



Public Works  
Planning & Development Services Division  
<http://www.utah.gov/pmni/index.html>

## Millcreek Township Planning Commission Public Meeting Agenda

**\*\*REVISED\*\***

**\*\*\*The agenda has been revised to add # 2 to the Business Meeting agenda and to correct the description of application # 28224 on the Public Hearings agenda\*\*\***

**Wednesday, December 12, 2012,  
4:00 P.M.**

**THE MEETING WILL BE HELD AT SALT LAKE COUNTY GOVERNMENT CENTER  
2001 SOUTH STATE STREET, NORTH BUILDING, MAIN FLOOR, COUNCIL CHAMBERS,  
ROOM N1100  
ANY QUESTIONS, CALL 468-2000**

*REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE, PLEASE CALL 468-2120 OR 468-2351: TDD 468-3600.*

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

### OTHER BUSINESS

**Introduction** of Jocelyn Magoni, New Planning Commission Coordinator

### PUBLIC HEARINGS

#### Subdivisions

**28224** – Nick Mingo on behalf of Ivory Homes is requesting approval of a Preliminary Plat for a 2-lot subdivision in the R-1-6 zone, called Schanz Subdivision. This request is being made in order for the applicant to develop two new lots for homes where currently only one exists.. The other lots will be for two existing two-family dwellings on the subject property.

**Location:** The subject property is located at 3941 S. 2820 E. – **Zone:** R-1-6 (Residential Single-family Dwellings, ~~10,000~~ 6,000 sq. ft. min lot size.) – **Community Council:** Not Subject to Community Council review – **Planner:** Spencer G. Sanders

**27950** – James Allen is requesting approval of a Preliminary Plat for a 3-lot subdivision in the R-2-10 zone, called Allen Subdivision. This request is being made in order for the

applicant to build a new 2-family dwelling on one of the proposed new lots. The other lots will be for two existing two-family dwellings on the subject property. **Location:** The subject property is located at 3973 S. 400 E. – **Zone:** R-2-10 (Residential Two-family Dwellings, 10,000 sq. ft. min lot size.) – **Community Council:** Not Subject to Community Council review – **Planner:** Spencer G. Sanders

### **Exceptions To Roadway Standards**

**27951** – James Allen is requesting approval of an exception from requirement to install curb, gutter and sidewalk associated with the Allen 3-lot Subdivision, application 27950. The applicant is making this request since there is no existing curb, gutter and sidewalk along the east side of 400 E. within several lots of the subject property. **Location:** 3973 S. 400 E. – **Zone:** R-2-10 (Residential Two-family Dwellings, 10,000 sq. ft. min lot size). **Community Council:** Not subject to Community Council review. **Planner:** Spencer G. Sanders

### **Conditional Uses**

**28222** – Kelley Anderson is requesting approval of a Conditional Use Permit for a garage exceeding 800 square feet. **Location:** 2415 E. Neff’s Ln. (3580-3555 S.) **Zone:** R-1-10 (Residential Single-family 10,000 ft. min lot size. **Community Council:** East Mill Creek. **Planner:** Jim Nakamura.

**28038** – Nathan Anderson is requesting approval of a Conditional Use Permit for a 24-unit Apartment development currently named Willow Heights, on 0.83 acres. **Location:** 1431 E. 3900 S. **Zone:** RM (Residential Multi-family and Office). **Community Council:** Millcreek. **Planner:** Spencer G. Sanders

**28118** – Scott & Rachel Forrest are requesting approval of a Conditional Use Permit for a 4-Family Dwelling (4 dwelling units in one building) rental project named Grandeur View Townhomes, on 0.35 acres. **Location:** 2532 E. 3300 S. **Zone:** R-4-8.5 (Residential, 4-Family Dwellings, 8,500 sq. ft. min. lot size for 4-family dwelling). **Community Council:** East Mill Creek. **Planner:** Spencer G. Sanders.

### **Ordinance Amendments**

**28225** – Salt Lake County is requesting amendments to the zoning ordinance to: 1) replace references to “residential health care facilities” with “residential facilities for persons with a disability,” 2) to establish review and approval criteria for the location and regulation of such facilities in harmony with federal requirements, and 3) to amend the definition of “family” to be consistent with state law. This includes amendments to sections 19.04.230, 19.04.453, 19.08.020, 19.10.020.G, 19.12.020.G, 19.14.020, 19.32.020, 19.38.020, 19.40.020, 19.48.020, 19.50.020, 19.52.020, 19.54.020.F, 19.55.030.A, 19.14.030, 19.32.030, 19.48.030, 19.38.030, 19.40.030 and 19.44.030 and the addition of chapter 19.87 RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY to the Salt Lake County Zoning Ordinances. – **Community Council:** All – **Planner:** Spencer G. Sanders

## **BUSINESS MEETING**

**The Business Meeting will begin immediately following the Public Hearings.**

*Please note: If it appears that the meeting will extend beyond 6:45p.m., the meeting MAY adjourn and reconvene at 7:00 p.m. in Room N3500, the Planning & Development Services Conference Room, located on the 3<sup>rd</sup> floor of same building, if needed.*

### **Previous Meeting Minutes Review and Approval**

1) November 12, 2012

**Special Work Sessions** (The following item is anticipated to begin at approximately 7:00 p.m.)



2) **Wasatch Choice for 2040, 3990 South Meadowbrook Station Demonstration Site Special Work Session.** The Meadowbrook Station Demonstration Site is catalytic site identified as part of the Sustainable Communities Grant awarded to a cooperation consortium of government agencies in Salt Lake County. Envision Utah in corporation with Salt Lake County is seeking input from the Millcreek Township Planning Commission regarding this project. At the request of the Commission, the Millcreek Township Community Councils (Millcreek, Canyon Rim, Mount Olympus, and East Millcreek) have been invited to participate in the special work meeting to provide their input as well. **Planner:** Todd Draper / **Guest Presenter(s):** Envision Utah Staff.

**Other Business Items** (as needed)

**ADJOURN**

## **Rules of Conduct for the Planning Commission Meeting**

- First: Applications will be introduced by a Staff Member.
- Second: The applicant will be allowed up to 15 minutes to make their presentation.
- Third: The Community Council representative can present their comments.
- Fourth: Persons in favor of, or not opposed to, the application will be invited to speak.
- Fifth: Persons opposed to the application will be invited to speak.
- Sixth: The applicant will be allowed 5 minutes to provide concluding statements.

- Speakers will be called to the podium by the Chairman.
- Because the meeting minutes are recorded it is important for each speaker to state their name and address prior to making any comments.
- All comments should be directed to the Planning Commissioners, not to the Staff or to members of the audience.
- For items where there are several people wishing to speak, the Chairman may impose a time limit, usually 2 minutes per person, or 5 minutes for a group spokesperson.
- After the hearing is closed, the discussion will be limited to the Planning Commission and the Staff.

## **Planning Commission Chairman - Opening Statement**

*To be read at the opening of the public hearing item portion of the agenda.*

A copy of today's agenda and a sign-in sheet are located on a stand at the back of the room. Please note your participation in today's meeting by signing in.

The Planning Commission is a voluntary citizen board. The Commission's function is to hear and decide applications for conditional uses and preliminary subdivision plats; and to make recommendations to the County Council for zoning changes or changes to ordinances or general plans.

The Commission's decisions are based on information from field observations, recommendations from Planning Staff and other agencies indicating compliance with the general plan and relevant ordinances, the Community Council recommendation as a representation of community concerns, and information presented at the public meeting. Today's meeting is recorded, so please speak directly into the microphone, and state your name and address prior to making your comments. Please note that comments from the audience are only appropriate when presented at the podium.

At this time we will begin the Public Hearing portion of the agenda. These items are ones for which public comment is taken so that the Planning Commission can be made aware of all of the issues of concern with regards to a request. Decisions may be made on any item listed on the agenda. A decision, or recommendation, will be rendered by the Planning Commission for these items which may include Approval, Approval with Conditions, Denial, or, Continuation of the item to a future meeting.

The meeting will proceed as outlined in the Rules of Conduct printed on the back of the agenda.

*To be read at the opening of the business item portion of the agenda.*

The Planning Commission is a voluntary citizen board. The Commission's function is to hear and decide applications for conditional uses and preliminary subdivision plats; and to make recommendations to the County Council for zoning changes or changes to ordinances or general plans.

The agenda is divided into two main categories: Business Items and Public Hearing Items. The first portion of today's meeting is dedicated to Business Items. Members of the public may attend, but will not participate unless invited to do so by the Chair or supporting staff. During this time the Commission may discuss and render decisions on policy issues and administrative matters that do not require public input. Special presentations, reports, and updates from the supporting staff that do not require a decision at a Public Hearing may also be made. There will be no discussion of an application, request, or approval scheduled for the Public Hearing Item portion of the meeting.





**STAFF REPORT**

Executive Summary									
<b>Hearing Body:</b>	Millcreek Township Planning Commission								
<b>Meeting Date and Time:</b>	Wed., December 12, 2012	04:00 PM	<b>File No:</b>	2	8	2	2	4	
<b>Applicant Name:</b>	Nick Mingo/Ivory Homes	<b>Request:</b>	Subdivision						
<b>Description:</b>	Standard 2-lot Subdivision in R-1-6 Zone								
<b>Location:</b>	3941 South 2820 East								
<b>Zone:</b>	R-1-6 Residential Single-Family	<b>Any Zoning Conditions?</b>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>			
<b>Community Council Rec:</b>	Not Applicable								
<b>Staff Recommendation:</b>	Approval with Conditions								
<b>Planner:</b>	Spencer G. Sanders								

**1.0 BACKGROUND**

**1.1 Summary**

The applicant is requesting approval of a Preliminary Plat for a 2-lot subdivision. The subject property currently has one existing home on the subject property. The property is approximately 0.35 acres, 15,300 square feet. Each lot is proposed to be approximately 7,600 square feet each.

**1.2 Hearing Body Action**

Subdivision applications are reviewed by the Planning Commission because State Law requires that a Preliminary Plat must be reviewed and approved by the Land Use Authority at a public meeting. In Salt Lake County, the Planning Commission is the Land Use Authority regarding new subdivision plats.

This application is on the Commission's agenda for preliminary approval of the Preliminary Plat. The Final Preliminary Plat is issued by Staff once all requirements and conditions of approval are met. The Commission may choose to require the Final Preliminary Plat be brought back to the Commission for final approval if deemed necessary.

**1.3 Neighborhood Response**

Subdivisions are a use-by-right in the R-1-6 zone. This means that they must be approved if they comply with all applicable regulations and standards. Notification of surrounding property owners is not required either by County Ordinance or State Law for subdivision applications.

**1.4 Community Council Response**

Subdivisions are not subject to Community Council review.

## 2.0 ANALYSIS

### 2.1 Applicable Ordinances

#### R-1-6 Zone

Required Proposed

#### Lot Area

Required - 6,000 sq. ft.

Proposed - 7,000+ sq. ft.

#### Lot Width

Required - 60 ft. at 25-foot setback

Proposed - 75+ feet at 25-foot setback

#### Setbacks

##### Front

Required - 25 feet

Proposed - 25 feet

##### Side (based on RCOZ Option A requirements)

Required - 8 min. w/Total 25% of Lot Width (18 feet)

Proposed - 9.5 feet (19 Total)

##### Rear

Proposed - 15 feet w/Garage 30 feet w/o

Required - 15 feet w/Garage 30 feet w/o

### 2.3 Other Agency Recommendations or Requirements

Grading - No significant grading issues are anticipated with the project. Grading plans will need to be submitted with the construction of each new home.

Urban Hydrology - - a Final Drainage Plan will be required for each new home. All water generated on-site must be retained on site or directed to an approved storm drain system.

Geology - The property is in a very low liquefaction area. Therefore, no disclosure for or geotechnical report will be required.

Transportation - In accordance with subdivision regulations, the two new lots must complete the public street improvements in front of the subject property. This will include the installation of a new sidewalk along the property's frontage and the repair or replacement of any damaged existing curb and gutter in front of the property. Plan and profiles will be required to be submitted as part of the Technical Review Process.

### 2.4 Other Issues

Existing Home - The existing home will need to be removed prior to the Final Plat recording. The applicant will need to provide proof that the home has been removed under demolition permit before the Final Plat can be recorded.

Bonding - Bonding for any required public improvements will need to be posted prior to Final Plat recording.

#### Easements

Existing Easements will need to be identified, if any and their disposition indicated on the plat. e.g. relocation, abandoned or remain.

New Easements may be required by the utility companies as part of their review of the plat. These will

need to be identified on the Preliminary and Final Plats.

*All Easements* will be worked out by the applicant with the Utility Companies. A signed paper version of the Final Plat will be obtained from the utility companies, indicating their approval of the plat, prior to County Planning and Development services Final Plat approval.

### **3.0 STAFF RECOMMENDATION**

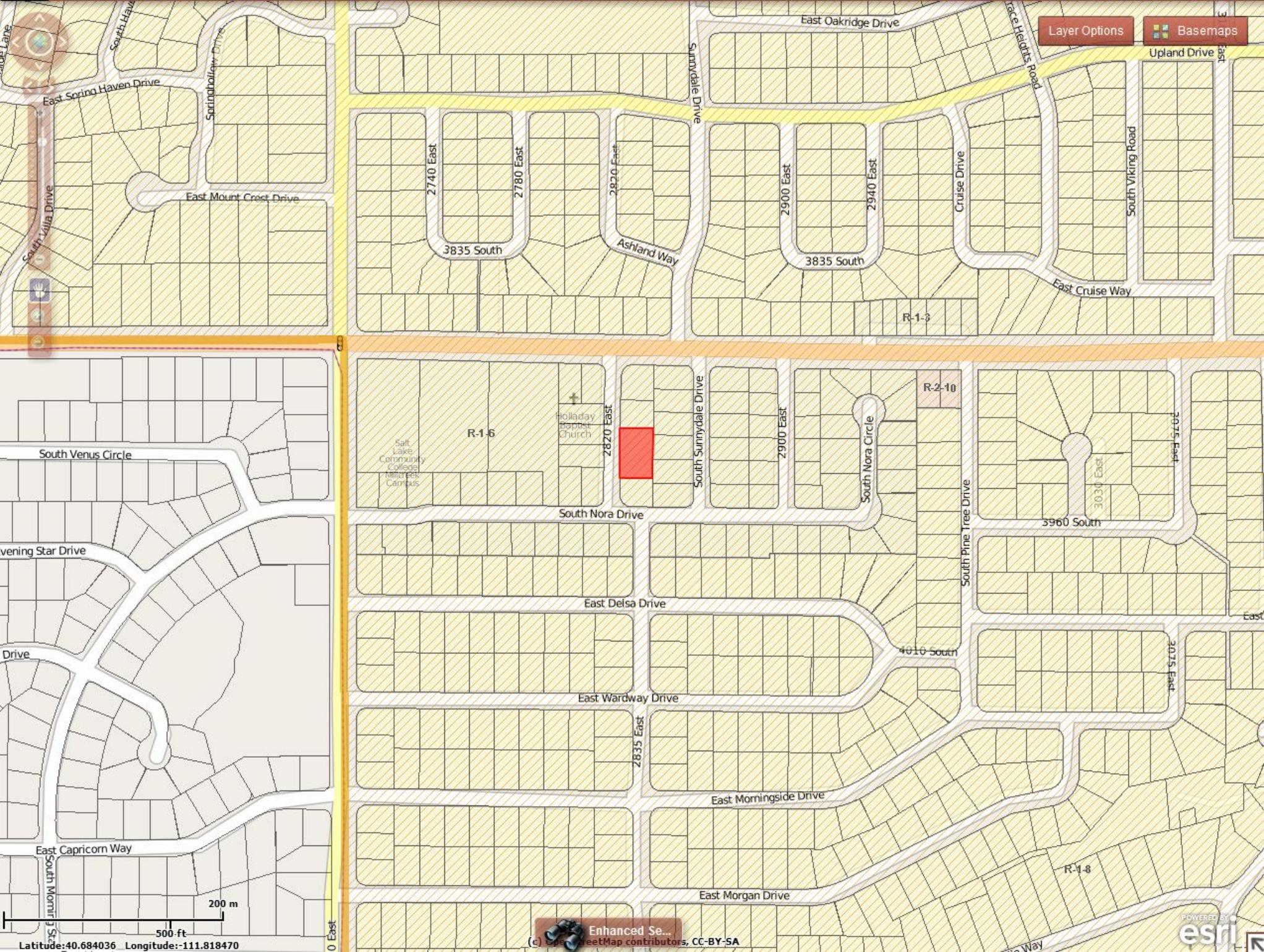
#### **3.1 Staff recommends APPROVAL of the proposed Subdivision with the following conditions:**

- 1 )The applicant shall complete preliminary and final plat with staff.
- 2 )The existing home and any existing accessory structures shall be removed from the site prior to Final Plat recording.

#### **3.2 Reasons for Recommendation**

- 1 ) The proposal complies with zoning requirements and should be able to satisfy all subdivision and other reviewers recommendations.





Holiday Baptist Church

Salt Lake Community College Miller Park Campus







Subject Property



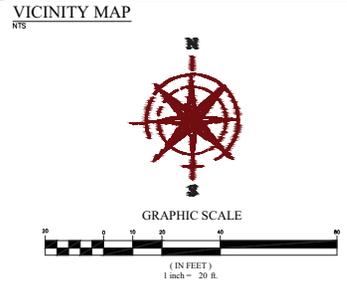
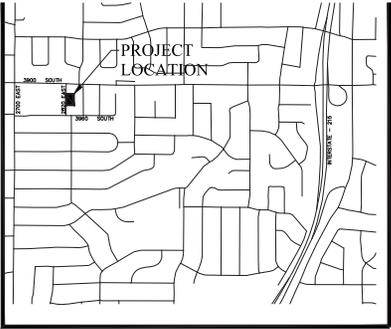
Looking North



Looking West

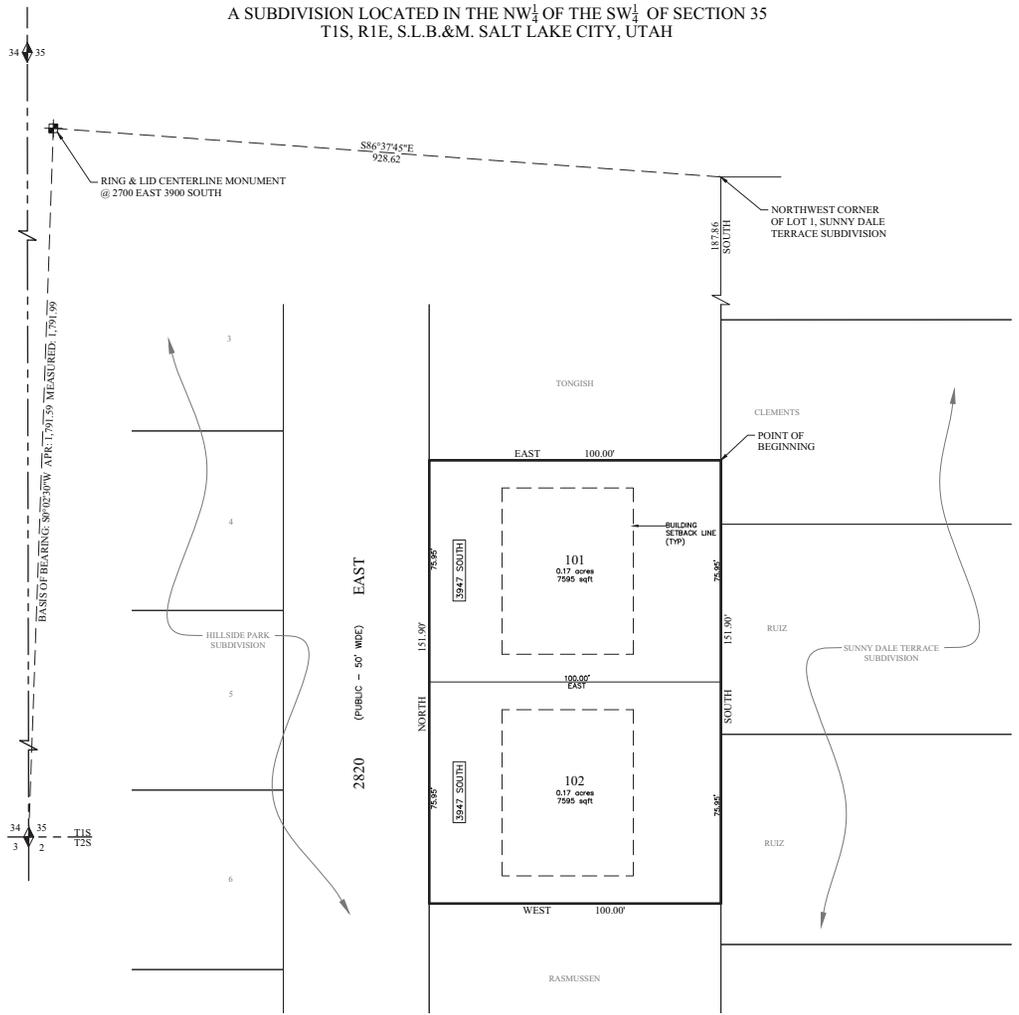


Looking South



# SCHANZ SUBDIVISION

A SUBDIVISION LOCATED IN THE NW<sup>1</sup>/<sub>4</sub> OF THE SW<sup>1</sup>/<sub>4</sub> OF SECTION 35  
T1S, R1E, S.L.B.&M. SALT LAKE CITY, UTAH



I, DENNIS P. CARLISLE, A PROFESSIONAL LAND SURVEYOR, HOLDING CERTIFICATE NO. 172675 AS PRESCRIBED BY THE STATE OF UTAH, DO HEREBY CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE AN ACCURATE SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED HEREWITH, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, PARCELS, AND STREETS, TOGETHER WITH EASEMENTS TO BE HEREAFTER KNOWN AS SCHANZ SUBDIVISION, AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.



### LEGAL DESCRIPTION

ALL OF THAT REAL PROPERTY DESCRIBED IN DEED BOOK 8773 PAGE 496 OF THE OFFICIAL RECORDS OF SALT LAKE COUNTY, LOCATED IN THE SW<sup>1</sup>/<sub>4</sub> OF SECTION 35, T1S, R1E, S.L.B.&M. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT LOCATED SOUTH ALONG THE LOT AND PLAT LINE 187.86 FEET FROM THE NORTHWEST CORNER OF LOT 1, SUNNY DALE TERRACE SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER; THENCE SOUTH ALONG THE WEST LINE OF SAID SUBDIVISION 151.90 FEET; THENCE WEST 100.00 FEET TO THE EAST LINE OF 2820 EAST STREET; THENCE NORTH ALONG SAID STREET 151.90 FEET; THENCE EAST 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINS: 15,190 +/- S.F.

(BASIS OF BEARING: SUNNY DALE TERRACE SUBDIVISION--S0°02'20"W BETWEEN THE CENTERLINE MONUMENT AT 2700 EAST & 3900 SOUTH AND THE SOUTHWEST CORNER OF SECTION 35, T1S, R1E, S.L.B.&M.--AS SHOWN HEREON.)

### OWNERS DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT \_\_\_\_\_ (THE UNDERSIGNED OWNER) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, PARCELS, AND STREETS TOGETHER WITH EASEMENTS TO BE HEREAFTER KNOWN AS

### SCHANZ SUBDIVISION

DO HEREBY DEDICATE TO SALT LAKE COUNTY ALL THESE TRACTS OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, THE UNDERSIGNED OWNERS ALSO CONVEY TO WEST VALLEY CITY AND TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY AND DRAINAGE EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR DRAINAGE AND THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES.

IN WITNESS WHEREOF \_\_\_\_\_ HAVE HERETO SET HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_

BY: \_\_\_\_\_ BY: \_\_\_\_\_  
BY: \_\_\_\_\_

### LIMITED LIABILITY ACKNOWLEDGEMENT

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2012 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF SALT LAKE, IN SAID STATE OF UTAH, \_\_\_\_\_ WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE \_\_\_\_\_ OF IVORY DEVELOPMENT L.L.C., A UTAH L.L.C. AND THAT HE SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC  
RESIDING IN SALT LAKE COUNTY

### SCHANZ SUBDIVISION

A SUBDIVISION LOCATED IN THE NW<sup>1</sup>/<sub>4</sub> OF THE SW<sup>1</sup>/<sub>4</sub> OF SECTION 35  
T1S, R1E, S.L.B.&M. SALT LAKE CITY, 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

### NOTES

- BUILDING SETBACKS ARE AS FOLLOWS:  
FRONT = 25.00 FEET  
REAR = 30.00 FEET  
SIDE = 0.50 FEET

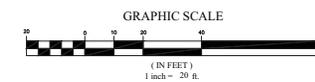
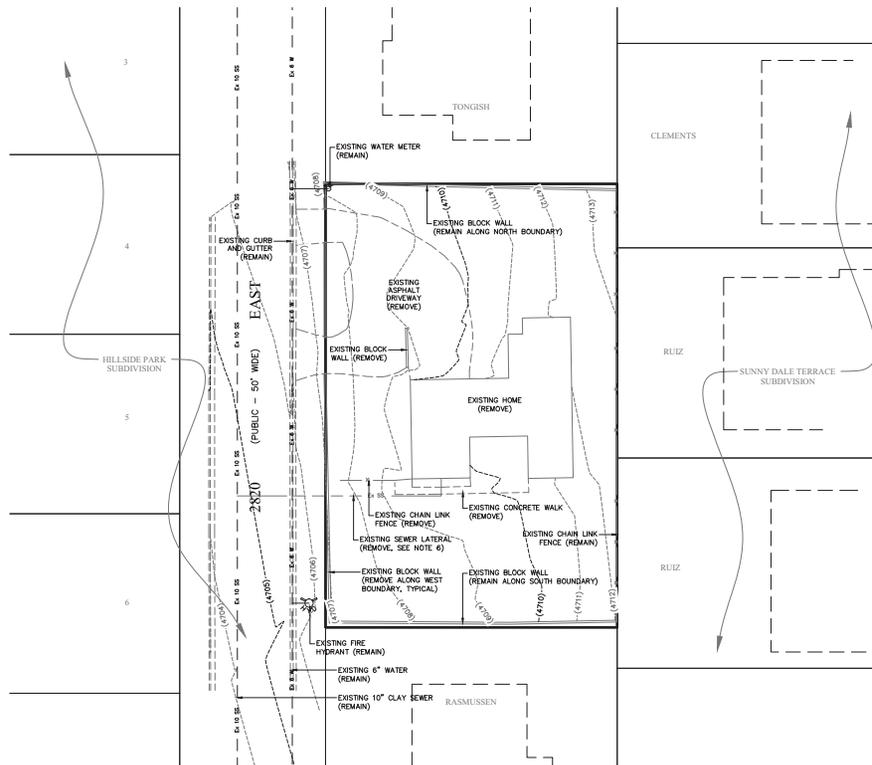
<p>PREPARED FOR</p> <p><b>IVORY DEVELOPMENT L.L.C.</b></p> <p>978 WOODOAK LANE MURRAY, UTAH 84117, PH: 747-7440</p>	<p>PREPARED BY</p> <p><b>FOCUS</b> ENGINEERING AND SURVEYING, LLC</p> <p>201 WEST COTTAGE AVENUE SANDY, UTAH 84070 PH: (801) 352-0075 www.focusutah.com</p>
<p>PLANNING COMMISSION</p> <p>APPROVED THIS _____ DAY OF _____ A.D. 20__ BY THE SALT LAKE COUNTY PLANNING COMMISSION</p> <p>CHAIRMAN, SALT LAKE COUNTY PLANNING COMMISSION</p>	<p>SALT LAKE VALLEY HEALTH DEPARTMENT</p> <p>APPROVED THIS _____ DAY OF _____ A.D. 20__</p> <p>DIRECTOR, S. L. VALLEY HEALTH DEPT.</p>

<p>SALT LAKE CITY WATER</p> <p>APPROVED THIS _____ DAY OF _____ A.D. 20__</p> <p>MANAGER</p>
--

<p>ENGINEER'S CERTIFICATE</p> <p>I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.</p> <p>DATE _____ SALT LAKE COUNTY ENGINEER</p>
--

<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____ A.D. 20__</p> <p>SALT LAKE COUNTY ATTORNEY</p>
--

<p>COUNTY COUNCIL</p> <p>PRESENTED TO THE SALT LAKE COUNTY COUNCIL THIS _____ DAY OF _____ A.D. 20__ AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.</p> <p>ATTEST: SALT LAKE COUNTY RECORDER COUNTY MANAGER, SALT LAKE COUNTY</p>
--



**LEGEND**

---	BOUNDARY
---	LOT LINE
---	PUE
---	BUILDING SETBACK
---	EXIST. 10" CLAY SEWER
---	EXIST. 6" WATER
---	EXIST. FENCE
---	EXIST. CONTOUR MAJOR
---	EXIST. CONTOUR MINOR

**GENERAL NOTES**

- CONTRACTOR TO FIELD VERIFY HORIZONTAL AND VERTICAL LOCATIONS OF ALL EXISTING UTILITIES PRIOR TO COMMENCEMENT OF CONSTRUCTION, AND REPORT ANY DISCREPANCIES TO THE ENGINEER.
- ANY AND ALL DISCREPANCIES IN THESE PLANS ARE TO BE BROUGHT TO THE ENGINEER'S ATTENTION PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- ALL CONSTRUCTION SHALL ADHERE TO APWA STANDARD PLANS AND SALT LAKE COUNTY STANDARDS AND SPECIFICATIONS.
- ALL SANITARY SEWER CONSTRUCTION SHALL ADHERE TO MOUNT OLYMPUS SEWER IMPROVEMENT DISTRICT STANDARDS AND SPECIFICATIONS.
- ALL UTILITIES AND ROAD IMPROVEMENTS SHOWN ON THE PLANS HEREIN SHALL BE CONSTRUCTED USING REFERENCE TO SURVEY CONSTRUCTION STAKES PLACED UNDER THE SUPERVISION OF A PROFESSIONAL LICENSED SURVEYOR WITH A CURRENT LICENSE ISSUED BY THE STATE OF UTAH. ANY IMPROVEMENTS INSTALLED BY ANY OTHER VERTICAL OR HORIZONTAL REFERENCE WILL NOT BE ACCEPTED OR CERTIFIED BY THE ENGINEER OF RECORD.
- EXISTING SEWER LATERAL IS TO BE ABANDONED DUE TO SHALLOW DEPTH AT THE PROPERTY LINE (APPROX 5' DEEP -- INFORMATION PROVIDED BY MOUNT OLYMPUS SEWER DISTRICT).

**FOCUS**  
ENGINEERING AND SURVEYING, LLC  
200 WEST COTTAGE AVENUE  
SANDY, UTAH 84070  
PHONE: 801-552-0075  
WWW.FOCUSURV.COM



**SCHANZ SUBDIVISION  
DEMOLITION PLAN**

REVISION BLOCK	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

**DEMOLITION PLAN**

Scale: 1"=20'  
Date: 11/7/2012  
Sheet: C2





**STAFF REPORT**

Executive Summary									
<b>Hearing Body:</b>	Millcreek Township Planning Commission								
<b>Meeting Date and Time:</b>	Wed. December 12, 2012	04:00 PM	<b>File No:</b>	2	7	9	5	0	
<b>Applicant Name:</b>	James Allen	<b>Request:</b>	Subdivision						
<b>Description:</b>	3-lot standard subdivision in the R-1-10 zone to build on new 2-family home								
<b>Location:</b>	3973 S. 400 E.								
<b>Zone:</b>	R-2-10 Residential Two-Family	<b>Any Zoning Conditions?</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>					
<b>Community Council Rec:</b>	Not Applicable								
<b>Staff Recommendation:</b>	Approval with Conditions								
<b>Planner:</b>	Spencer G. Sanders								

**1.0 BACKGROUND**

**1.1 Summary**

The applicant is requesting approval of a Preliminary Plat for a 3-lot subdivision in the R-2-10 zone. Current the subject property has two legally non-complying two-family dwellings on the subject property. These two-family buildings were built before zoning regulations. The applicant wishes to build a third two-family dwelling. The proposed subdivision would place each individual building, existing and proposed, on its own lot.

Initially the applicant came through the Planning Commission review process for this property requesting a Conditional Use Permit for a Dwelling Group in order to build the third two-family dwelling. The Planning Commission approved the Conditional Use Permit. However, during the technical review process, the applicant determined that ultimately the subdivision process would be more appropriate for immediate and long term needs.

The site plan for the new two-family dwelling has not changed. It will still require an emergency vehicle turnaround as part of the driveway access to the new building as previously proposed. In addition, the new building will still be subject to RCOZ requirements. The RCOZ review will occur when the applicant submits for building permit. Since the subdivision is just approving the new lot, and not the site plan for the building, only the emergency service turn around and minimum RCOZ setbacks will be required to be shown on the final plat.

Subdivision ordinance requires that curb, gutter and sidewalk be installed. However, staff's recommendation to not require these improvements has not changed. There is no existing curb, gutter or sidewalk within the immediate area. The applicant has submitted application 27951, an exception request for approval to not install curb, gutter and sidewalk, which is also on this agenda. Please refer to that report for details and recommendations regarding the exception.

**1.2 Hearing Body Action**

This application is on the Commission agenda for preliminary approval of the Preliminary Plat. The Final

Preliminary Plat is issued by Staff once all requirements and conditions of approval are met. The Commission may choose to require the Final Preliminary Plat be brought back to the Commission for final approval if deemed necessary.

### **1.3 Neighborhood Response**

As of this writing staff has not received any comment from surround property owners. It is important to note that standard subdivisions are a use-by-right in the R-2-10 zone. This means that they must be approved if they comply with all applicable regulations and standards. Notification of surrounding property owners is not required either by County Ordinance or State Law for subdivision applications.

### **1.4 Community Council Response**

Subdivisions are not subject to Community Council review.

## **2.0 ANALYSIS**

### **2.1 Applicable Ordinances**

#### 2.1.1 R-2-10 Zone

Required Proposed

#### Lot Area

Required - 10,000 sq. ft. for a two family dwelling

Proposed - Lot 1 - 11,324 sq. ft.; Lot 2 - 11,843 sq. ft.; and Lot 3 - 12,136 sq. ft.

#### Lot Width

Required - 65 ft. at 30-foot setback

Proposed - 65 to 69 feet at 30-foot setback

#### Setbacks

##### Front Yards

Required - 30 feet

Proposed - Lots 1 & 2 are 30 feet; Lot 3 will exceed 30 feet because of the required turnaround

##### Side Yards (based on RCOZ Option A requirements)

Required - 8 min. w/Total 25% of Lot Width ( for a 65-foot lot 16.25 feet)

Proposed - The existing buildings exceed the requirement. The new home will have to comply.

##### Rear Yard

Proposed - 15 feet w/Garage 30 feet w/o

Required - The existing buildings exceed this requirement. The new building will have to comply.

#### 2.1.2 Curb, Gutter & Sidewalk

Curb, gutter and sidewalk are required to be installed with new subdivisions. Please see the staff report for 27950, the exception request submitted by the applicant in association with this subdivision application.

### **2.2 Other Agency Recommendations or Requirements**

#### 2.2.1 Transportation Engineer

A turnaround is required that meets Unified Fire Department and County Standards. This turnaround will need to be incorporated into the driveway of Lot 3 where the new structure will be built.

Does not recommend curb, gutter and sidewalk be installed.

### 2.2.2 Urban Hydrology

All drainage will have to be retained on site. A final drainage plan will need to be provided before Final Plat.

The irrigation on the site will need to be addressed. If it is active it will need to be piped. If it is abandoned, it will need to be noted on the final plans and the irrigation master will need to sign a copy of the plans showing its abandonment.

### 2.2.3 Grading

A final grading and drainage plan will need to be provided.

## **2.4 Other Issues**

The final side lot lines may need to be adjusted a couple of feet to accommodate the applicant's proposed new structure. This will be verified during the technical review process and make sure that all lots will continue to comply with all requirements.

## **3.0 STAFF RECOMMENDATION**

### **3.1 Staff recommends APPROVAL of the proposed Subdivision with the following conditions:**

- 1 )The applicant complete Technical Review with staff prior to issuance of the Final Preliminary Plat Approval, meeting all the requirements of the reviewers and applicable regulations, including those outlined in the staff report.
- 2 )The applicant complete the Final Plat approval process with staff.
- 3 )The applicant obtain final approval of an exception for curb, gutter and sidewalk from the Salt Lake County Mayor's office, or install curb, gutter and sidewalk as required by the subdivision ordinance.

### **3.2 Reasons for Recommendation**

- 1 ) The proposed subdivision will comply with zoning requirements and should be able to satisfy all subdivision and reviewers' requirements.



**STAFF REPORT**

Executive Summary									
<b>Hearing Body:</b>	Millcreek Township Planning Commission								
<b>Meeting Date and Time:</b>	Wed. December 12, 2012	04:00 PM	<b>File No:</b>	2	7	9	5	1	
<b>Applicant Name:</b>	James Allen	<b>Request:</b>	Subdivision						
<b>Description:</b>	Exception to requirement to install curb, gutter and sidewalk								
<b>Location:</b>	3973 S. 400 E.								
<b>Zone:</b>	R-2-10 Residential Two-Family	<b>Any Zoning Conditions?</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>					
<b>Community Council Rec:</b>	Not Applicable								
<b>Staff Recommendation:</b>	Approval								
<b>Planner:</b>	Spencer G. Sanders								

**1.0 BACKGROUND**

**1.1 Summary**

This application is made in association with applicaiton 27950, a subdivision application for a 3-lot subdivision in the R-2-10 zone. The applicant is requesting an exception from County subdivision and street standard requirements that require the installation of curb, gutter and sidewalk with a new subdivision plat.

**1.2 Hearing Body Action**

This application is on the Commission's agenda for a recommendation to the County Mayor. Exceptions to the street standards as it relates to new subdivisions receives a final decision from the County Mayor's Office after receiving recommendation from the Planning Commission.

**1.3 Neighborhood Response**

The neighborhood is not required to be notified of this application. Staff has recived nor comment from the public regarding this request as of this writing.

**1.4 Community Council Response**

This application is not subject to Community Council Review.

**2.0 ANALYSIS**

**2.1 Applicable Ordinances**

The subdivision regulations require that public street improvements be installed with new subdivisions. However, Title 18 Subdivisions and Title 14 Highways, Sidewalks and Public Places allow exceptions as follows:

*14.12.150 - Exceptions.*

*In cases where unusual topographical, aesthetic, or other exceptional conditions or circumstances exist,*

*variations or exceptions to the requirements or this chapter may be approved by the mayor after receiving recommendations from the planning commission and the public works engineer; provided, that the variations or exceptions are not detrimental to the public safety or welfare.*

*18.08.020 - Exceptions—Permitted when.*

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

Currently there is no curb, gutter or sidewalk along the east side of 400 East along its entire length from 4500 South to its dead end one lot south of the subject property. In addition, there is no storm drainage system in 400 East to accept water from the subject property. Therefore, any generated storm water must be retained on the subject property. Curb and gutter would potentially direct water to adjacent properties that don't have curb and gutter so there would be no way for the water to be conveyed beyond, thus potentially causing flooding or damage to the adjacent properties. The County Hydrologist will require the drainage from this site be retained on site.

In regard to sidewalk, there are no sidewalks on this side of the street to connect to and unlikely to be any installed in the near future due to the likely permanent dead end nature of the road. The existing conditions of the road and the current traffic allow pedestrians to utilize the shoulder of the right of way. It is unlikely that sidewalk will be installed in the near future on this street due to its relatively low volume of traffic, the dead end nature of the roadway and the nearly completely developed nature of the street.

### **2.3 Other Agency Recommendations or Requirements**

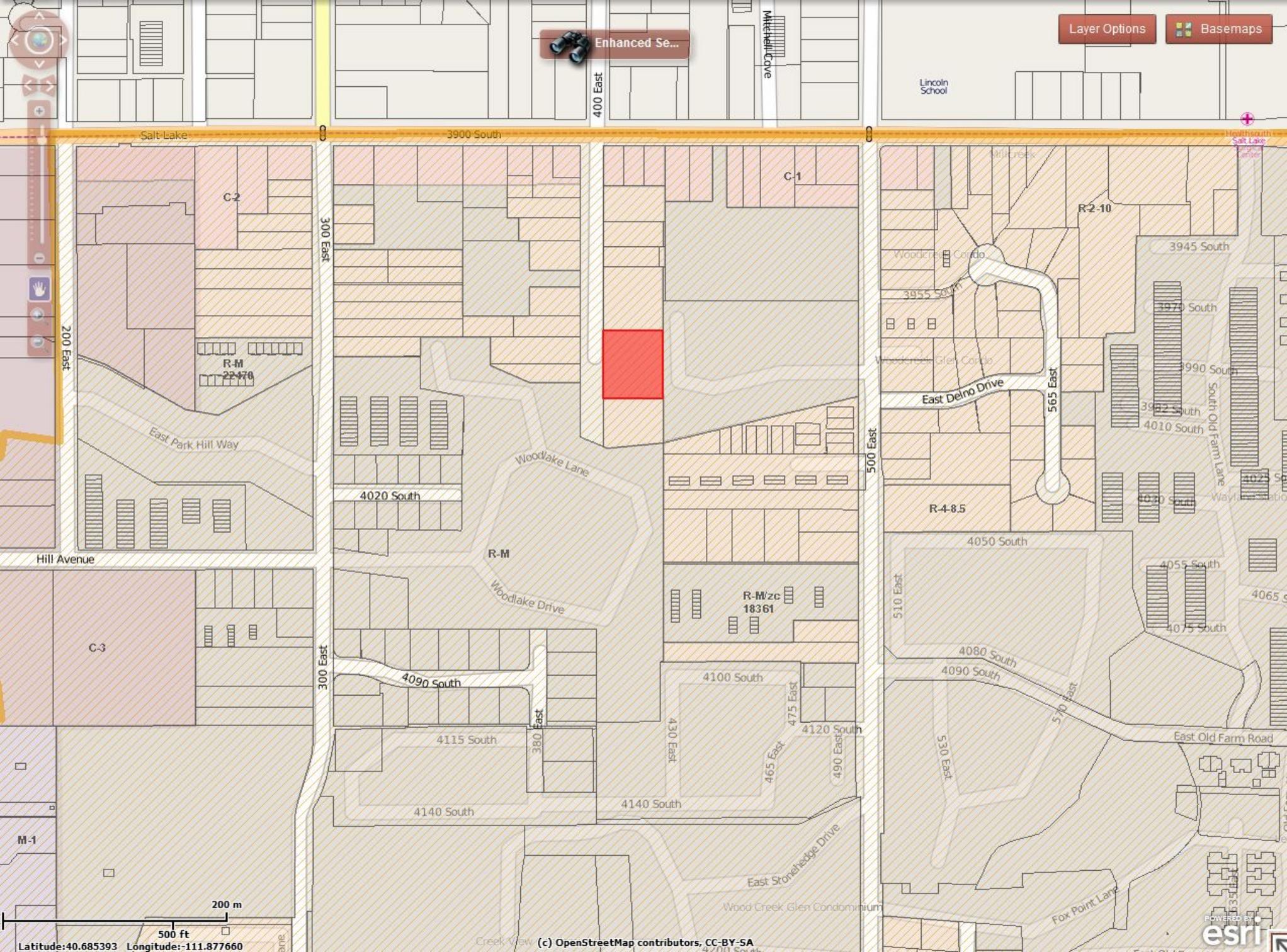
The Transportation Engineering, the Urban Hydrology and Planning staff all support the granting of an exception.

## **3.0 STAFF RECOMMENDATION**

### **3.1 Staff recommends APPROVAL of the proposed Subdivision.**

### **3.2 Reasons for Recommendation**

- 1 ) The proposal meets the criteria for granting an exception to the requirement for installation of curb, gutter and sidewalk.



Enhanced Se...

Layer Options Basemaps

400 East

Mt. Hill Cove

Lincoln School

Salt Lake

3900 South

High South Salt Lake

C-2

C-1

R-2-10

R-M  
22470

East Park Hill Way

300 East

200 East

4020 South

Woodlake Lane

R-M

Woodlake Drive

R-M/zc  
18361

500 East

East Delno Drive

565 East

3945 South

3970 South

3990 South

3982 South

4010 South

4030 South

4050 South

4075 South

Hill Avenue

C-3

300 East

4090 South

4100 South

4130 East

475 East

4120 South

4115 South

380 East

4140 South

4140 South

465 East

490 East

4080 South

4090 South

530 East

570 East

East Old Farm Road

200 m

500 ft  
Latitude: 40.685393 Longitude: -111.877660

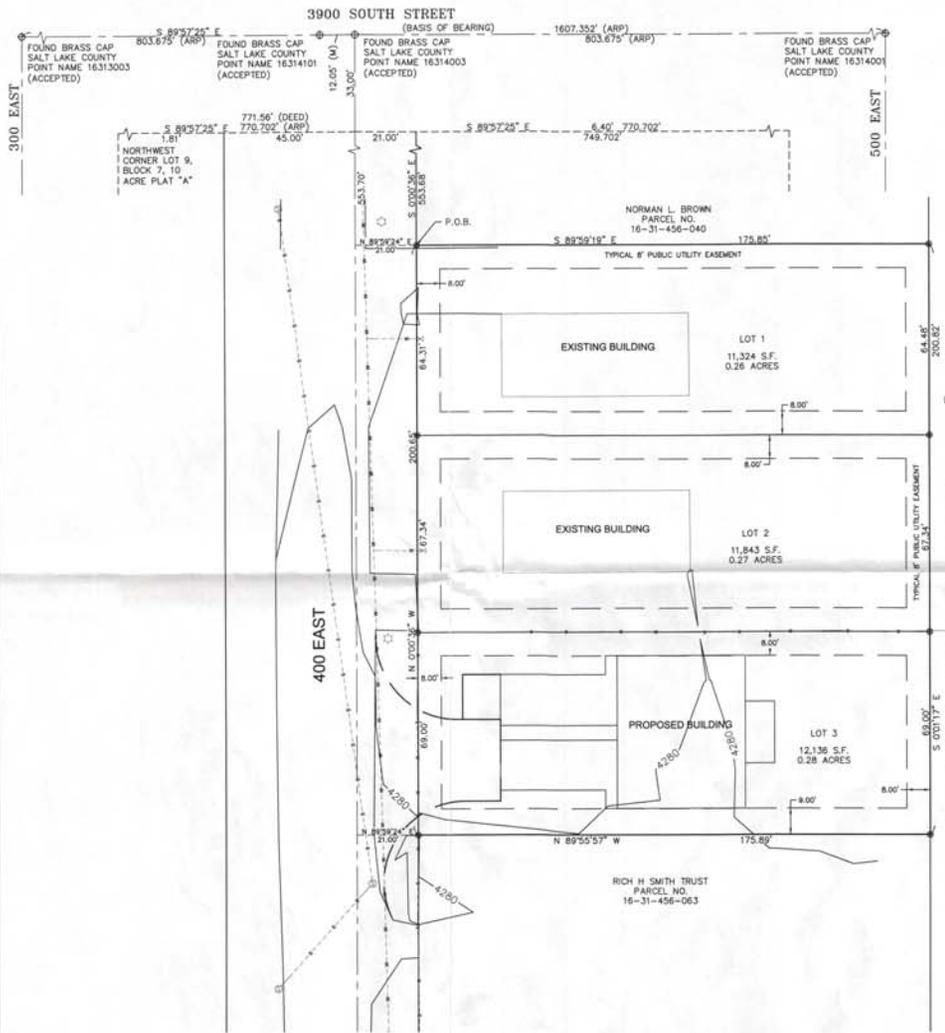
Creek View (c) OpenStreetMap contributors, CC-BY-SA

esri



# PRELIMINARY PLAT

LOCATED IN  
LOT 9, BLOCK 7, TEN ACRE PLAT A, BIG FIELD SURVEY  
SALT LAKE BASE AND MERIDIAN



MALLARD CROSSING LIMITED PARTNERSHIP  
PARCEL NO. 16-31-456-044

RICH H SMITH TRUST  
PARCEL NO. 16-31-456-063

## SURVEYOR'S CERTIFICATE

I, ROBERT R. HERMANDSON, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 6362432 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNER, 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, HEREAFTER TO BE KNOWN AS THE

ALLEN 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 WHICH IS SOUTH 89°57'25" EAST 792.56 FEET AND SOUTH 00°00'36" EAST 553.68 FEET FROM THE NORTHWEST CORNER OF LOT 9, BLOCK 7, TEN ACRE PLAT A, BIG FIELD SURVEY; RUNNING THENCE SOUTH 89°59'19" EAST 175.85 FEET; THENCE SOUTH 00°01'17" EAST 200.82 FEET; THENCE NORTH 89°55'57" WEST 175.89 FEET; THENCE NORTH 00°00'36" WEST 200.65 FEET TO THE POINT OF BEGINNING

11-5-12  
DATE:  
BUSH AND GUDGELL INC.



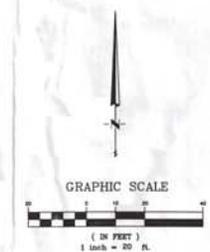
*Robert R. Hermandson*  
ROBERT R. HERMANDSON  
REGISTERED LAND SURVEYOR  
UTAH LICENSE NUMBER 6362432

## NOTES

1. THE SURVEYED PROPERTY IS LOCATED WITHIN ZONE "X", "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN"; ACCORDING TO THE FLOOD INSURANCE RATE MAP WITH COMMUNITY PANEL NO. 49035C0292Q, BEARING AN EFFECTIVE DATE OF SEPTEMBER 25, 2009.

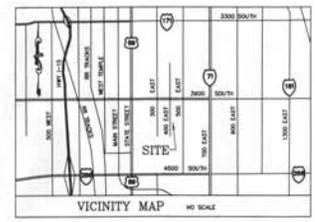
## LEGEND

- ⊕ SPECIFICS FOUND SURVEY CONTROL MONUMENT (RING & LID)
- SET 5/8" REBAR AND PLASTIC CAP (STAMPED L.S. 6362432), UNLESS OTHERWISE NOTED ON THE PLAT.
- EASEMENT LINE
- ⊗ EXISTING WATER VALVE
- ⊕ EXISTING FIRE HYDRANT
- ⊕ EXISTING SEWER MANHOLE
- ⊕ EXISTING STREET LIGHTS
- EXISTING FENCING



## ALLEN SUBDIVISION

LOCATED IN  
LOT 9, BLOCK 7, TEN ACRE PLAT A, BIG FIELD SURVEY



**UNIFIED FIRE AUTHORITY APPROVAL**

DATE \_\_\_\_\_ SIGNED \_\_\_\_\_

**BUSH & GUDGELL, INC**  
655 East 4500 South, Ste 100  
Salt Lake City, Utah 84107  
Phone (801) 685-6194

**HEALTH**

APPROVED THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_ A.D., 20\_\_\_\_

SALT LAKE VALLEY HEALTH DEPT.

**PLAN CHECK**

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 REVIEW SECTION MANAGER

**APPROVAL AS TO FORM**

APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20\_\_\_\_

SALT LAKE COUNTY DISTRICT ATTORNEY

**MAYOR**

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

MAYOR, OR DESIGNEE

**RECORDED #**

STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF

DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

FEE \$ \_\_\_\_\_ SALT LAKE COUNTY RECORDER

**Record of Survey**

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

Date \_\_\_\_\_ Signature \_\_\_\_\_

**CHECKED FOR ZONING COMPLIANCE**

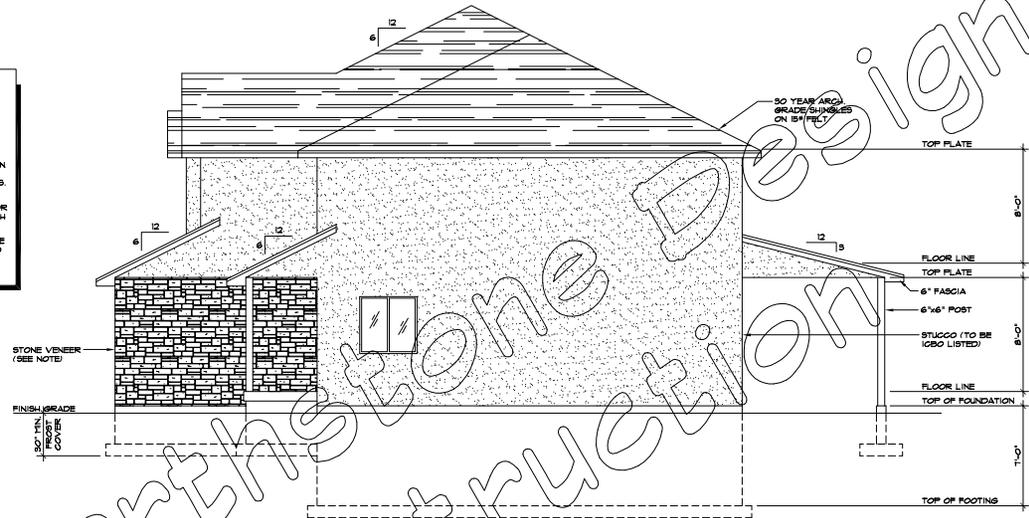
DATE \_\_\_\_\_ SIGNED \_\_\_\_\_

Zone: \_\_\_\_\_ Lot Area: \_\_\_\_\_  
Lot Width: \_\_\_\_\_ Front Yard: \_\_\_\_\_  
Side Yard: \_\_\_\_\_ Rear Yard: \_\_\_\_\_



**MASONRY NOTE:**

- MASONRY VENER SHALL HAVE CORROSION RESISTANT ANCHOR TIES OF NOT LESS THAN 22 GA. x 1/8" SPACED NOT MORE THAN 24" o.c. HORIZONTAL AND SUPPORT A MAXIMUM OF 2 SQUARE FEET OF HALL AREA. AROUND HALL OPENINGS GREATER THAN 16" ADDITIONAL TIES ARE REQUIRED TO BE SPACED A MAXIMUM OF 36" o.c. AND BE WITHIN 12" OF THE OPENING. PROVIDE 26 GAUGE FLASHING FROM FOUNDATION UP FIRST 3 COURSES. CULTURED STONE TO BE INSTALLED PER MANUFACTURERS SPECIFICATIONS.
- FOR BRICK SUPPORT OVER 8" WIDE WINDOW OPENINGS USE 3 1/2"x3 1/2"x1/4" STEEL LINTEL. FOR 6" AND 8" WIDE OPENINGS USE 2"x5 1/2"x3/8" WITH 5" VERT. LAG TO HEADER # 2x4 o.c.
- HEMPLES SHALL BE PROVIDED IN THE OUTSIDE RYTHS OF MASONRY WALLS @ 33" o.c. AND BE NO LESS THAN 3/16" LOCATED IMMEDIATELY ABOVE FLASHING. FLASHING TO BE 26 GAUGE FROM FOUNDATION UP FIRST THREE COURSES.



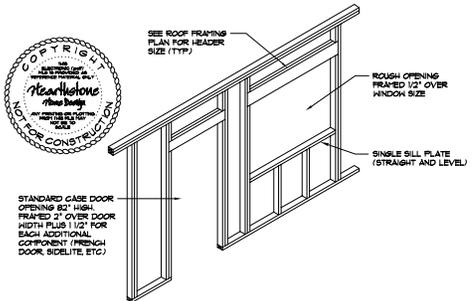
RIGHT SIDE ELEVATION  
SCALE: 1/4"=1'-0"

PROVIDE CAULKING AND MINIMUM 4" COUNTER FLASHING AT ALL EXTERIOR DOORS/WINDOWS PER MANUFACTURER INSTALLATION REQUIREMENTS.

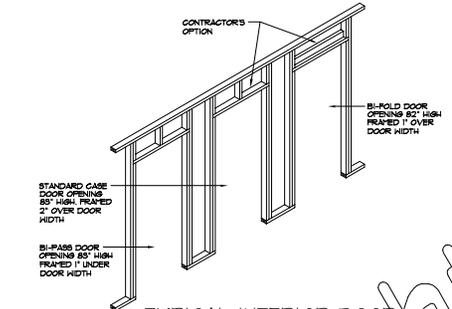


FRONT ELEVATION  
SCALE: 1/4"=1'-0"

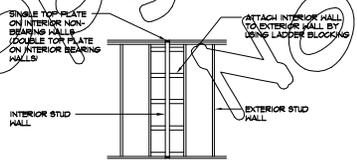
THIS PLAN IS SPECIFIC TO THE LOT INDICATED IN THE TITLEBLOCK. ANY OTHER USE IS PROHIBITED.



TYPICAL EXTERIOR DOOR AND WINDOW ROUGH FRAMING DETAIL  
NO SCALE

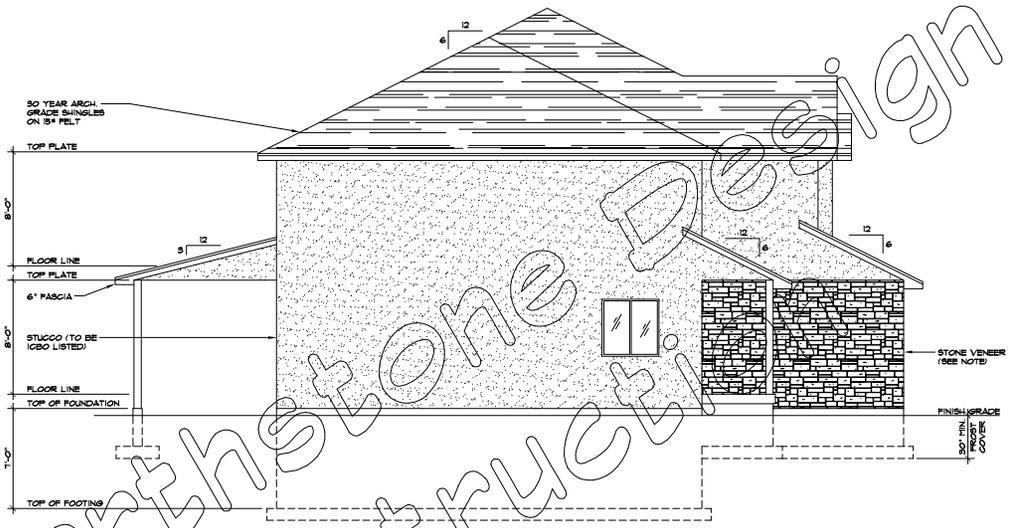


TYPICAL INTERIOR DOOR ROUGH FRAMING DETAIL  
NO SCALE

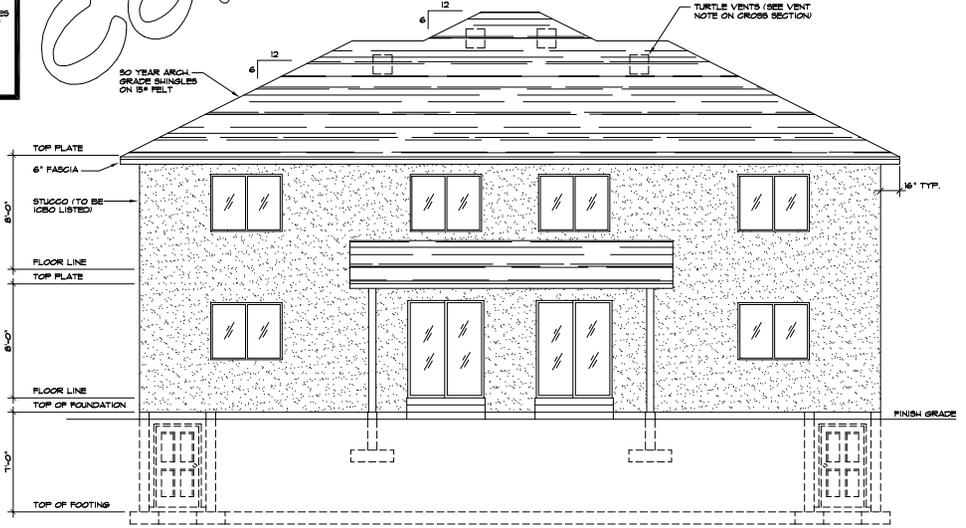


TYP. STUD WALL DETAIL  
NO SCALE

FLASHING SHALL BE INSTALLED IN SUCH A MANNER AS TO PREVENT MOISTURE FROM ENTERING THE WALL OR TO REDIRECT IT TO THE EXTERIOR. FLASHING SHALL BE INSTALLED AT THE PERIMETERS OF EXTERIOR DOOR AND WINDOW ASSEMBLIES, PENETRATIONS AND TERMINATIONS OF EXTERIOR WALL ASSEMBLIES, EXTERIOR WALL INTERSECTIONS WITH ROOFS, CHIMNEYS, PORCHES, DECKS, BALCONIES AND SIMILAR PROJECTIONS AND AT BUILT-IN GUTTERS AND SIMILAR LOCATIONS WHERE MOISTURE COULD ENTER WALLS. FLASHING WITH PROJECTED FLANGES SHALL BE INSTALLED ON BOTH SIDES AND THE ENDS OF JOINTS UNDER SILLS AND CONTINUOUSLY ABOVE PROJECTED TRIM. A FLASHING SHALL BE INSTALLED AT THE INTERSECTION OF THE FOUNDATION TO STUCCO, MASONRY, STONE OR BRICK VENEER. THE FLASHING SHALL BE AN APPROVED CORROSION-RESISTANT FLASHING WITH A 1/2" DRIP LEB EXTENDING PART THE EXTERIOR SIDE OF THE FOUNDATION.

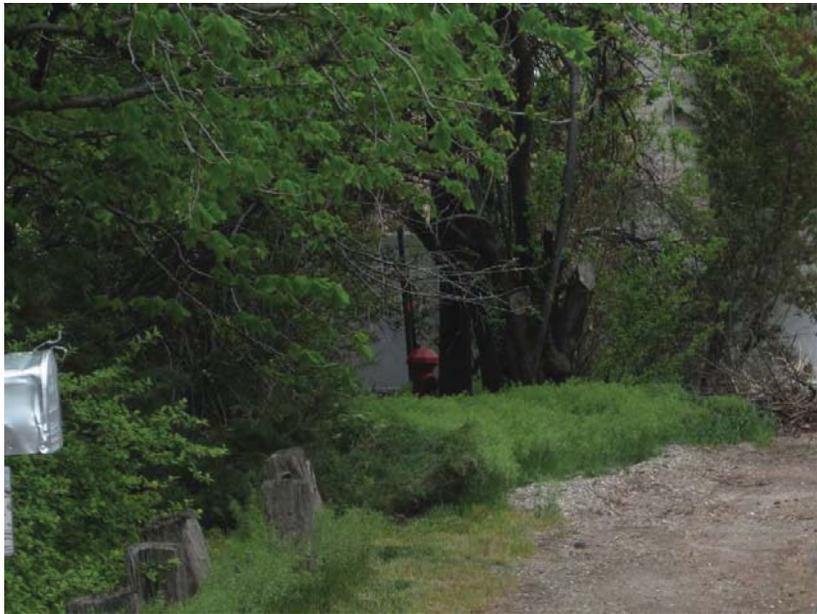


LEFT SIDE ELEVATION  
SCALE: 1/4"=1'-0"



REAR ELEVATION  
SCALE: 1/4"=1'-0"

THIS PLAN IS SPECIFIC TO THE LOT INDICATED IN THE TITLEBLOCK. ANY OTHER USE IS PROHIBITED.











**STAFF REPORT**

Executive Summary					
<b>Hearing Body:</b>	Millcreek Planning Commission				
<b>Meeting Date and Time:</b>	Wednesday, December 12, 201	<b>File No:</b>	2	8	2 2 2
<b>Applicant Name:</b>	Kelly Anderson	<b>Request:</b>	Conditional Use		
<b>Description:</b>	oversize garage in R-1-10				
<b>Location:</b>	2415 East Neffs Ln				
<b>Zone:</b>	R-1-10 Residential Single-Family	<b>Any Zoning Conditions?</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
<b>Staff Recommendation:</b>	Approval				
<b>Planner:</b>	Jim Nakamura				

**1.0 BACKGROUND**

**1.1 Summary**

Applicant requests approval of a 1391 SqFt detached garage in the rear yard of a SFD lot.

**1.3 Neighborhood Response**

No Neighborhood response has been received at the time of this report.

**2.0 ANALYSIS**

**2.1 Applicable Ordinances**

Section 19.84.060 of the Conditional Use Chapter of the Zoning Ordinance establishes five standards to be used in evaluating Conditional Use applications. The Planning Commission must find that all five of these standards have been met before granting approval of an application. Based on the foregoing analysis, Staff suggests the following:

Criteria Met		Conditional Use Criteria and Evaluation
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `A`:</u> <i>The proposed site development plan shall comply with all applicable provisions of the Zoning Ordinance, such as parking, building setbacks, building height, etc.</i>
		Discussion: The proposed detached garage shall be positioned from property lines to meet set back requirements/height restrictions.  Summary: The proposal meets any applicable zoning ordinance requirements. Including all provisions set forth by the RCOZ (Residential Compatibility Overlay Zone)
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `B`:</u> <i>The proposed use and site development plan shall comply with all other applicable laws and ordinances.</i>
		Discussion: Any detached structure over 200 square feet and accessory to a primary use

		(SFD) use requires a County issued building permit.  Summary: The detached garage requires a building permit so all applicable building codes shall be addressed through this process.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<i>Standard `C': The proposed use and site development plan shall not present a traffic hazard due to poor site design or to anticipated traffic increases on the nearby road system which exceed the amounts called for under the County Transportation Master Plan.</i>
		Discussion: This is a private detached garage, the impact on traffic will not be relevant. A garage is accessory to the primary use (SFD) a large garage does not imply increase in habitable space.  Summary: The proposed site plan does not present any traffic issues nor will increase traffic flow in the given residential area.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<i>Standard `D': The proposed use and site development plan shall not pose a threat to the safety of persons who will work on, reside on, or visit the property nor pose a threat to the safety of residents or properties in the vicinity by failure to adequately address the following issues: fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/ topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.</i>
		Discussion: None of the above issues were apparent in the initial site review.  Summary: Per standard conditional use procedure all of the above potential issues will be addressed through the responsible department reviews.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<i>Standard `E': The proposed use and site development plan shall not significantly impact the quality of life of residents in the vicinity.</i>
		Discussion: The proposed property is over a half acre in size. This will be the single accessory structure in the rear yard. In relation to the size of the large rear yard the 1300 square foot garage is insignificant (approx 7 percent coverage).  Summary: All property owners located within 300 ft of the proposed address will be notified of this proposal. These property owners will have opportunity to voice issues at time of Planning Commission meeting.

## 2.2 Zoning Requirements

19.14.030 - Conditional uses.

Conditional uses in the R-1 zones are as follows

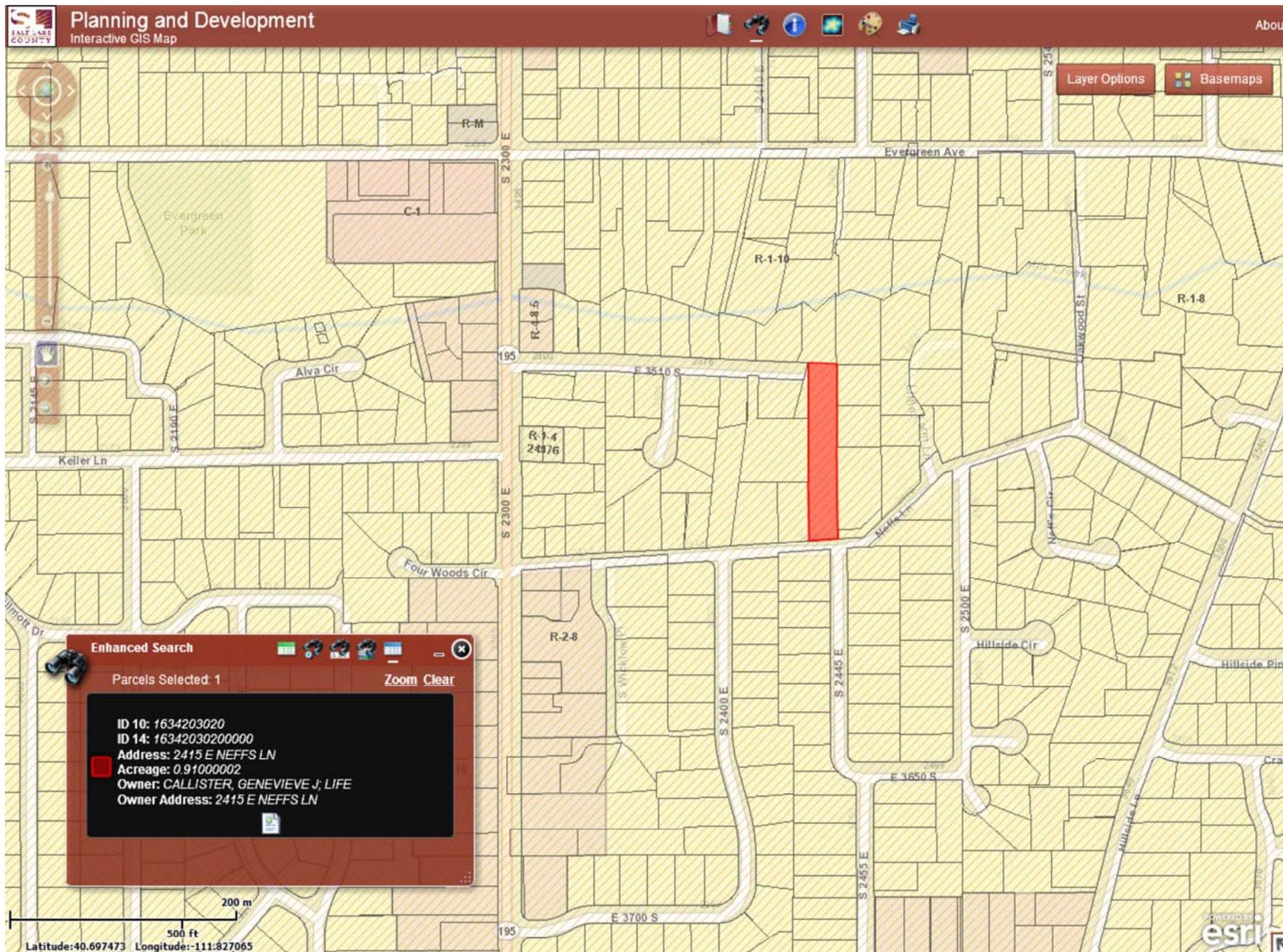
All R-1 zones —Accessory uses and buildings customarily incidental to a conditional use. Any accessory building or buildings where the total square footage exceeds eight hundred square feet on lots under one half-acre or one thousand two hundred square feet on lots one-half acre or larger;

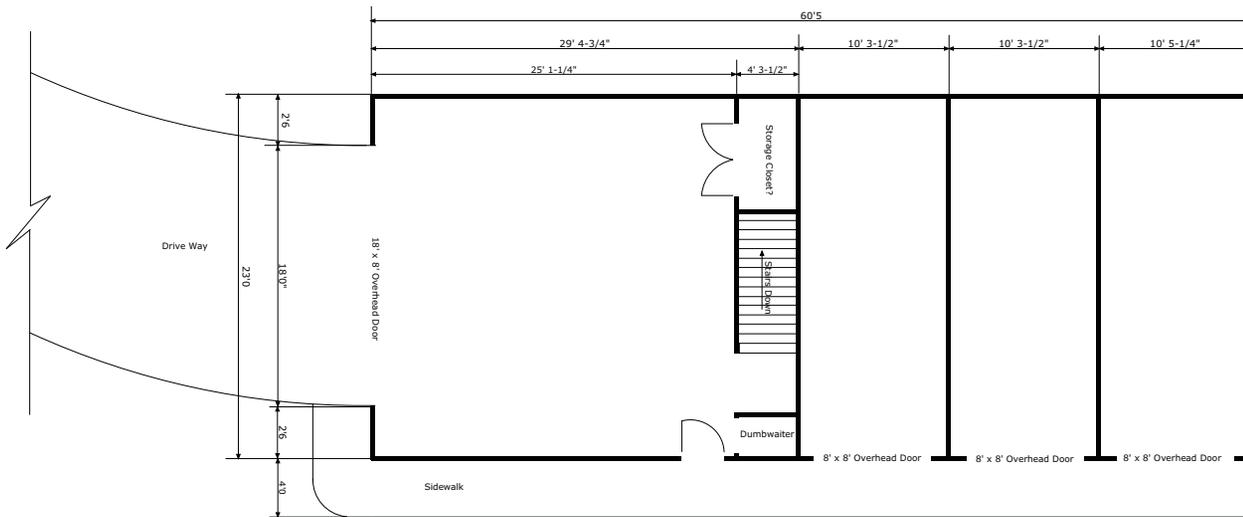
## 3.0 STAFF RECOMMENDATION

### **3.1 Staff recommends APPROVAL of the proposed Conditional Use .**

### **3.2 Reasons for Recommendation**

- 1 ) The size of the rear yard is approx 20,000 sq ft
- 2 ) The proposed structure will cover 7% of the rear yard (well under the 25% max rule)
- 3 ) The garage meets all zoning height requirements
- 4 ) The lot conforms to all Zoning Ordinances/RCOZ requirements





**Floor Plan**  
Scale 1/4"=1'

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Ironwood Custom Builders, Inc.  
Project: Calhaster Detached Storage Building

Designer:  
Kelly Anderson

Created:  
7-23-14

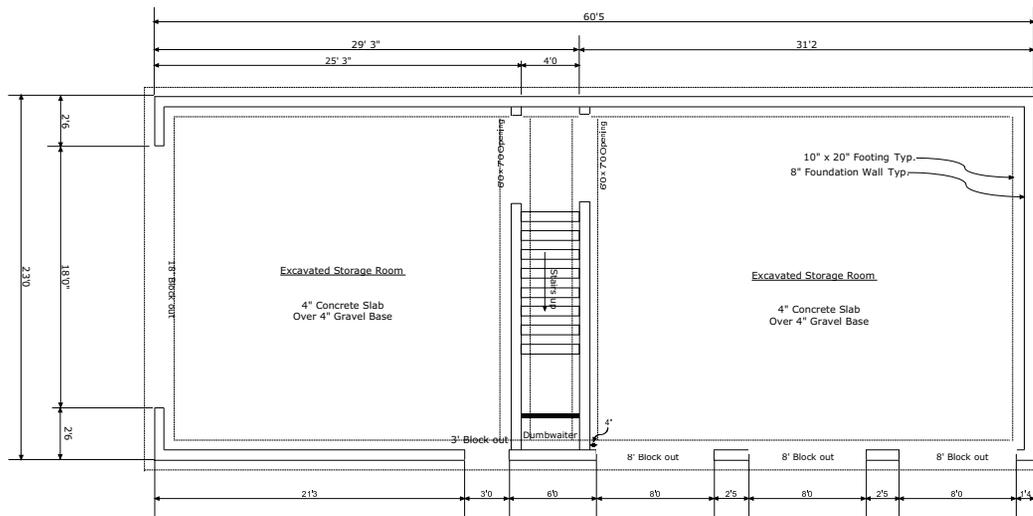
Revision	Date	Item

Scale:  
1/4" = 1'

Engineer of Record:

Sheet 1 of 7

Sheet  
**A-1**



**Foundation Plan**  
Scale 1/4" = 1'



ATTENTION:  
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without the express written consent of  
Ironwood Custom Construction, Inc.

2825 E. Cottonwood Parkway Ste. 500 SLC, Utah 84121 801-416-3121

Project: Calwater Detached Storage Building

Designer:  
Kelly Anderson

Created:  
7-23-14

Revision	Date	Item

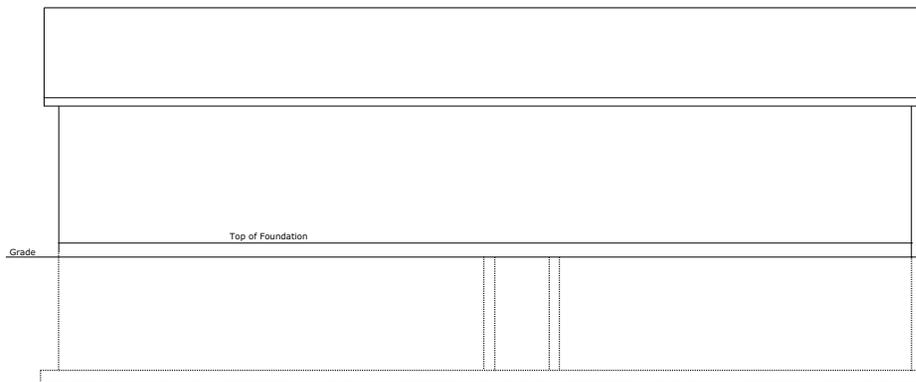
Scale:  
1/4" = 1'

Engineer of  
Record:

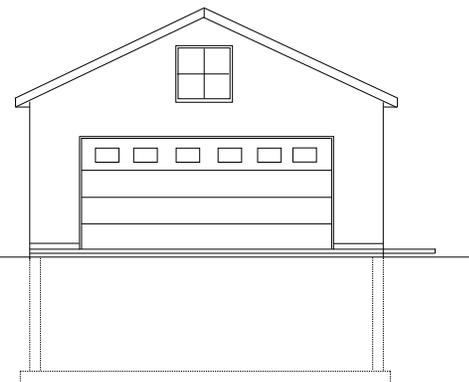
Sheet 2 of 7

Sheet  
A-2

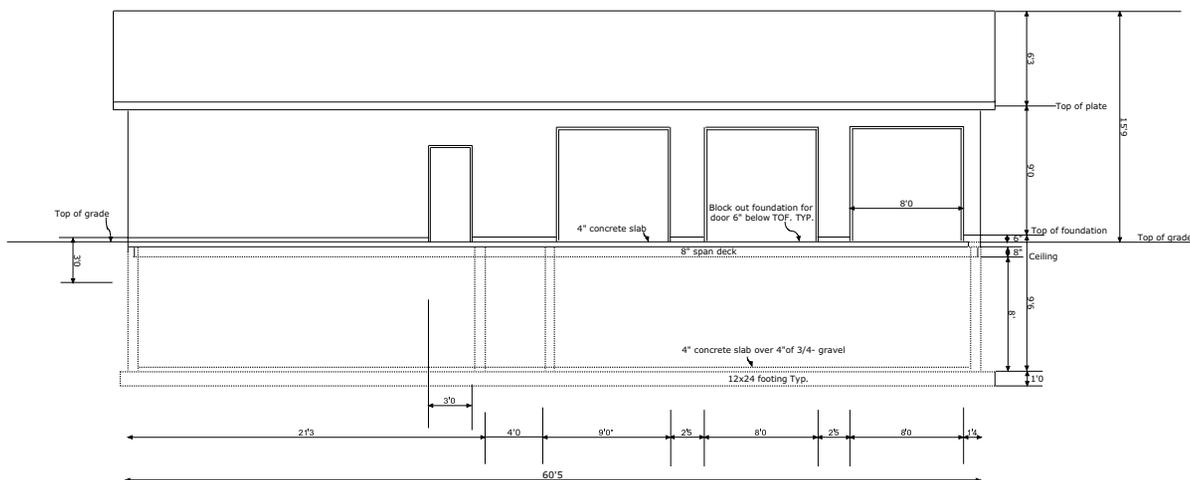
North Elevation



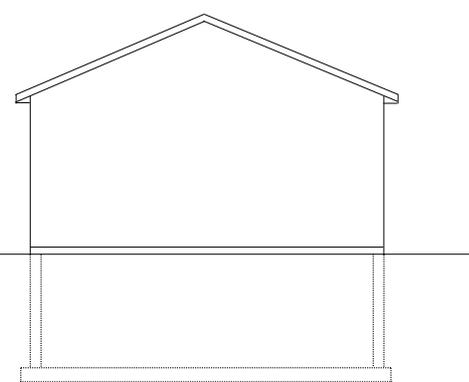
West Elevation



South Elevation



East Elevation



Elevations

Scale 1/4" = 1'

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IRONWOOD Building, Inc.

Project: Calister Detached Storage Building

3825 E. Cottonwood Pl. Unit 300 SLC, Utah 84121 801-410-3121

Designer: Kelly Anderson

Created: 2/13/21

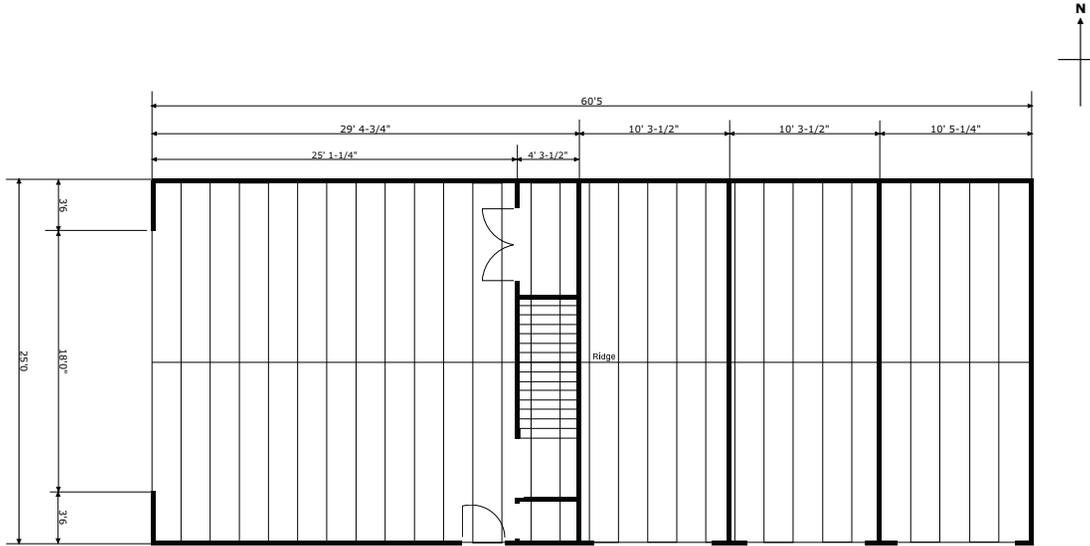
Revision Dates:	
Date	Item

Scale: 1/4" = 1'

Engineer of Record:

Sheet 3 of 7

Sheet A-3



**Roof Framing Plan**

Scale 1/4"=1'

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IRONWOOD  
Custom Builders, Inc.  
8822 E. Cottonwood Parkway, Ste. 500, SLC, Utah 84122, 801-466-3424  
Project: Callwater Detached Storage Building

Designer:  
Kevin Anderson

Created:  
7-13-20

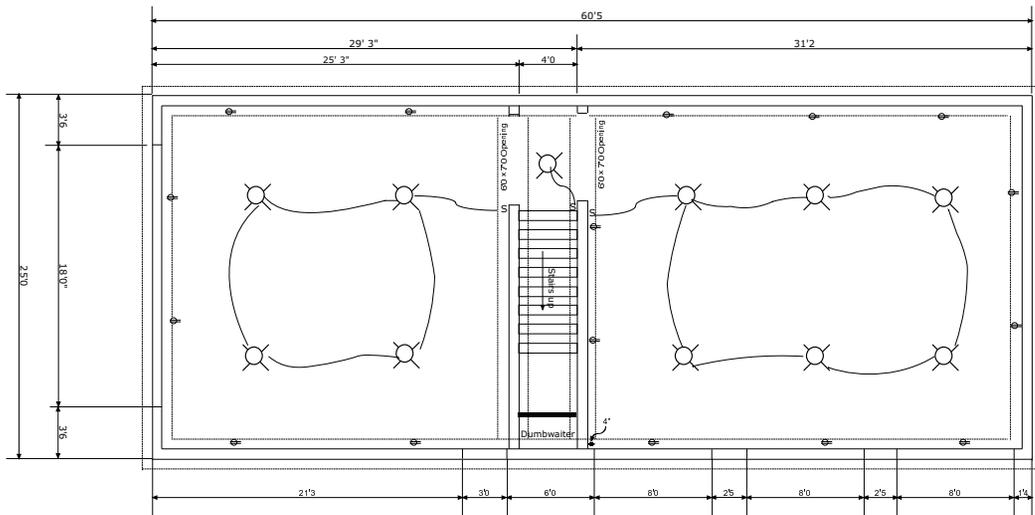
Revision Dates:	
Date	Item

Scale:  
1/4" = 1'

Engineer of Record:

Sheet 4 of 7

Sheet  
**A-7**



**Basement Electrical Plan**  
Scale 1/4"=1'

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**IRONWOOD**  
Custom Builders, Inc.  
8822 E. Cottonwood Parkway, Ste. 500, SLC, Utah 84122, 801-467-4124  
Project: Callwater Detached Storage Building

Designer:  
Kellv Anderson

Created:  
7-13-18

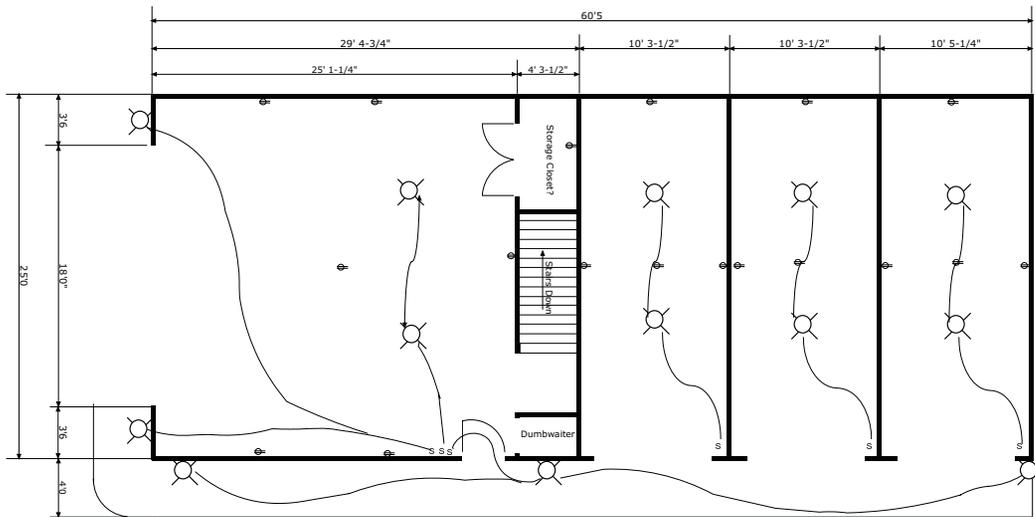
Revision Dates:	Date	Item

Scale:  
1/4" = 1'

Engineer of Record:

Sheet 5 of 7

Sheet  
**A-5**



**Main Floor Electrical Plan**  
Scale 1/4"=1'

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IRONWOOD  
CUSTOM BUILDERS, INC.  
8822 E. Cottonwood Parkway, Ste. 200, SLC, Utah 84122, 801.416.3424  
Project: Callwater Detached Storage Building

Designer:  
Kellv Anderson

Created:  
7.13.20

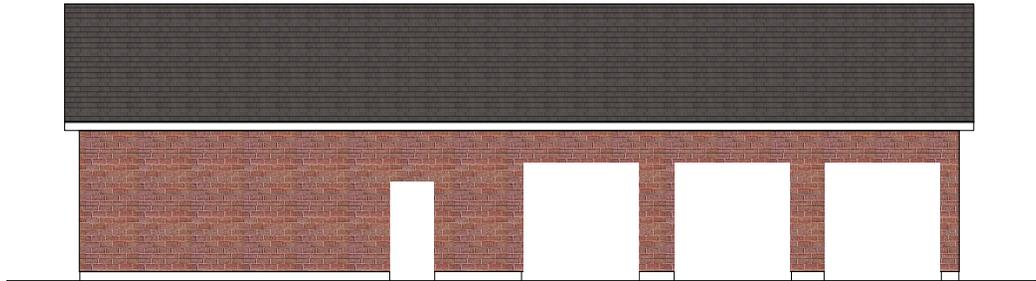
Revision Dates:	Date	Item

Scale:  
1/4" = 1'

Engineer of Record:

Sheet 6 of 7

Sheet  
A-6



Side Rendering  
 Scale 1/4"=1'

ALBANY, NY  
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IRONWOOD  
 8823 E. Cottonwood Parkway, Suite 500, SLC, Utah 84121, 801-410-3121  
 Project: Colliester Detached Storage Building

Designer:  
 Kelly Anderson

Created:  
 1-23-22

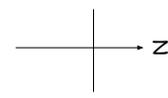
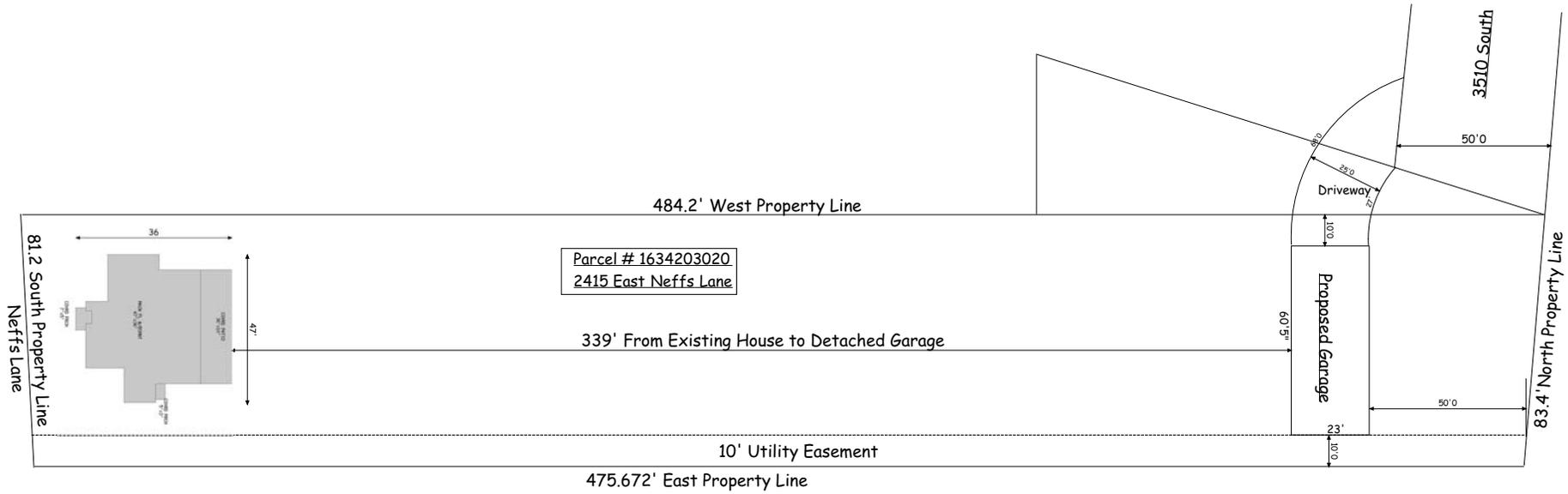
Revision Dates:	
Date	Item

Scale:  
 1/4" = 1'

Engineer of Record:

Sheet 3 of 5

Sheet  
 A-3



ATTENTION: This drawing is the property of F. James Collins. It is to be used only for the project and site shown hereon. It is not to be reproduced or used in any way without the express written consent of F. James Collins, Inc.

Ironwood  
 2825 E. Cottonwood Place, Ste. 500, Salt Lake, Utah 84121, 801-416-3121  
 Project: Bill & Nancy Callister Detached Garage

Designer:  
Kelly Anderson

Created:  
8-17-12

Revision	Date	Item

Scale:  
1" = 10'

Engineer of Record:

Sheet 8 of 8

Sheet  
S-2



**STAFF REPORT**

Executive Summary									
<b>Hearing Body:</b>	Millcreek Township Planning Commission								
<b>Meeting Date and Time:</b>	Wed. December 12, 2012	04:00 PM	<b>File No:</b>	2	8	0	3	8	
<b>Applicant Name:</b>	Nathan Anderson	<b>Request:</b>	Conditional Use						
<b>Description:</b>	24 unit apartment building								
<b>Location:</b>	1431 E. 3900 S.								
<b>Zone:</b>	R-M Residential Multi-Family	<b>Any Zoning Conditions?</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>					
<b>Community Council Rec:</b>	Approval with Conditions								
<b>Staff Recommendation:</b>	Approval with Conditions								
<b>Planner:</b>	Spencer G. Sanders								

**1.0 BACKGROUND**

**1.1 Summary**

The applicant is requesting approval of a Conditional Use Permit for a 24-unit apartment building on a 0.83 acre property currently zoned RM (Residential Multi-family and Office). The proposed project would have private garage parking on the main floor with 24-units on three floor above; 8 units per floor. The following are the specifications of the project:

**Density:** 24 units on 0.83 acres = 28.92 units per acre.

**Access:** Two accesses off of 3900 South, one for the east side of the building and one for the west

**Parking:** 38 Private Garage Spaces + \*20 Surface Parking Spaces = 58 Total Spaces

*\*5 of the surface parking spaces are proposed as provisional parking spaces grass block*

**Building Height:** Approximately 42 feet from finished grade to parapet top

**Setbacks:**

Front: 20 feet to main wall; approximately 13 feet to balconies

West Side: 37 feet to main wall; approximately 32 feet to one balcony

East Side: 59 feet to main building; balconies are setback 3-10 feet further than garage level

Rear: 30 feet to main building; approximately 25 feet to balconies

**Recreational Facilities:**

Quantity: 4 total, 2 more facilities than required by standards. One of the items offered in exchange for increase in density by 4 units over standard density; also offered in exchange for a reduction to standard open space by 4% as allowed by the Recreational facilities and open space standards.

Type: Playground/Exercise Area; Sports Court; Gazebo/Picnic Area; Raised Bed Garden

**Features:** Units are 2-bedrooms, 2 baths, Great Room Kitchen and Balconies; Private Garages; Secure internal access from garage to units; Central Lobby and Corridors; Elevator Access; Garbage Shute; Secure Storage.

**1.2 Hearing Body Action**

The item is on the Commission's agenda for preliminary approval of the site plan and Conditional Use. Final approval would be issued by staff after technical review. The Commission could request the final site plan come back to the Commission for final approval before issuance.

**1.3 Neighborhood Response**

Several adjacent residents were present and the Millcreek Community Council on December 4, 2012. The expressed concerns regarding building height, views, noise, traffic, impacts on privacy and affects on home values.

Staff has also received several phone calls regarding the proposal. Some calls were just asking details about the proposal, the meeting, the commission's procedures and options. Others, raised concerns about the proposal similar to those noted and the Community Council meeting.

**1.4 Community Council Response**

The Community Council held their initial meeting on this item on November 6, 2012 at the request of the applicant. No residents were present and the Council recommended approval of the project subject to compliance with county regulations. Staff scheduled a second meeting with the Millcreek Council just after receiving a complete application from the applicant. This time residents were present and expressed their opposition to the project. Most notable were the adjacent residents directly to the north who expressed concerns about the building height blocking views and effecting their privacy. Also a concern about an apartment building over some other use. They indicated that they had been told that the building height was limited to 1.5 stories with previous use of the property.

**2.0 ANALYSIS**

**2.1 Applicable Ordinances**

Section 19.84.060 of the Conditional Use Chapter of the Zoning Ordinance establishes five standards to be used in evaluating Conditional Use applications. The Planning Commission must find that all five of these standards have been met before granting approval of an application. Based on the foregoing analysis, Staff suggests the following:

Criteria Met		Conditional Use Criteria and Evaluation
YES <input type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `A`:</u> <i>The proposed site development plan shall comply with all applicable provisions of the Zoning Ordinance, such as parking, building setbacks, building height, etc.</i>
		While the detail information may not be sufficient to verify these requirements fully, it is staff's opinion that the plan can likely comply with modifications.
YES <input type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `B`:</u> <i>The proposed use and site development plan shall comply with all other applicable laws and ordinances.</i>
		With the recommended condition of bringing the final site plan back to the Commission for final approval and final approval of the Conditional Use Permit will confirm that this criterion is met.

YES <input type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `C`:</u> <i>The proposed use and site development plan shall not present a traffic hazard due to poor site design or to anticipated traffic increases on the nearby road system which exceed the amounts called for under the County Transportation Master Plan.</i>
		It is not anticipated by the Transportation Engineer that the proposed project will pose a traffic hazard or impose a significant impact on the surrounding area. However, if the Commission feels it necessary to have a traffic study completed which can confirm the Engineer's assumption based on experience, the commission can certainly require such a study be completed prior to final conditional use approval, including providing the results of such a study to the Commission with final request for approval.
YES <input type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `D`:</u> <i>The proposed use and site development plan shall not pose a threat to the safety of persons who will work on, reside on, or visit the property nor pose a threat to the safety of residents or properties in the vicinity by failure to adequately address the following issues: fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/ topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.</i>
		With the recommended conditions the proposed use and site will not pose a threat to safety as noted in this criterion.
YES <input type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `E`:</u> <i>The proposed use and site development plan shall not significantly impact the quality of life of residents in the vicinity.</i>
		With the recommended conditions, the Commission will be able to more fully evaluate this criterion with more detailed plans submitted for final review and approval. Staff will recommend the Commission clarify for the applicant any issues they deem necessary for the applicant to address in order to comply with this criterion.

## 2.2 Zoning Requirements

Note above that staff has not indicated whether or not the application complies with the above Conditional Use Criteria for approval. It is staff's position that, while the plans are sufficient to understand the proposed project mostly, there are a number of issues that need more detailed plans to confirm compliance with the above criteria and the criteria for granting additional density. Staff is recommending that the Commission grant a conceptual approval of the project, addressing specific issues that will help guide the applicant to a successful approval. However, the final site plan be brought back to the Commission for final approval an final approval of the Conditional Use Permit to confirm among other issues noted in this report, that the above criteria are satisfied. The above table would be more fully filled out upon return to the Commission.

The analysis below includes Proposed, Ordinance Requirements and where applicable the Development Standards for Medium and High Density Residential. Ordinances are the adopted minimum standard that can not be violated unless a variance is approved by the Board of Adjustment. The Development Standards are a policy document that was approved by the Planning Commission a number of years ago to give guidance to staff with minor conditional use application that were allowed to be approved by staff if the proposal met the Development Standards. Now, all conditional uses are reviewed and approved by the Planning Commissions and the Development Standards have been used as a tool to provide consistency in making decisions regarding conditional uses. Nevertheless, the Development Standards are policy established by the Commission and can be modified by the Commission through the Conditional Use process.

### **2.2.1 Maximum Density:**

Proposed: 28.92 units per acre

Ordinance: 25 units per acre standard, up to 32 units per acre with PC approval as follow:

*19.44.110 Density (Note to maximum density listed in table) \*Where supported by the community general plan, and found by the planning commission to be compatible with land uses in the vicinity, multi-family residential development which incorporates innovations of design, amenities, and features, may be approved by the planning commission for higher densities than shown above (in the density table), but shall in no case be higher than 32.0 units per acre.*

Conclusion: PC must determine if the proposal meets the tests noted above justifying the increased density.

"Supported by the Community General Plan" - The Millcreek General Plan designates the subject property and surrounding area as yellow, signifying moderate change over time. In addition, the subject property is located along a designated corridor on the General Plan that also anticipates growth and increase intensity uses. There are a number best practices including housing, mobility, corridors and sustainability that would seem to support multi-family at this location.

"Compatible with Land Uses in the Vicinity" - The subject property is located midway between 1300 East and Highland Drive, approximately 1600 East.

*1300 East and 3900 South* - A combination of Office, Small retail and the St. Marks Hospital Complex.

*Highland Drive and 3900 South* - Office, Retail, and large and small multi-family developments.

*General Area* - The proposed building is taller than most of the other buildings in the immediate vicinity by at least one and maybe two stories. However, there are taller office and retail in the general area, including St. Marks Hospital and the Doxey Hatch building across the street from St. Marks.

*Immediately adjacent to the subject property*

WEST - a dental office building.

EAST - single-family homes zoned R-2-8.5 and offices zoned RM.

SOUTH (Across 3900 South) - single and two-family homes zoned mostly R-2-6.5 with a couple of properties zoned RM and utilized for office.

NORTH - An existing single-family residential neighborhood. While there is no direct connection to the single-family residential neighborhood to the north the proposed project is adjacent. Special attention should be placed on the buffering between the two uses. The other uses along 3900 South are probably more compatible with the proposed use than the single-family homes to the north. Nevertheless, 3900 South should provide more mobility for the residents of the project by providing them access to transit currently servicing 3900 South.

"Incorporates Innovative Design, Amenities and Features"

*Design* - The building is fairly innovative in providing private garages for all the residents with secure access to the units from inside the building. The applicant has indicated that their target market is individuals who are 50-70 years old looking for a secure low maintenance facility with private parking. The building also includes an elevator in order to make the units fully ADA accessible. There may be other innovations but they have not been outlined on the plans.

*Amenities* - Three of the four proposed amenities are fairly typical for multi-family development. However the fourth, the raised garden beds, is a fairly new idea for this type of the development.

Often people who live in an apartment do not have an opportunity to tend a vegetable garden or they try to do container garden on the porches or balconies. Community gardens are a fairly new innovative concept. Having a common garden to tend with neighbors can often provide benefits for the individual residents, including health, community and socialization. However, there is not currently enough detailed information to evaluate any of the proposed recreational facilities. It is unclear how much square footage is associated with each amenity and what are the facilities' designs. Without this information it is difficult to determine whether or not they are innovative.

*Features* - The Building will feature a main floor lobby and private storage near the tenants' units. The applicant is also proposing that some of the surface parking be developed as provisional parking spaces; grass block surfacing that retains a green planted appearance, allows water to percolate into the soil, but is able to withstand vehicle parking without breaking down. The idea is that the surface parking may not always need to be fully utilized and having provisional spaces allows those spaces to be perceived as part of the open space area but are available as needed for guests. There may be additional amenities features such as "green" or "energy efficient" features that are not apparent in the plans.

### **2.2.2 Minimum Parking:**

Proposed: 58 Total Spaces;

Ordinance: 2 spaces per unit and PC can require more for guest parking;

Development Standards: 2 spaces + 1/2 space guest parking per unit if private garages are utilized.

Result: 60 spaces required for 24 units

Conclusion: **Proposal needs two additional parking spaces**, these can be found elsewhere on site, but may reduce total open space calculations.

### **2.2.3 Maximum Building Height:**

Proposed: 42 feet, 4 stories;

Ordinance: 75 feet, 6-stories (to achieve heights over 35 feet 1 foot additional side yard setback is required for each 2 feet of building height; Result - 8 feet minimum side setback + (42 feet - 35 feet = 7 feet 7, 7 feet / 2 = 3.5 or 3 additional feet setback) = 11 feet minimum side yard setback for a 42-foot high building. The ordinance does not require additional rear yard setback which is 30 feet minimum.

Development Standards: 15 feet additional perimeter setback required, over the 15-foot minimum setback adjacent to 1 or 2-family residential, for each story over two stories. 4-stories would require a 45-foot minimum setback from the single family residential development to the north and east.

Conclusion: The proposal **complies with** the maximum height allowed under **ordinance** since the proposed side yard setback exceeds the additional setback required for the proposed height. However, the proposal **does not comply with the Development Standards** since the proposed rear setback is 25 feet to the balconies and 45 feet would be required.

### **2.2.4 Minimum Setbacks:**

Front:

*Proposed:* 20 feet to main wall; approximately 13 feet to balconies

*Ordinance:* 20 feet with upgraded landscape per landscape ordinance

*Conclusion:* **Main building complies, but balconies do not**

West Side:

Proposed: 37 feet to main wall; approximately 32 feet to one balcony

Ordinance: 11 feet for 42-foot high building

Development Standards: 15 feet since use to the west is office

Conclusion: Proposed setback **complies with both** Ordinance and Development Standard

East Side:

Proposed: 59 feet to main building; balconies are setback 3-10 feet further than garage level

Ordinance: 11 feet for 42-foot high building

Development Standards: 45 feet for 4 stories since the use to east is single family residential

Conclusion: Proposed setback **complies with both** Ordinance and Development Standard

Rear:

Proposed: 30 feet to main building; approximately 25 feet to balconies

Ordinance: 30 feet

Development Standards: 45 feet for 4 stories since the use to east is single family residential

Conclusion: Proposed setback **complies with the Ordinance**, but **does not comply and Development Standards**

**2.2.5 Recreational Facilities & Open Space:** The *Recreational Facilities and Open Space Standards* is a policy document similar to the *Development Standards for Medium and High Density Residential*. It is a policy approved by the Planning Commission and may be modified by the Planning Commission under Conditional Use.

Number of Amenities and Open Space %: The proposed number of amenities of amenities (4) meets the requirement to reduce the opens space by 4% (2% for each additional amenity over the minimum required) from 50% to 45% minimum open space required. The three of the four proposed facilities are facilities listed in the Standards as possible options. The 4th, the raised bed gardens are not.

Provisional Parking and Open Space - The plan counts the provisional parking spaces and driveway as part of the open space for the project. If the provisional parking does not end up being heavily utilized, this could be a positive. However, if it is used an a very regular basis it will fill like the open space is less than the 46%. However, if all the amenities are adequately provided and there is sufficient parking on the site, this may not be an important issue.

Details: None of the facilities are fully designed and detailed, so it is difficult to confirm their acceptability under the policy. Additional detail will be need to confirm compliance with this development standard. It is important to note here that the current location of the garden beds will likely need to change. They should be relocated to the more consolidated recreation area to the rear of the building so that the required landscaping, including 1 tree for every 25 lineal feet can be met along the side property lines.

**2.2.6 Landscaping** - The preliminary landscape plan submitted does not provide sufficient information to confirm that the final plan will comply with County landscape ordinance. A number of details will need to be provided and the landscape plan refined. For example, there will likely need to be more trees along the site property lines as well as in the front setback behind the sidewalk. Nevertheless, the current plan does outline the applicant's idea behind providing a fairly solid landscape buffer along the south property line. The applicant has said that the variety and quantity of trees along the rear property line are intended to create a green visual buffer for the residents of the neighborhood to the north. A mixture of

evergreen and deciduous trees are proposed to be used that will get quite tall and create a year-round screen. The applicant has indicated that this screen will help block his proposed building from view by the northern residents. A revised preliminary landscape plan will need to be provided that reflects this intent as well as reflect the requirements of the County's Water-wise Landscape Ordinance. It will also important to help soften the building from the street with adequate landscape. While the current plans do not fully satisfy preliminary landscape plan requirements. It does appear that there will be enough area provided to achieve compliance.

**2.2.7 Lighting** - The applicant has not yet provided any information on proposed lighting. It will be important to have a lighting plan that protects the adjacent residents from impacts of direct light; avoids distracting light for motorists on 3900 South; reduces an over abundance of light while providing sufficient lighting for safety and security.

**2.2.8 Trash Removal** - The proposed plans indicate a dumpster on the north side of the building, adjacent to the building. The dumpster will be accessed by the residents via a trash chute from inside the buildings north internal stair case. The intent is to avoid residents from having to go all the way outside to deposit their trash. The dumpster is also a significant distance away from the residents homes so odors and other nuisances related to the dumpster should be minimal. The dumpster is proposed to be enclosed within an enclosure wall that matches the building. Trash pick up would be accessed from the eastern driveway.

## **2.3 Other Agency Recommendations or Requirements**

### **Building**

Accessible ADA surface parking and garage parking will need to be identified in accordance with building code requirements, along with the accessible route from said spaces to and within the building.

Accessible units, Type A and Type B will need to be identified shown how they comply with the applicable requirements.

### **Transportation Engineer** -

A more detailed right-of-way and access plan will need to be provided and stamped by a licensed civil engineer.

Expected Impact on 3900 S. Traffic: Base on the Transportation Engineer's experience with similar project son similarly sized and heavily traveled roadways, the proposed project will likely have negligible impact on the existing traffic along 3900 South. Also based on this experience the Transportation Engineer would not recommend a transportation study be completed.

## **2.4 Other Issues**

**Development Standards vs. Zoning Regulations** The Development Standards have been utilized for more than 10 years. However, from time to time, as a site situation seems to indicate, the Commission has approved projects that do not necessarily comply with all of the Development Standards. It will be important for the Commission to determine with this project which standard will need to be held to where the proposal does not comply with both Development Standards or Ordinance.

Specifically, the Commission will need to determine whether or not to require Development Standards. if the are more restrictive. For example, the 45 foot rear setback required by the Development Standards for a 4-story building, or 30-foot rear setback Ordinance requirement of the RM zone.

### **3.0 STAFF RECOMMENDATION**

#### **3.1 Staff recommends APPROVAL of the proposed Conditional Use with the following conditions:**

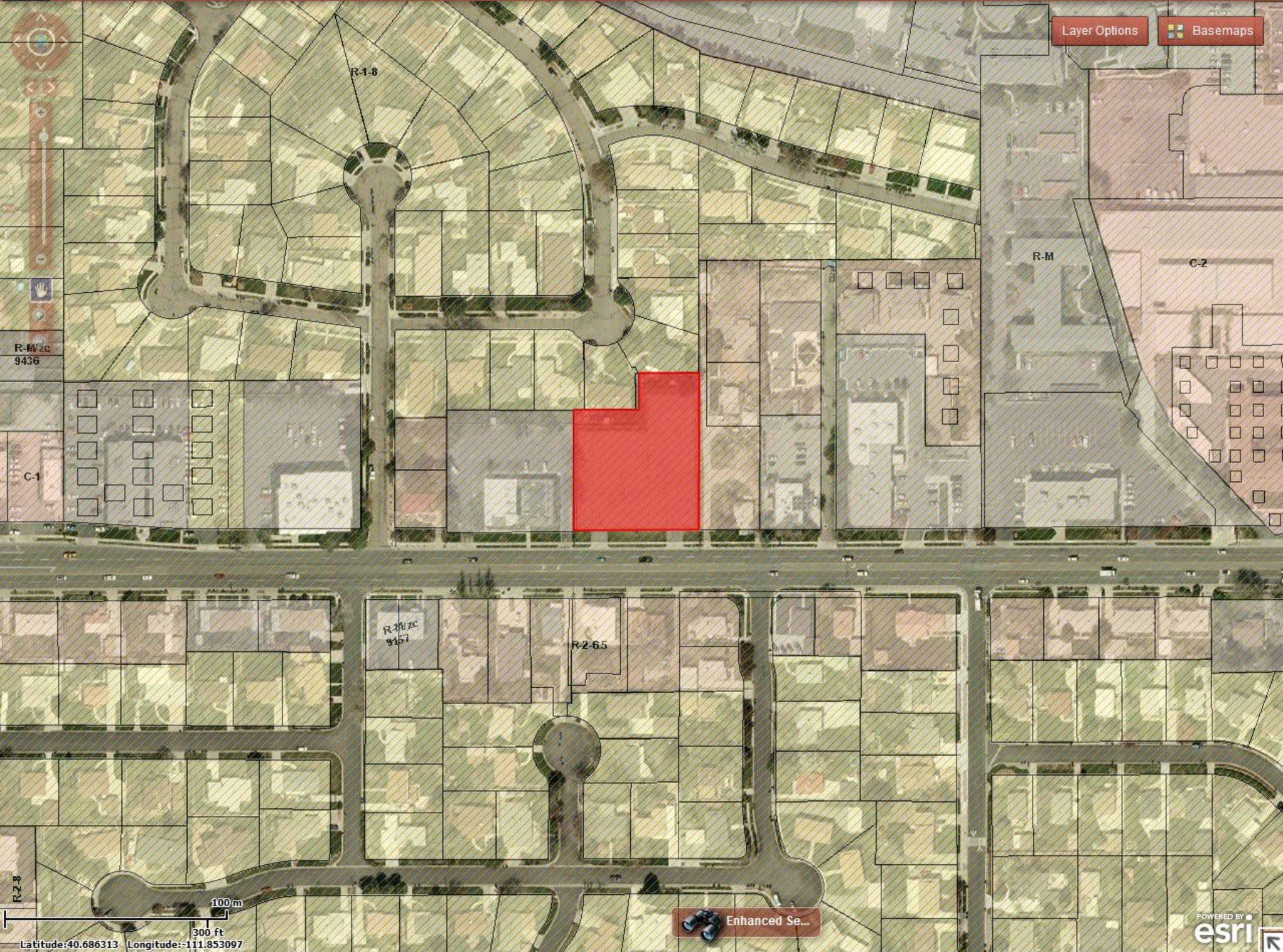
- 1 )The applicant complete the Technical Review with staff, addressing all the issues noted in this report as well as any that may arise during the Technical Review Process with the staff or outside agencies, prior to issuance of the final Conditional Use Permit.
- 2 )The building setback shall be 30 feet from the rear property line as outlined in the proposal and that a significant and densely planted screen of trees and shrubs be installed to reduce the visual impact and possible impact on privacy on the adjacent residents.
- 3 )The balconies on the north and south sides of the building be eliminated or relocated to the sides of the building in order for the building to be in compliance with setback requirements.
- 4 ) The applicant revise the site plan to obtain the minimum 60 parking spaces in a manner acceptable to the staff without impacting the main open space area to the rear of the building.
- 5 )The maximum density of the project shall not exceed 28.92 dwelling units per acre, or 24 total units. However, this must be finalized by the Planning Commission after review of the final site plan at a public meeting.
- 6 )That the final site plan be placed on the Planning Commission's Agenda for final review and approval of the Conditional Use Permit, to verify that all applicable requirements have been met; the Conditional Use Criteria for approval noted in this report are satisfied; and that the increase in density over 25 dwelling units per acre or (20 units) to 28.92 dwelling units per acre (or 24 total units) is justified by the design of the final product.

#### **3.2 Reasons for Recommendation**

- 1 ) The project appears to be consistent with the Millcreek township General Plan, however, additional information and revised plans are necessary to confirm.
- 2 ) The proposed plan should be able to comply with all requirements. However, additional information is necessary to verify full compliance with zoning requirements.
- 3 ) Returning the final site plan to the Planning Commission for final approval of the plan and Conditional Use Permit will verify that the project will comply with the Conditional Use Criteria for approval and confirm that the proposed final design justifies the increased density for the site.

#### **3.3 Other Recommendations**

Staff recommends that the Commission, regardless of approval or continuance, direct the applicant regarding any specific issues the Commission feels are necessary for the applicant to achieve a project acceptable for final approval. For example, addressing issues related to Development Standards vs. Ordinance; compliance with criteria for conditional use approval; compliance with findings necessary for the Commission to grant additional density over the standard 25 dwelling units per acre.



Layer Options

Basemaps

R-1-8

R-M

C-2

R-M2C  
9436

C-1

R-M2C  
9457

R-2-65

R-2-8

100m

300ft

Latitude: 40.686313 Longitude: -111.853097

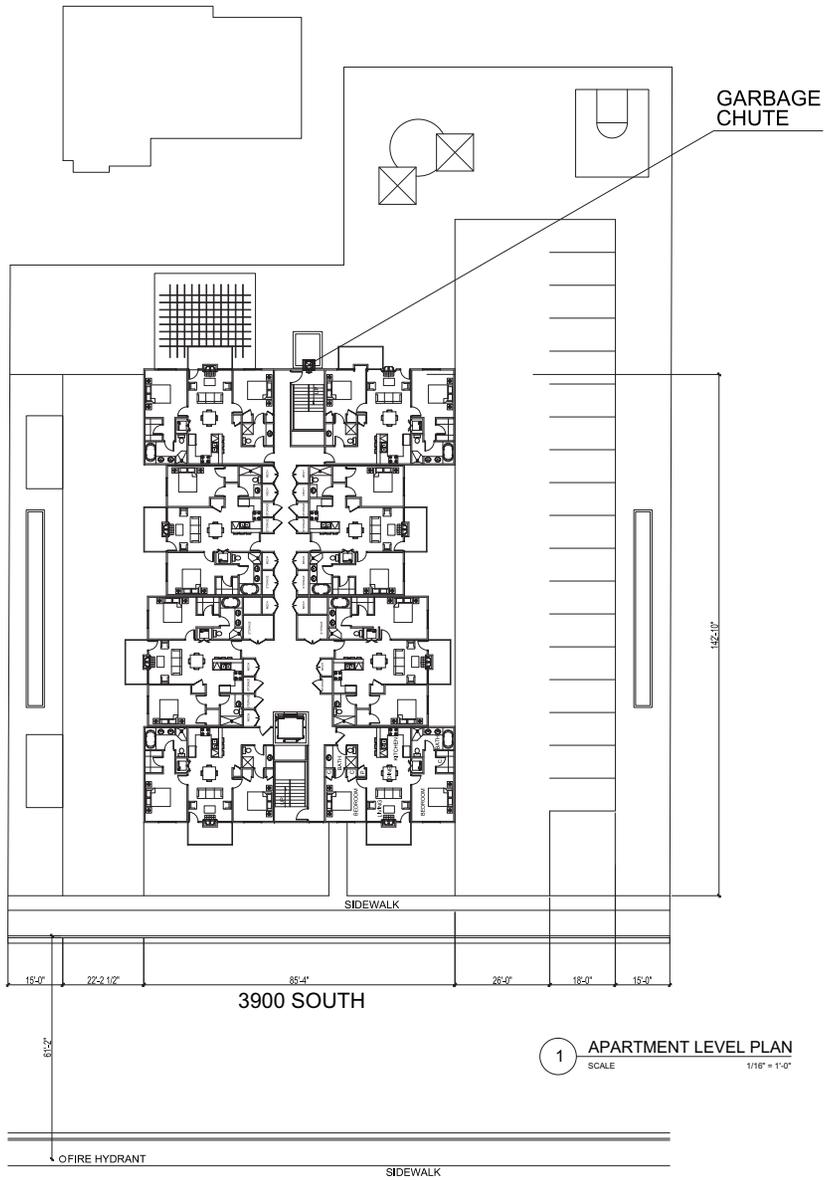
Enhanced See...











1 APARTMENT LEVEL PLAN  
SCALE 1/16" = 1'-0"

**RPA**  
RUSSELL PLATT ARCHITECTURE  
4141 HIGHLAND DRIVE SUITE 111  
HOLLADAY, UTAH 84117  
901-590-0181

**APARTMENT BLDG**  
1431 EAST 3900 SOUTH

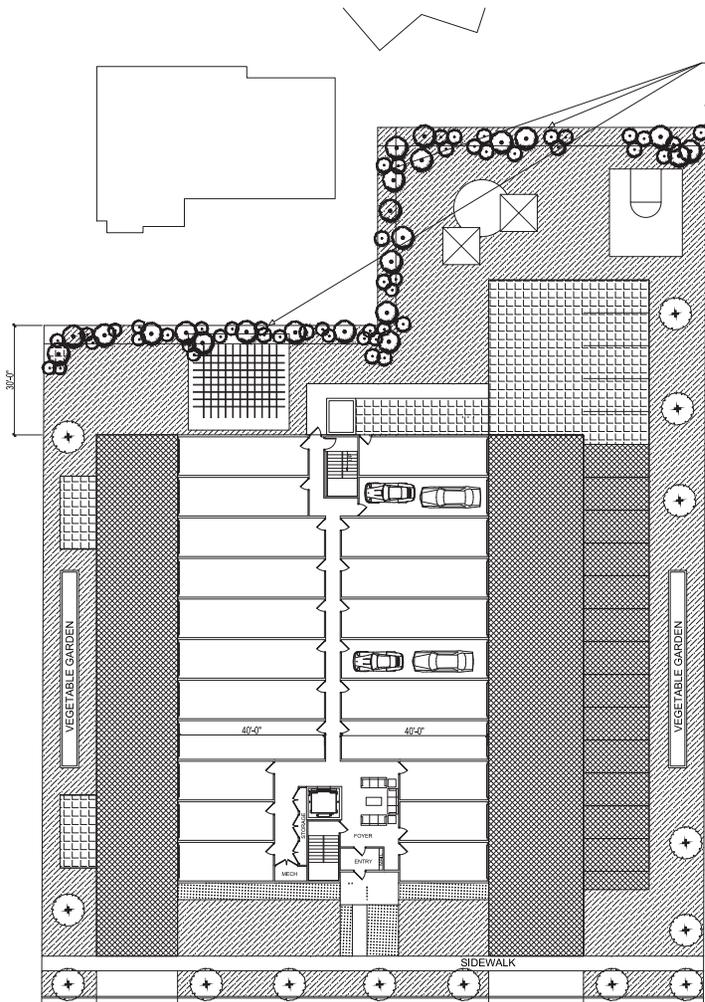
DATE: 10-17-12

REVISIONS:

NO	DATE	REVISIONS

SHEET TITLE  
FLOOR PLAN

SHEET NUMBER  
**A2**



EXIST. 6' HIGH  
CMU WALL  
5' WIDE PLANTING  
AREA INSIDE WALL

PLANT SCHEDULE -- PARCEL F3A

SYMBOL	TREES	BOTANICAL / COMMON	CONT. / SIZE
		Fastigiata / Cedar	7-8'
		Quercus Robar / Columnar English Oak	7-8'
		Lyndon / American Centry	15 gal
		Mountain Ash / Cardinal Royal	15 gal

GROUP "B" (Plant 2 feet O.C.)  
 Aquilegia coerulea / Rocky Mountain Columbine  
 Coreopsis lanceolata / Lanceleaf Tickseed  
 Echinacea purpurea 'Magnus' / Purple Coneflower  
 Erigeron speciosus / Aspen Daisy  
 Lupinus argenteus / Silver Lupine  
 Penstemon cyananthus / Wasatch Penstemon  
 Rudbeckia occidentalis / Western Coneflower

GRASS

LANDSCAPE BLOCK

DRIVEWAY AND PARKING

3900 SOUTH

1 LANDSCAPE PLAN  
SCALE 1/16" = 1'-0"



RPA  
RUSSELL PLATT ARCHITECTURE  
4141 HIGHLAND DRIVE SUITE 111  
HOLLADAY, UTAH 84117  
901-580-0181

APARTMENT BLDG  
1431 EAST 3900 SOUTH

DATE: 10-17-12

NO.	DATE	REVISIONS

SHEET TITLE

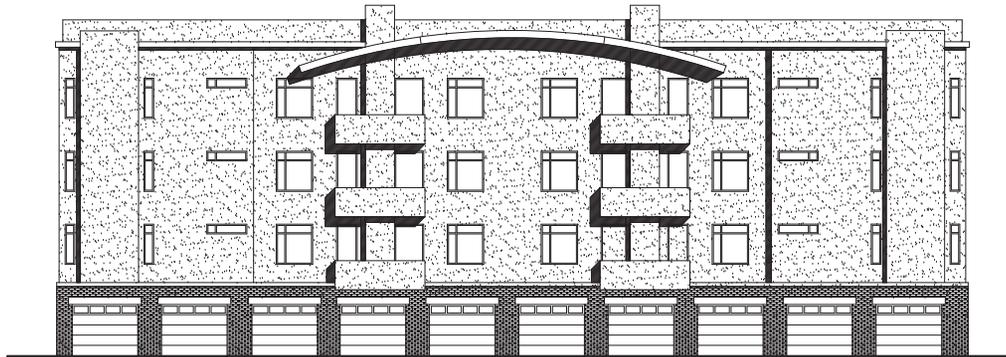
LANDSCAPE

SHEET NUMBER

L1



1 SOUTH ELEVATION  
SCALE 1/8"=1'-0"



2 EAST ELEVATION  
SCALE 1/8"=1'-0"

**RPA**  
RUSSELL PLATT ARCHITECTURE  
4141 HIGHLAND DRIVE SUITE 111  
HOLLADAY, UTAH 84117 907-590-0181

**APARTMENT BLDG**  
1431 EAST 3900 SOUTH

DATE: 10-17-12

REVISIONS:

NO.	DATE	REVISIONS

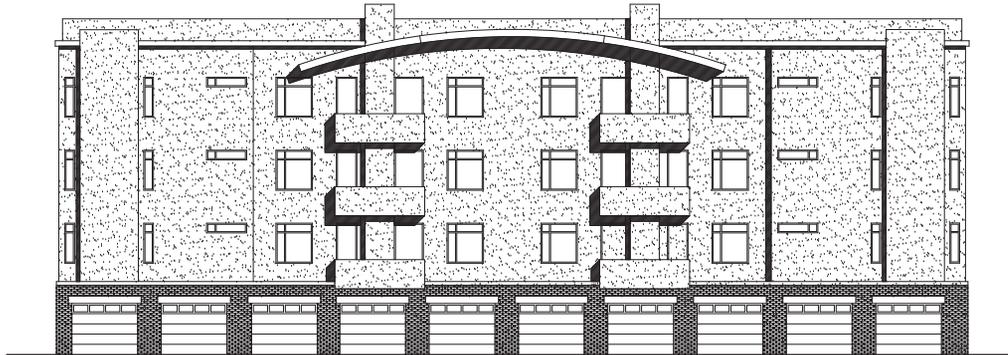
SHEET TITLE  
ELEVATIONS

SHEET NUMBER

A3



3 NORTH ELEVATION  
SCALE 1/8"=1'-0"



4 WEST ELEVATION  
SCALE 1/8"=1'-0"

**RPA**  
RUSSELL PLATT ARCHITECTURE  
4141 HIGHLAND DRIVE SUITE 111  
HOLLADAY, UTAH 84117  
901-590-0181

**APARTMENT BLDG**  
1431 EAST 3900 SOUTH

DATE: 10-17-12

REVISIONS:

NO.	DATE	REVISIONS

SHEET TITLE  
ELEVATIONS

SHEET NUMBER

A4





**STAFF REPORT**

Executive Summary									
<b>Hearing Body:</b>	Millcreek Township Planning Commission								
<b>Meeting Date and Time:</b>	Wed. December 12, 2012	04:00 PM	<b>File No:</b>	2	8	1	1	8	
<b>Applicant Name:</b>	Scott & Rachel Forrest	<b>Request:</b>	Conditional Use						
<b>Description:</b>	4-family dwelling								
<b>Location:</b>	2532 E. 3300 S.								
<b>Zone:</b>	R-4-8.5 Residential Four-Family	<b>Any Zoning Conditions?</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>					
<b>Community Council Rec:</b>	Approval with Conditions								
<b>Staff Recommendation:</b>	Approval with Conditions								
<b>Planner:</b>	Spencer G. Sanders								

**1.0 BACKGROUND**

**1.1 Summary**

The applicants are requesting approval of a Conditional Use Permit to build a four-family dwelling on the subject property. The subject property is 0.35 acres in size and is zoned R-4-8.5. Four-family dwellings are a conditional use in the zone. The applicant's proposed density is 11.42 dwelling units per acre.

**1.2 Hearing Body Action**

This application is on the Commission Agenda for a preliminary approval of the site plan and conditional use.

**1.3 Neighborhood Response**

Staff has recieved one phone call from the adjacent neighbor to the south. His only concern was that the irrigation he currently has access to through this property be maintained.

**1.4 Community Council Response**

The Community Council at their December 6th regularly scheduled meeting, recommended voted unanimously to recommend approval of the project with the condition that the building not exceed 35 feet to the ridge line of the roof from original grade.

**2.0 ANALYSIS**

**2.1 Applicable Ordinances**

Section 19.84.060 of the Conditional Use Chapter of the Zoning Ordinance establishes five standards to be used in evaluating Conditional Use applications. The Planning Commission must find that all five of these standards have been met before granting approval of an application. Based on the foregoing analysis, Staff suggests the following:

Criteria Met		Conditional Use Criteria and Evaluation
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `A'</u> : <i>The proposed site development plan shall comply with all applicable provisions of the Zoning Ordinance, such as parking, building setbacks, building height, etc.</i>
		The subject proposal complies with all provisions of the zoning ordinance.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `B'</u> : <i>The proposed use and site development plan shall comply with all other applicable laws and ordinances.</i>
		With the recommended conditions of approval, the plan will comply with all applicable laws and ordinances prior to issuance of the Final Conditional Use Permit by staff.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `C'</u> : <i>The proposed use and site development plan shall not present a traffic hazard due to poor site design or to anticipated traffic increases on the nearby road system which exceed the amounts called for under the County Transportation Master Plan.</i>
		The applicant will be required to obtain UDOT and County transportation approval before the final Conditional Use Permit is issued. These reviewers area tasked with the responsibility of making sure that this criteria is met through their standard ordinance and regulation requirements. Therefore, prior to issuance of the Final Conditional Use Permit, the applicable requirements will be met.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `D'</u> : <i>The proposed use and site development plan shall not pose a threat to the safety of persons who will work on, reside on, or visit the property nor pose a threat to the safety of residents or properties in the vicinity by failure to adequately address the following issues: fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/ topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.</i>
		With the recommended condition of completing final Technical Review with staff and applicable outside agencies this provision will be met prior to issuance of the Final Conditional Use Permit.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<u>Standard `E'</u> : <i>The proposed use and site development plan shall not significantly impact the quality of life of residents in the vicinity.</i>
		With the recommended conditions and compliance with County and outside agencies requirements there should be no detrimental impact to the surrounding neighborhood.

## 2.2 Zoning Requirements

### 2.2.1 R-4-8.5 Zone

#### Minimum Lot Area

Required: 6,500 sq. ft. + 1,000 sq. ft. per dwelling unit over 2. For four units the property would need to be a minimum of 8,500 square feet.

Provided: 18,246 sq. ft.

#### Minimum Lot Width

Required: 60 feet

Provided: 72.1 feet

Minimum Front Yard

Required: 25 feet

Provided: 25 feet

Minimum Side Yard

Required: 8 feet with both sides together no less than 18 feet (e.g. 8 & 10 feet)

Provided: 8 feet on the west side and 20 feet on the east.

Rear Yard

Required: 30 feet

Provided: Approximately 82 feet

Maximum Building Height

Required: 35 feet to the mid-point of the roof from lowest point of original grade

Provided: 33.4 feet to the ridge line from lowest grade.

Maximum Density

Required: 18 dwelling units per acre for four-family dwellings.

Provided: 11.42 dwelling units per acre.

2.2.2 Off Street Parking 19.80

Minimum Off-Street Parking Spaces

Required: 2 spaces per unit + 1/2 space for guest parking - 4 units would = 10 spaces

Provided: 10 spaces, 8 in garages and two guest spaces.

**2.3 Other Agency Recommendations or Requirements**

2.3.1 Transportation

Curb, gutter and sidewalk will be required to be installed along the project frontage. Approval of will be required from Utah Department of Transportation.

2.3.2 Unified Fire Authority (UFA)

Verification of available fire flow is required prior to issuance of a building permit.

An automatic fire sprinkler system must be installed per fire code.

The east side of access roadway must be posted "NO P ARK1NG".

2.3.3 Technical Review Required - A technical review is required for the other reviewers, e.g. Grading, Hydrology, Transportation, Fire, etc. The reviewers have not indicated any significant issues related to their requirements with the project as currently proposed. They will have final engineering plans and technical requirement to comply with.

**2.4 Other Issues**

2.4.1 Recreational Facilities and Open Space Development Standards

Within the proposed 4 dwelling units, there are proposed to be three bedrooms, for a total of 12 bedrooms for the project. The Recreational Facilities and Opens Space Standards policy, required that a minimum of 2 recreational facilities be provided for projects with over 10 but less than 75 bedrooms. In addition, the site is to maintain a minimum of 50% open space. The applicant is proposing an 500 sq. ft. picnic area with a gazebo, picnic tables, barbecue grill and trash receptacle. They are also providing a 1,000 sq. ft. playground. These comply with the minimum standard. The project open space also exceeds the minimum standard of 50%.

#### 2.4.2 Existing Irrigation

There is an existing irrigation ditch that runs through a back corner of the property providing irrigation water to an adjacent property owner. This will have to be piped on-site and access provided so that the irrigation users can access their water. This will be addressed during the Technical Review process.

2.4.3 Lighting - All exterior lighting on the building and around the site will need to be directed down and not out. The direct light source cannot shine over a property line or into neighboring properties. The applicant will need to provide a final lighting detail plan for review and approval by staff that meets these requirements. It is important to make sure the lighting will not adversely impact the adjacent residents.

#### 2.4.4 Trash Collection and Removal

The plan does not currently identify where the method of trash collection and removal. A plan will need to be provided by staff to make sure that the receptacle does not conflict with on-site circulation, is screened from view, is accessible, and does not impact adjoining neighbors. Staff is confident that a solution can be found to make sure these basic principles are met.

#### 2.4.5 Architecture

##### *Street Presence*

Due to the subject properties narrow deep configuration, the proposed units must be oriented as shown on the plans. However, in order to be consistent with the County's General Plan for the 3300 south corridor some additional attention to the north elevation's architectural details is needed to provide a visual front to the public street versus a building side. The General Plan encourages the corridors to be designed to be pedestrian oriented and siding building to the street is not consistent to this effort.

It is suggested that additional architectural detail that dresses up the side of the building facing the street be instituted creating more of a focal point and maybe even helping visually direct pedestrians such as guest to where the exterior entrances of the units will be. In addition, utility meters such as power and gas meters will need to be relocated to the side or rear of the building and screened with landscaping as required by the County landscape ordinance requirements.

##### *Mass and Scale*

The east side of the building is well broken up with windows, recessed balconies, dormers, recessed garage doors, etc., reducing the visual mass of the building as viewed from the east. However, from the west, the building is a long horizontal rectangle with no break in roof line and simple window and door openings that repeat horizontally across the west facade. The landscape plan does show a significant number of trees that will help screen the building. However, it is suggested that some vertical elements be added to delineate the individual units from one another and some small element over the entry doors that give them more of a presence as a main entrance instead of a back door. These types of elements will help reduced the buildings mass as seen from the west, the adjacent single family residential home.

### **2.5 Subdivision Requirements**

The subject property is an existing lot of record. The property is not required to go through a subdivision process since no subdivision of the property is proposed. All of the issues that are normally addressed through subdivisions, e.g. lot area lot width, etc. utilities, etc. are addressed with this conditional use/site plan application process.

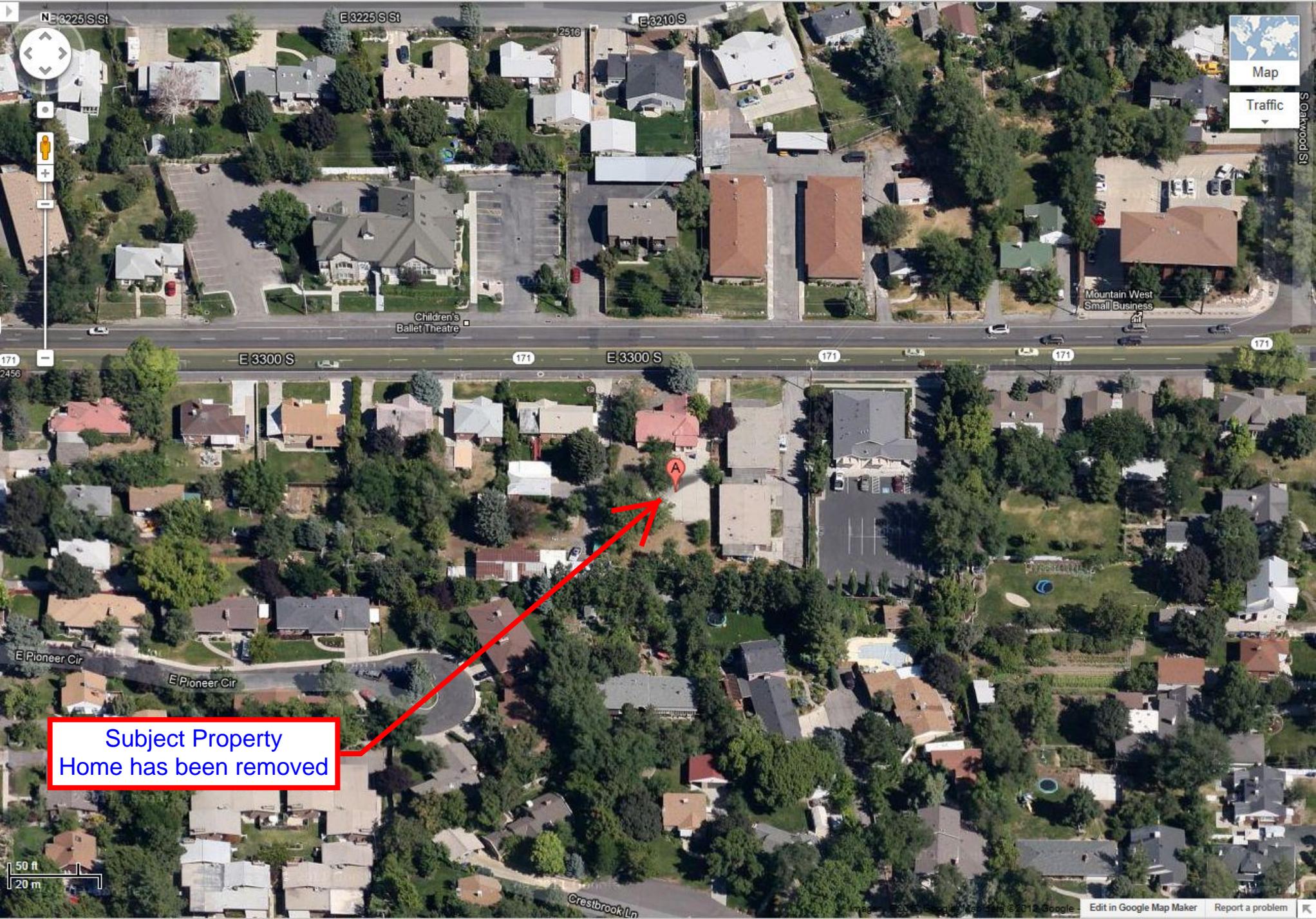
### **3.0 STAFF RECOMMENDATION**

#### **3.1 Staff recommends APPROVAL of the proposed Conditional Use with the following conditions:**

- 1 ) Complete the Technical Review process with staff prior to issuance of the final Conditional Use Permit and any building permits, including complying with all applicable regulations and the requirements of the reviewers.
- 2 ) Provide additional architectural detail to the north and west elevations. The north to provide a more focal point "front" presence to the street; and the west to delineate the units, their front entries and to break up the mass of the west elevation as viewed from the west.

#### **3.2 Reasons for Recommendation**

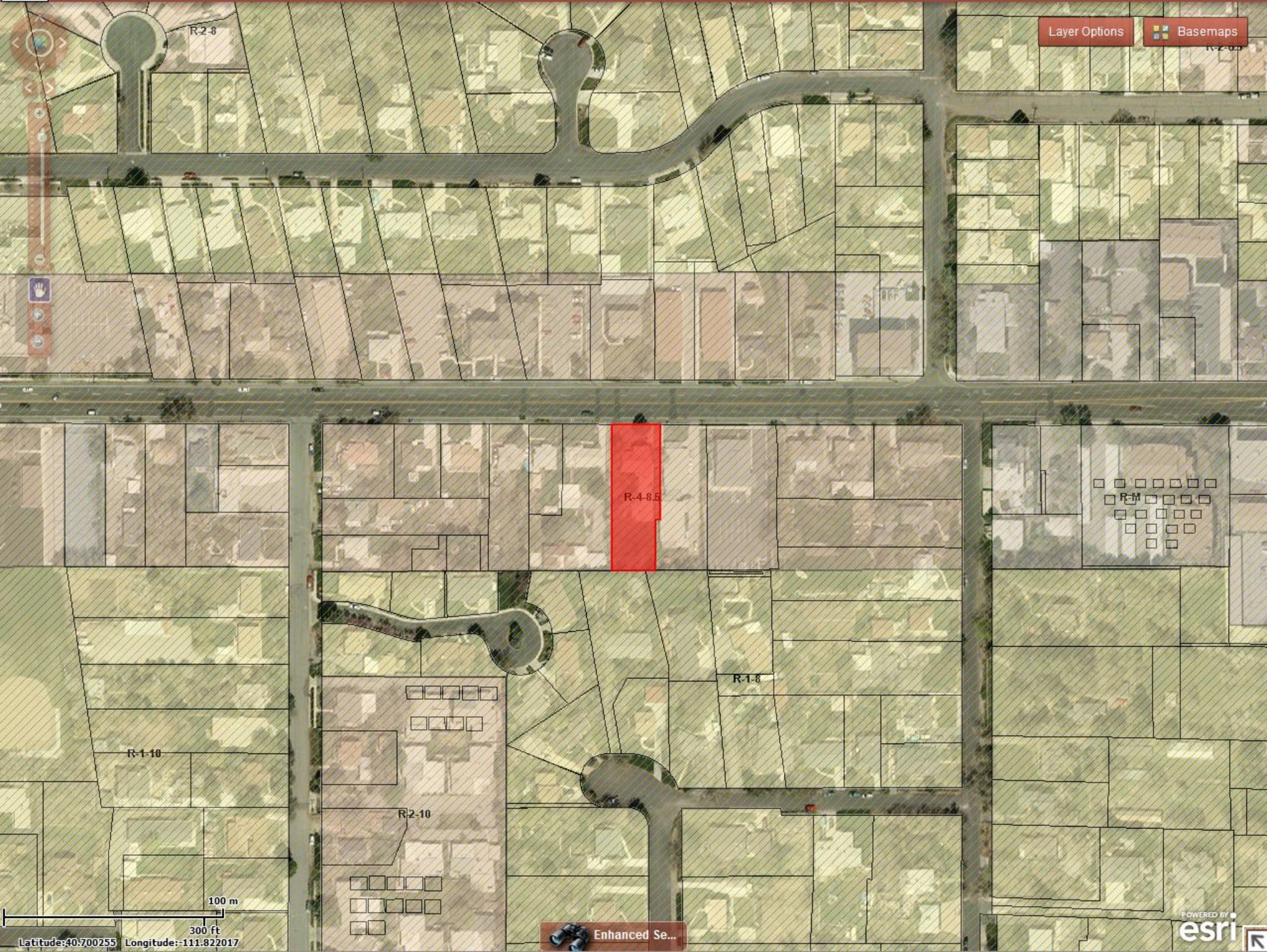
- 1 ) The proposed project complies with zoning requirements and will comply with all technical review requirements before the Final Conditional Use Permit is issued.
- 2 ) With the proposed conditions, the project is consistent with the Millcreek Township General Plan.



Subject Property  
Home has been removed

Map  
Traffic

S Oakwood St



100 m  
300 ft  
Latitude: 40.700255 Longitude: -111.822017

Enhanced Se...

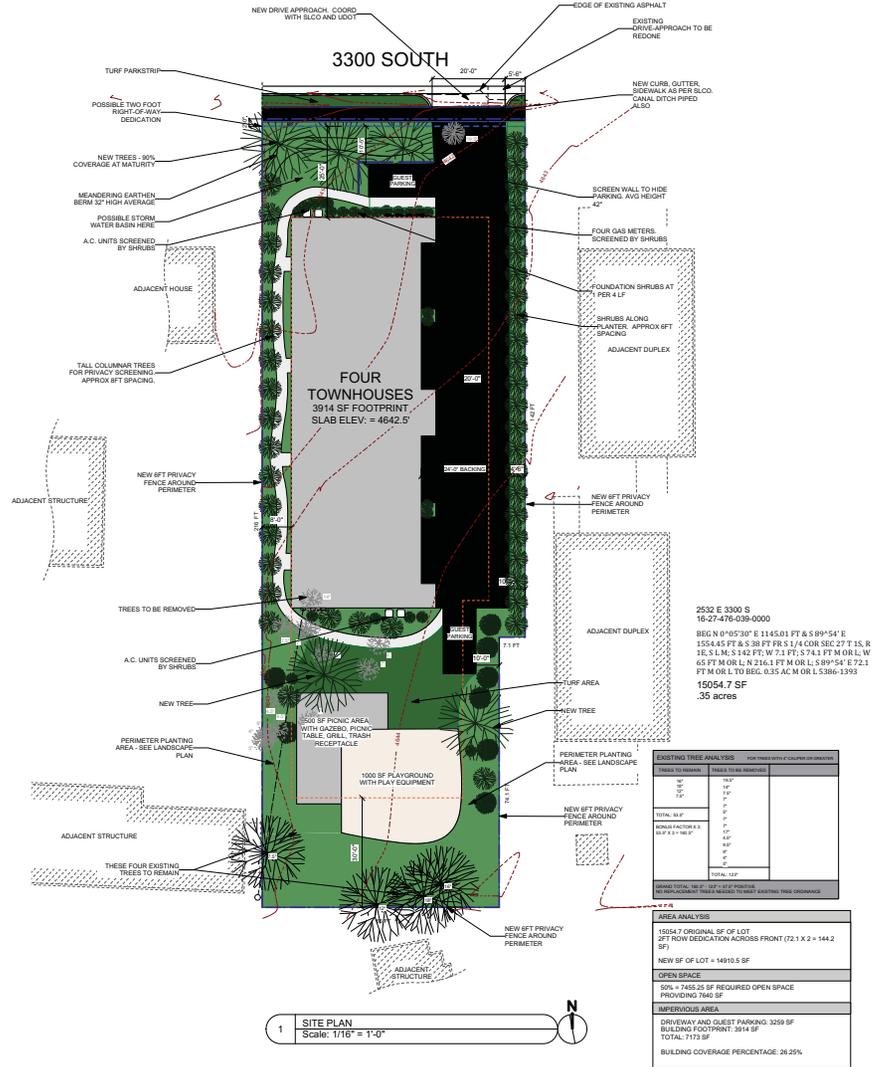




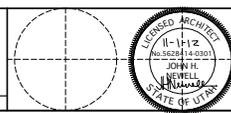


# GRANDEUR VIEW TOWNHOMES

## 2532 E 3300 S, SALT LAKE COUNTY, UTAH



No.	Date	Revision Notes	Zone	Approvals	No.	Date	Issue Notes

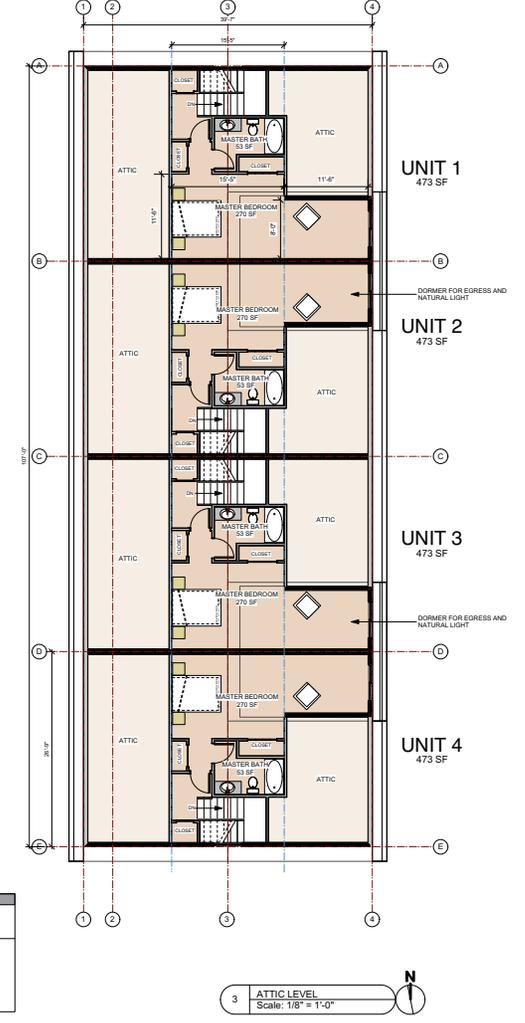
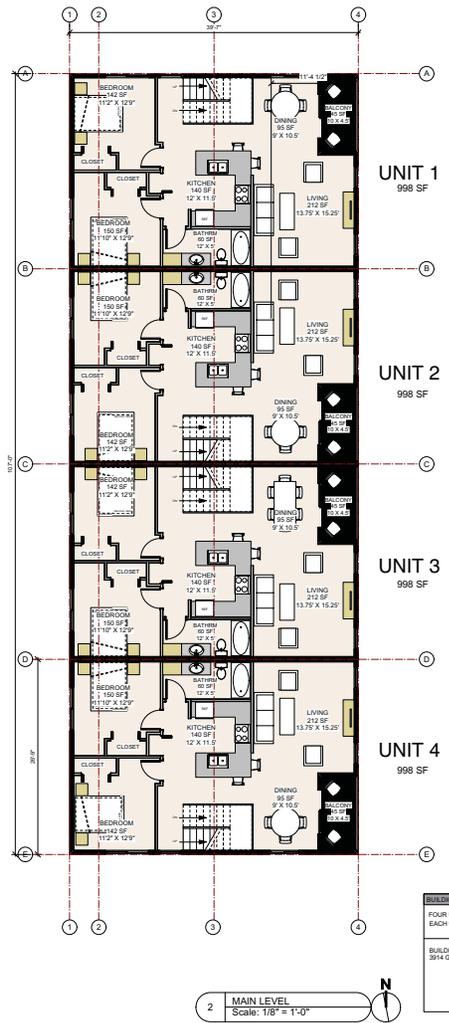
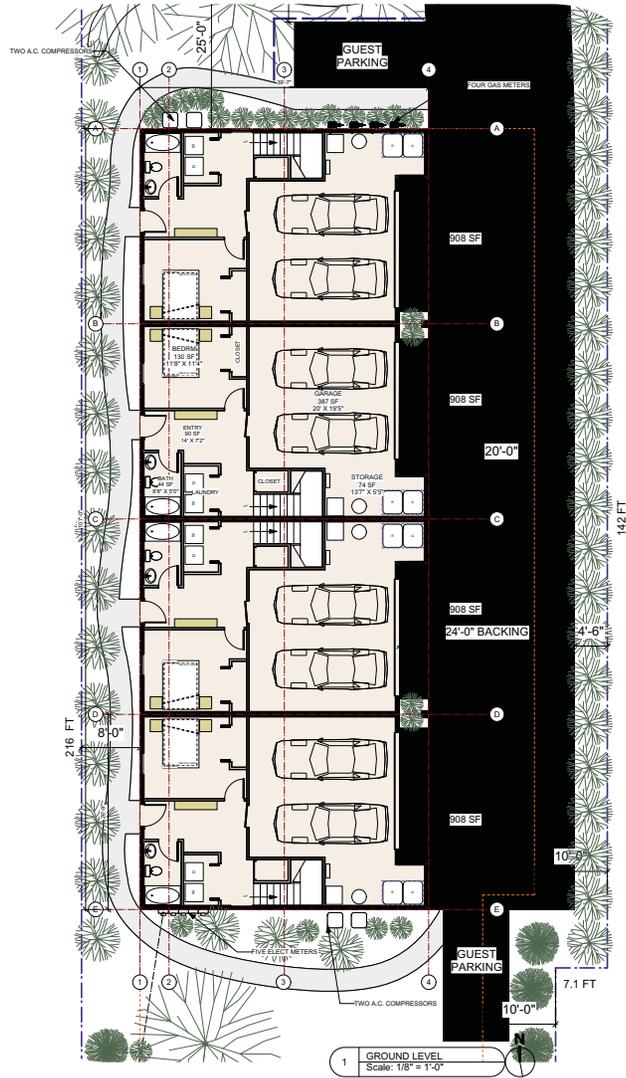


Design Firm: **NEWELL STUDIO, INC.**  
1064 E 2100 S Ste. 10  
SALT LAKE CITY UT 84106  
P.801.842.7375 john@newellstudio.net

Project Title: **GRANDEUR VIEW TOWNHOMES**  
2532 E 3300 S  
SLCO, UTAH

Design Manager: \_\_\_\_\_  
Drawn By: \_\_\_\_\_  
Reviewed By: \_\_\_\_\_  
Date: **OCT 23, 2012**  
CDD File Name: \_\_\_\_\_

© COPYRIGHT NEWELL STUDIO, INC. 2012  
Drawing No.: **A1.0**



BUILDING AREA SUMMARY	
FOUR UNITS ALL THE SAME	EACH UNIT: 209 TOTAL NET SF
BUILDING FOOTPRINT: 3914 GSF	



No.	Date	Revision Notes	Zone	Approvals	No.	Date	Issue Notes

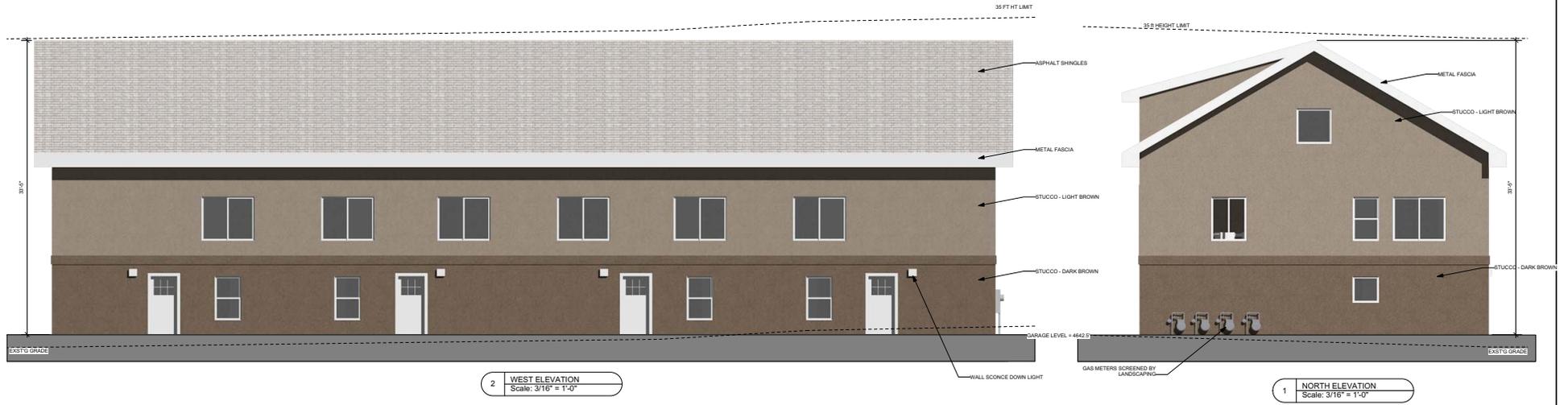


Design Firm: **NEWELL STUDIO, INC.**  
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P.801.842.7375 john@newellstudio.net

Project Title: **GRANDEUR VIEW TOWNHOMES**  
2532 E 3300 S  
SLCO, UTAH

Client Name: \_\_\_\_\_  
Date: 11/02/12  
Drawing No.: \_\_\_\_\_  
Scale: \_\_\_\_\_

**A1.1-**



2 WEST ELEVATION  
Scale: 3/16" = 1'-0"

1 NORTH ELEVATION  
Scale: 3/16" = 1'-0"



4 EAST ELEVATION  
Scale: 3/16" = 1'-0"

3 SOUTH ELEVATION  
Scale: 3/16" = 1'-0"



No.	Date	Revision Notes	Zone	Approvals	No.	Date	Issue Notes



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1064 E 2100 S Ste. 10  
SALT LAKE CITY UT 84106  
P.801.842.7375 john@newellstudio.net

Project Title: GRANDEUR VIEW TOWNHOMES  
2532 E 3300 S  
SLCO, UTAH

Client Name: [Blank]  
Drawing No.: [Blank]  
Date: 11/02/12  
CDD File Name: [Blank]

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Drawing No.: **A2.0**



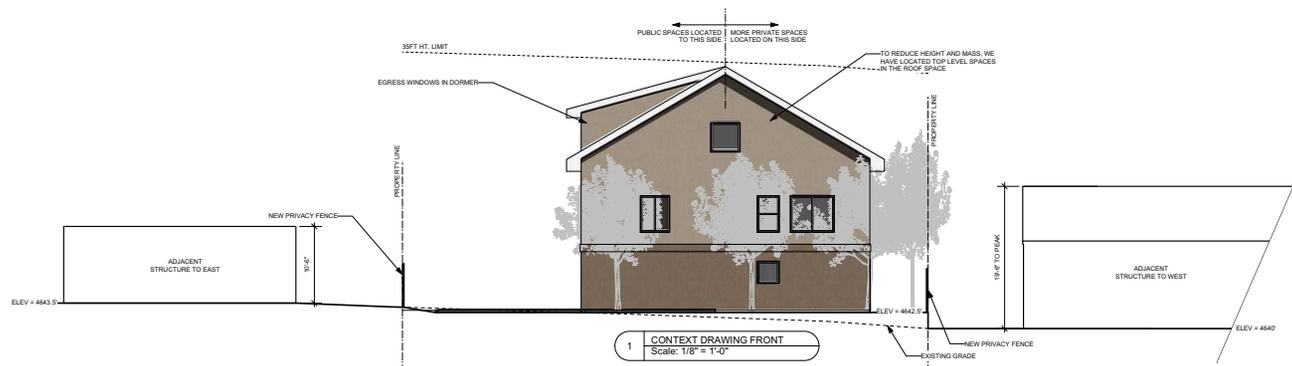
VIEW FROM NORTHEAST



VIEW FROM NORTHWEST



VIEW FROM DRIVEWAY AT FRONT



1 CONTEXT DRAWING FRONT  
Scale: 1/8" = 1'-0"

 newell studio, inc. architects	No.	Date	Revision Notes	Zone	Approvals	No.	Date	Issue Notes		Design Firm <b>NEWELL STUDIO, INC.</b> 1064 E 2100 S Ste. 10 SALT LAKE CITY UT 84106 P.801.842.7375 john@newellstudio.net	Project Title <b>GRANDEUR VIEW TOWNHOMES</b> 2532 E 3300 S SLCO, UTAH	Project Manager _____ Date 11/02/12	© COPYRIGHT NEWELL STUDIO, INC. 2012 Drawing No. <b>A2.1-</b>
										Drawing Title _____ Date 11/02/12			



**STAFF REPORT**

Executive Summary									
<b>Hearing Body:</b>	Millcreek Township Planning Commission								
<b>Meeting Date and Time:</b>	Wed. December 12, 2012	04:00 PM	<b>File No:</b>	2	8	2	2	5	
<b>Applicant Name:</b>	Salt Lake County	<b>Request:</b>	Ordinance Amendment						
<b>Description:</b>	Residential Facilities for Persons with Disability								
<b>Location:</b>	N/A								
<b>Community Council Rec:</b>	Not yet received								
<b>Staff Recommendation:</b>	Approval								
<b>Planner:</b>	Curtis Woodward								

**1.0 BACKGROUND**

**1.1 Summary**

This ordinance came about as a result of concerns from county residents regarding “group homes” existing within unincorporated Salt Lake County. There has been a lot of confusion over “group homes” and what the county can and cannot do with regard to licensing and enforcement. This ordinance clarifies the approval process --establishes a process when applying for a group home and defines the role of the county and state in this application and licensing process. This proposed ordinance also eliminates enforceable provisions in compliance with federal law and recent federal cases.

The goal of this ordinance is to clarify and delineate requirements for these group homes, while complying with state and federal laws. In a nutshell, this ordinance invites group homes as a permitted use/reasonable accommodation in any single family neighborhood in unincorporated Salt Lake County so long as the home meets state licensing standards and local building codes and does not offer outpatient treatment services. It also adjusts the definition of "family" to be in line with the requirements of Utah Code (allowing up to 4 unrelated people to live together as a "family.")

**1.3 Community Council Response**

As of this writing staff is aware of only the Canyon Rim Community Council having reviewed this ordinance at their November meeting. Staff has not received any written responses from any of the Community Councils as of this date. The ordinance is scheduled for the December 4th Millcreek and Mount Olympus Community Council Meetings and the December 6th East Millcreek Community Council meeting. Staff will try to obtain a written response from each of the Community Councils prior to the Commission's meeting, making them available either at or before the meeting. I will also encourage the Community Councils to send a representative from their Council to the Commission meeting to represent their comments.

## **2.0 ANALYSIS**

### **2.1 Existing Ordinance**

- 1) The definition of "family" includes up to 3 unrelated people living together in a dwelling unit.
- 2) Terms such as "Residential Health Care Facility" are defined in section 19.04, and are listed as permitted or conditional uses based on the number of residents and the size of the right of way on which they are located.
- 3) Residential facilities for persons with a disability are allowed in residential zones, provided that each such facility shall not be located within 1/2 mile of a similarly licensed facility.
- 4) Residential facilities for persons with disability, while allowed as permitted uses, do not have in current ordinance any standards, criteria, or regulation (other than the spacing restriction mentioned above).

### **2.2 Proposed Ordinance**

- 1) The definition of "family" is being amended as required by Utah Code (17-27a-505.5) to allow up to 4 unrelated people to live together in a dwelling unit.
- 2) The definition of "residential health care facility" is being removed, and references to such facilities in various zones are also being removed (as being redundant in light of the fact that these facilities are included in the definition of "residential facilities for persons with disabilities."
- 3) The 1/2 mile separation requirement between facilities is being removed from the ordinance, as recent court cases have determined that this kind of provision is illegal.
- 4) A new chapter is being proposed to establish approval criteria and use standards for residential facilities for persons with disabilities. It includes provisions for ensuring state licenses are obtained, dealing with "nuisance" properties, parking and traffic concerns, and appeals.

## **3.0 STAFF RECOMMENDATION**

### **3.1 Staff recommends APPROVAL of the proposed Ordinance Amendment.**

### **3.2 Reasons for Recommendation**

- 1 ) Having studied the issues at hand, including the Fair Housing Act and Americans with Disabilities Act as well as recent court decisions, the proposed ordinance was drafted by the District Attorney's Office as a reasonable regulatory ordinance that will provide the public and the County guidance as to how and where residential facilities for persons with disabilities may be located.

WORKING DRAFT 9

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO: \_\_\_\_\_, 2012

**RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY**

AN ORDINANCE AMENDING DEFINITIONS AND ADDING A NEW CHAPTER IN TITLE 19 ENTITLED "ZONING" OF THE SALT LAKE COUNTY CODE OF ORDINANCES, PROVIDING THAT THE DIRECTOR SHALL CONSIDER REQUESTS FOR A PERMITTED USE/REASONABLE ACCOMMODATION FOR THE DISABLED RELATIVE TO THEIR OCCUPATION OF A GROUP HOME.

The County Council, as the legislative body of Salt Lake County ordains as follows:

SECTION I. The amendments made herein are designated by underlining the new enacted words. Words being deleted are designated by brackets with a line drawn through said words.

SECTION II. Section 19.04.230 is hereby amended and section 19.04.453 of the Salt Lake County Code of Ordinances, 2001, is hereby deleted as follows:

**19.04.230 - Family.**

"Family" means:

A. Any number of people living together in a dwelling unit and related by blood, marriage or adoption, and including up to [~~two~~] three additional unrelated people; or

B. One to [~~three~~] four unrelated people living together in a dwelling. Each unrelated person owning or operating a motor vehicle shall have a lawfully located off-street parking space.

~~[19.04.453 — Residential health care facility.~~

~~A. — "Residential health care facility" means a facility providing assistance with activities of daily living and social care to two or more residents who require protected living arrangements.~~

WORKING DRAFT 9

~~B. — Each bedroom in a residential health care facility shall contain the minimum square feet of floor space per resident as set forth in the Utah Administrative Code health facility licensure rules, or any successors, with a maximum of two residents per bedroom.]~~

SECTION III. Sections 19.08.020, 19.10.020.G, 19.12.020.G, 19.14.020, 19.32.020, 19.38.020, 19.40.020, 19.48.020, 19.50.020, 19.52.020, 19.54.020.F, and 19.55.030.A of the Salt Lake County Code of Ordinances, 2001, are hereby amended by deleting the following condition to a permitted use:

~~-- Residential facility for persons with a disability. [, provided that each such facility shall not be located within one half mile of a similarly licensed residential facility for persons with a disability.]~~

SECTION IV. Sections 19.14.030, 19.32.030 and 19.48.030 of the Salt Lake County Code of Ordinances, 2001, are hereby amended by deleting the following conditional use:

~~[—Residential health care facility for up to five residents on streets less than eighty feet in width, and up to ten residents on streets eighty feet and wider, excluding the facility operator and his/her related family with a maximum of one nonresident part-time relief employee on the premises at any one time unless additional staffing is required by the Utah Department of Health, which use shall not change the residential appearance and character of the property;]~~

SECTION V. Section 19.38.030 of the Salt Lake County Code of Ordinances, 2001, is hereby amended by deleting the following conditional use:

~~[—Residential health care facility for up to five residents excluding the facility operator and his/her related family with a maximum of one nonresident part-time relief employee on the premises at any one time, which use shall not change the residential appearance and character of the property;]~~

SECTION VI. Sections 19.40.030 and 19.44.030 of the Salt Lake County Code of Ordinances, 2001, are hereby amended by deleting the following conditional use:

~~[—Residential health care facility;]~~

SECTION VII. Chapter 19.87 of the Salt Lake County Code of Ordinances, 2001, is hereby enacted to read as follows:

**Chapter 19.87**

**RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY**

**Sections:**

- 19.87.010 Purpose.**
- 19.87.020 Scope.**
- 19.87.030 Definitions.**
- 19.87.040 Licensing for Residential Facilities.**
- 19.87.050 Uses.**
- 19.87.060 Termination**
- 19.87.070 Residential day treatment.**
- 19.87.080 Parking.**
- 19.87.090 Appeals.**

**19.87.010 Purpose.**

The purpose of this chapter is to balance local zoning considerations with state and federal mandates requiring a reasonable accommodation for disabled persons living together in a group housing arrangement in a residential neighborhood.

**19.87.020 Scope.**

The requirements of this chapter apply to any facility, residence, group home or other congregate housing arrangement for persons with a disability notwithstanding any conflicting provision in this title or any other section of this code of ordinances.

**19.87.030 Definitions.**

“Disability” is defined in 19.04.168, “family” in 19.04.230, and “residential facility for persons with a disability” in 19.04.452 of this title.

**19.87.040 Licensing for Residential Facilities**

The licensing requirements for “Residential Treatment Programs” and “Residential Support Programs” are defined and administered pursuant to State law and the Utah Administrative Code.

**19.87.050 Uses.**

A. No permit required. Four or less unrelated individuals who share housekeeping responsibilities in a single dwelling do not require a zoning permit but function as a “family,” defined in Section 19.04.230 of this title as “one to four unrelated people living together in a single dwelling.”

B. The director of planning and zoning (“the director”), with the assistance of the district attorney, shall consider requests for a permitted use/reasonable accommodation for a “residential facility for persons with a disability” (“facility”). The director or the director’s designee shall approve a proper application for a zoning permit for the facility in any zone, including residential zones where only single family dwellings are a permitted use, provided:

1. The facility meets or will meet all program, physical facility, and licensure requirements of the state Department of Human Services or Department of Health.
2. Except as otherwise provided in this chapter, buildings and uses shall meet all applicable county development standards, licensing and zoning requirements.
3. The facility shall not house persons who are involuntarily residing therein or who are residing therein as a part of or in lieu of confinement, rehabilitation, or treatment in a correctional facility.
4. The applicant provides sufficient evidence that the requested accommodation is necessary to allow disabled individuals reasonable, non-discriminatory, federally mandated housing opportunities in the relevant zone. Evidence may include information relating to the history, management, financial feasibility, and therapeutic benefits of the facility, and applicable law.

C. The director or the director’s designee may not deny the application based upon reasonably anticipated detrimental effects to the community so long as reasonable conditions are proposed to mitigate such anticipated detrimental effects.

D. Institutional uses. Consistent with the International Building Code, residential facilities designed to house more than sixteen individuals constitute “institutional facilities” likely to create a fundamental change in the character of a single family residential neighborhood. The only residential zone where an application for a conditional use permit for an institution serving more than sixteen residents may be approved is in a zone that allows apartments as a conditional or permitted use.

**19.87.060 Termination.**

A use permitted by this chapter is nontransferable and shall be subject to revocation by the appropriate land use or licensing authority if:

A. The facility is devoted to a use other than a residential facility for persons with a disability, or

B. The facility exceeds the maximum number of residents specified and approved in the original application, changes the disability classification under state rules, or remodels or expands without first receiving approval from the director.

C. The facility is not licensed by the state Department of Health or Department of Human Services.

D. It is determined by an appropriate county authority that residents of the facility have engaged in a pattern of criminal acts of nuisance, theft, or violence in the adjoining neighborhood.

**19.87.070 Residential day treatment.**

To avoid excessive traffic, on street parking, and related impacts altering the residential character of a neighborhood, no day treatment for non-residents shall be permitted in residential facilities for the disabled in the R-1 or R-2 residential zones.

**19.87.080 Parking.**

The minimum number of parking spaces shall be four spaces plus one space for each five residents, provided that if the number of residents who own or operate a motor vehicle exceeds the number of parking spaces established above, additional parking shall

be provided to ensure that every resident who owns or operates a motor vehicle has a lawfully located off-street parking space.

**19.87.090 Appeals.**

Pursuant to section 19.92.050 of this Title for permitted uses, any person adversely affected by a final decision of the zoning authority may appeal that decision to the board of adjustment.

SECTION VIII. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

SALT LAKE COUNTY COUNCIL

By \_\_\_\_\_  
David Wilde, Chair

ATTEST:

\_\_\_\_\_  
Sherrie Swensen  
County Clerk

Approved as to form and legality:

\_\_\_\_\_  
Thomas L. Christensen  
Deputy District Attorney  
Date: \_\_\_\_\_

Voting:  
Council Member Bradley voting \_\_\_\_\_

WORKING DRAFT 9

Council Member Bradshaw voting \_\_\_\_\_  
Council Member Burdick voting \_\_\_\_\_  
Council Member DeBry voting \_\_\_\_\_  
Council Member Horiuchi voting \_\_\_\_\_  
Council Member Iwamoto voting \_\_\_\_\_  
Council Member Jensen voting \_\_\_\_\_  
Council Member Snelgrove voting \_\_\_\_\_  
Council Member Wilde voting \_\_\_\_\_

Vetoed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

By \_\_\_\_\_  
Mayor Corroon or Designee

(Complete as Applicable)

Veto override: Yes\_\_\_ No\_\_\_ Date\_\_\_\_\_

Ordinance published in newspaper: Date\_\_\_\_\_

Effective date of ordinance: \_\_\_\_\_

DRAFT