billboard bank account credits of a sufficient number of advertising face square feet for the billboard to be constructed. When the permit for construction of a new ~~off-premises sign~~ billboard is issued, the ~~Salt Lake County Planning and Development Services Division on behalf of the City~~ shall deduct from the sign owner's billboard bank account the advertising face square footage ~~of used for~~ the new ~~off-premises sign~~ billboard. If the new ~~off-premises sign~~ billboard uses less than the entire available square footage credits, any remaining square footage credits shall remain in the sign owner's billboard bank account.

# Redlines

~~12. Council Review and Monitoring. The council shall, on a regular six-month schedule be updated at a regular public meeting to changes in status and effectiveness of the provisions related to off-premises signs in the City.~~

16. Notice Required for Billboards Relocated Subject to State Statute. If the City receives written notice, electronic or otherwise, from a billboard owner to invoke intent, rights or benefits of any kind under Section 2(a) of UCA 10-9a-513 or under any other or future State Statute that applies in any manner to billboards or outdoor advertising, the City shall provide written notice of such request or intent to all property owners of record located within 500 feet of the property to which the sign is to be relocated or erected. Property owner notices shall be sent via first class mail within one week of receipt of notice from the billboard owner, and a copy of the notice shall be sent to the billboard owner.

17. Business Licenses Required for Billboards.

a. Each billboard operator shall obtain a business license and paying the required fee as established in the Millcreek fee schedule.

~~13.~~18. Severability and Conflict. This section and its various parts are hereby declared to be severable if a court of competent jurisdiction declares any subsection, clause, provision or portion of this section invalid or unconstitutional. No court decision will affect the validity of either this section as a whole or any parts not declared invalid or unconstitutional by that decision. If any part of this section ~~section~~ is found to be in conflict with any other provision of the ~~county~~City, the most restrictive or highest standard will apply, prevail and govern.



Francis Xavier Lilly, AICP  
Community Development Director  
3330 South 1300 East  
Millcreek, Utah 84106

Francis,

It was a pleasure meeting with you on Friday to discuss some of the concerns and questions we have with the proposed billboard ordinance. We appreciate all of your hard work and your willingness to make yourself available to hear our concerns. We feel the meeting on Friday was very productive.

One of the outcomes of that meeting is the illumination requirement MKC Section 19.82.130 and 19.82.135. calling for downward lighting. This is very problematic for the Outdoor Advertising Industry for the following reasons:

- Outdoor Advertising (Billboard) Structures are manufactured internationally with the lights attached to the bottom platform
- Outdoor Advertising Structures are manufactured with the light attached to the end/edge of the bottom deck extending from the front of the sign for safety purposes at the direction of the Occupational Safety and Health Administration's requirements pertaining to Safety Lanyard and Safety Cables that must be placed along the top platform located directly behind the sign face to:
  - A. Prevent an individual working on the sign structure or changing the copy from falling off the sign.
  - B. To keep both the top platform behind the sign face and the front bottom platform free of trip/fall hazards.
- Also of note: The requirement for downward projecting lighting appears to apply to internally illuminated signs as opposed to signs that are not internally illuminated, which would make sense, however the provision is not entirely clear in terms of what it applies to. In addition, the vast majority of signs are internally illuminated.

For the reasons stated above, we respectfully request that the draft ordinance be revised to allow Outdoor Advertising Structures (Billboards) to use upward projecting lights. In addition, will you please disperse a copy of this letter to all the members of the planning commission?

Again we thank you for the countless hours spent on drafting a mutually beneficial ordinance for the City, citizens and the outdoor industry.

Sincerely,

A handwritten signature in black ink that reads "Guy Larson". The signature is written in a cursive style.

Guy Larson  
Real Estate Manager  
Reagan Outdoor Advertising

[www.ReaganOutdoor.com](http://www.ReaganOutdoor.com)

Add the following Definition:

“ground level vantage point” means a position where an object can be viewed at no more than six feet above original grade. This is too restrictive, my first choice would be to eliminate this requirement. However if that is not an option it needs to be increased. However it is difficult to determine what will work without doing a field study. If this is going to be a requirement a field study should be completed with both Millcreek City and the Industry participating.

**19.82.185 Off-Premises Signs; Billboards**

1. Purpose. ~~This section provides for the reasonable regulation of off-premises signs billboards with the intent of enhancing economic development, redevelopment, the aesthetics of existing and future billboards, mitigating negative impacts, promoting safety and protecting property values that further the goals and planning policies of the City. In keeping with the goals of the Millcreek General Plan to promote signs that are responsive to neighborhood character, and to improve the aesthetics of major streetscapes, the purpose of the billboard ordinance is to provide reasonable regulation of billboards in order to reduce the heights and area of future billboards, mitigate negative impacts, promote safety, protect property values, and reduce impediments for economic development and redevelopment. It is the policy of Millcreek to reduce the number and combined square footage of billboards where feasible. If Millcreek City is serious about working with the Billboard Industry the “Purpose” language needs to change. Including the language about the general plan, puts billboard companies and the city in combative positions, given the Millcreek General plan calls for the elimination of billboards, if I understand it correctly.~~
2. ~~Cap on Number Area of Off-Premises Signs Billboards.~~ The ~~number combined square footage of off-premises signs~~ all billboards allowed in the City shall be limited to the ~~number of off-premises signs combined square footage of billboards~~ that are existing as defined herein as of December 27, 2013, within the boundaries of the city as it was incorporated on December 28, 2016. This cap shall automatically decrease as ~~off-premises signs billboards~~ are annexed into a municipal jurisdiction or removed and not relocated. How and why was the date of 12/27/13 established? Also how does the Millcreek know that it has an accurate billboard count as of that date?
- 2.3. ~~Billboards are only allowed in the C-2, C-3, and M zones as a permitted use, subject the additional restrictions established in this chapter. The Billboard Industry believes C-1 should be permitted as a conditional use.~~
- 3.4. ~~Location. Off-premises signs Billboards shall not be allowed in the C-1 zone in those locations listed in Subsection 6 of this chapter, below, notwithstanding the underlying zone, as a conditional use. Off-premises signs shall be allowed in the C-2, C-3, M-1 and M-2 zones as a permitted use. This will not work. If Millcreek eliminates this amount of area, I predict the billboard that in existence today, will remain in their existing locations, in their existing dimensions (size) for the foreseeable future.~~

5. Size. Off-premises signs~~Billboards~~ shall not exceed ~~six hundred seventy two~~300 square feet in the C-2, C-3, ~~M-1 and M-2~~and M zones, except as provided below and in Subsection 12 of this chapter. Off-premises signs located in a C-1 zone shall not exceed three hundred square feet in size. [From my perspective, this should be revisited, I believe there are places that than what is listed below, that 672 sq.ft. would not be obstructive, or out of place and it would allow for the elimination of some poles.](#)
- a. Signs that are intended to be viewed from an Interstate freeway travel lane shall not exceed ~~67200~~ square feet.
  - b. Signs oriented for viewing along State Street and located within 20 feet of the State Street right-of-way ~~shall not exceed 67200 square feet.~~
6. Prohibited Locations. Billboards, [notwithstanding the underlying zone,](#) shall not be permitted anywhere ~~within 100 feet of the along Main Street right-of-way,~~ east of Interstate ~~ethe~~I-215 freeway, or within 250~~500 feet of the following intersections, as measured as a radius from the nearest property line to the intersection right of way line:~~
- ~~— 2000 East and 3300 South~~
  - ~~— 1100 East and 3900 South~~
  - ~~— 1300 East and 3900 South~~
  - ~~— 2300 East and 3900 South~~
  - ~~— 2300 East and Claybourne Avenue~~
- a. ~~Murray Holladay Road and Highland Drive #6 with the exception of East of the 215 will not work. If Millcreek eliminates this amount of area, I predict the billboard that in existence today, will remain in their existing locations, in their existing dimensions (size) for the foreseeable future. Especially if you are going to eliminate C-1~~
- 4.
7. Height. The maximum height of an off-premises sign shall be thirty-five feet in a C-1 zone. The Except as provided below and in Subsection 11 of this chapter, the maximum height of an off-premises sign billboard shall be ~~forty~~ 405 ~~forty five~~ 32 feet above the grade level of the road in the C-2, C-3, ~~M-1 and M-2~~ or M zones, except as provided below: ~~or, when oriented for freeway viewing only and located within three hundred feet of the nearest freeway lane, twenty-five feet above freeway grade level or fifty feet overall, whichever is greater.~~
- a. Signs that are oriented for viewing on an Interstate freeway travel lane may have a maximum height of ~~65~~ 50 feet, ~~but or in no event shall be greater than~~ 25 feet above freeway grade level  ~~; whichever is greater.~~
  - b. In the event that a billboard cannot be viewed from any residential zone, it may exceed ~~32~~ 405 feet in height, up to a maximum height of 450 feet. In order to achieve the additional height, the billboard owner must certify as part of a building permit that the billboard meets the following requirements:

a. ~~The billboard is not visible from a ground-level vantage point on any property in a residential zone within 150 feet of the residential zone boundary, and.~~

~~5.b. greater in height on the same side of the street and billboard The billboard must be situated on the same side of the street and within 50 feet of an existing building or buildings and have no greater height than the immediately adjacent building(s). Hypothetically speaking, if there is a "residential zone boundary" spacing requirement and "Ground Level View" requirement, the proceeding is not necessary.~~

~~6.8. Separation. The minimum distance between off-premises signs larger than three hundred square feet shall be five hundred lineal feet as measured along the same side of the street including intersections. The minimum distance between all off-premises signs billboards on the same side of the street three hundred square feet or less in size shall be three hundred shall be 500 lineal feet as measured along the same side of the street including intersections. All off-premises signs billboards must be at least one hundred fifty 250 radial feet from any other off-premises sign billboard located on the opposite side of the street from where a new sign is to be located.~~

9. Setbacks.

a. Setbacks from Rights-of-Way. The minimum setback shall be eighteen inches five 2 feet to the leading edge of a billboard, including all structural and service support elements, for off-premises signs. The sign billboard's front-yard setback shall be measured from the future right-of-way line as indicated on the Functional Classification Map of the General Plan (see Transportation Improvement Plan). The closest edge of an off-premises billboard sign shall not project into any required setback area. What does this mean???

b. Setbacks from property line. The minimum setback from any property line shall be two five feet to the leading edge of the billboard, including all structural and service support elements.

~~Setbacks from on-premise ground signs. The minimum setback between a billboard and any on-premise ground sign shall be 100 feet.~~

c. Setbacks from A-1, R-1, R-2, R-4, and RM Zones. The minimum setback between a an off-premises sign a billboard and any residential zone boundary shall be one hundred fifty feet. The minimum setback of a billboard may be reduced to 100 50 feet if the billboard owner certifies as part of a building permit that no portion of the proposed billboard is visible from any ground level vantage point on a property in an A-1, R-1, R-2, R-4, or RM zone that is within 150 feet of the proposed sign, as measured from the zone boundary line.

~~7. Setbacks from property line. The minimum setback from any property line shall be five feet to the leading edge of the billboard, including all structural and service support elements.~~

~~8-10.~~ Lighting. Lighting shall be confined to the sign face, and the lighting source shall not be directly visible from any ground-level vantage point. Illumination of billboards shall comply with the standards established in MKC Section 19.82.130 and 19.82.135. **Ground level as currently proposed will not work. Also what is "MKC Sections... and how does it impact billboards going forward? The LED restrictions in 19.82.135 are problematic.**

11. Design. ~~Off-premises signs~~Billboards shall utilize either the "mono-pole" or the "bi-pole" design and shall be continually maintained structurally and on the ~~copy-sign~~ face. The back of any single-faced ~~of the sign~~ billboard and the structure behind the sign shall be painted a dark color. The billboard owner shall make a good faith effort to design the billboard so as to reduce and minimize the visual bulk and mass of the pole and other structural elements of the billboard. ~~Tri-vision sign faces shall be permitted and, if illuminated, must be externally illuminated. Internally illuminated off-premises signs~~billboards, electronic display, **digital display, LED display, video display billboards** (outdoor video advertising) and electronic message centers are only allowed immediately adjacent to the interstate freeway system ~~Interstate I-15 freeway~~ and shall be limited to no more than one change to the copy face in a twenty-four hour period. Two-decked ~~off-premises signs~~billboards are prohibited in all zones. **This section needs to be reworked. There are areas of the city, in addition to I-15 where LED's would be appropriate.**

12. Maintenance. All billboards, including the entirety of the sign area and all structural supports, shall be continuously maintained by the billboard company. ~~Any area under the sign and all structural supports shall be continuously maintained and kept free of all animal droppings or other environmental and safety hazards by the billboard owner or the lessor of the land.~~

13. Relocation of Billboards to Accommodate Redevelopment. In order to accommodate the redevelopment of sites within a community reinvestment area, or any site in the city that is at least one acre in size, the City may allow the following deviations from the standards in this chapter:

a. The minimum separation distance between billboards may be reduced to 400 lineal feet as measured along the same side of the street including intersections, ~~and may be reduced to 150 radial feet from any other billboard.~~

~~9.b.~~ The maximum height of a billboard may be increased to **45050** feet in height, subject to the standards established in Section 7(b) above.

~~10.14.~~ Credits for Removal. Prior to the removal of any ~~off-premises sign~~billboard, the owner shall obtain a permit for the demolition of the ~~off-premises sign~~billboard. Permits may be provided following application to the Salt Lake County Planning and Development Services Division on behalf of the City. The Salt Lake County Planning and Development Services Division on behalf of the City shall by letter inform the City. After any ~~off-premises sign~~billboard is demolished ~~removed~~, the Salt Lake County Planning and Development Services Division on behalf ~~City~~ shall create a "billboard bank account" for the sign owner. The account shall **solely** reflect credits for the ~~off-premises billboard~~ advertising space sign square footage as well as the date of ~~removal~~removal, and the street address from which the billboard was removed. ~~Any off-premises sign billboard credits not used within thirty-six months of their creation shall expire and be of no further value or use.~~ **Any off premises sign/billboard credit not used within thirty**

six months of their creation shall expire and be of no further value or use. However, a billboard owner may request for an extension of the credits for up to 24 months by providing written notice to the City requesting the extension thereof. I think the preceding language will motivate Billboard Owners to work with the City - An off-premises sign billboard owner may sell or otherwise transfer off-premises signs billboards and/or billboard bank account credits. The transfer of any billboard bank account credits does not extend their thirty-six-month life as provided in this section, unless an extension has been applied for and granted by Millcreek City. ~~Demolition~~ Removal of a billboard n off-premises sign that has two in-use advertising faces shall receive billboard bank account credits for the square footage of each sign face. Credits may not be used to enlarge any non-conforming billboard, or conforming billboard sign, unless the conforming billboard is less than 300 square feet, other than those or the billboard(s) located immediately adjacent to the Interstate -15 freeway, along State Street or within 20 feet of the State Street right-of-way which may be increased to 672 sqft.

~~11.15.~~ Relocation. The owner of an existing off-premises sign billboard may remove an existing off-premises sign billboard from any site to an approved location only after a permit for relocation is obtained upon substantiation of compliance with this chapter. Prior to approval of a permit for relocation, the sign billboard owner (applicant) shall submit to the county-City a building permit including a notarized signature by the property owner on said application, notarized affidavit signed by the property owner, a complete copy of the completed and signed lease agreement or other document to be signed by the property owner, indicating at a minimum the duration of the lease and renewal and termination provisions. Additionally, prior to approval of a permit for relocation, Salt Lake County Planning and Development Services Division on behalf the City shall by letter inform the affected community council chairman and affected planning commission chairman that application for a billboard n off-premises sign permit has been received. If a sign is to be relocated within 600 feet of a community district boundary, the city shall inform the affected community council chairs of each community district. Off-premises signs Billboards moved to approved locations shall conform to all off-premises sign billboard requirements of the new location. Off-premises signs Billboards moved from one location to another must be installed in the new approved location within the period allotted by the International Building Code (IBC). A new off-premises sign billboard permit shall only be issued if the applicant has billboard bank account credits of a sufficient number of advertising face square feet for the billboard to be constructed. When the permit for construction of a new off-premises sign billboard is issued, the Salt Lake County Planning and Development Services Division on behalf City shall deduct from the sign owner's billboard bank account the advertising face square footage of used for the new off-premises sign billboard. If the new off-premises sign billboard uses less than the entire available square footage credits, any remaining square footage credits shall remain in the sign owner's billboard bank account.

~~12. Council Review and Monitoring.~~ The council shall, on a regular six month schedule be updated at a regular public meeting to changes in status and effectiveness of the provisions related to off-premises signs in the City.

~~Notice Required for Billboards Relocated Subject to State Statute.~~ If the City receives written notice, electronic or otherwise, from a billboard owner to invoke intent, rights or benefits of any kind under Section 2(a) of UCA 10-9a-513 or under any other or future State Statute that applies

~~in any manner to billboards or outdoor advertising, the City shall provide written notice of such request or intent to all property owners of record located within 500 feet of the property to which the sign is to be relocated or erected. Property owner notices shall be sent via first class mail within one week of receipt of notice from the billboard owner, and a copy of the notice shall be sent to the billboard owner.~~

16. Business Licenses Required for Billboards owners.

- ~~—Each billboard owner will be required to have a business license within the City. Each billboard shall be considered a separate business and shall be subject to obtaining a business license and paying the required fee as established in the Millcreek fee schedule. Companies or individuals with multiple locations may license as a single unit with a fee for each location.~~
- ~~—The City considers billboards to operate as a separate business due to the following factors:
  - ~~—Advertising space is rented or leased on each billboard separately.~~
  - ~~—Each billboard is erected at a separate location requiring a separate rent or lease agreement.~~
  - ~~—Billboards require regular inspections to assure continued compliance.~~
  - a. ~~Billboards create other administrative costs such as zoning approvals and other enforcement activities.~~~~

13-17. Severability and Conflict. This section and its various parts are hereby declared to be severable if a court of competent jurisdiction declares any subsection, clause, provision or portion of this section invalid or unconstitutional. No court decision will affect the validity of either this section as a whole or any parts not declared invalid or unconstitutional by that decision. If any part of this ~~section~~ section is found to be in conflict with any other provision of the ~~county~~City, the most restrictive or highest standard will apply, prevail and govern.



**Minutes of the  
Millcreek Planning Commission  
March 20, 2019  
5:00 p.m.  
Regular Meeting**

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, March 20, 2019 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106.

**PRESENT:**

**Commissioners**

Fred Healey, Chair  
Tom Stephens, Vice Chair  
David Allen (left at 8:37 p.m.)  
Russ Booth  
Dave Carlson (not in attendance)  
Scott Claerhout  
Shawn LaMar  
Mark Mumford

**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:** Mayor Jeff Silvestrini, Council Member Dwight Marchant, James Marchant, Glorian Callahan, Pat Gordon, Bill M., Paul Baird, Steve Ross, Paul Liapis, Victoria Lara, Lucy Jordan, Guy Larson, Jared Johnson, Stuart Hinckley, Terry Reid, Dewey Reagan, Mike Helm, Braden Saunders, Guy Larson, and Nate Secrist.

**REGULAR MEETING – 5:00 p.m.**

**TIME COMMENCED: 5:00 p.m.**

Chair Healey read an opening statement explaining the duties of the Planning Commission.

**1. Public Hearings**

**1.1 Consideration of ZM-19-004, Rezone from R-2-10 to RM for a Mixed-Use Project Consisting of an Office and a Single Rental Dwelling Location: 3923 S. 500 E. Applicant: John Baird Planner: Erin O'Kelley**

Erin O'Kelley said the applicant would like to modify and update the existing property to have commercial on the main floor and an apartment in the basement. Staff recommended that the proposed project was compatible with the General Plan which designates the area as Neighborhood 3 and includes offices and apartments. The applicant held a neighborhood meeting on February 4, 2019 and comments received then were about the state of the garage, tree maintenance, bus stop maintenance, and security lights be installed for the parking lot. The community council recommended approval of the rezone subject to a development agreement that stated the applicant must get proper business licenses and the rezone would be subject to the proposed uses outlined in the

staff memo. Staff recommended that a proposed development agreement include the following:

1. Developer must seek all appropriate business licenses for intended uses. Office, Short Term/Long Term rental.
2. Re-zone is approved for intended project outlined in the staff report under file number ZM-19-004 with attached plans.
3. Business on first floor must be classified as office, no other type of business is allowed on the property.
4. Any security lights installed on the property shall be directed downward, and not disrupt adjacent residential properties.
5. Trees on the south side of the property shall be removed.
6. Garage shall be painted and updated so that existing graffiti is gone.
7. All landscaping on the property shall be restored and maintained.

Paul & John Baird, applicants, said the intent of the building is to use the first level as their personal office. The basement will be used as a short-term rental. Commissioner LaMar asked about the removal of the trees on the southern boundary. Paul Baird said he did not have a problem cleaning up the property. Chair Healey asked about the five parking garages. Paul Baird said the use will be for the use of the building. Chair Healey asked if they would be agreeable to stipulating the garage use. Paul Baird said absolutely. Commissioner Mumford suggested pruning the trees instead of removing them. Paul Baird said they would maintain the trees. John Baird said the biggest concern the neighbor had about the trees is that they were not being maintained and they encroached on her property. Commissioner Mumford asked if the applicants would raise the height of the garage to 40 feet. John Baird said no.

*Chair Healey opened the public hearing.*

There were no comments.

*Chair Healey closed the public hearing.*

Chair Healey said the applicant was willing to stipulate the garages will not function as storage units and that they will not build to the 40-foot height. He asked if the Planning Commission could add those stipulations to the development agreement. John Brems said they could. Francis Lilly said they could also stipulate a zone condition. Commissioner LaMar said the fifth item in O'Kelley's bulleted list should say the trees can be removed or maintained instead of saying that they shall be removed.

**Commissioner Stephens moved to recommend approval of the rezone request ZM-19-004 to rezone property located at 3923 S. 500 E. from R-2-10 to RM for a mixed-use development project subject to a development agreement that addresses the following items: #1-7 of the staff report with changes, that #5 be amended to say that trees may be removed or maintained, and that the garages will not be rented to third parties as a commercial business. Commissioner Booth seconded. Chair Healey called for the vote. All Commissioners voted yes. The motion passed unanimously.**

## **1.2 Consideration of ZT-19-001, Amendment to Title 19 of the Millcreek Code Updating Requirements for Billboards Planner: Francis Lilly**

Chair Healey said he received two emails and asked that they be included in the minutes from Mr. Bruce Parker and Mr. Lutz. He said he would recuse himself on the item due to a conflict of interest and delegated the Chair's responsibility to Vice Chair Stephens.

Francis Lilly said an analysis was done of the billboard ordinance and these amendments came from that. There were technical and substantive issues with the ordinance. He then went through the current ordinance which allows billboards as a permitted use in the C-2, C-3, and M zones and as a conditional use in the C-1 zone. Billboards can be up to 35 feet tall in a C-1 zone, and 45 feet in all other zones. Freeway oriented billboards can be up to 35 feet above freeway grade level, or fifty feet overall, whichever is greater. Billboards can be no more than 672 square feet in the C-2, C-3, and M Zones, and no more than 300 square feet in the C-1 zone. The billboards must be set back 18 inches from property lines or the future right-of-way line; 150 feet from an residential boundary; and separated from each other by 300 lineal feet if they are on the same side of the street and are 300 square feet or less, 500 lineal feet if they are one the same side of the street and are greater than 300 square feet, and 150 radial feet from each other. Millcreek imposes a cap on the number and square footage of billboards in the City. Square footage for signs that are removed can be banked for future use and the credits expire after 36 months. He said the square footage is transferrable and treated like an asset. Lilly said there are currently 51 signs in Millcreek with an approximate total of 31,000 square feet, and 17 signs are nonconforming and have faces that are in excess of 300 square feet. Lilly showed a map highlighting the locations of the billboards in Millcreek. Lilly said he did not include signs that are on the border of Millcreek and another city. He also said that electronic billboards are prohibited in Millcreek. Signs along interstate highways can have an electronic face that changes no more than every 24 hours, but that limit has been preempted by state statute which allows an electronic sign along the highway to change its message no more than once every 8 seconds.

Lilly said other cities along the Wasatch Front have deemed billboards as nonconforming, some cities allow billboards to be moved and altered while others impose a cap on the number and sign area. He said other cities that allow billboards limit them to 300 square feet sign faces and heights lower than 45 feet. Commissioner Mumford asked if the credit time is reset if the square footage is sold. Lilly said no, the credit ages regardless of who owns it. Lilly said state law does not allow cities to prohibit electronic message centers along I-15, billboards can be relocated within one mile of any existing sign if they are in a commercial or manufacturing zone and it is no closer than 300 feet of an existing billboard on the same side of the street, and upon receiving written notice after 6 months, cities have the option to condemn the sign rather than allow it to move. Lilly said there is a condemnation process for signs. He said it behooves the City to be clear about where billboards can be. Lilly said he would rather work with sign companies on relocating signs within the 3 years than using the State's statutory provision of 180 days.

Lilly said the General Plan lists goals and strategies for billboards in the Vibrant Gathering Places, Great Connections, Health and Environment, and Thriving Economy sections. He said if there is an area identified as a village center, billboards are not

allowed there. Commissioner Mumford asked if tax revenue is generated for the City. Lilly said billboards are taxed as personal property, not real property. The issue is that the billboard is in the same place where the City wants a higher use or density.

The new billboard ordinance proposal provides that: 1) billboards will no longer be allowed in the C-1 zone; 2) the sign area will be limited to 300 square feet except it will be 600 square feet for signs on State Street or along an interstate travel lane; 3) the heights will be limited to 32 feet except when a sign is relocated to accommodate redevelopment or is not visible within 150 feet of a residential zone boundary, in which case the height could be 40 feet; 4) there will be a separation of 500 lineal feet between billboards, not 250 radial feet; 5) the setbacks will be 150 feet from residential zones but can be reduced to 100 feet if the sign is not visible from any point on a property within 150 feet of the residential zone boundary, 100 feet from another pole sign, and 5 feet from the property line; 6) if the sign is being relocated out of a community reinvestment area or a redevelopment of property an acre or larger, a minor increase in height or a reduction in separation requirements is provided in order to facilitate redevelopment; 7) illumination must be downcast, in compliance with the rest of the sign code; 8) there will be no change from current ordinance on electronic message displays; 9) maintenance and business licenses will be required of all billboards; 10) the City will notify affected property owners within 500 feet of the site to which a sign is to be relocated under provisions of state law; and 11) prohibited locations for signs would be 2000 E. and 3300 S., 1100 E. and 3900 S., 1300 E. and 3900 S., 2300 E. and 3900 S., and 2300 E. and Claybourne Avenue.

Francis Lilly said all four community councils unanimously recommended approval of the ordinance and the East Mill Creek Community Council asked that the City have additional input for where signs are to be located. Commissioner Claerhout asked if there was an advantage to the City to have the square footage bank. Lilly said it provides more time to figure out where the billboard can go, and three years is a good amount of time to do so. Commissioner Claerhout asked about eliminating the billboard bank. Lilly said if the bank were eliminated, it could make relocating a billboard difficult. Commissioner Allen asked if the time starts when the billboard is removed. Lilly confirmed and said the conversation starts when the demolition permit is received. Commissioner LaMar asked about South Salt Lake's credit time limit of 180 days. Lilly said it is difficult to go through the process in that short amount of time.

Lilly went over some considerations; the total square footage of billboards in Millcreek is capped; many areas in Millcreek are at or near saturation in terms of billboards, in terms of what the current code will allow and what the market will effectively bear, given existing limits; the combination of State Statute and the billboard bank provision give the City and the billboard owners an incentive to work out solutions for specific signs over time; and the cost associated with eminent domain makes it impractical for a City to reduce the inventory of billboards using the method LUDMA provides. He asked the Commission if Millcreek wanted more, smaller billboards or fewer, bigger billboards; if there were areas that could tolerate larger signs; what an objectionable height for a billboard would be; and what appropriate tradeoffs would be. He recommended an ordinance that sets clear standards and guidelines but allows flexibility for locating signs to further the goals of the General Plan. Lilly read the purpose statement of the proposed

ordinance, “In keeping with the goals of the Millcreek General Plan to promote signs that are responsive to neighborhood character, and to improve the aesthetics of major streetscapes, the purpose of the billboard ordinance is to provide reasonable regulation of billboards in order reduce the heights and area of future billboards, mitigate negative impacts, promote safety, protect property values, and reduce impediments for economic development and redevelopment. It is the policy of Millcreek to reduce the number and combined square footage of billboards where feasible.”

Commissioner Stephens asked why staff was proposing a billboard be a permitted use instead of a conditional use. Lilly said if there are clear standards, the use should be permitted for billboards and other uses. He said he is mindful of the provision in state code that can force a relocation of a billboard and he does not want to put the Planning Commission, public body, or the public in an expectation that they can change something under a trigger of state law that might preempt that process. He thought it was fairer to set clear standards and notify the public when/if state provisions are invoked to relocate a board. Commissioner LaMar asked about the residential setback boundary exception based on visibility and if it could be blocked by vegetation. Lilly said staff would have to account for deciduous vegetation as part of that analysis. Commissioner LaMar asked about double stacked billboards. Lilly said double stacked meant one on top of another.

*Vice Chair Stephens opened the public hearing.*

Stuart Hinckley, 2833 Mountain View Drive, said he practices law in Millcreek. He thanked Chair Healey for recusing himself. He thanked Francis Lilly for his work on the issue. He said he wanted to emphasize the email from Bruce Parker because Parker is a professional planner that lives in Millcreek. He requested more public input on the issue. He asked about the value billboards bring to the City and said that should be used to determine if they should be a permitted or conditional use. He said billboards bring very little economic value to the City, so they should be a conditional use so that the public can be notified about where they are going. He requested more time in considering the ordinance and asked about the business license requirement. He asked why the sign companies would think that a multi-million-dollar billboard would not have to have a business license, but he does.

Lucy Jordan, 3044 E. 3175 S., commended Francis Lilly for the ordinance proposal. She asked if a city or citizens group could buy a banked sign, and if the same appraisal process was used for a banked sign as it is for relocation or condemnation. She felt that the visibility standard from residential boundaries should not be seasonally dependent. She recommended billboards go through a permitted process because conditional use permits can have leeway based on the present commission or council. She said she did not know what a monument sign was. She said there is not much language about lighted and unlighted signs in the ordinance and suggested offering incentives to keep them unlighted. She asked about notification and a process for residents to request the City buy or condemn a sign. She asked for a priority list for getting rid of nonconforming signs. She appreciated short expirations on banked square footage as long as the decision was not up to the State.

Guy Larson, Reagan Outdoor Advertising, commended staff on the desire to draft an ordinance that is mutually acceptable to the public and sign companies. He went through the issues that Reagan has with the ordinance. He requested clarification on the cap of area billboards. He suggested that the best ordinance for relocating signs is a flexible one without constraints. He asked for billboards to be allowed in the C-1 zone, even if conditionally. He said the State's size requirement for interstate signs allows 672 square feet and the proposal says 600. He said there is no incentive for Reagan to move a 672 square foot sign to relocate in two places to accommodate the square footage. He requested larger signs be allowed in certain areas of the City, such as State Street and 3300 S. and not prohibit signs in intersections since they are already required to be a certain distance from intersections. He said keeping the height to 32 feet creates visual clutter with rooftops. He handed out a map to the Commission and asked for clarification on the front future setback. He asked why the setback would go from 18" to 5'. He said the setback would make it impossible to relocate a sign to a commercial zone across the street from a residential zone because the road is not 100 feet. He expressed concern about the 150-foot setback from residential zones because it eliminates a lot of properties. He said the panel view lights on Reagan's billboards shine on the panel and asked for clarification in the ordinance. He asked for clarification on visual bulk. He said sign operating companies use different colors so it would not be fair to make them all use the same color and asked for that provision to be stricken. He said they already have signs that change more frequently than every 24 hours in the City, so he asked for that provision to be stricken. He asked if he was responsible to clean up dog poop from under the billboards. He said they clean signs when asked and self-regulate. He relayed an example of being asked to relocate a sign in another city. They looked and tried to for three years but was not been able to because the ordinance was too strict. He said they have not had to provide a lease for the signs anywhere else. He asked if an extension could be put in the ordinance when dealing with the 36-month credit. He asked why the City would send a notice to residents about a sign if it is a permitted use when the public cannot do anything about it. He asked if there would be inspections for compliance with the business license and questioned administrative and inspection fees. He said sign leases are sometimes done in groups as master leases and requested the business license provision be stricken. He said all of the restrictions make it hard for sign companies to relocate signs.

Nate Secrist, attorney for Reagan Outdoor Advertising, said the proposed ordinance he received from Millcreek staff on Friday did not appear to be the same that was posted on the City's website. He said business license costs are to cover the costs of the City and he did not know what those would be; the billboards do not change so there should not be continual inspections.

Mike Helm, YESCO, echoed Larson's and Secrist's comments. He said the 100-foot spacing from an on-premise sign would negate most sites from conforming. He thought that provision was beyond restrictive. He asked about credits being used towards conforming signs and if it was for only conforming signs before it came down or if it was to be used towards a conforming sign when going back up.

Terry Reid, Mammoth Outdoor, said he has been in business for over 40 years. He said he has experience with billboard ordinances and offered to sit down with staff to work over the ordinance.

Dewey Reagan, Reagan Outdoor Advertising, said Reagan built a sign in the Olympus Hills Shopping Center and residents were not happy with it so they were able to successfully relocate it. He said if the idea of the proposed ordinance is to relocate the signs, there was a problem with the radial spacing. He said having multiple restrictions and a desire to see smaller signs in the City was contradictory.

Chip Spencer, 3343 S. 1400 E., said it appeared the sign companies are allowed to do business forever. He said he did not know of any business allowed to do business forever simply because it exists. A community has a right to determine what is best for it and a business should not be privileged in being a business forever.

*Email from Anthony Lutz, 340 S. Wellington Street, I've recently become aware that the city of Millcreek will be revisiting its Billboard ordinance, and I wanted to drop a quick line as a constituent of the Millcreek community, to voice my opinion that our city will be best served by limiting the capabilities of Outdoor Advertisers to expand their existing billboard footprint. Additionally, I would challenge any perceived benefits the Millcreek population would receive by allowing them to increase the size, height and position of billboards, unless these terms are already covered (or grandfathered) under the existing ordinances. In short, I believe we already have too many OAs throughout the city, and feel any more would contribute to the eyesore that currently exists. More restrictive measures are needed here, and not more leniency. I appreciate your taking my comments into consideration.*

*Email from Bruce Parker, I am very interested in Meeting Item #ZT-19-001 – Amendments to the Millcreek City Code related to Requirements for Billboards. Attached are my comments directed to this item. Unfortunately, because of a standing Wednesday evening commitment, I cannot attend today's meeting. I wish it was otherwise. However, please ensure my written comments (attached) are entered into the meeting record. Additionally, a copy of this email, I am asking my friend Stuart Hinckley to read, as part of the Public Hearing, and for your attention, the summary of my thoughts and comments. In advance, thank you for your consideration of my comments. They are presented respectfully for your attention in this matter with City-wide impacts. Referenced letter attached.*

*Vice Chair Stephens closed the public hearing.*

Vice Chair Stephens expressed concern about proper notice being given. Lilly said he distributed the staff report with the proposed ordinance via email on Friday, March 15<sup>th</sup> to the sign companies and the same staff report was posted on the City's website. He said the sign companies were also notified a week in advance of the community council meetings about the proposal and he had not previously heard the concerns they raised during the public hearing. Commissioner LaMar said the draft ordinance is a step in the right direction but may be too lenient in comparison to other cities. He thinks there is too much leniency with allowing signs to be in places where they are not wanted. He said

Millcreek's standards are for Millcreek and the ordinance should have precise prohibitions of where billboards should not be. He offered several things to the Commission to consider: to maintain a 500-foot separation between billboards; have billboards be conditional uses to allow the Planning Commission to review them which creates a notification and venue for the public to give comment and it provides transparency; to expand the prohibited locations, and to change the credit cap to 12 months to be consistent with other conditional uses.

Commissioner Allen said he did not like the 600 square foot allowance on State Street; he felt it was too big. He said he believes State Street will be different in the future. He was skeptical of providing leases to the government, so he did not like that requirement provided in the ordinance. He said he would like the credit bank to be 12 months instead of 36.

Commissioner Booth said staff had done a good job and liked the proposal. He expressed disappointment that Reagan said no to every proposed change Millcreek was trying to make. Commissioner Mumford asked if the City Attorney found any provisions in the proposal that would go against state statute. Francis Lilly said the State statute allows sign companies to relocate billboards regardless of what Millcreek code says. Commissioner Claerhout said the Planning Commission's role is to preserve views. He said the ordinance may not be restrictive enough but thinks the proposal could be a compromise.

John Brems said he had not determined if there was a problem with the meeting notice as the sign companies insinuated. He recommended continuance of the item. Commissioner LaMar wanted to give a conditional approval so the Commission did not have to hear the item again.

**Commissioner Booth moved to postpone the matter to the April 17, 2019 Planning Commission meeting. Commissioner Allen seconded. Vice Chair Stephens called for the vote. Commissioner LaMar voted no. Commissioners Allen, Stephens, Mumford, Booth, and Claerhout voted yes. The motion passed.**

The Commission took a break from 7:09 p.m. to 7:26 p.m.

## **2. Continuing Business**

### **2.1 Consideration of ZM-18-014, Rezone from A-1 to RM Subject to a Development Agreement for an 11-unit Townhome PUD Location: 4046 S. 700 W. Applicant: Charger LLC Planner: Robert May**

Robert May said the Planning Commission requested a continuance in their January meeting so the applicant could work with the neighbors and add more guest parking. He showed the Commission the original site. The General Plan designates the area as Neighborhood 2 & 3. There was a neighborhood meeting held February 1, 2019. At that meeting, residents expressed concern about children, loss of agricultural space, nuisances, and parking. At their meeting on March 5, 2019, the Millcreek Community Council voted to recommend approval of the rezone subject to the following conditions, the Planned Unit Development is a 55+ in age community, and the maximum height of buildings is 28 feet consisting of no more than two-stories.

May said Horrocks Engineers traffic impact study had conclusions that showed that: the proposed development is estimated to generate approximately 239 new external daily trips, with 16 trips during the AM peak and 25 trips during the PM peak; all study intersections operate at an acceptable level of service and mitigations are not recommended. May said the new site plan showed added guest parking near the entrance and a particular fencing type. He said the developers are capped at 30 feet in height.

Staff recommended approval of the proposed rezone application subject to a development agreement outlining the following conditions:

- Limited to 11 three-bedroom units as indicated in site plan;
- Limited to a maximum of 28 feet in height;
- Project must meet the minimum off street parking requirements under Chapter 19.80 of the Millcreek Code for an 11-unit Planned Unit Development, including 3 additional guest stalls required by Planning Commission
- Dark sky compliant street lighting only;
- Secured boundaries and gated entry required;
- Upgraded fencing with landscaping and shrubs on the perimeter of the project as per site plan;
- Tree lined driveway with landscaping and shrubs as indicated in site plan;
- Security System (Including a temporary surveillance camera for Lovelands' property during construction);
- Work with the School District to seek reduction of bus disruption on 700 West;
- Development must have CC&R's approved by Millcreek City Attorney and at minimum include:
  - Residents under HOA restraints may not have loud or obnoxious events
  - Pets must be leashed at all times;
  - Home owners and guests must acknowledge and accept neighboring agricultural uses including odors and the natural and potentially offensive behaviors of farm animals;
  - No guest parking allowed along 700 West
- Existing house converted to an attractive clubhouse;
- Existing ditches and waterways will be protected and/or upgraded (including use of underground culverts as appropriate per the City Engineer);
- Receive conditional use approval for an 11-unit Planned Unit Development and meet all applicable zoning, building, health, fire and safety requirements.

Commissioner LaMar requested that the third item be changed to "...and includes three additional guest stalls."

Chip Spencer, Millcreek Community Council, said the council recommended a neighborhood meeting at their meeting in January. The neighborhood meeting was held in February. The community council heard the application again in March and recommended approval subject to reducing the height from 30 to 28 feet. He said neighbors expressed concern about safety of children from surrounding horses. He said the community council also recommended the age of the development be restricted to 55+ years old.

Rick Whiting, applicant, said his project would enhance the community and was in harmony with the General Plan. They have not yet determined building materials for the townhomes. Commissioner Stephens asked if short term rentals would be prohibited in the CC&R's. Whiting said yes. He also said that the development agreement would lay

out that the residents would be notified about the agricultural animals. The intent is to convert the existing home into a clubhouse, and they would like to allow short term rentals in the clubhouse. Commissioner Booth asked who would be allowed to rent the clubhouse.

Jason Williams, applicant's partner, said they are exploring a PUD type development. Jason said he would agree to the exclusivity of renting the clubhouse to friends and family of the unit owners. Lilly said he could draft language in the development agreement that addresses that amenity. Whiting said he could accommodate the 28-foot height restriction.

Chair Healey asked if there was any public input. Chip Spencer pointed out that the meeting was not noticed as a public hearing. May said the public was notified about the community council meeting and neighborhood meeting, but the application was heard as a public hearing at the January meeting, so it was not required to be heard again.

Commissioner Allen questioned the project being adequately served by public transit. He suggested that a clubhouse for an 11-unit project was not a good idea if there was not supervision. Commissioner LaMar said the clubhouse was okay with him and he was good with modifying the 28-foot height limit to 30 feet. Commissioner Booth appreciated the applicant's flexibility. He suggested the clubhouse was not economically viable. Chair Healey thanked the applicant for being accommodating. He said the building materials should be worked out with staff. He also wanted staff to work out in the development agreement how the clubhouse would be controlled.

**Commissioner Stephens moved to recommend approval of rezone application ZM-18-014 subject to a development agreement outlining the conditions recommended by planning staff and adding one more condition that the applicant will work with staff to assure high quality building materials.** May suggested adding to the motion, "and to find reasonable control access solutions to the clubhouse." **Commissioner Stephens incorporated May's comments by reference to the motion. Commissioner LaMar seconded. Chair Healey called for the vote. Commissioner Mumford voted no. Commissioners Allen, Stephens, LaMar, Booth, and Claerhout voted yes. The motion passed.**

**2.2 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**

Erin O'Kelley said the developer has made changes to the proposal since the Planning Commission's meeting in February. The applicant was now proposing rezoning the property from R-2-10 to R-1-3 with three duplexes. O'Kelley said the application will now go through the subdivision process instead of the Planned Unit Development (PUD) process. She showed the Commission renderings of the duplexes and went through a chart of the zone requirements with what was being proposed. The proposal was 2 stories at 28 feet in height, 3,000 square feet per unit, and the same as the requirements found in the R-1-3 zone for setbacks, lot width and area, and parking. The General Plan designation for the property is Neighborhood 3, which allows for higher density. The rezone also met values identified in the General Plan. A neighborhood meeting was held

on March 14, 2019 and one resident attended who said they were happy that the height and density was decreased. The Millcreek Community Council had not seen the updated proposal from the applicant. O'Kelley mentioned that a petition was submitted to staff on March 19, 2019 from the area neighbors which stated the neighbors felt the project had an adverse impact to the character of the area. Commissioner Allen asked what the new zoning would allow. O'Kelley said the new zone would allow another duplex and five more feet in height. O'Kelley recommended a continuation of the application due to the public input received and concern about density and compatibility. She went over the recommended development agreement conditions, which were:

- Density for the project is limited to 3,000 sq. ft per unit.
- Height is limited to 30 ft as currently allowed in the R-2-10 zone.
- Enhanced landscaping along public streets and in rear yards to provide privacy for neighbors and reduce impact of new development in the neighborhood. Trees are required as part of the landscape plan.
- Wood features proposed in the illustrations of the project are required, as well as brick materials. These materials must be used anywhere a structure faces a public street.
- Solar panels and charging stations be required in all units.

Chip Spencer said the Millcreek Community Council would appreciate discussing the project further because the project has changed.

James Marchant, 3724 Costa Cove of Cottonwood Heights, said he represented the applicant, Byron Goates. He said the applicant would be replacing two dilapidated homes with three duplexes. Marchant said the intent is to sell the individual units. He said downsizing from 10 townhomes to 6 duplexes is lower density and conforms with the neighborhood.

Chair Healey asked for public comment. There was none.

Commissioner Allen said the application needed to be re-noticed because the project and rezone request had changed since the original public hearing. O'Kelley said nearby residents were given notice about the neighborhood meeting which illustrated the rezone had changed to R-1-3.

**Commissioner Allen moved to continue the item, for it to be re-noticed for an R-1-3 rezone, and to send it back to the community council. Commissioner Mumford seconded. Chair Healey called for the vote. All Commissioners voted yes. The motion passed unanimously.**

The Commission decided to hear item 2.4 before item 2.3.

**2.4 Consideration of RB-18-006, RCOZ Option C Exception for a Duplex Location: 1401 E. Woodland Ave. Applicant: William Miner Planner: Blaine Gehring**

Blaine Gehring said the applicant would like to demolish the existing single-family dwelling and build a new duplex on the property. The property is within the Residential Compatibility Overlay Zone (RCOZ) which has specific standards that cannot be met, so the applicant is seeking the Option C exception. The Planning Commission first heard the application at their meeting on October 24, 2018. At that meeting the application was tabled so the applicant could work with staff to adjust height and setbacks. The proposed

duplex meets the following standards for RCOZ A: lot coverage (32.4%), rear yard (18 feet), and massing and scale. It does not meet the maximum height, side yards and building envelope. The applicant is requesting an RCOZ C exception for deviation to those three standards for his duplex due to the unusual circumstances:

- (1) the property being the only R-2 zoned property on the block,
- (2) directly adjacent to commercial uses in the C-3 Zone in the City Center and directly across the street from a large church and parking lot, and
- (3) the property being very narrow (77 feet).

The applicant would like to build a duplex that is three stories high. Option C allows for a deviation of up to 40 feet, but he is proposing an overall height of 34 feet. The required building envelope of RCOZ does not allow height in excess of 18 feet. Option C also allows for a deviation to a minimum of 8-foot side yards, the applicant is proposing 8'6" side yards. The lot is adjacent to commercial zoning which is part of the City Center designation in the new General Plan and the TCOZ zone. The property is within a Neighborhood 1 in the General Plan but is zoned R-2-8 which allows for a duplex. Gehring said the proposed duplex as an allowed use would be in harmony with the adjacent uses and would add to the neighborhood as a step down in land use density and scale. There will be a 54-foot front setback and new landscaping which would be an enhancement to the neighborhood. Staff recommended that the Planning Commission approve the proposed RCOZ Option C exception with the following deviations: the height of the duplex be no higher than 34 feet, side yards for the duplex be 8'6" on each side, and the duplex is exempt from the building envelope requirement.

Commissioner LaMar asked what the side setback would be with RCOZ if it were compliant. Gehring said it would be about 16 feet on each side. Commissioner Booth asked about the orientation of the building. Gehring said it would orient to the south. Commissioner LaMar said the property was rezoned from single-family, so the applicant created his own hardship.

Lilly read from the staff report and said there was a specific finding and staff recommended approval of RCOZ Option C with the following deviations:

1. The height of the duplex be no higher than 34 feet.
2. Side yards for the duplex be 8'6" on each side.
3. Front yard setback shall be a minimum of 54 feet.
4. Rear yard setback shall be a minimum of 18 feet.
5. The duplex is exempt from the building envelope requirement.

In approving the RCOZ C exception, the Planning Commission finds that the property at 1401 East Woodland Avenue is immediately adjacent to commercial zoning to the west that will be incorporated into Millcreek's City Center, and a historic institutional building to the south that is significantly taller than any surrounding structure and has no setback along Woodland Avenue. The site conditions at 1401 East Woodland Avenue are circumstances incident to a residential application that is not addressed in the residential compatibility overlay zone Options A or B. Due to the exceptional characteristics of the proximate neighborhood, an RCOZ C exception in this case, limited to the heights and setbacks described above, promotes public welfare and balances neighborhood compatibility with the private property interests of the applicant.

Commissioner LaMar said he did not appreciate changing the rules as a matter of principle to get what you want.

**Commissioner Stephens moved to approve an RCOZ Option C exception at 1401 E. Woodland Avenue for a duplex in an R-2-8 Zone with the deviations as recommended by staff including the statement as read by Mr. Lilly incorporated as reference. Commissioner Claerhout seconded. Chair Healey called for the vote. All Commissioners voted yes (Commissioner Allen absent). The motion passed unanimously.**

**2.3 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**

Blaine Gehring said following the public hearing and discussion on this ordinance, staff has revised the draft ordinance by removing the items members of the Planning Commission felt were not necessary and were confusing. City Attorney John Brems had also made his changes which he suggested at the last Planning Commission meeting. The proposed changes include: a better definition of the required maintenance of the common areas and establishing the reserve fund as per state law, specifying the “then current” Zoning Ordinance for parking requirements, changing the minimum required legal units to 8 rather than 4, and simplifying the tenant notice requirement. Staff recommended the Planning Commission approve the revised ordinance as presented. John Brems mentioned that there were some other language changes in the ordinance in the packet.

**Commissioner LaMar, in consideration of ZT-18-013 amendments to Title 18 establishing a procedure for condominiums, moved to recommend approval of the changes per the staff recommended updated language in the packet. Commissioner Booth seconded.**

Commissioner Mumford asked why the threshold went from 4 to 8 condominiums. Lilly said 8 is the minimum allowed for PUDs. **Chair Healey called for the vote. All Commissioners voted yes (Commissioner Allen absent). The motion passed unanimously.**

**3. Business Meeting**

**3.1 Approval of February 20, 2019 Meeting Minutes**

**Commissioner Stephens moved to approve the February 20, 2019 minutes. Commissioner LaMar seconded. Chair Healey called for the vote. Chair Healey abstained. All other Commissioners voted yes. The motion passed.**

Commissioner Stephens requested the commissioners attend the April 17<sup>th</sup> meeting.

**3.2 Updates from the Community Development Director**

Francis Lilly said updates from the Community Development Director would be added to every agenda. He announced that Commissioner Heather Wilson had resigned from the Planning Commission and that the Mayor was putting together an application for new commissioners. He said Millcreek did get the parking study back on guest parking and 1/3 of a stall per unit is appropriate. The city center master plan draft will be available on Friday. He would like to have a work session in April to discuss the city center master plan. Commissioner Mumford asked if there was a bond available to municipalities to

purchase billboards. Lilly said state law did not say where the funding has to come from, but he did not recommend it.

**4. New Items for Subsequent Consideration**

None.

**5. Calendar of Upcoming Planning Meetings**

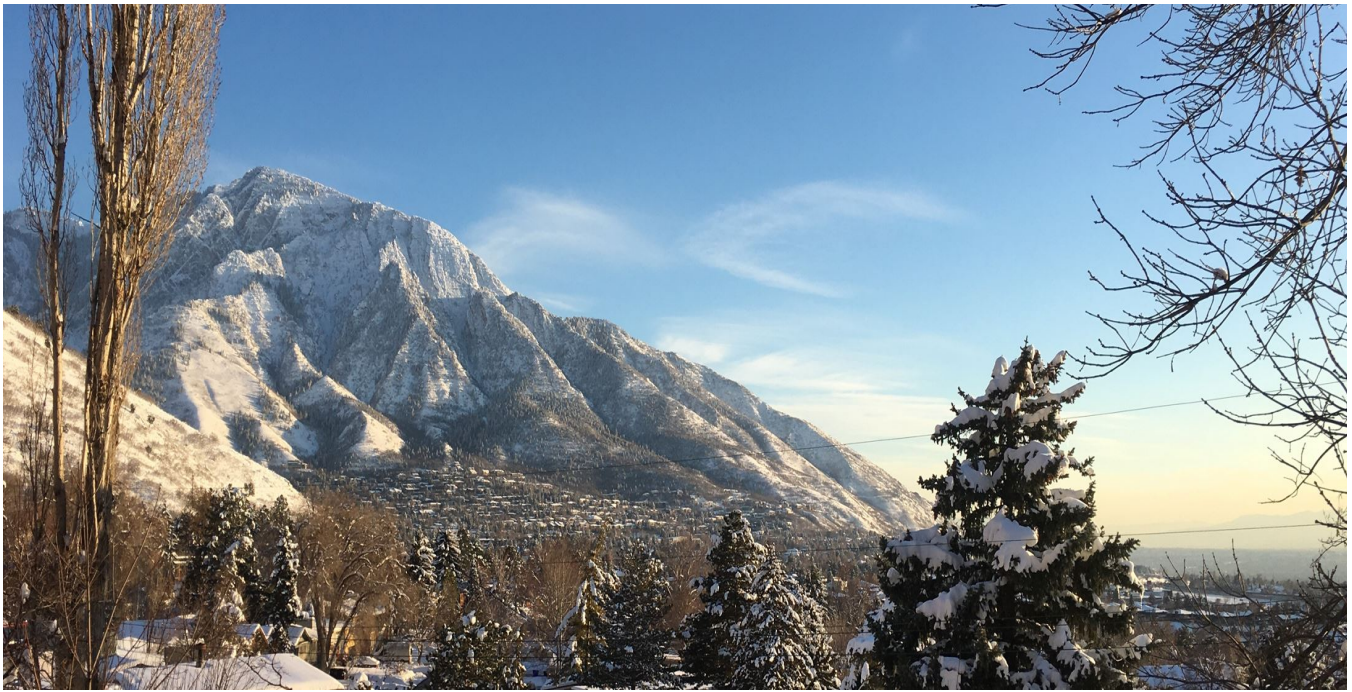
- Mt. Olympus Community Council Mtg., 4/2/19, 6:00 p.m. at 3450 E. Oakview Dr.
- Millcreek Community Council Mtg., 4/2/19, 6:30 p.m. at City Hall
- Canyon Rim Citizens Association Mtg., 4/3/19, 7:00 p.m. at 2375 E. 3300 S.
- East Mill Creek Community Council Mtg., 4/4/19, 6:30 p.m. at 2266 E. Evergreen Ave.
- City Council Mtg., 4/8/19, 5:00 p.m. at City Hall
- Planning Commission Mtg., 4/17/19, 5:00 p.m. at City Hall

**ADJOURNED: Commissioner Mumford moved to adjourn the meeting at 9:02 p.m. Chair Healey 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

Attached: Letter from Bruce Parker on item 1.2.



## MILLCREEK CITY, UTAH

MARCH 2019

PROPOSED ORDINANCE AMENDMENTS  
AFFECTING BILLBOARDS

We live amongst wonder, beauty, and grandeur. Millcreek City Staff are proposing Zoning Ordinance revisions affecting billboards. These revisions are numerous and substantive. Billboards enjoy unique statutory protections in Utah. Once established these protections, when considered in their totality, have the effect of allowing the billboard in perpetuity. Any public actions taken affecting billboards must be deliberate and careful. State law compliance is required. However, Utah's municipalities do have discretion toward billboards.

I provide the following comments directed to Public Hearing Item 1.2 Consideration of ZT-19-001, Amendment to Title 19 of the Millcreek Code Updating Requirements for Billboards. My comments are offered as an interested Millcreek City resident. Due to a long-standing commitment, I am unable to attend the Planning Commission meeting in-person. However, I would appreciate these comments being entered into the Planning Commission meeting record.

I take this opportunity to thank you all for your service to Millcreek City.

Respectfully,

*Bruce W. Parker*  
([pds@utahplanning.com](mailto:pds@utahplanning.com))

## PROPOSED ZONING ORDINANCE AMENDMENTS AFFECTING BILLBOARDS

### SUMMARY:

The proposed Zoning Ordinance amendments affecting billboards are significant. An example of this significance is the concept of billboard relocation based on protecting existing total billboard sign area. This issue, like all others, have Millcreek Citywide impacts. Similar issues are: (1) billboard size & height, (2) prohibited billboard locations, (3) billboard restoration, relocation & removal, (4) location & separation, (5) nonconforming structures, (6) billboard acquisition, and its partner eminent domain; and (7) other important billboard matters.

In the interests of providing directed comments, I am only focusing attention on a few billboard items. However, all other proposed billboard regulation amendments are equally important and deserve similar scrutiny. The items for my attention are: (1) General Plan Consistency, (2) Amendment Purposes, (3) Definitions, (4) Total Number & Total Billboard Square Footage, (5) Size, (6) Height, (7) Changeable Copy & Electronic Billboard Technology, (8) Prohibited Billboard Locations; and (9) "Other" Billboard items. Each of these items is addressed, with background materials drawn from the Municipal Land Use Development, and Management Act ("MLUDMA") and the Utah Outdoor Advertising Act ("UOAA"). My comments are contained in the shaded text boxes. A summary is:

- (1) Quoting the City Staff; "even with the proposed changes, Millcreek's ordinance will be more permissive than the codes in other cities" (Staff Report, p, 1). This should not be our goal or reality; the General Plan advocates otherwise. The amendments proposed have a long way to go to "align with the standards of other similarly situated (Salt Lake County) communities (Staff Report, p. 1).
- (1) Require complete General Plan consistency.
- (2) Required In-depth Geographic Information System ("GIS") analyses of the proposed amendments applied to the geography of Millcreek City.
- (3) Remove the concepts of "Billboard Bank" and "Billboard Credits." The underlying economic development and redevelopment goals should not come at the expense of other Millcreek neighborhoods. Using a Billboard Bank and relocation to benefit certain areas over others (including State Street) is to pick winners and losers. This is not a sound or fair economic development tool.
- (4) Provide additional required definitions.
- (5) Clarify how "billboard height" is measured.
- (6) Address electronic billboard technology and its application in Millcreek City; and
- (7) Provide an alternative billboard review and approval process. Approving billboards as a Permitted Use is inappropriate to the public interest and transparency.

PROPOSED ZONING ORDINANCE AMENDMENTS AFFECTING BILLBOARDS,  
WITH APPLICABLE STATUTORY STANDARDS

GENERAL PLAN POLICIES & UTAH STATUTORY DIRECTIVES

MILLCREEK CITY – GENERAL PLAN (2019):

**SIGNS. GOAL GP-2: Ensure that sign location and design is responsive to site context and compatible with the surrounding character.**

- **Strategy 2.4: Discourage billboards in designated or developed commercial and residential areas and in locations that block views of the Wasatch Mountains or in conflict with the goals of the General Plan. Consider techniques to remove or alter billboards** such as purchase, amortization or other techniques.

**STREETSCAPE. GOAL GC-3: Improve the safety and visual image of the community** by enhancing the look and feel of major corridors and protecting our scenic viewsheds.

- **Strategy 3.9: Reduce the number, size, and height of billboards along all City streets** (Emphasis added, General Plan, 2019, pp. 77-78).

Comments:

(1). The General Plan, 2019 provides clear policy for consideration of billboards. Ordinances, or any amendment, with a foundation in the adopted General Plan, provides the safe ground. The General Plan, 2019 was recently recommended by the Planning Commission and unanimously adopted by the City Council. Ordinance amendments, including those affecting billboards, based on General Plan policies can withstand attack.

(2). Within the pages of the General Plan, no images exist of any of the 50+ billboards located in Millcreek City. This underscores the General Plan policies for billboard reductions, and the “negative impacts” of billboards on land uses and the community (General Plan, 2019).

MUNICIPAL LAND USE, DEVELOPMENT, AND MANAGEMENT ACT (“MLUDMA”):

**Municipalities may enact all ordinances, resolutions, and rules** and may enter into other forms of land use controls that **they consider necessary or appropriate for the use and development of land within the municipality**, fairness in land use regulation, considerations of surrounding land uses, and the balance of the foregoing purposes with a landowner's private property interests.

Comment: (1) Millcreek has the required authority (provided by State law) to enact all ordinances considered necessary for the use and development of land; balanced with property interests.

UTAH OUTDOOR ADVERTISING ACT (“UOAA”):

**Provide the statutory basis for regulation of outdoor advertising** consistent with zoning principles public policy providing public safety, health, welfare, convenience and enjoyment of public travel, protect public investment in highways, preserve natural scenic beauty of lands, ensure that outdoor advertising continued as a standardized medium of communication.

*Comment: (1) UOAA provides the basis for outdoor advertising regulation.*

## PURPOSE OF AMENDMENTS

### PROPOSED CITY STAFF AMENDMENTS

#### 19.82.185 – Off-Premises Signs: Billboards

Purpose. **In keeping with the goals of the Millcreek General Plan** to promote signs that are responsive to neighborhood character, and to improve the aesthetics of major streetscapes, the purpose of the billboard ordinance is to provide reasonable regulation of billboards in order reduce the heights and area of future billboards, **mitigate negative impacts**, promote safety, **protect property values, and reduce impediments for economic development and redevelopment. It is the policy of Millcreek to reduce the number and combined square footage of billboards where feasible** (emphasis added).

*Comments:*

*(1). The Purposes of the Ordinance recognize: (1) Billboards create “negative impacts,” (2) Billboards are “impediments for economic development and redevelopment;” and (3) The number and square footage of billboards should be reduced.*

*(2). The City’s General Plan, 2019 (just weeks old), recommended by the Planning Commission and adopted by the City Council (unanimously) should now be followed and implemented completely.*

## DEFINITIONS

### PROPOSED CITY STAFF AMENDMENTS

Add the following definition: “ground level vantage point” means a position where an object can be viewed at no more than six feet above original grade.

#### **MLUDMA:**

The Municipal Land Use, Development, and Management Act (“MLUDMA”) provides several billboard related definitions. These definitions include billboard, noncomplying structure clearly visible, highest allowable height, etc. For consistency and compliance, these definitions should be expressly added to the amended Ordinance or included by reference.

**UOAA:**

Like MLUDMA the Utah Outdoor Advertising Acct provides billboard related definitions. These should be expressly added to the amended Ordinance or included by reference.

*Comments:*

- (1). Additional Definitional material is required. The Ordinance requires for its application a definition for "height" and height measurement. The existing Ordinance, or the proposed amendments, is a definition for "height," as applied to billboards provided. While it appears, measurement is FROM natural grade or the grade of an interstate highway the amendments do not specify where height is measured TO. Is it the bottom of the billboard sign area or is it to the top? This is important, having a significant influence on the "negative impacts" of a billboard.*
- (2). The existing ordinance defines "Billboard bank" and "Billboard credit." These definitions and the concept of maintaining a billboard bank is not statutorily required. Consistent with the General Plan, these definitions, and the application of any billboard bank and billboard credit should be removed immediately as a General Plan implementation action.*
- (3). For consistency and compliance with both MLUDMA & UOAA the definitions provided by these statutes should either be expressly included in the Ordinance amendments or incorporated into the City's billboard provisions by reference.*

**TOTAL NUMBER & SQUARE FOOTAGE OF EXISTING BILLBOARDS**

**PROPOSED CITY STAFF AMENDMENTS:**

**Cap on Area of Off-Premises Billboards.** The combined square footage of all billboards allowed in the City shall be limited to the combined square footage of billboards that are existing as defined herein as of December 27, 2013, within the boundaries of the city as it was incorporated on December 28, 2016. This cap shall automatically decrease as billboards are annexed into a municipal jurisdiction or removed and not relocated.

**MLUDMA:**

No standards are provided that expressly address Total Number of Total Square Footage of sign area.

**UOAA:**

No standards are provided that expressly address Total Number of Total Square Footage of sign area.

*Comments:*

- (1). The Staff Report does not provide the already existing Total Billboard Sign Area Square Footage. This is a critical item. The City Staff's proposed City Zoning Ordinance amendments place significant value on total billboard square*

footage. This prioritization of total sign area over the total number of billboards will have the practical effect of adding more billboards when coupled with maximum billboard size (following). Providing for more billboards is antithetical and in direct opposition to the City's General Plan.

(2). Protecting billboard square footage as an economic development/redevelopment strategy is a way, albeit unfair and inequitable, of rewarding certain selected areas while punishing others.

(3). Millcreek City has 51 existing billboards (Staff Report, p. 1). This total number is realized even with very limited Interstate Freeway exposure. Residents or economic development options do not need more billboards to advance any City policy.

## BILLBOARD SIZE

### PROPOSED CITY STAFF AMENDMENTS:

Size. **Billboards shall not exceed 300 square feet in the C-2, C-3, and M zones, except as provided below and in Subsection 12 of this chapter. Signs that are intended to be viewed from an Interstate freeway travel lane shall not exceed 600 square feet. Signs oriented for viewing along State Street and located within 20 feet of the State Street right-of-way shall not exceed 600 square feet.**

### MLUDMA:

No standards are provided that expressly address billboard size.

### UOAA:

A sign face within the state may not exceed: (i) maximum area - 1,000 square feet; (ii) maximum length - 60 feet; and (iii) maximum height - 25 feet. No more than two facings on any one sign structure. **Two facings shall not exceed the maximum allowed square footage (1,000 sq. feet).**

### Comment:

(1). This proposed amendment, related to billboard area size, cannot be uncoupled from the Ordinance directive of protecting the total billboard square footage. This is particularly true when billboard relocation is considered. Understanding these complex relationships is vital to understanding the city-wide impacts of the proposed Ordinance amendments. For example, a billboard relocation designed to remove "impediments for economic development and redevelopment" protects the total existing square total footage. A couple of locations where such a relocated billboard would land are expressly highlighted: (1) along an Interstate highway; or (2) within 20 feet of the State Street right-of-way. What policy is served by further adding "negative impediments" to these locations? Answer; economic development and redevelopment in preferred locations. Locations adjacent to an Interstate highway and State Street are offered up as the sacrificial lambs. This is not sound policy or municipal planning. Issues of fairness and equity should be priorities. If an area is ripe for sound economic development and redevelopment, the private sector will speak. If not, the area lacks the necessary private support and investment. The State Street and Interstate highway corridors deserve

attention, not to be considered as the dumping grounds for other locations. To do so is to not consider the totality of the City.

(2). The concept of protecting total billboard area square footage and providing preferred relocation areas is a Transferable Development Rights program variation (sending and receiving areas) applied to billboards. In this context it is important to note, billboards will no longer be allowed in the C-1 zone. While to be applauded, this policy should also be applied to State Street. The State Street corridor is also “especially close to residential uses” (Staff Report, p. 2).

(3) The proposed Ordinance revisions are not clear on how size is transferred. If a billboard structure carries two sign faces (as a V-structure) (each being 600 square feet) is the entire 1,200 square feet transferable? If so a minimum of two (2) new billboards will be relocated. This requires clarification.

(4) “Signs will in most cases be limited to 300 square feet in size. Except for signs on State Street and for viewing along I-15” (Staff Report p. 2). Again, why further negatively impact the built environments of State Street and the I-15 corridor? This question is relevant when considered against the General Plan’s goals of creating “Vibrant Economy” (General Plan, p. 41) and “Thriving Gathering Places” (General Plan, p. 55). The State Street commercial corridor and its adjacent neighborhoods are envisioned to achieve both a **vibrant economy** and a **thriving gathering place**.

## BILLBOARD HEIGHT

### PROPOSED CITY STAFF AMENDMENTS:

Height. Except as provided below and in Subsection 11 of this chapter, the maximum height of a billboard shall be 32 feet above the grade level of the road in the C-2, C-3, or M zones, except as provided below: a. Signs that are oriented for viewing on an Interstate freeway travel lane may have a maximum height of 50 feet, but in no event shall be greater than 25 feet above freeway grade level. b. In the event that a billboard cannot be viewed from any residential zone, it may exceed 32 feet in height, up to a maximum height of 40 feet. In order to achieve the additional height, the billboard owner must certify as part of a building permit that the billboard meets the following requirements: a. The billboard is not visible from a ground-level vantage point on any property in a residential zone within 150 feet of the residential zone boundary, and b. The billboard must be situated on the same side of the street and within 50 feet of an existing building or buildings and have no greater height than the immediately adjacent building(s).

### MLUDMA:

“Interstate height” means a height that is the higher of: (i) 65 feet above the ground; and (ii) 25 feet above the grade of the interstate.

“Highest allowable height” means: (i) if the height allowed by the municipality, by ordinance or consent, is higher than the height under Subsection (1)(b)(ii), the height allowed by the municipality; or (ii)(A) for a noninterstate billboard: (I) if the height of the previous use or structure is 45 feet or higher, the height of the previous use or structure; or (II) if the height of the previous use or structure is less than 45 feet, the height of the previous use or structure or the height to make the entire advertising content of the billboard clearly visible, whichever is higher, but no higher than 45 feet; and (B) for an interstate

billboard: (I) if the height of the previous use or structure is at or above the interstate height, the height of the previous use or structure; or (II) if the height of the previous use or structure is less than the interstate height, the height of the previous use or structure or the height to make the entire advertising content of the billboard clearly visible, whichever is higher, but no higher than the interstate height.

"Interstate billboard" means a billboard that is intended to be viewed from a highway that is an interstate.

**UOAA:**

Maximum height - 25 feet.

*Comment:*

*(1). The Planning Commission lacks the required analysis to make a recommendation. While the Planning Commission has been provided with a map of existing billboards, more GIS mapping analysis is required. For example, the effects of the proposed amendments affecting locations, separation, height, and other matters should be mapped. Such analyses would be invaluable for the Planning Commission in discussing and deciding the proposed amendments*

**CHANGEABLE MESSAGE**

**PROPOSED CITY STAFF AMENDMENTS:**

No amendments proposed.

The existing Ordinance states: "Internally illuminated billboards, electronic display, digital display, LED display, video display billboards and electronic message centers are only allowed immediately adjacent to the Interstate 15 and shall be limited to no more than one change to the copy face in a twenty-four-hour period."

**MLUDMA:**

No specific provisions provided. However, provisions such as "structurally modify or upgrade a billboard" §10-9a-513(2)(b)(iii) (Utah Code) can be liberally interpreted and applied (emphasis added).

**UOAA:**

A changeable message sign is permitted if the interval between message changes is not more frequent than at least eight seconds and the actual message rotation process is accomplished in three seconds or less.

*Comments:*

*(1). Existing City standards conflict with UOAA (24-hour v. 8-second changes). Does this conflict place the City's standards in jeopardy?*

*(2). Electronic and changeable copy billboards are the new normal. City staff is not considering this as part of the amendment process. Billboard technology has changed and will continue to change. Not considering the influences of electronic signs and changeable copy signs concurrently, avoids a comprehensive approach.*

## PROHIBITED BILLBOARD LOCATIONS

### PROPOSED CITY STAFF AMENDMENTS:

Prohibited Locations. Billboards, notwithstanding the underlying zone, shall not be permitted anywhere within 100 feet of the Main Street right-of-way, east of Interstate 215, or within 500 feet of the following intersections, as measured as a radius from the nearest property line to the intersection right-of-way line:

- a. 2000 East and 3300 South
- b. 1100 East and 3900 South
- c. 1300 East and 3900 South
- d. 2300 East and 3900 South
- e. 2300 East and Claybourne Avenue
- f. Murray-Holladay Road and Highland Drive

*Comment: (1) The Staff Report does not mention the evaluative criteria used to determine the prohibited locations. This criterion should be publicly known. Also, other locations may be appropriate for billboard prohibition. Each of us can think of several. This points to a problem. Appropriate evaluative criteria for one person may not be the same for another. Clarity of evaluation is required, (2) billboard prohibited areas should be mapped. A GIS analysis with accompanying General Plan mapping as overlays, including Map 3, Thriving Economy (p. 41) and Map 4, Vibrant gathering spaces (p. 54). This should be provided for the Planning Commission and public review.*

## OTHER BILLBOARD REVISION

### PROPOSED CITY STAFF AMENDMENTS - NEW MATERIALS

“Billboards are only allowed in the C-2, C-3, and M zones as a **permitted use**, subject the additional restrictions established in this chapter” (emphasis added). The City Staff amendments are proposing billboards be approved as a Permitted Use.

“Deviations” and Reductions. Throughout the proposed amendments “deviations” are provided. As an example. “Relocation of Billboards to Accommodate Redevelopment. In order to accommodate the redevelopment of sites within a community reinvestment area or any site in the city that is at least one acre in size, the City may allow the following deviations . . . .” (Clean Copy, §13). Standards to grant a “deviation” are lacking. Highly problematic when linked with a Permitted Use approval process.

*Comments:*

- (1) For a variety of reasons, this provision is problematic. If for no other reason, the Planning Commission should be provided with the opportunity to confirm all applicable standards are applied correctly before any billboard approval. For such an important matter a confirming "double-check" is appropriate.*
- (2) Any provision that allows for a deviation or reduction to a standard should be justified with the criteria to be applied to decide such deviation.*

Thank you for your consideration. BP.