



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

File # SD-20-018

Planning Commission Staff Report

Meeting Date: August 19th 2020
Applicant: Brad Reynolds
Property Address: 602 E 3900 S
Parcel IDs: 16-31-432-030, 16-31-432-027, 16-31-432-017, 16-31-432-016
Total Acreage: 3.28 Acres (142,876.8 Sq ft)

Request: Minor plat amendment of the Mill Farm Planned Unit Development

Zone: R-2-10

Prepared By: Robert May, Planner

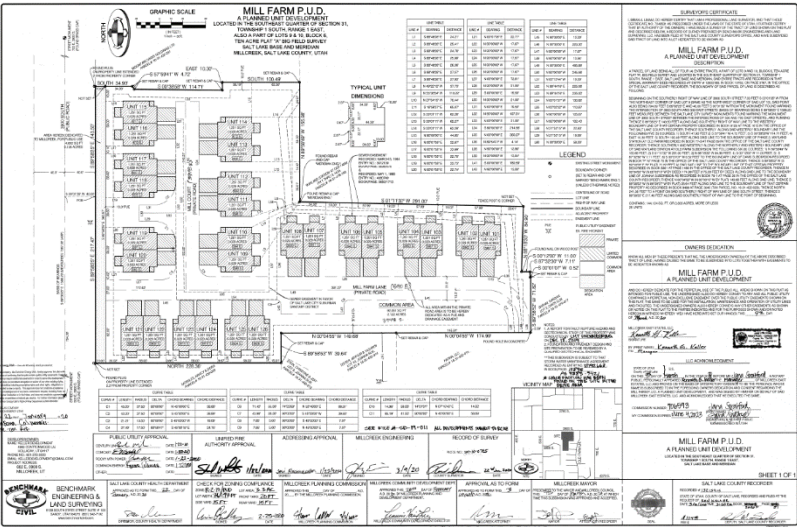
SYNOPSIS AND SCOPE OF DECISION

The applicant is proposing to amend a recently approved and recorded 26 unit PUD project known as Mill Farm. The conditional use permit and plat were completed last March and the Mill Farm PUD plat was recorded on March 10, 2020. See file #13213915 at the Salt Lake County Recorder’s Office. After recordation, the development was sold to Brad Reynolds who plans to make building permit application and complete all the required improvements. The Mill Farm plat was recorded with specific building footprints as identified on the plat. Construction within these footprints is crucial as any deviation outside of the footprint will result in the structure being placed in the common area. Brad Reynolds wishes to amend the plat by amending the footprints slightly to accommodate a different twin home package.

An amendment to a recorded subdivision that involves the alteration or removal of an easement, private right-of-way, condition, limitation, or special requirement shall follow the approval procedure outlined in MKC 18.08.010 with the following variations:

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

No preliminary plat need be approved. The recommendations of the affected entities and the approval of the planning commission may be based on a final plat.



SITE & VICINITY DESCRIPTION

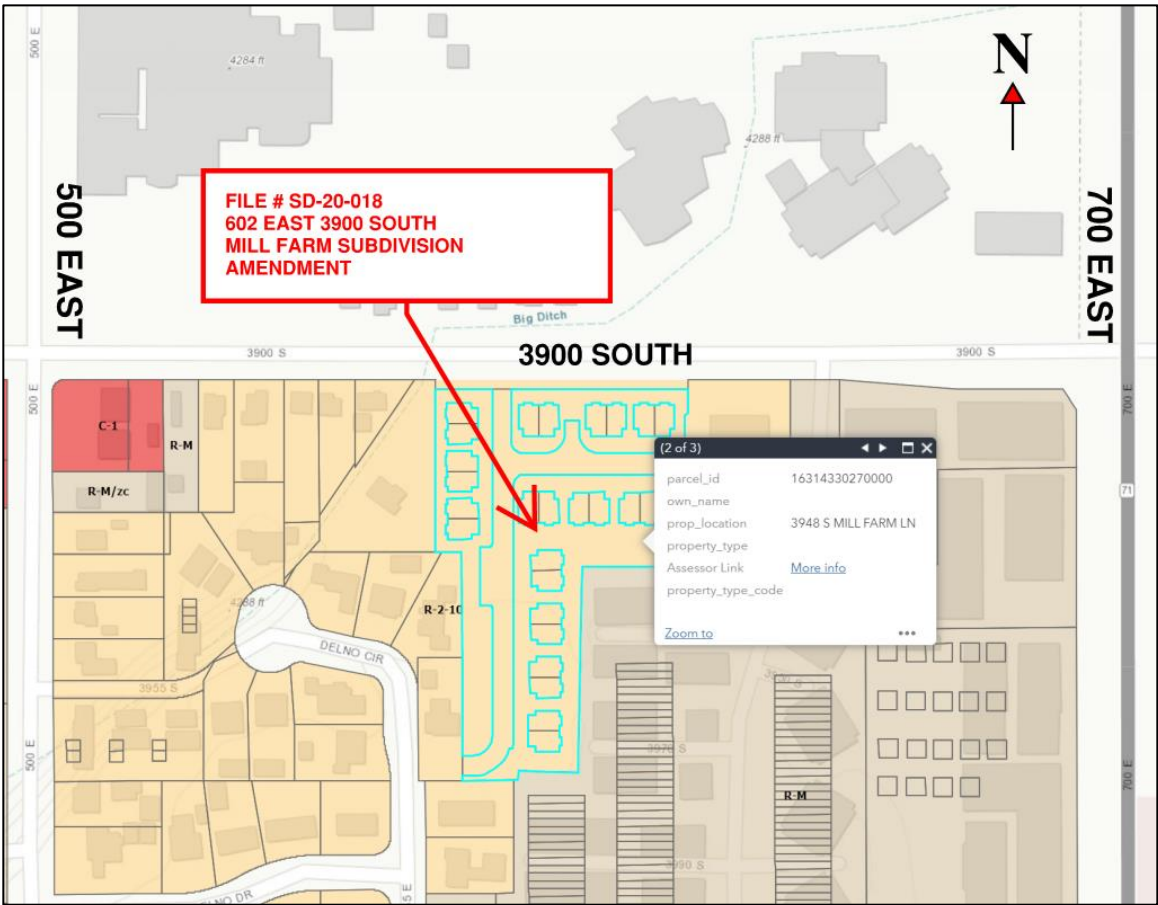


Figure 1: Notice Map

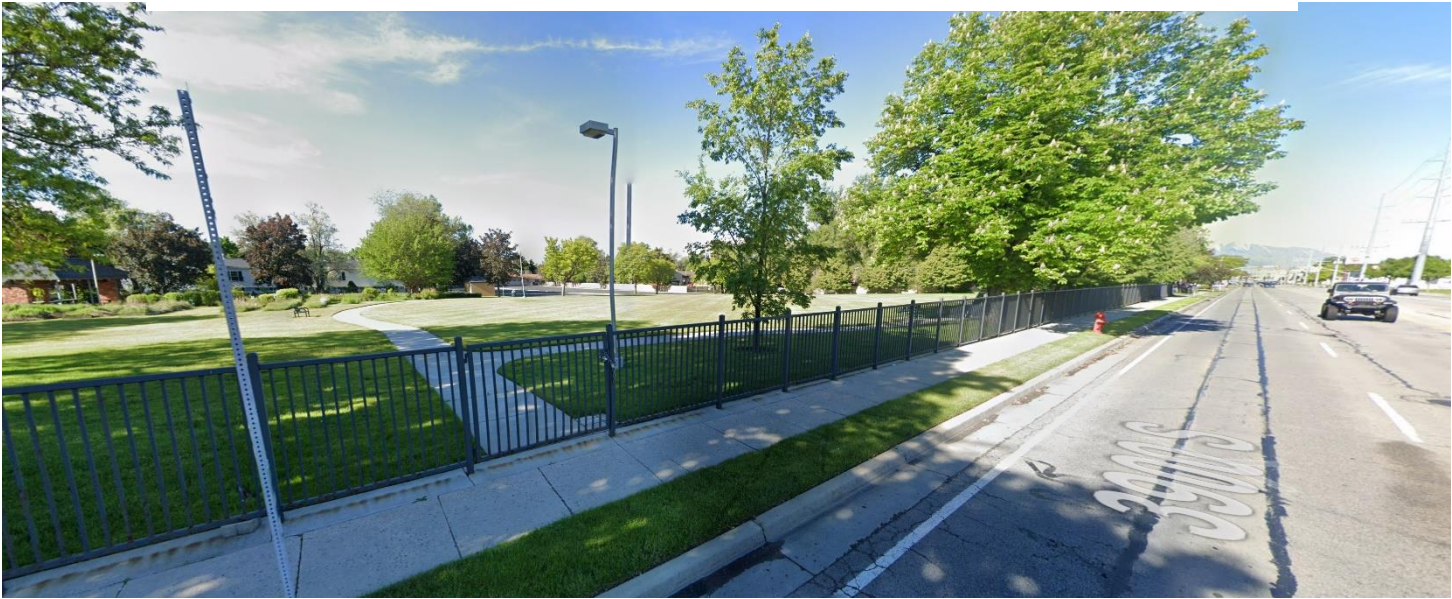
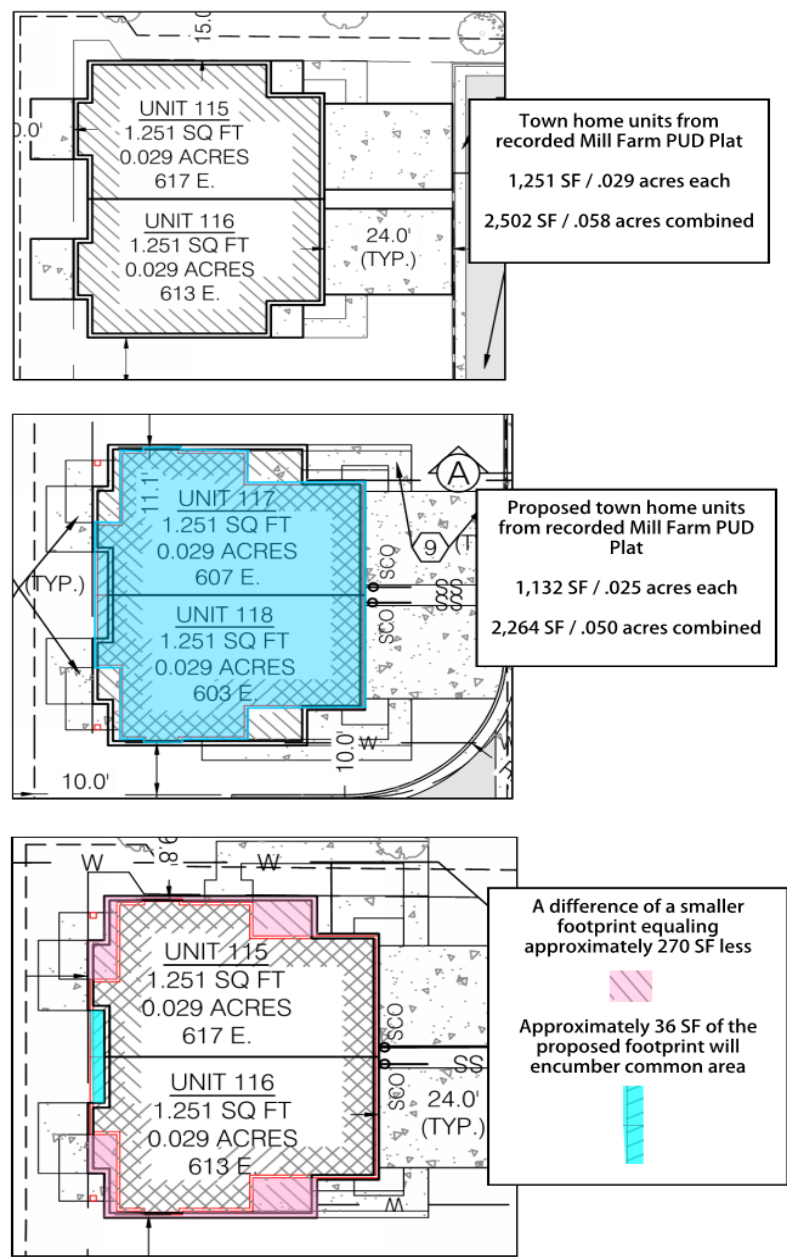


Figure 2: Image of property facing West on 3900 South

PROPOSED AMENDMENT DETAILS



AREA TABLE		
PARTICULARS	S.F.	%
BUILDING	33,388	23.2
HARDSCAPE	61,117	42.4
LANDSCAPE	49,619	34.4
TOTAL	144,124	100

Figure 3: Existing Area Table

AREA TABLE		
PARTICULARS	S.F.	%
BUILDING	30,346	21.1
HARDSCAPE	61,117	42.4
LANDSCAPE	52,661	36.5
TOTAL	144,124	100

Figure 4: Proposed Area Table

- Proposed amendment will change the “building” and “landscape” percentages by approximately 2% each.
- Applicant is not proposing to change the unit bedroom count which in turn will not effect the parking stall counts required for the PUD.
- Landscaping and required improvements will not be changed due to the proposal.
- Applicant is required to complete improvements and establish a new bond assignment.
- All requirements and conditions of previous CUP is still in effect. (SD-19-011)

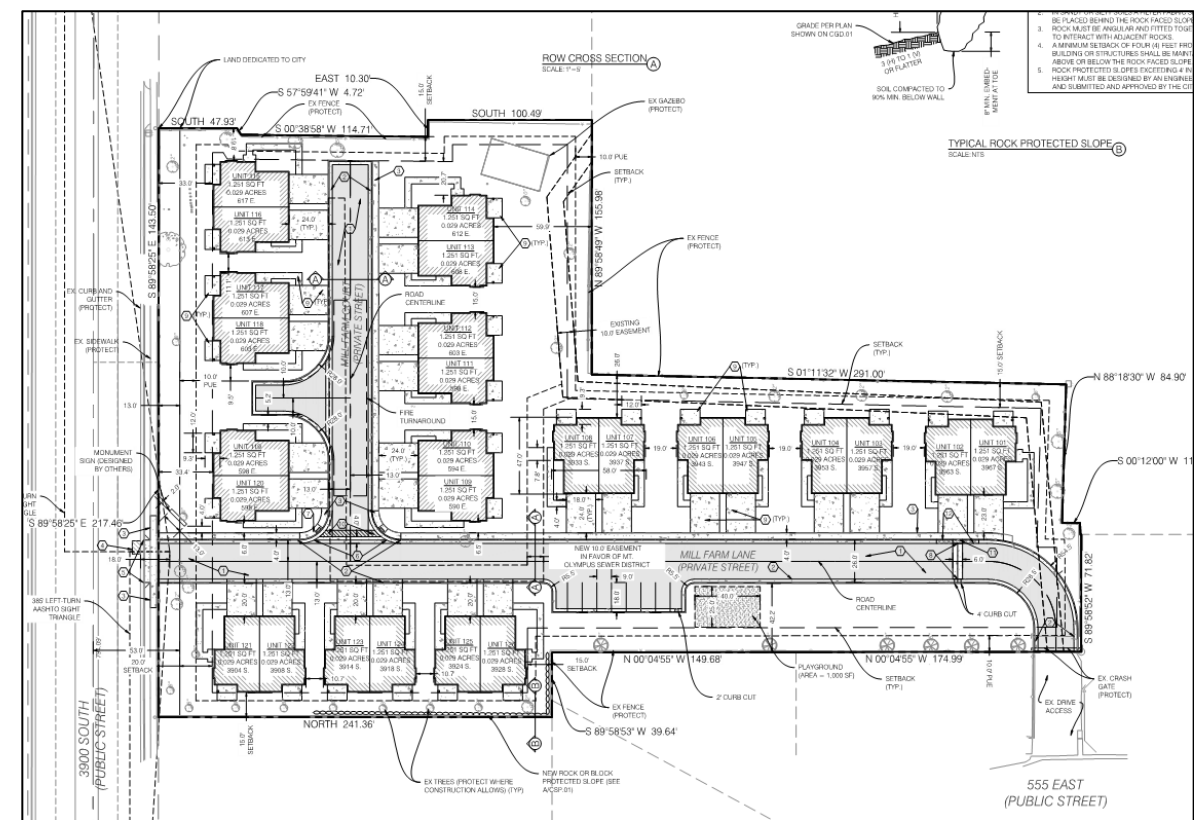


Figure 4 Proposed Final Plat Amendment

- No preliminary plat need be approved. The recommendations of the affected entities and the approval of the planning commission may be based on a final plat.
- Standard Forms for the Following. The final plat shall require:
 1. A registered land surveyor's certificate of survey;
 2. The owner's certificate of dedication;
 3. A notary public's acknowledgement;
 4. The planning commission's certificate of approval;
 5. The health department's certificate of approval;
 6. The planning and development services division's certificate of approval;
 7. The city attorney's certificate of approval;
 8. The mayor's certificate of approval;
 9. A one and one-half by five-inch space in the lower right-hand corner of the drawing for the county recorder's use.

PLANNING STAFF ANALYSIS AND FINDINGS

Although extremely minor, staff finds that the proposal is in compliance with the City’s development standards. Staff has reviewed the proposed amendment and approval procedures outlined in MKC 18.08.010 of the Millcreek Code for final plat approval. A technical review will follow verifying the final plat meets all conditions of approval per applicable agency before recordation.

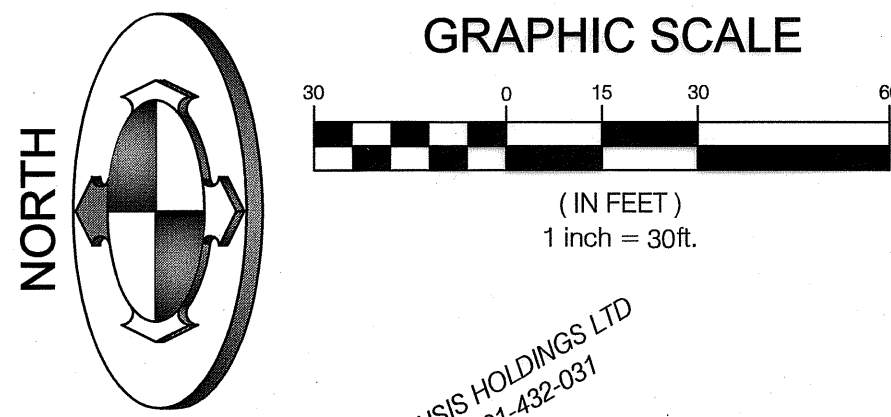
PLANNING STAFF RECOMMENDATION

Staff recommends approval of the proposed amended final plat SD-20-018 with the following recommendations:

- 1. Meet and maintain all conditions and requirements of approval for application CU-19-010 / SD-19-011 per approval letter from Millcreek Planning Staff dated September 24, 2019. See attached.
- 2. Establish a new bond agreement and bond reflecting the current property ownership.
- 3. Any modifications to these approved plans must be approved by the Planning Department, in writing, prior to the changes being implemented in the field.
- 4. The applicant will comply with all requirements established through the technical review process prior to receiving final conditional use approval.
- 5. All items of the staff report.

SUPPORTING DOCUMENTS

- 1. Mill Farm PUD Recorded
- 2. Mill Farm PUD Preliminary approval letter
- 3. Amended site plan vs old
- 4. Floor Plans
- 5. Elevations
- 6. Renderings



MILL FARM P.U.D.
A PLANNED UNIT DEVELOPMENT
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 31,
TOWNSHIP 1 SOUTH, RANGE 1 EAST,
ALSO A PART OF LOTS 9 & 10, BLOCK 6,
TEN ACRE PLAT "A" BIG FIELD SURVEY
SALT LAKE BASE AND MERIDIAN
MILLCREEK, SALT LAKE COUNTY, UTAH

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S 88°48'28" E	24.21'
L2	S 88°48'28" E	25.41'
L3	S 88°48'28" E	24.78'
L4	S 88°48'28" E	25.99'
L5	S 88°48'28" E	26.36'
L6	S 88°48'28" E	27.57'
L7	S 88°48'28" E	27.93'
L8	N 49°22'12" W	37.73'
L9	N 55°36'54" W	110.22'
L10	N 27°54'15" W	70.44'
L11	S 16°56'37" E	65.07'
L12	S 00°01'11" W	62.26'
L13	S 00°01'11" W	62.27'
L14	S 00°01'11" W	62.29'
L15	N 90°00'00" E	44.95'
L16	N 00°01'35" E	22.67'
L17	N 00°01'35" E	22.69'
L18	N 00°01'35" E	22.70'
L19	N 00°01'35" E	22.73'
L20	N 00°01'35" E	22.74'

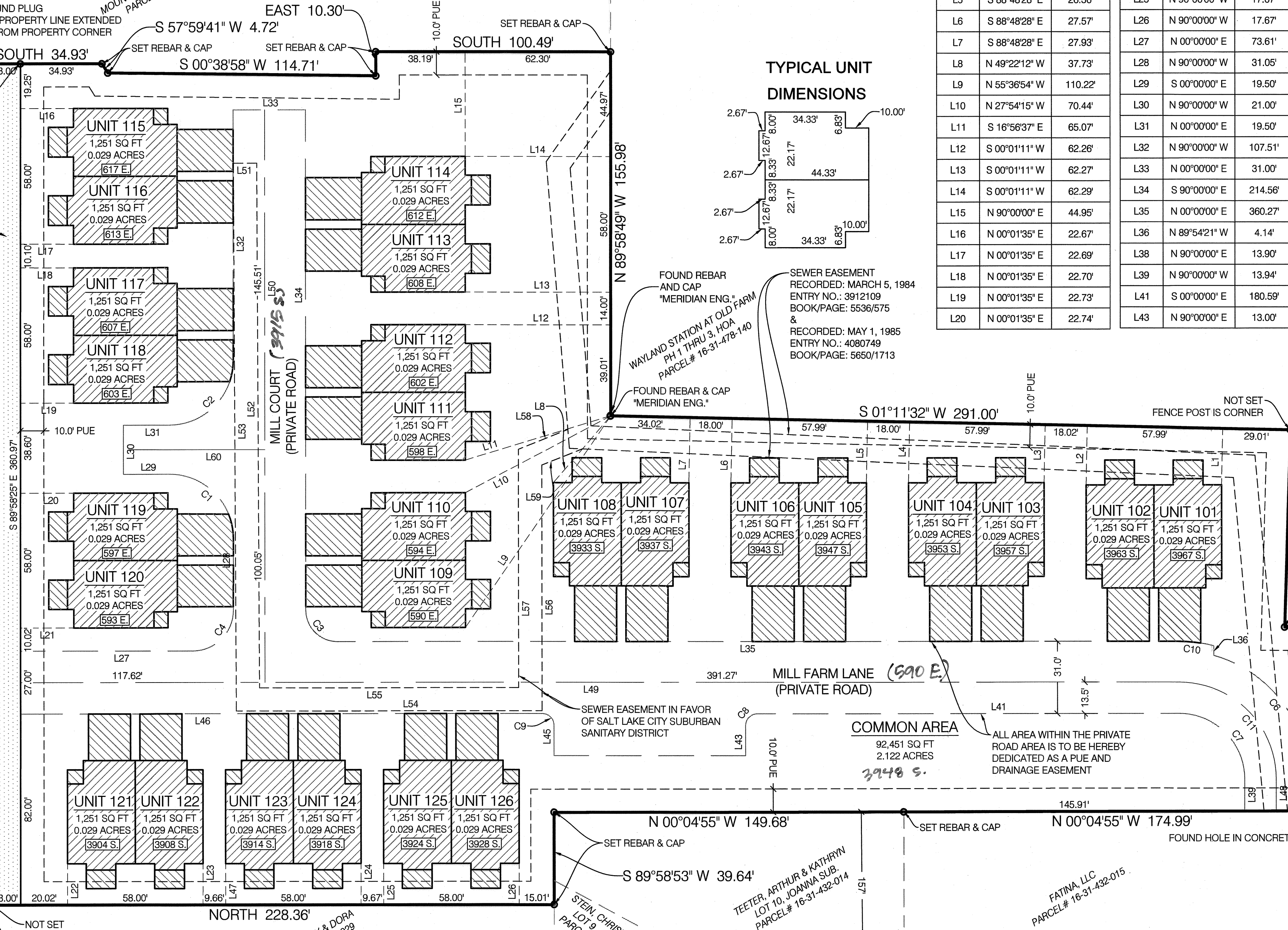
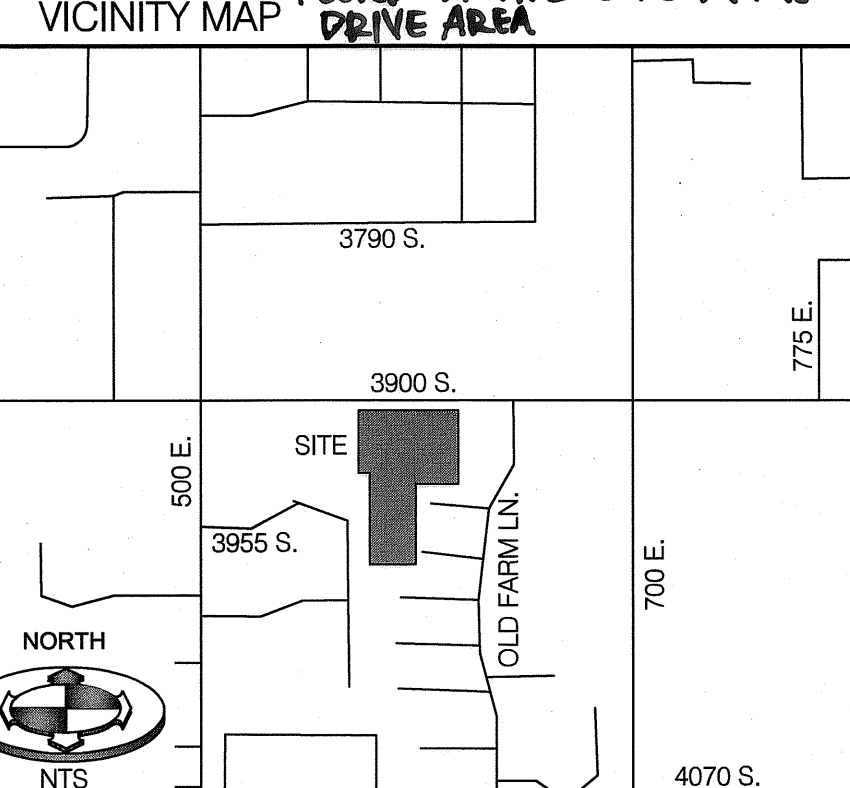
LINE TABLE		
LINE #	BEARING	DISTANCE
L21	N 00°01'35" E	22.77'
L22	N 90°00'00" W	17.67'
L23	N 90°00'00" W	17.67'
L24	N 90°00'00" W	17.67'
L25	N 90°00'00" W	17.67'
L26	N 90°00'00" W	17.67'
L27	N 00°00'00" E	73.61'
L28	N 90°00'00" W	31.05'
L29	S 00°00'00" E	19.50'
L30	N 90°00'00" W	21.00'
L31	N 00°00'00" E	19.50'
L32	N 90°00'00" W	107.51'
L33	N 00°00'00" E	31.00'
L34	S 90°00'00" E	214.58'
L35	N 90°00'00" E	360.27'
L36	N 89°54'21" W	4.14'
L38	N 90°00'00" E	13.90'
L39	N 90°00'00" W	13.94'
L41	S 00°00'00" E	180.59'
L43	N 90°00'00" E	13.00'

LINE TABLE		
LINE #	BEARING	DISTANCE
L45	N 90°00'00" E	13.00'
L46	N 00°00'00" E	223.30'
L47	N 90°00'00" W	17.67'
L48	N 90°00'00" W	13.94'
L49	N 00°00'00" E	495.89'
L50	N 90°00'00" W	245.56'
L51	N 00°15'44" W	10.00'
L52	N 89°44'16" E	225.00'
L53	N 89°44'16" E	235.00'
L54	N 00°01'37" W	130.82'
L55	N 00°02'32" W	110.87'
L57	N 90°00'00" W	102.43'
L58	N 21°53'15" W	22.83'
L59	N 21°53'15" W	18.66'
L60	N 00°00'00" E	58.00'

LEGEND

	EXISTING STREET MONUMENT
	BOUNDARY CORNER
	SET REBAR & CAP
	MARKED "BENCHMARK ENG." (UNLESS OTHERWISE NOTED)
	CENTERLINE OF ROAD
	LOT LINE
	RIGHT OF WAY LINE
	BOUNDARY LINE
	ADJACENT PROPERTY
	EASEMENT LINE
	PUBLIC UTILITY EASEMENT
	EX. FIRE HYDRANT
	PRIVATE
	LIMITED COMMON
	COMMON AREA
	DEDICATION AREA

NOTES:
1. A REPORT FOR FAULT RUPTURE HAZARD AND GEOTECHNICAL STUDY OF THIS PROPERTY WAS CONDUCTED BY **CMT ENGINEERING** ON **DEC 18, 2019**.
2. FOUNDATION AND PAVEMENT DESIGN AND SITE PREPARATION TO BE REVIEWED BY A QUALIFIED GEOTECHNICAL ENGINEER.
THIS SUBDIVISION IS SUBJECT TO THAT STORM WATER MAINTENANCE AGREEMENT RECORDED AS ENTRY NO. **13922662 IN BOOK/PAGE: **10895**.
*** LIQUID FACI HAS BEEN FOUND ON THIS SITE IN THE DRIVE AREA**



CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	43.20'	27.50'	90°00'00"	N 45°00'00" E	38.89'
C2	43.20'	27.50'	90°00'00"	S 45°00'00" E	38.89'
C3	21.21'	13.50'	90°00'00"	S 45°00'00" W	19.09'
C4	27.49'	17.50'	89°59'47"	S 45°00'15" E	24.75'

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C6	71.42'	55.00'	74°23'59"	N 52°48'00" E	66.51'
C7	43.98'	28.00'	90°00'00"	S 45°00'00" W	39.60'
C8	7.85'	5.00'	90°00'00"	S 45°00'00" E	7.07'
C9	7.85'	5.00'	90°00'00"	N 45°00'00" E	7.07'

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C10	14.98'	59.00'	14°31'31"	N 07°15'45" E	14.92'
C11	65.19'	41.50'	90°00'00"	N 45°00'00" E	58.69'

SEE FILE # **SD-19-011** ALL DEVELOPMENTS SUBJECT TO RCD

PUBLIC UTILITY APPROVAL
CENTURY LINK: *[Signature]* DATE: **1-22-20**
COMCAST: *[Signature]* DATE: **1-22-20**
ROCKY MTN POWER: *[Signature]* DATE: **1-22-20**
DOMINION ENERGY: *[Signature]* DATE: **1-22-20**
OTHER: _____ DATE: _____

UNIFIED FIRE AUTHORITY APPROVAL
[Signature] **1/22/20**
SIGNED _____ DATE _____

ADDRESSING APPROVAL
[Signature] **1/22/20**
SIGNED _____ DATE _____

MILLCREEK ENGINEERING
[Signature] **3/9/20**
SIGNED _____ DATE _____

RECORD OF SURVEY
R.O.S. NO.: **501-10-0725**
[Signature] **22 Jan 2020**
COUNTY SURVEYOR

SALT LAKE COUNTY HEALTH DEPARTMENT
APPROVED AS TO FORM THIS **22** DAY OF **January**, A.D. 20 **20**
[Signature]
DIRECTOR, COUNTY HEALTH DEPARTMENT

CHECK FOR ZONING COMPLIANCE
ZONE: **R-2-10/PD** LOT AREA: **3.3 AC**
LOT WIDTH: **360.97 FT** FRONT YARD: **20 FT**
SIDE YARD: **15 FT** REAR YARD: **15 FT**
[Signature] **2-25-2020**
SIGNED _____ DATE _____

MILLCREEK PLANNING COMMISSION
APPROVED THIS **25th** DAY OF **FEBRUARY**, A.D. 20 **20**, BY THE MILLCREEK PLANNING AND DEVELOPMENT COMMISSION.
[Signature] **2/25/20**
MILLCREEK PLANNING COMMISSION

MILLCREEK COMMUNITY DEVELOPMENT DEPT.
APPROVED THIS **25th** DAY OF **FEBRUARY**, A.D. 20 **20**, BY THE MILLCREEK PLANNING AND DEVELOPMENT DEPARTMENT.
[Signature]
MILLCREEK COMMUNITY DEVELOPMENT DIRECTOR

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS **3** DAY OF **March**, A.D. 20 **20**
[Signature]
MILLCREEK ATTORNEY

MILLCREEK MAYOR
PRESENTED TO THE MAYOR AND MILLCREEK COUNCIL THIS **13th** DAY OF **MARCH**, A.D. 20 **20**, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.
[Signature]
MAYOR

SALT LAKE COUNTY RECORDER
RECORDED # **13213915**
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF **KEN KELLER**
DATE **3/16/2020** TIME **3:50 PM** BOOK **10006** PAGE **31**
[Signature]
DEPUTY, SALT LAKE COUNTY RECORDER

MILL FARM P.U.D.
A PLANNED UNIT DEVELOPMENT
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 31,
TOWNSHIP 1 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN

SURVEYOR'S CERTIFICATE
I, BRIAN A. LINAM, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 7240831 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW. A RECORD OF SURVEY PREPARED BY BENCHMARK ENGINEERING AND LAND SURVEYING, LLC, HAS BEEN FILED AT THE SALT LAKE COUNTY SURVEYOR'S OFFICE, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO A LOT HEREAFTER TO BE KNOWN AS:

MILL FARM P.U.D.
A PLANNED UNIT DEVELOPMENT
DESCRIPTION

A PARCEL OF LAND BEING ALL OF FOUR (4) ENTIRE TRACTS, A PART OF LOTS 9 AND 10, BLOCK 6, TEN ACRE PLAT "A", BIG FIELD SURVEY AND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SAID ENTIRE TRACTS ARE RECORDED IN THAT SPECIAL WARRANTY DEED RECORDED AT ENTRY # 12933180, IN BOOK 10752, ON PAGE 3767, IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER. THE BOUNDARY OF SAID PARCEL OF LAND IS DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTHERLY RIGHT OF WAY LINE OF 3900 SOUTH STREET 7.00 FEET S 00°01'35" W FROM THE NORTHEAST CORNER OF SAID LOT 9 (SAME AS THE NORTHWEST CORNER OF SAID LOT 10), SAID POINT ALSO BEING 794.09 FEET S 89°58'25" E AND 40.00 FEET S 00°01'35" W FROM THE MONUMENT FOUND MARKING THE INTERSECTION OF 3900 SOUTH AND 500 EAST STREETS (BASIS OF BEARINGS BEING S 89°58'25" E 1588.20 FEET MEASURED BETWEEN THE SALT LAKE CITY SURVEY MONUMENTS FOUND MARKING THE MONUMENT LINE OF 3900 SOUTH STREET BETWEEN THE INTERSECTIONS OF 500 AND 700 EAST STREETS), AND RUNNING THENCE S 89°58'25" E 143.50 FEET ALONG SAID SOUTHERLY RIGHT OF WAY LINE TO THE WESTERLY BOUNDARY LINE OF THAT CERTAIN PROPERTY DESCRIBED IN BOOK 9129 AT PAGE 1615 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER; THENCE SOUTHERLY ALONG SAID WESTERLY BOUNDARY LINE THE FOLLOWING FIVE (5) COURSES: 1) SOUTH 47.93 FEET 2) S 57°59'41" W 4.72 FEET; 3) S 00°38'58" W 114.71 FEET; 4) EAST 10.30 FEET; 5) SOUTH 100.49 FEET ALONG SAID LINE TO THE BOUNDARY LINE OF PHASE 3, WAYLAND STATION AT OLD FARM RECORDED IN BOOK 77-3 AT PAGE 89 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER; THENCE SOUTHERLY AND WESTERLY ALONG THE NORTHERLY AND WESTERLY BOUNDARY LINE OF SAID WAYLAND STATION AT OLD FARM SUBDIVISION THE FOLLOWING SIX (6) COURSES: 1) N 89°58'49" W 155.98 FEET; 2) S 01°11'32" W 291.00 FEET; 3) N 88°18'30" W 84.90 FEET; 4) S 00°12'00" W 11.00 FEET; 5) S 87°32'30" W 7.11 FEET; 6) S 00°01'07" W 0.52 FEET TO THE BOUNDARY LINE OF DAVIS SUBDIVISION RECORDED IN BOOK "P" AT PAGE 70 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER; THENCE S 89°58'52" W (S 89°59'28" E BY PLAT) 71.82 FEET ALONG SAID LINE TO THE BOUNDARY LINE OF THAT CERTAIN PROPERTY DESCRIBED IN BOOK 8361 AT PAGE 1466 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER; THENCE N 00°04'55" W (N 00°03'15" W BY DEED) 174.99 FEET (175.00 FEET BY DEED) ALONG SAID LINE TO THE BOUNDARY LINE OF JOANNA SUBDIVISION AS RECORDED IN BOOK 78-1 AT PAGE 36 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER; THENCE N 00°04'55" W (N 00°03'15" W BY PLAT) 149.68 FEET ALONG SAID LINE; THENCE S 89°58'53" W (N 89°59'27" W BY PLAT) 39.64 FEET ALONG SAID LINE TO THE BOUNDARY LINE OF THAT CERTAIN PROPERTY AS DESCRIBED IN BOOK 8489 AT PAGE 3045 (TAX PARCEL NO. 16-31-432-029); THENCE S 89°58'25" E 217.46 FEET ALONG SAID SOUTHERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

CONTAINS: 144,124 SQ. FT. OR 3.309 ACRES, MORE OR LESS
26 UNITS



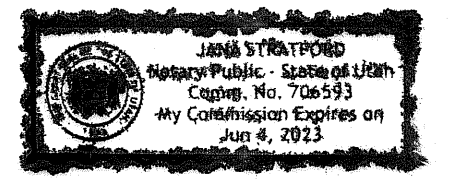
OWNER'S DEDICATION

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

MILL FARM P.U.D.
A PLANNED UNIT DEVELOPMENT

AND DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL AREAS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED ALSO DO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEYS ANY OTHER EASEMENTS AS SHOWN OR NOTED ON THIS PLAT TO THE PARTIES INDICATED AND FOR THE PURPOSES SHOWN AND/OR NOTED HEREON IN WITNESS WHEREBY WE/HAVE HERETO SET OUR HAND(S) THIS **9th** DAY OF **March**, A.D. 20 **20**

MILLCREEK EAST ESTATES, LLC
[Signature]
SIGNATURE
BY (PRINT NAME): **Kenneth G. Keller**
ITS: **Manager**



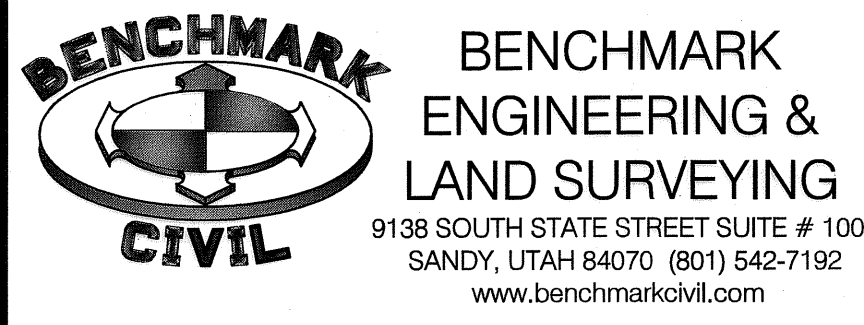
LLC ACKNOWLEDGMENT

STATE OF UTAH } S.S.
County of Salt Lake }
ON THIS **9th** DAY OF **March**, IN THE YEAR **2020**, BEFORE ME **Jana Stratford**, A NOTARY PUBLIC, PERSONALLY APPEARED **Kenneth G. Keller**, the **Manager** OF MILLCREEK EAST ESTATES, LLC AND PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME IS SUBSCRIBED TO IN THE FOREGOING OWNERS' DEDICATION AND CONSENT REGARDING THE MILL FARM P.U.D. A PLANNED UNIT DEVELOPMENT, AND WAS SIGNED BY HIM/HER ON BEHALF OF SAID MILLCREEK EAST ESTATES, LLC AND ACKNOWLEDGED THAT HE EXECUTED THE SAME.

COMMISSION NUMBER: **7010593**
MY COMMISSION EXPIRES: **June 4, 2023**
[Signature]
Jana Stratford
(PRINT NAME) **Jana Stratford**
(SIGNATURE) A NOTARY PUBLIC
COMMISSIONED IN UTAH

MILL FARM P.U.D.
A PLANNED UNIT DEVELOPMENT

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 31,
TOWNSHIP 1 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN



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

CHECK FOR ZONING COMPLIANCE
ZONE: **R-2-10/PD** LOT AREA: **3.3 AC**
LOT WIDTH: **360.97 FT** FRONT YARD: **20 FT**
SIDE YARD: **15 FT** REAR YARD: **15 FT**
[Signature] **2-25-2020**
SIGNED _____ DATE _____

MILLCREEK PLANNING COMMISSION
APPROVED THIS **25th** DAY OF **FEBRUARY**, A.D. 20 **20**, BY THE MILLCREEK PLANNING AND DEVELOPMENT COMMISSION.
[Signature] **2/25/20**
MILLCREEK PLANNING COMMISSION

MILLCREEK COMMUNITY DEVELOPMENT DEPT.
APPROVED THIS **25th** DAY OF **FEBRUARY**, A.D. 20 **20**, BY THE MILLCREEK PLANNING AND DEVELOPMENT DEPARTMENT.
[Signature]
MILLCREEK COMMUNITY DEVELOPMENT DIRECTOR

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS **3** DAY OF **March**, A.D. 20 **20**
[Signature]
MILLCREEK ATTORNEY

MILLCREEK MAYOR
PRESENTED TO THE MAYOR AND MILLCREEK COUNCIL THIS **13th** DAY OF **MARCH**, A.D. 20 **20**, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.
[Signature]
MAYOR

SALT LAKE COUNTY RECORDER
RECORDED # **13213915**
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF **KEN KELLER**
DATE **3/16/2020** TIME **3:50 PM** BOOK **10006** PAGE **31**
[Signature]
DEPUTY, SALT LAKE COUNTY RECORDER

SALT LAKE COUNTY RECORDER
RECORDED # **13213915**
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF **KEN KELLER**
DATE **3/16/2020** TIME **3:50 PM** BOOK **10006** PAGE **31**
[Signature]
DEPUTY, SALT LAKE COUNTY RECORDER

September 24, 2019

Keller Development
4959 South Cottonwood Lane
Holladay, UT 84117



Application: CU-19-010 / SD-19-011
Type: 26-Unit Planned Unit Development (PUD)
Zone: R-2-10 Zone
Property Location: 602 East 3900 South
Parcel ID: 16-31-432-030-0000, 16-31-432-027-0000,
16-31-432-017-0000, 16-31-432-016-0000

Planning Commission Approval Date: September 18, 2019

Ken,

On 2019 September 18, the Millcreek Planning Commission **granted preliminary approval of the conditional use application and preliminary plat approval (CU-19-010 / SD-19-011)** located at 602 East 3900 South subject to the conditions discussed in the meeting and the staff report. This letter with the attached plans constitutes as your preliminary conditional use / plat approval only.

Moving forward all requirements for final approval and technical review must be met before the plat can be recorded. As per Chapter 18.16.010 of the Millcreek Code under Title 18, the final plat, which must be prepared by a licensed land surveyor not in the employ of the city or county on a sheet of approved reproducible Mylar and made with approved waterproof black india drawing ink, with text not less than one-tenth inch in size, shall be so drawn that the top of the sheet faces either north or east, whichever accommodates the drawing best, shall contain all information required on the preliminary plat (except contours), and shall comply with the following:

A. Description and Delineation. The final Plat shall show:

1. The approved name of the subdivision;
2. Accurate angular and lineal dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use and other important features. Boundary lines shall be drawn heavier than street and lot lines;
3. An identification system for all lots and blocks and names of streets. Lot lines shall show dimensions in feet and hundredths;
4. Radii, internal angles, points and curvatures, tangent bearings and length of all arcs;
5. The accurate location of all monuments and fire hydrants to be installed shown by the appropriate symbol. All United States, state, county or other official benchmarks, monuments or triangulation stations in or adjacent to the property, shall be preserved in precise position;
6. The dedication to the city of all streets and highways included in proposed subdivisions. Subdivision monuments shall be installed prior to the improvement bond release by the

subdivider's engineer or land surveyor at such points designated on the final plat as approved by the planning and development services division on behalf of the city. County standard precast monuments, rings and lids shall be furnished by the county surveyor and shall be purchased by the subdivider at the prices indicated in the county surveyor's adopted fee schedule;

7. Physical markers shall be placed at each lot corner in accordance with state statutes;
8. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses of all property owners;
9. Where it is proposed that streets be constructed on property controlled by a public agent or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the city attorney.

B. Standard Forms for the Following. The final plat shall require the following title/signature blocks and department approval:

1. A registered land surveyor's certificate of survey;
2. The owner's certificate of dedication and notary public's acknowledgement;
3. The Millcreek Planning Commission's certificate of approval;
4. Millcreek Engineer approval;
5. Salt Lake County Health Department approval;
6. Salt Lake County Addressing Department approval;
7. Unified Fire Association approval;
8. Public Utilities approval
9. The Community Development Department approval;
10. The Millcreek City Attorney approval;
11. The Mayor's approval;
12. A one and one-half by five-inch space in the lower right-hand corner of the drawing for the county recorder's use.

Please reference Chapter 18.20 for design standards related to final approval. Additionally, the following is required before the final plat can be recorded:

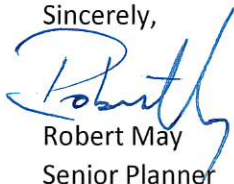
1. The applicant will comply with all requirements established through the technical review process prior to receiving final plat approval.
2. The design of the site and building shall comply with all applicable development standards, including but not limited to the City's Recreational Facility and Open Space Standards, Medium and High-Density Residential Development Standards, and any site development standard required by the City Engineer and Fire Marshal.
3. All applicable requirements outlined in 19.78 and 19.32 of the Millcreek Code.
4. Signs and accessory structures will require separate building permits and staff review for zoning/land use compliance.
5. The applicant shall provide sufficient parking-lot light illumination. No light source (light bulb, fluorescent tube, or other direct source of light used to illuminate a parking area) shall be visible

beyond the property line including the alley (ROW) of any off-street parking area as required by Section 19.80.030 of the zoning ordinance.

6. Landscaping shall be installed in compliance with Chapter 19.77 Water Efficient Landscape Design and Development Standards. Any revisions to the landscape plan package shall be reviewed and approved in writing by the director or designee prior to commencement of construction. Re-certification of compliance with the requirements of the landscaping ordinance shall be provided by the qualified professionals who prepared and submitted the plan revisions.
7. All technical review fees must be paid including contracted Salt Lake County addressing and surveying fees.
8. Prior to receiving final plat approval, the applicant shall certify that all utility services have the capacity to accommodate additional demand induced by the development, or that the services will be upgraded to meet the additional demand.
9. Any accessory structures will require separate building permits and staff review for zoning/land use compliance.
10. The applicant will record an approved Storm Water Maintenance Agreement with the City prior to recording the plat.
11. All required improvements be bonded for or installed prior to receiving final plat approval.
12. Approval letter verifying compliance and bonding amount details from Millcreek Engineering.
13. All other technical review requirements found in Title 18 of the Millcreek Code.
14. A title report no older than 30 days must be received for Salt Lake Surveying review and another prior to recording the plat.
15. All applicable zoning, building, health, fire and safety requirements must be met prior to receiving final approval of a building permit.
16. Prior to receiving a building permit, the applicant must schedule a pre-construction meeting. Please carefully review Section 19.02.080 for building permit requirements. Other requirements may apply.
17. All items of the staff report, including items required by the Millcreek Planning Commission below:
 - a. *Work with staff to resolve any vehicle stacking issues that may result from the configuration of the private roadway as outlined in the site plan.*
 - b. *Discuss with Old Farm homeowners association about potential pedestrian connectivity between properties.*
 - c. *Create pedestrian gate next to proposed emergency vehicle access on the South side of the property.*
 - d. *Trees to be removed must be replaced based on caliper inch per caliper inch. Provide a tree inventory/preservation plan of trees removed and replaced.*

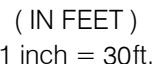
If you have any questions regarding this letter, please feel free to contact our office at: 801-214-2700.

Sincerely,



Robert May
Senior Planner

Millcreek Community Development Department



- CONSTRUCTION KEY NOTE REFERENCE

AREA TABLE		
PARTICULARS	S.F.	%
BUILDING	33,388	23.2
HARDSCAPE	61,117	42.4
LANDSCAPE	49,619	34.4
TOTAL	144,124	100

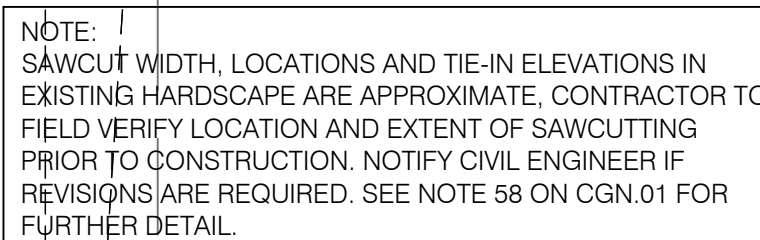
LINETYPES:

SYMBOLS:

NEW EXISTING

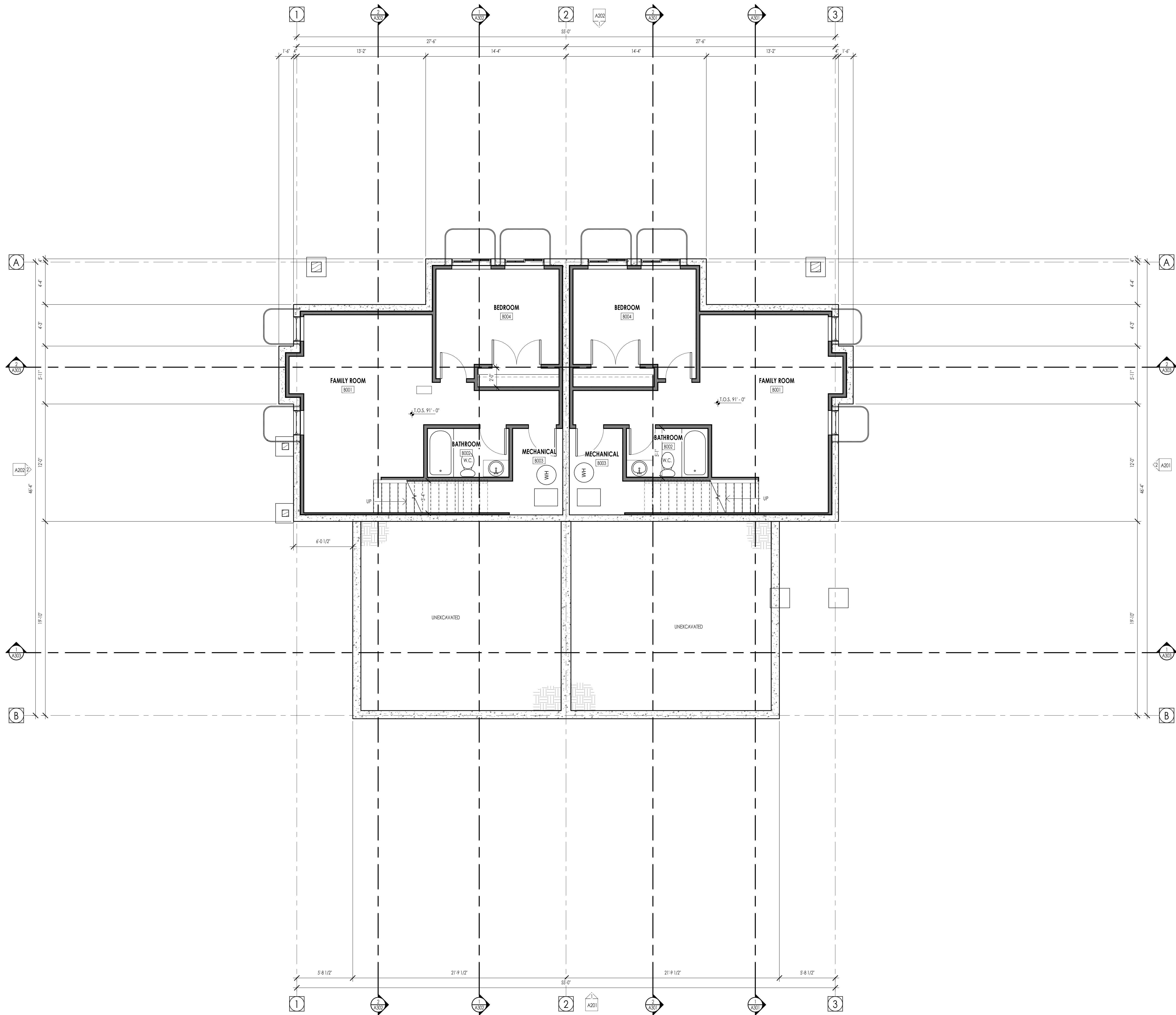
	POWER POLE & OVERHEAD POWER
	LIGHT POLE
	GUY WIRE
	STORM DRAIN MANHOLE
	CATCH BASIN
	DIRECTION OF DRAINAGE
	IRRIGATION VALVE
	TREE

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



PARKING COUNT		
PARTICULARS	PROVIDED	
	STANDARD	GARAGE
PARKING STALLS	9	52
TOTAL	61	

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



LEVEL 0 - FLOOR PLAN
1/4" = 1'-0"

FLOOR PLAN LEGEND	
HATCH PATTERN	DESCRIPTION
	POURED IN PLACE CONCRETE WALL
	WOOD STUD WALL
	STONE VENEER
	ASPHALT ROOFING
	LAP SEAM METAL ROOFING

FLOOR PLAN GENERAL NOTES	
1.	ALL DIMENSIONS ARE TO INTERIOR FACE-OF-STUD (F.O.S.) UNLESS NOTED OTHERWISE.
2.	CILING HEIGHTS MEASURED FROM PLYWOOD OR CONCRETE - SEE SECTIONS
3.	COORDINATE WITH ALL ENLARGED PLANS FOR ADDITIONAL INFORMATION AND DETAILS.
4.	SEE SHEET 002Z FOR CODE REVIEW.
5.	COORDINATE WITH STRUCTURAL FRAMING PLANS AND SHEAR WALL PLANS FOR LOCATIONS OF COLUMNS, BEAMS, SHEAR WALLS, ETC.
6.	COORDINATE WITH BUILDER/OWNER FOR ALL INTERIOR FINISHES.
7.	COORDINATE WITH ELECTRICAL DRAWINGS FOR ALL LIGHTING, POWER AND DATA REQUIREMENTS.
8.	ALL EXTERIOR WALLS ARE ASSUMED TO BE 2X6 STUD WALLS UNLESS SHOWN/NOTED OTHERWISE. WALL TYPE D2, SEE 3/G006.
9.	ALL INTERIOR WALLS ARE ASSUMED TO BE 2X4 STUD WALLS UNLESS SHOWN/NOTED OTHERWISE. WALL TYPE D3, SEE 4/G006.

FLOOR PLAN KEYNOTES	
KEYNOTE	



Architecture
Interior Design
Landscape Architecture
Land Planning
Construction Management

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www.think200.com

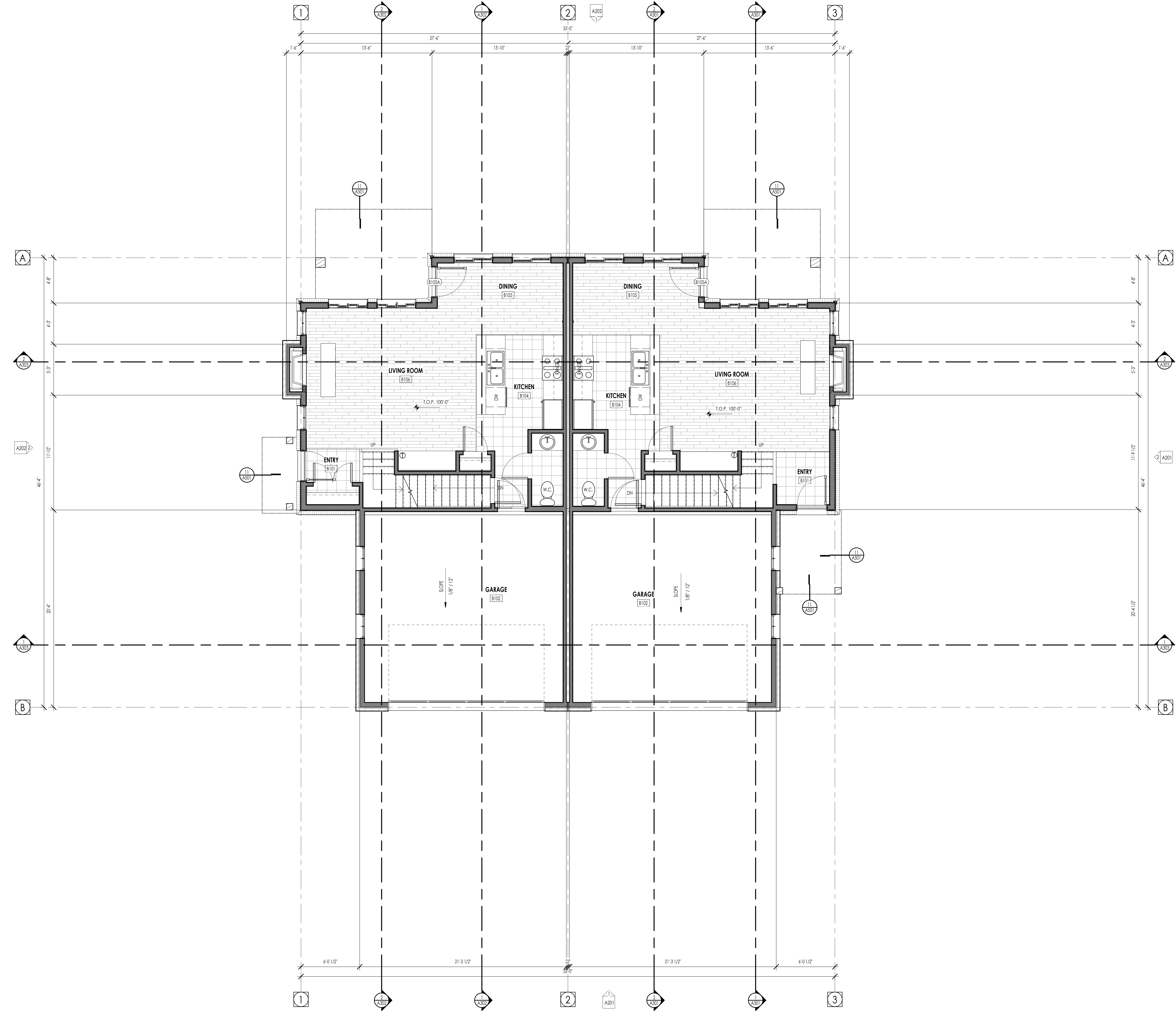
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THE TOWNHOMES AT MILL FARM
602 EAST 3900 SOUTH & 565 EAST 3971 SOUTH, MILLCREEK, UTAH

PROJECT NO. 20060
DATE: JUL 17, 2020
REVISIONS:

SHEET TITLE:
LEVEL 0 FLOOR PLAN

SHEET NUMBER:
A102



FLOOR PLAN LEGEND	
HATCH PATTERN	DESCRIPTION
	POURED IN PLACE CONCRETE WALL
	WOOD STUD WALL
	STONE VENEER
	ASPHALT ROOFING
	LAP SEAM METAL ROOFING

FLOOR PLAN GENERAL NOTES	
1.	ALL DIMENSIONS ARE TO INTERIOR FACE-OF-STUD (F.O.S.) UNLESS NOTED OTHERWISE.
2.	Ceiling Heights Measured From Plywood or Concrete - See Sections
3.	COORDINATE WITH ALL ENLARGED PLANS FOR ADDITIONAL INFORMATION AND DETAILS.
4.	SEE SHEET G002 FOR CODE REVIEW.
5.	COORDINATE WITH STRUCTURAL FRAMING PLANS AND SHEAR WALL PLANS FOR LOCATIONS OF COLUMNS, BEAMS, SHEAR WALLS, ETC.
6.	COORDINATE WITH BUILDER/OWNER FOR ALL INTERIOR FINISHES.
7.	COORDINATE WITH ELECTRICAL DRAWINGS FOR ALL LIGHTING, POWER AND DATA REQUIREMENTS.
8.	ALL EXTERIOR WALLS ARE ASSUMED TO BE 2X6 STUD WALLS UNLESS SHOWN/NOTED OTHERWISE. WALL TYPE D2, SEE 3/G006.
9.	ALL INTERIOR WALLS ARE ASSUMED TO BE 2X4 STUD WALLS UNLESS SHOWN/NOTED OTHERWISE. WALL TYPE D3, SEE 4/G006.

FLOOR PLAN KEYNOTES	
KEYNOTE	



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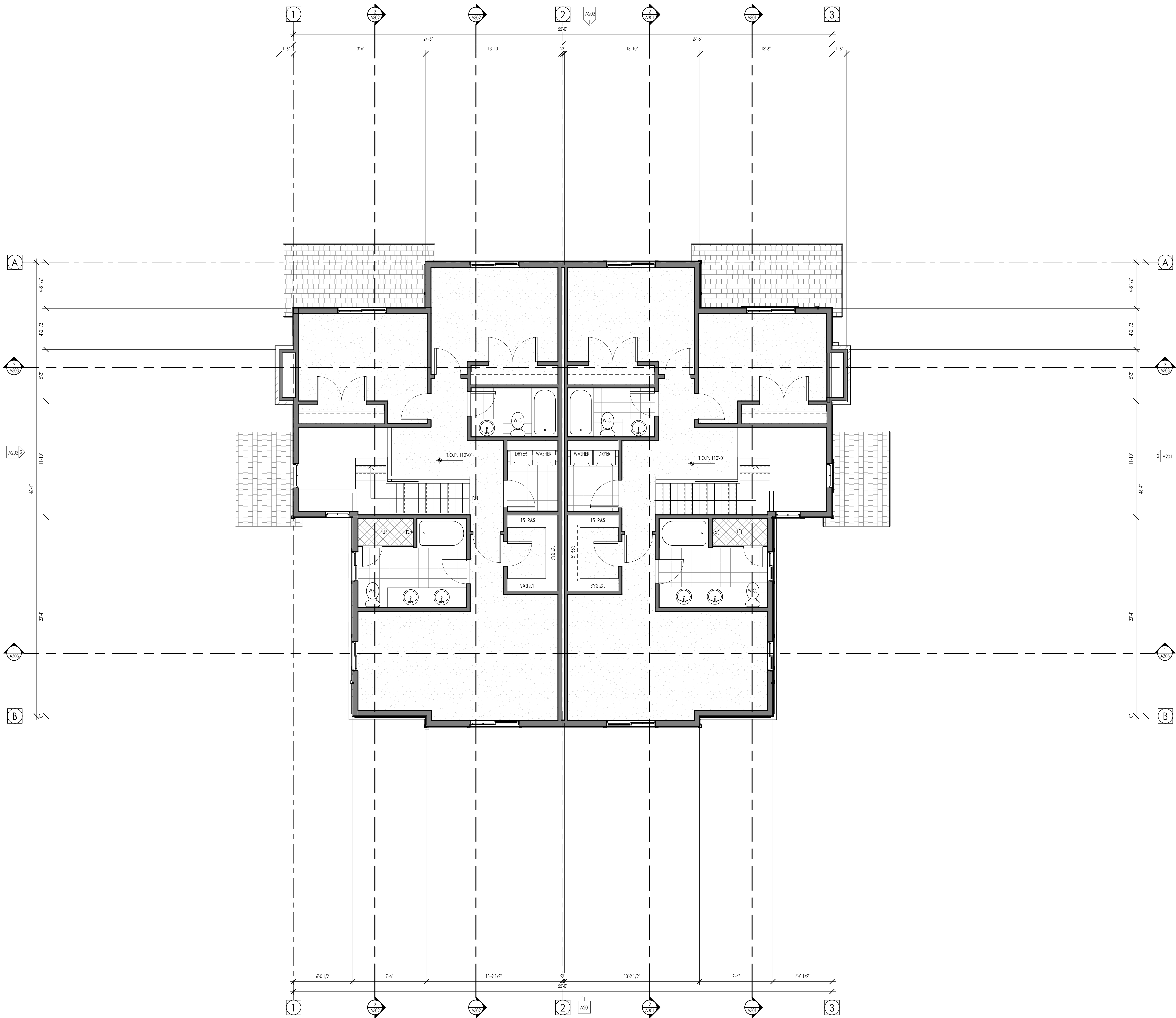
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THE TOWNHOMES AT MILL FARM
602 EAST 3900 SOUTH & 565 EAST 3971 SOUTH, MILLCREEK, UTAH

PROJECT NO. 20060
DATE: JUL 17, 2020
REVISIONS:

SHEET TITLE:
LEVEL 1 FLOOR PLAN

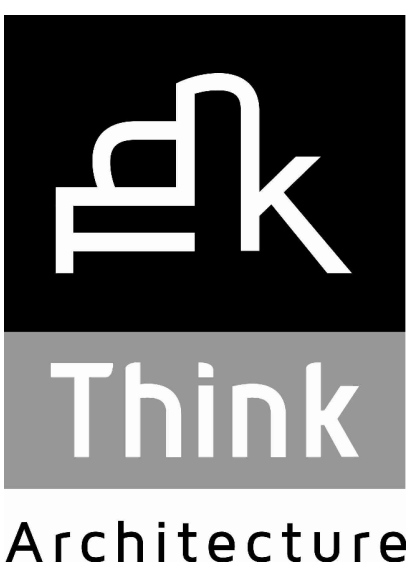
SHEET NUMBER:
A103



FLOOR PLAN LEGEND	
HATCH PATTERN	DESCRIPTION
	POURED IN PLACE CONCRETE WALL
	WOOD STUD WALL
	STONE VENEER
	ASPHALT ROOFING
	LAP SEAM METAL ROOFING

FLOOR PLAN GENERAL NOTES	
1.	ALL DIMENSIONS ARE TO INTERIOR FACE-OF-STUD (F.O.S.) UNLESS NOTED OTHERWISE.
2.	Ceiling HEIGHTS MEASURED FROM PLYWOOD OR CONCRETE - SEE SECTIONS
3.	COORDINATE WITH ALL ENLARGED PLANS FOR ADDITIONAL INFORMATION AND DETAILS.
4.	SEE SHEET G002 FOR CODE REVIEW.
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9.	ALL INTERIOR WALLS ARE ASSUMED TO BE 2X4 STUD WALLS UNLESS SHOWN/NOTED OTHERWISE. WALL TYPE D3, SEE 4/G006.

FLOOR PLAN KEYNOTES	



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THE TOWNHOMES AT MILL FARM
602 EAST 3900 SOUTH & 565 EAST 9971 SOUTH, MILLCREEK, UTAH

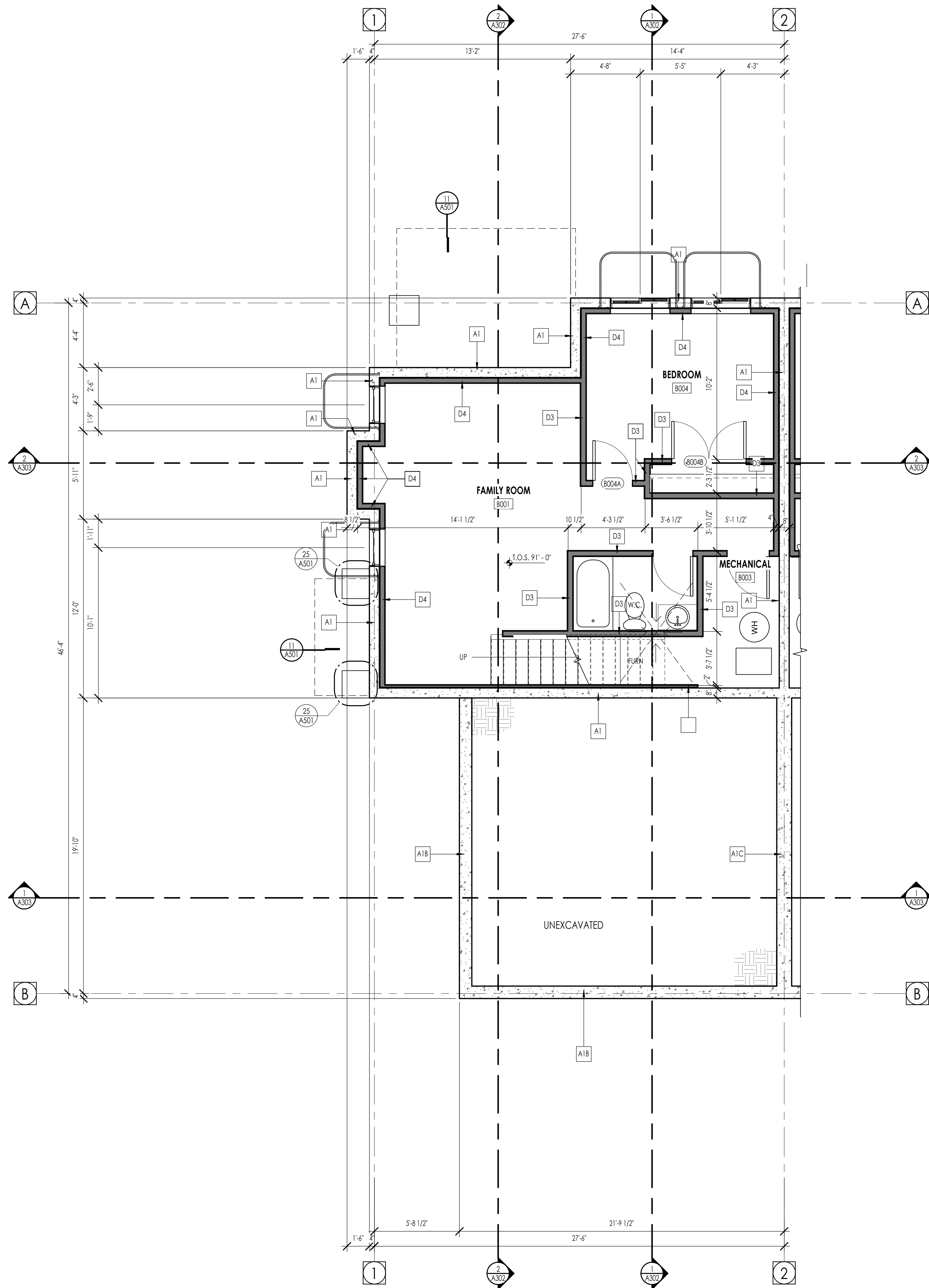
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REVISIONS:

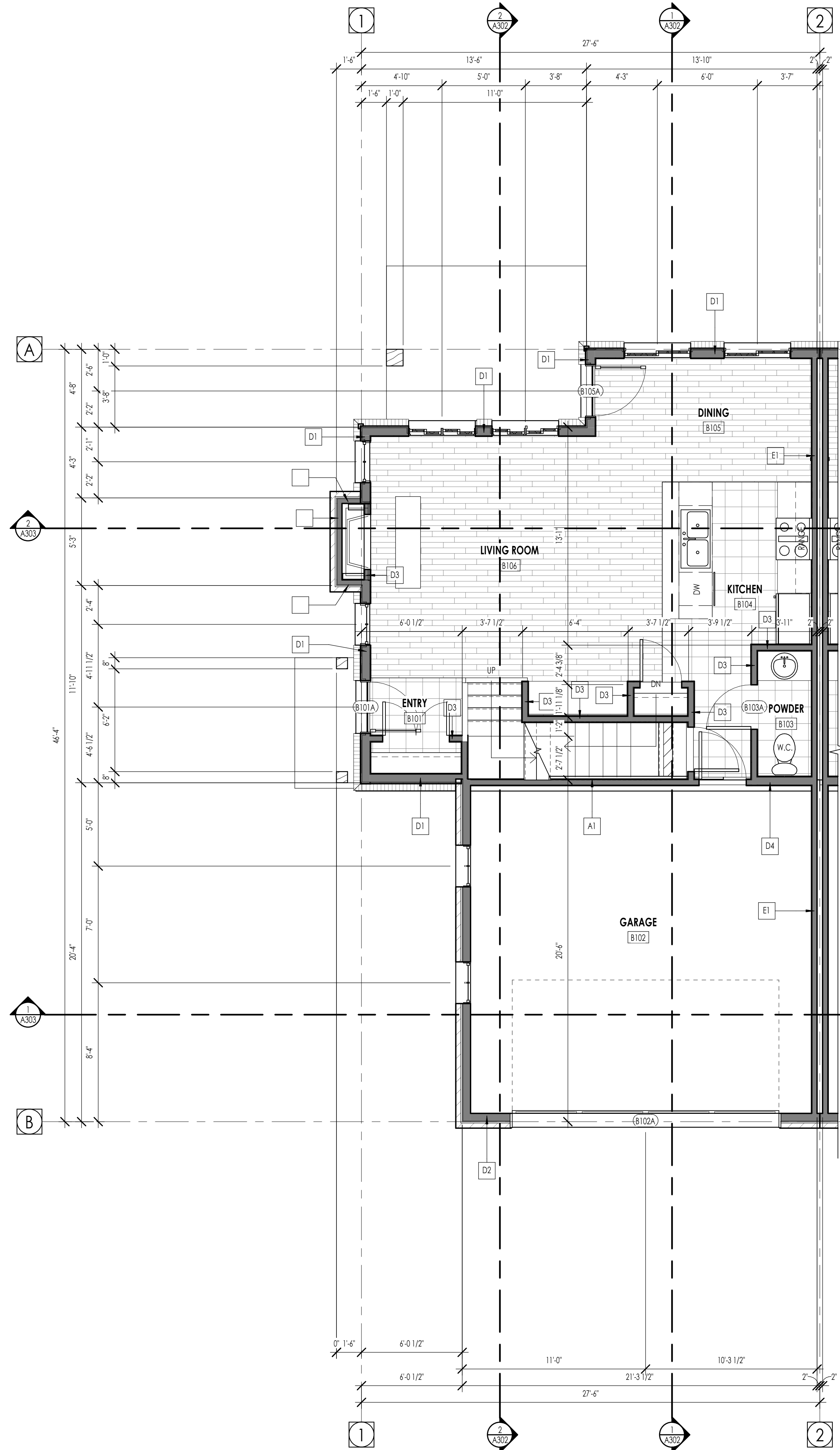
SHEET TITLE:
LEVEL 2 FLOOR PLAN

SHEET NUMBER:
A104

LEVEL 2 - FLOOR PLAN
1/4" = 1'-0"

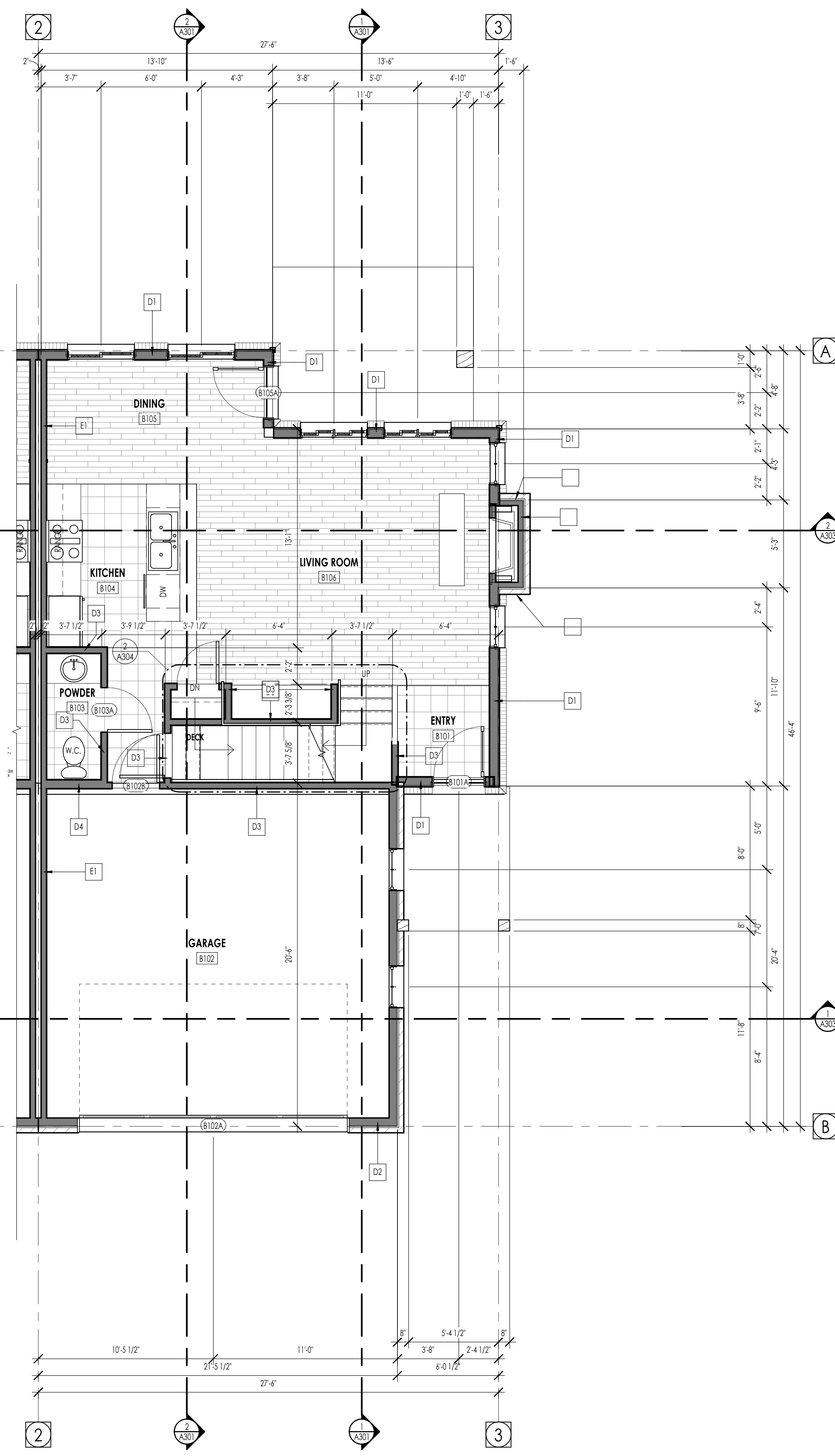
1
A104





LEVEL 1 - UNIT B ENLARGED FLOOR PLAN
1/4" = 1'-0"

2
A402



LEVEL 1 - UNIT B ENLARGED FLOOR PLAN
1/4" = 1'-0"

3
A402

FLOOR PLAN LEGEND	
HATCH PATTERN	DESCRIPTION
	POURED IN PLACE CONCRETE WALL
	WOOD STUD WALL
	STONE VENEER
	ASPHALT ROOFING
	LAP SEAM METAL ROOFING

FLOOR PLAN GENERAL NOTES
1. ALL DIMENSIONS ARE TO INTERIOR FACE-OF-STUD (F.O.S.) UNLESS NOTED OTHERWISE.
2. CEILING HEIGHTS MEASURED FROM PLYWOOD OR CONCRETE - SEE SECTIONS
3. COORDINATE WITH ALL ENLARGED PLANS FOR ADDITIONAL INFORMATION AND DETAILS.
4. SEE SHEET G002 FOR CODE REVIEW.
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8. ALL EXTERIOR WALLS ARE ASSUMED TO BE 2X6 STUD WALLS UNLESS SHOWN/NOTED OTHERWISE. WALL TYPE D2, SEE 3/G006.
9. ALL INTERIOR WALLS ARE ASSUMED TO BE 2X4 STUD WALLS UNLESS SHOWN/NOTED OTHERWISE. WALL TYPE D3, SEE 4/G006.

FLOOR PLAN KEYNOTES
KEYNOTE



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THE TOWNHOMES AT MILL FARM
602 EAST 3900 SOUTH & 565 EAST 3971 SOUTH, MILLCREEK, UTAH

PROJECT NO. 20060
DATE: JUL 17, 2020
REVISIONS:

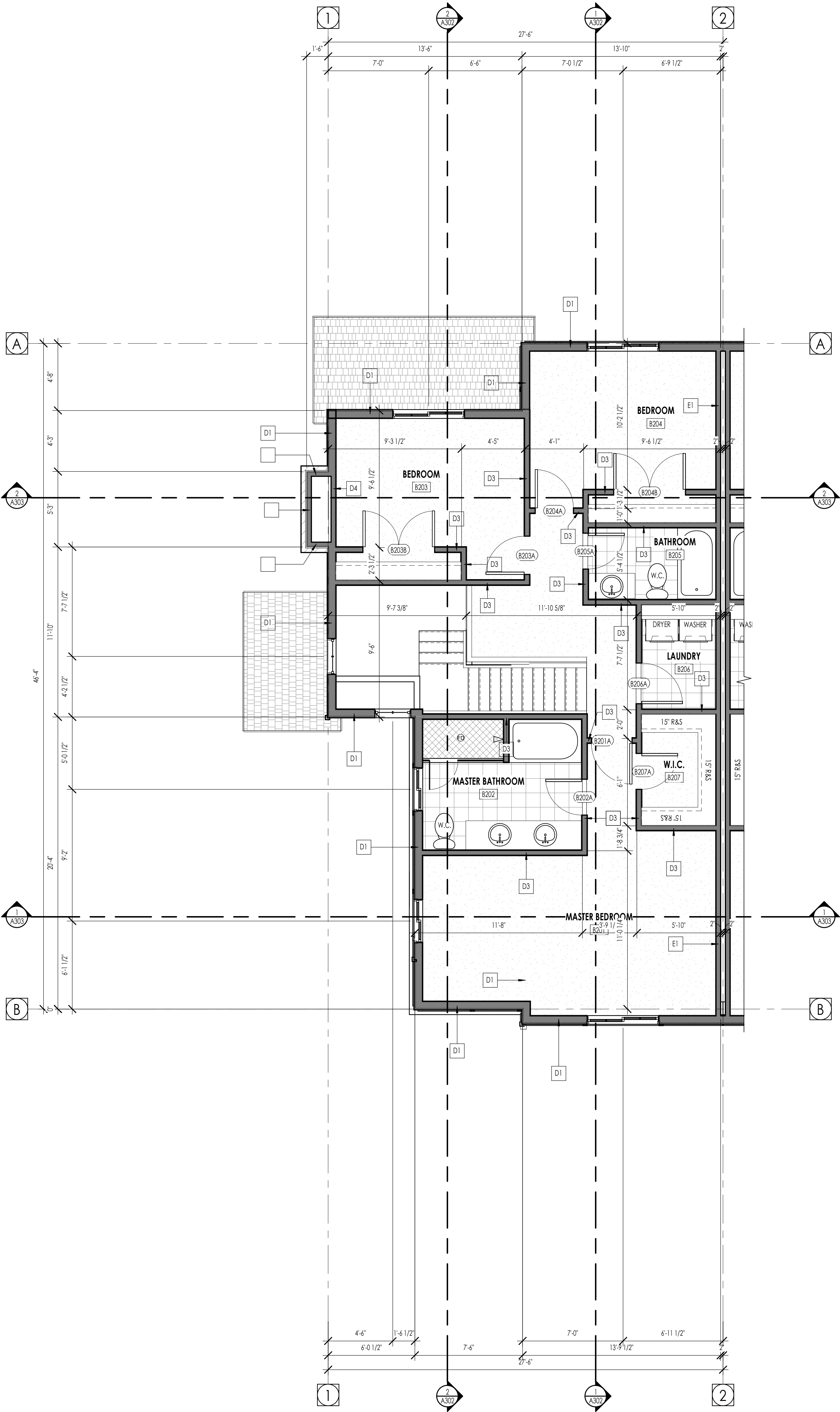
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LEVEL 1 - ENLARGED
PLANS

SHEET NUMBER:
A402

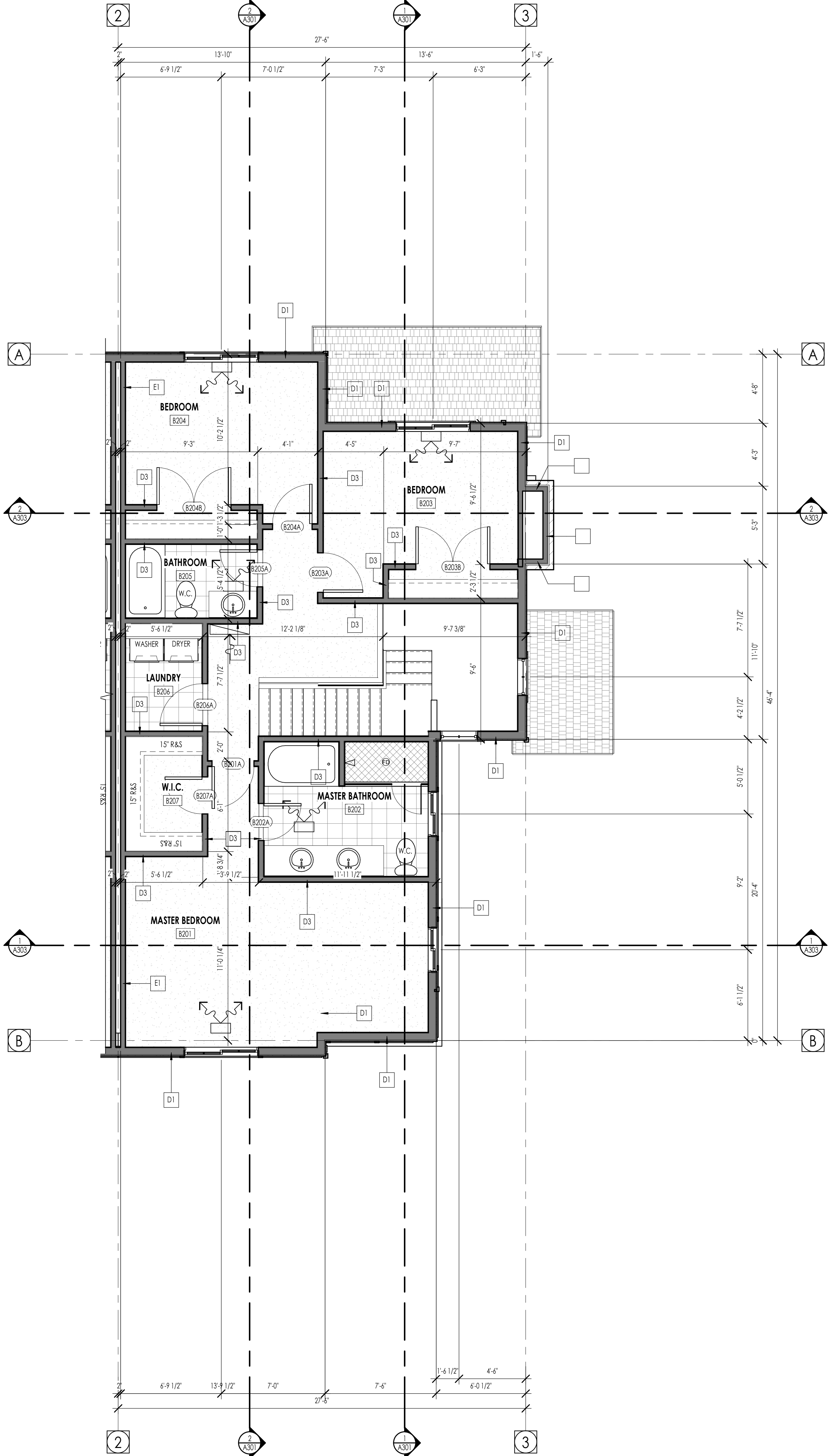
FLOOR PLAN LEGEND	
HATCH PATTERN	DESCRIPTION
	POURED IN PLACE CONCRETE WALL
	WOOD STUD WALL
	STONE VENEER
	ASPHALT ROOFING
	LAP SEAM METAL ROOFING

FLOOR PLAN GENERAL NOTES	
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FLOOR PLAN KEYNOTES	



LEVEL 2 - UNIT B - MIRRORED
1/4" = 1'-0"



LEVEL 2 - UNIT B
1/4" = 1'-0"









MILLCREEK PLANNING AND ZONING

3330 SOUTH 1300 EAST

MILLCREEK, UTAH 84106

MEMORANDUM

To: **Planning Commission**
From: **Francis Xavier Lilly, AICP, Director**
Meeting Date: **19 August 2020**

Re: **ZT-20-005 – Commercial Zone Text Amendments**

Summary

Attached to this document are updates to the commercial zone text amendments, as requested by the Planning Commission at the public hearing on this matter in July.

The updates include a requirement, on page 15 of the proposed zone text, for additional commercial use requirements for *commercially significant development sites*. A commercially significant development site is a site that meets any of the three criteria:

- 1) Any development site greater than one acre in area.
- 2) Any development site located within a Village Center Future Land Use Map Land Use Designation in the Adopted Millcreek General Plan
- 3) Any development of any size within 600 feet of the following intersections:
 - a. Valley Street and 3300 South
 - b. 2000 East and 3300 South
 - c. 900 East and 4500 South
 - d. 900 East and 3300 South
 - e. 2300 East and 3900 South

The first three of the above intersections are identified in the General Plan as future neighborhood center study areas. The last two contain existing grocery stores. In each case, staff recommends a higher commercial requirement on the basis of the City's desire to maintain taxable commercial uses at these intersections.

The proposed intersections and the approximate extent of their respective buffers are indicated in the maps below:

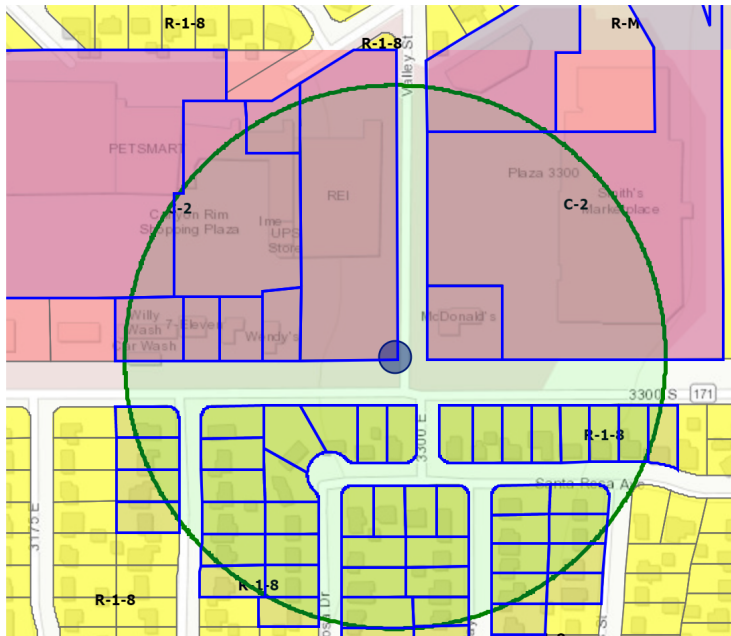


MILLCREEK PLANNING AND ZONING

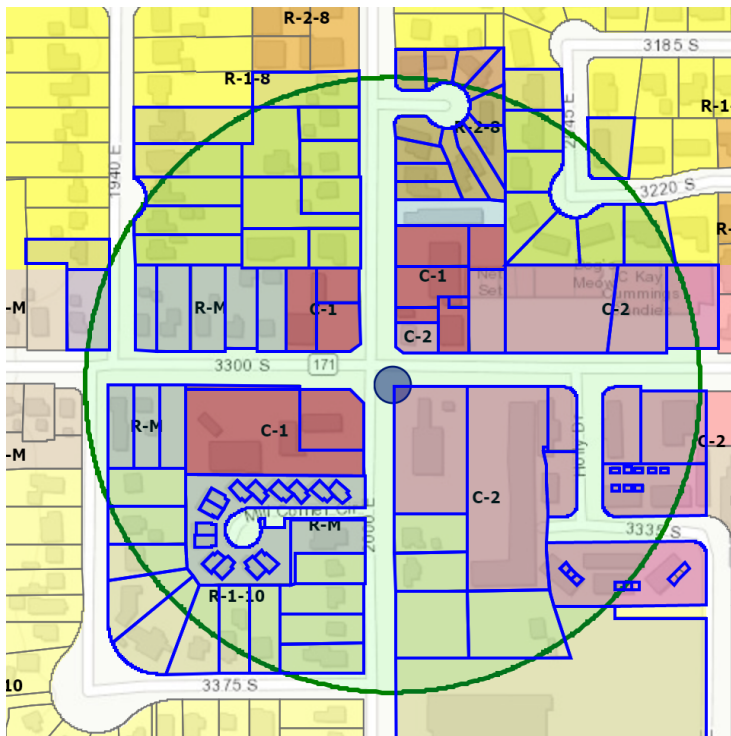
3330 SOUTH 1300 EAST

MILLCREEK, UTAH 84106

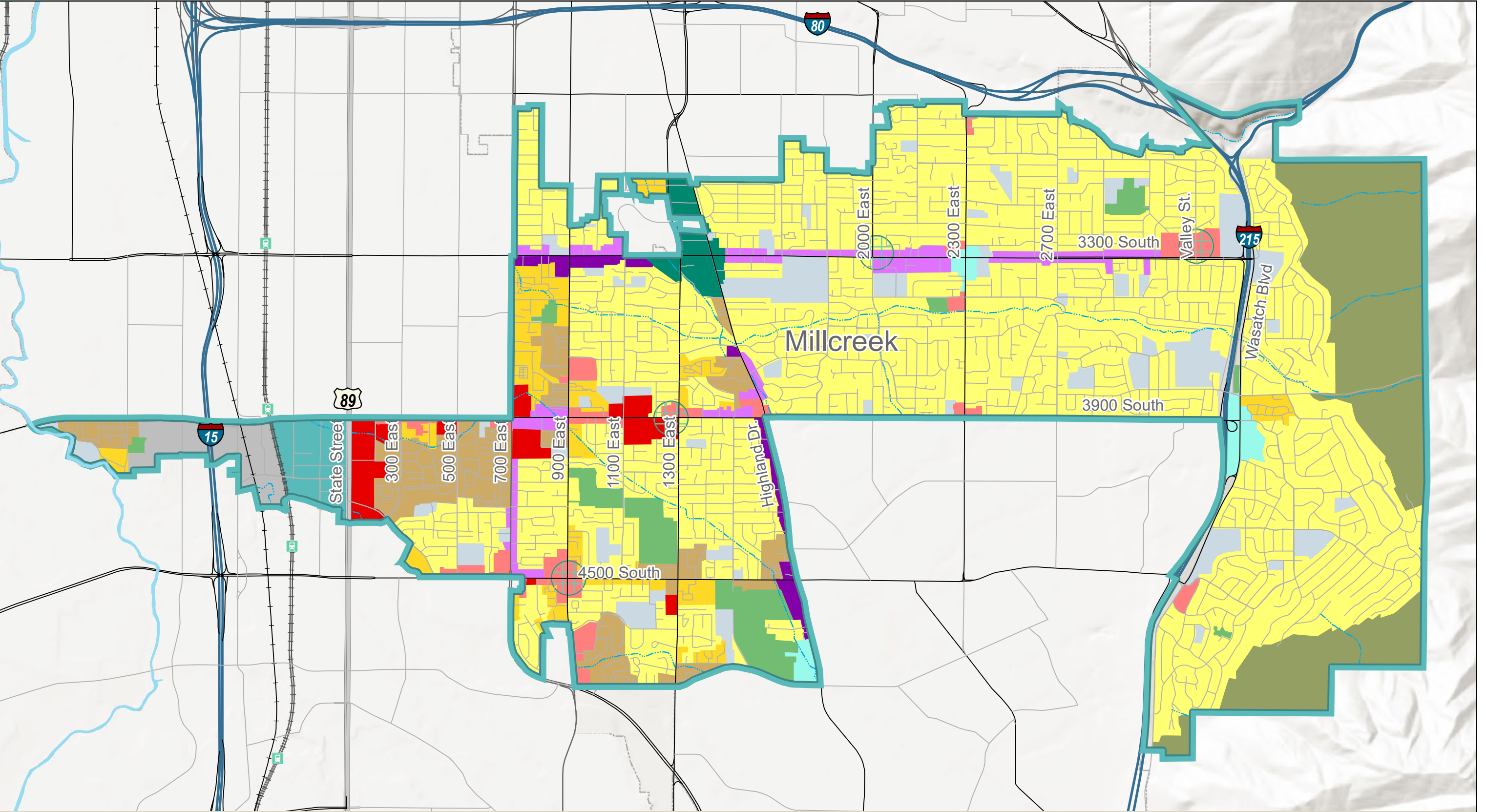
Valley Street and 3300 South



2000 E and 3300 South



Map 1: Future Land Use Map



Future Land Use

Conservation Open Space	City Center	Retail/ Office	Freeway or Other Major Road	Frontrunner Route
Parks and Recreation	Meadowbrook	Employment/ Commercial	Major Road	TRAX Route
Public Quasi Public	Village Center	Mixed Use 1	Other Major Road	TRAX Station
Neighborhood 1	Future Center Study Area	Mixed Use 2	Secondary Road	Jordan River
Neighborhood 2		Light Manufacturing	Local Connecting Road	Streams
Neighborhood 3			Important Local Road	

0 0.25 0.5 1 Miles

PLANNING COMMISSION REVIEW DRAFT – 9 AUGUST 2020

19.04.348 Mixed Use

General retail, office, and residential uses **sharing vertically integrated in the same building or in a unified site plan that features consistent approaches to lighting, landscaping, signage, building design, and materials use.**

19.04.XX Gross Floor Area

“Gross floor area” is the total floor area contained within a building measured to the external face of the external walls.

Chapter 19.60 COMMERCIAL ZONES

19.60.010 Purpose Statements

19.60.020 Permitted And Conditional Uses

19.60.030 Prohibited Uses, Limitations, And Special Requirements

19.60.040 Accessory Uses

19.60.050 Bulk And Yard Regulations

19.60.060 Special Regulations For Commercial Zones

19.60.070 General Standards Of Applicability

19.60.010 Purpose Statements

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

19.60.020 Permitted And Conditional Uses

1. Due to the greater potential for detrimental effects, permitted uses in the C-1, C-2 and C-3 zones over one acre in size shall follow the conditional use procedure in MKZ 19.84.
2. Table 19.60-1: Commercial Zoning Districts Permitted and Conditional Uses lists permitted and conditional uses for the commercial zoning districts. "P" indicates that a use is permitted within that zoning district. "C" indicates that a use is a conditional use in that zoning district and a conditional use permit shall be obtained as required in MKZ 19.84. No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not a permitted use nor a conditional use within that zoning district. Uses may be subject to additional restrictions and limitations found in MKZ 19.60.030 PROHIBITED USES, LIMITATIONS.

TABLE 19.60-1

USES	C-1	C-2	C-3	SPECIFIC USE STANDARDS
Indoor or outdoor archery range		C	C	
Residential facility for the elderly or persons with a disability, assisted care facility nursing facility	P	P	P	
Hotel, Motel, Bed & Breakfast	C	C	C	No Hotel or Motels in the C-1 zone
Public, quasi-public use, and Civic uses	P	P	P	Not including private schools
Transit Station		P	P	
Hospital and all other medical, dental facilities		P	P	
School, public, charter, private	P	P	P	
Neighborhood Retail	P	P	P	No commercial building over 20,000 square feet is allowed in the C-1 zone. In addition, no business in the C-1 zone shall occupy a space greater than 5000 square feet.
General Retail and Entertainment		C	C	See table 19.60-2 for additional limitations
Retail Food Trucks, Farmers Market including vegetable stands	C	C	C	As an accessory use on private property and not within a front or side yard setback. On-street locations may be allowed on a non-UDOT street in a C-2 and C-3 zone.

Drive up uses with outside order windows or structures, such as restaurants, banks, etc.		C	C	No order window or structure is allowed within 150' of a residential use. Speakers to be oriented away from adjacent uses.
Neighborhood Service	P	P	P	See definition
General Service	P	P	P	See definition
Vehicle Service and repair		C	P	
Office	P	P	P	
Mixed Use (commercial, or office and/or residential use within the same building ~~or located adjacent within a unified site plan~~)		C	C	~~Commercial uses are required for at least 50% of the ground floor facing a public street. This commercial space shall have a minimum depth of 40'. 24 hour on-site management required for projects with 50 or more residential units.~~ Mixed use allowed subject to requirements of this chapter.
Commercial parking lot and/or garage		C	C	Parking garages shall include non-residential uses for at least 75% of the ground floor facing a public street.
Fireworks		C	C	Temporary stands to be located on private property and subject to the Uniform Fire Code

19.60.030 Prohibited Uses, Limitations, And Special Requirements

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

Table 19.60-2

USES	SPECIFIC USE LIMITATIONS OR SPECIAL REQUIREMENTS
Detention facility/jail as a principal use	Not allowed

Indoor and/or outdoor gun ranges	Not allowed
Outside storage within view of the street or in any front or side yard facing a street.	Storage that is not considered "display". Includes storage containers. Such storage requires a minimum 6' opaque fence.
Displays (products held for sale) over five feet in horizontal distance from the main building.	Not allowed
Equipment, car or truck rental	Not allowed in the C-1 zone
Commercial wireless communication facilities	Only stealth type towers and accessory structures are allowed in the C zones
Drive-Up uses with outside order windows	Not allowed as part of a vertically-integrated mixed use development or a mixed use development in a unified site plan.
Outdoor kennel	Not allowed in a C-1 zone or within 300' of a residential use
Sexually oriented businesses	Subject to MKZ 19.91.11 and not allowed in the C zones
Pawnshop, smoke shops and related products, and retail tobacco as the principal use (see note 1)	Not allowed in a C-1 zone or within 300' of an arterial/major intersection in the C-2, C-3 zones and not within 2640' of an established substantially similar business.
Tattoo businesses (see note 1)	Not allowed in a C-1 zone or within 300' of an arterial/major intersection in the C-2, C-3 zones and not within 500' of an established substantially similar business.
Licensed Massage Therapy Practices	Allowed, subject to the following requirements: 1. Each Licensed Massage Therapist who is not an employee of the business licensee shall have a Millcreek business license; and 2. The premises shall not be used for any conduct that violates Section 58-47b-501 of the Utah Massage Therapy Practice Act (2013) or sexual conduct that violates Title 76 of the Utah Criminal Code.
Reiki as a principal use	Not allowed
Sale of lease of new or used vehicles of all types, moving trucks, watercraft, mobile	Not allowed in C-1, C-2 zones. 20,000 square foot minimum lot size including an on-site office is required.

homes, travel trailers, campers, motorcycles and other recreational vehicles	
Secondhand stores including general merchandise, precious metal dealer/processor and/or precious gem dealer, military surplus	Limited to a maximum of 2500 square feet in a C-1 zone and 10,000 square feet in a C-2 zone.
Self-storage facility of all types, including mini-storage units, neighborhood storage and temperature controlled storage facilities (see note 1)	Not allowed in a C-1 zone and not within 300' of an arterial intersection in C-2, C-3 zones or within 1,320' of an established substantially similar business, no additional facilities allowed on 3300 South, and no additional facilities allowed east of 2300 East on 4500 south and 3900 South
Taxicab and/or Limousine business	Not allowed in a C-1 zone
Tavern, as defined by State Code	Not allowed in a C-1 zone
Sororities and fraternities	Not allowed
Manufactured Home park or manufactured home subdivision	Not allowed
Short term ("payday", "car" title, check cashing and similar) load service (see note 1)	Not allowed in the C-1 zone and not within 300' of an arterial intersection or within 2640' of an established substantially similar business. See MKC 5.13.030 Business Licensing for additional restrictions.
Flea markets, swap meets	Not allowed in the C-1 zone
Outdoor commercial recreation, outdoor commercial amusement, or outdoor commercial entertainment	Not allowed in the C-1, C-2 zones and not allowed within 150' of a residential use or zone. This limitation excludes outdoor music as per MKZ 19.60.060 A.1.
Recreational vehicle campgrounds	Not allowed in the C-1, C-2 zones
Impound, Vehicle Recycling, and/or junk yards	Not allowed in the C zones
Short-term rentals	Not allowed unless part of a mixed use development

TABLE 19.60-2: NOTES:

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

similar business. Any overlap of the radius onto the applicant's property excludes the entire property.

19.60.040 Accessory Uses

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

19.60.050 Bulk And Yard Regulations

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

Table 19.60-3 BULK & YARD REGULATIONS FOR COMMERCIAL USES

	C-1	C-2	C-3
MINIMUM LOT AREA	None required	None Required ~~#1~~	None Required ~~#1~~
MINIMUM LOT WIDTH	None Required	None Required ~~#2~~	None Required ~~#2~~
MAXIMUM BUILDING HEIGHT, including fire walls, parapets, skylights, towers, steeples, flagpoles, shade structures, and all other architectural features.	~~30~~ 35 Feet, subject to height transition requirements.	40* 45 Feet, subject to height transition requirements.	40* 45 Feet, subject to height transition requirements.
MAXIMUM LOT COVERAGE	~~80~~ 70 Percent	80 Percent ~~Mixed Use: 60 Percent with a minimum 40 percent open space~~	80 Percent ~~Mixed Use: 60 Percent with a minimum 40 percent open space~~
MINIMUM BUILDING HEIGHT	1 story	1 story, ~~See Footnote 5~~	1 story
MINIMUM FRONT YARD	20 Feet	~~Mixed Use: 25 Feet~~ Other Uses; 20 Feet. See Footnote 4.	~~Mixed Use: 25 Feet~~ Other Uses; 20 feet. See Footnote 4.
MINIMUM REAR YARD	If located adjacent to ~~residential zoning~~ residential zone boundary, 25 feet, otherwise ~~non~~ not required	~~Mixed use: 25' If located adjacent to residential zoning, 25 feet, otherwise non required~~ If located adjacent to a residential zone boundary 25 feet, otherwise not required	~~Mixed Use: 25' If located adjacent to residential zoning, 25 feet, otherwise non required~~ If located adjacent to residential zoning, 25 feet, otherwise not required

MINIMUM INTERIOR SIDE YARD	If located adjacent to ~~residential zoning~~ residential zone boundary, 10 feet, otherwise ~~not~~ not required	If located adjacent to ~~residential zoning~~ residential zone boundary, 10 feet, otherwise ~~not~~ not required	If located adjacent to ~~residential zoning~~ residential zone boundary, 10 feet, otherwise ~~not~~ not required
MINIMUM CORNER SIDE YARD	20 Feet	20 Feet	20 Feet
ACCESSORY STRUCTURES: REAR AND INTERIOR SIDE YARD	1 Foot	1 Foot	1 Foot
ACCESSORY STRUCTURES: REAR AND INTERIOR SIDE YARD WHEN ABUTTING RESIDENTIAL USE	10 Feet	10 Feet	10 Feet

Table 19.60-4 BULK & YARD REGULATIONS FOR VERTICALLY-INTEGRATED MIXED USE BUILDINGS AND MIXED USE DEVELOPMENTS IN UNIFIED SITE PLANS

	C-2	C-3
MINIMUM LOT AREA	21,000 square feet	21,000 square feet
MINIMUM LOT WIDTH	None Required, subject to minimum frontage requirements.	None Required, subject to minimum frontage requirements.
MAXIMUM BUILDING HEIGHT, including fire walls, parapets, skylights, towers, steeples, flagpoles, shade structures, and all other architectural features.	45 feet, subject to height transition requirements	45 feet, subject to height transition requirements
MINIMUM NUMBER OF STORIES	2	2
MAXIMUM NUMBER OF STORIES	4, subject to height transition requirements	4, subject to height transition requirements
MAXIMUM LOT COVERAGE	70 percent	70 percent
MAXIMUM BUILDING LENGTH	200 feet	200 feet

MINIMUM FRONT YARD	25 feet, subject to 19.60.060 (C)(12)	25 feet, unless reduced per MKC 19.77.050
MINIMUM REAR YARD	25 feet	25 feet
MINIMUM INTERIOR SIDE YARD	None required, unless subject to residential zone boundary setback	None required, unless subject to residential zone boundary setback
Minimum Interior Side Yard Setback, where subject property shares a side property boundary with an R-1, R-2, R-4, A-1, or A-2 Zone Boundary	10 feet	10 feet
MINIMUM CORNER SIDE YARD	20 Feet	20 Feet
ACCESSORY STRUCTURES: REAR AND INTERIOR SIDE YARD	1 Foot	1 Foot
ACCESSORY STRUCTURES: REAR AND INTERIOR SIDE YARD WHEN ABUTTING RESIDENTIAL USE	10 Feet	10 Feet

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

TABLE 19.60-3: NOTES:-

- ~~1. For mixed use buildings containing residential dwellings, no minimum lot area is required per unit, but a development site must consist of at least 21,000 square feet to be eligible for a mixed use building containing residential dwellings.~~
- ~~2. Mixed use buildings containing residential dwellings must include residential amenities per the requirements established in MKZ 19.44.050.~~
- ~~3. For mixed use buildings containing residential dwellings, no minimum lot width is required.~~
- ~~4. For the purposes of this chapter, where setbacks are measured from a right-of-way containing a fully improved sidewalk, setbacks from a right of way shall be measured from the edge of the sidewalk that is closest to the front facade of the building. Where fifty percent or more of the lot frontage is developed, the front yard shall not be less than the average of the existing buildings, but in no case less than fifteen feet.~~

- ~~5. For any development adjacent to an R-1, R-2, R-4, A-1, or A-2 zone ("residential zone"), the maximum height for structures within 100 feet of a residential zone shall not exceed 30 feet.~~
- ~~6. Multi-family residential developments may include rooftop gardens or patios provided the rooftop garden or patio is set back a minimum of 100 feet from the property line.~~
- ~~7. For "automobile service station" uses, gasoline pumps shall be set back not less than twenty-four feet from any street property line, and not less than thirty feet from any residential zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line. In addition, canopies constructed to provide a weather shield over gasoline pump islands shall be set back not less than 4' feet from any required setback.~~
- ~~8. Notwithstanding contrary definitions found in MKZ 19, building height is measured from the natural grade original ground surface to the highest point of the roof.~~

19.60.060 Special Regulations For Commercial Zones

- A. General Conditions in the C-1 Zone. Stores, shops or businesses in C-1 zones shall be retail or neighborhood service establishments only, and shall be permitted only under all of the following conditions:
 1. Business shall be conducted wholly within an enclosed building, except for the parking and servicing of automobiles, and service to people in automobiles, except that any type of restaurant may have outdoor dining. Outdoor music associated with the restaurant, shall comply with the Salt Lake County Health Department Noise ordinance.
 2. All products, whether primary or incidental, shall be sold at retail on the premises.
- B. Business Uses and Conditions in the Commercial Zones shall be free from objectionable and unreasonable odor, dust, smoke, noise, vibration, or similar problems.
- C. Design Standards for C-1, C-2, C-3 zones
 1. **Entrances and Windows.** Commercial and residential entrances ~~Entrances~~ to the first floor of commercial and mixed use buildings shall front on the street. ~~On double or triple-frontage lots, entrances are required where the greatest amount of pedestrian traffic is anticipated, but in all cases must front on a street.~~ Windows shall ~~make-up~~ constitute at least 50% percent of first floor street-facing facades, and windows shall be at least 50% transparent. On double or triple-frontage lots, living screens may replace up to 50% of the window requirement for the façade along the lowest anticipated pedestrian traffic frontage. Windows shall constitute at least 25 percent of all upper story street-facing facades. ~~Top floors shall have architectural differentiation from the other floors in the building.~~
 2. **Frontage.** For the purposes of this chapter, any façade that is within 60 degrees of the property frontage along a street as defined in MKC 19.04.260 is deemed to front the street.
 3. No more than one row of parking is allowed between the building(s) and the street within 300' of any major intersection. No parking is allowed between the street and the

building in any town center area.

4. Corner lots are ~~deemed~~ **considered** to have two front yards.
5. **Build-To-Line.** The front yard setback is the build-to-line within 300' of any arterial/major intersection (**see MKZ 19.60.030 Prohibited Uses, Limitations And Special Requirements for the definition of an arterial /major intersection**). At least 50 percent of the front elevation of the building(s) must be built within 10 feet of the build-to-line ~~or as approved by the Planning Commission~~. A build-to-line is defined as the line at which construction of a building facade is to occur on a lot, running parallel to the front property line, and ensuring a uniform ~~(or more or less even)~~ **or consistent** building facade line on the street. **Build-to-lines may not encroach upon the front yard setbacks established in this Chapter.**
- ~~6. Landscaping along the street shall comply with this chapter and MKZ 19.77.~~
7. Signage for commercial or office uses is defined in MKZ 19.82.
8. Garbage and Recycling. The development shall be designed to accommodate and efficiently manage the collection, storage, and removal of garbage in harmony with the neighborhood so as to minimize detrimental effects of the collection, storage, and removal on any residence within the development or abutting neighborhoods. If dumpster enclosures are provided for the development, no refuse dumpster or dumpster enclosure structure shall be located closer than 10 feet to any perimeter property line. Enclosure structures must have a minimum of four sides that reflect or emulate the materials, design, and quality of the overall development. All developments shall provide recycling services.
9. Parking (MKZ 19.80) for Mixed Use developments may be reduced based on a traffic study by a qualified transportation engineer.
10. **Building Materials.** Exterior materials of a durable or resilient nature such as brick, stone, stucco, prefinished panel, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics shall be used. No single material is allowed to exceed 50 percent on **all** street-facing facades, **excluding windows**. Windows are not allowed to be less than 50% of the gross street-facing facade square footage. Other materials may be considered for soffits, or as an accent or architectural feature. Twenty-five year guarantee, architectural shingles and/or other longer lasting roof materials are required. **Stucco, EIFS, unfinished concrete, or metal siding shall comprise no more than 20 percent of any façade visible from a street or from an abutting property in an R-1, R-2, R-4, A-1, or A-2 zone. A change of materials is required between the ground story and all upper stories.**
11. **Building Massing and Façade Articulation.** All buildings shall be designed to have at least three of the following:

- a. Visual breaks along the street-facing façade such as horizontal articulation in the plane of the façade by at least 2 feet.
 - b. Change in height at the top of the building by at least 10 feet for every 30 feet of façade length.
 - c. Changes in materials, color, texture or pattern for greater than 50 percent of the building facade.
 - d. Indentations/recesses at least 5 feet in depth along the street facing facades at 50-foot intervals.
 - e. Unless required as a setback, usable terraces (a larger balcony intended as a private resident leisure space or commercial leisure space) at least 10 feet in depth along the street facing facades.
 - f. Columns or pilasters with a minimum 4-inch horizontal depth from the plane of the façade and spaced at a minimum interval of 50 feet.
 - g. Vertical landscaping on trellises attached to the wall that cover at least 20 percent of a wall facing a street.
 - h. Setbacks where not otherwise required.
12. **Setbacks.** For the purposes of this chapter, where setbacks are measured from a right-of-way containing a fully improved sidewalk, setbacks from a right of way shall be measured from the edge of the sidewalk that is closest to the front facade of the building. Where fifty percent or more of the lot frontage is developed, the front yard setback shall not be less than the average of existing buildings located within 300 feet on the same side of the street, as measured in both directions from the center point of the frontage to be developed, but in no case less than fifteen feet.
13. **Setbacks along Streets, Property Frontages, and Residential Zone Boundaries.** Buildings greater than 35 feet in height shall have a 10 foot stepback between the first or second and third stories.
14. **Landscaping on Public Right-of-Way.** Where a development is adjacent to a public right-of-way, a permanent open space shall be required along any front, side, or rear yard adjacent to said right-of-way. This area shall be kept free of buildings and structures (except fences, as per MKZ 19.77.050, and approved by the Planning Commission), and permanently maintained with street trees and other landscaping, screened or protected by natural features, as per MKZ 19.77. If such areas are the result of double frontage lot designs with inadequate access to the street, such areas shall be landscaped as per MKZ 19.77 with a minimum of a five foot landscaped area next to the public ROW. Fences shall not be located within this five foot landscaped area. Aesthetic entrance features are encouraged. Additional landscape treatments or buffers may also be required with width and landscaping specifications as per MKZ 19.77. Double frontage lots with parking lots adjacent to the street may substitute a screen wall a minimum of 3' in height for this fencing requirement.
15. **Street Trees.** Street trees are required in planting areas or tree grates every 40 feet, depending on tree type, on center and within 15 feet of back of curb along the street.

Trees must be 2-inch minimum caliper canopy type, at least 30 feet in height at maturity and maintained with a limb clearance of 8 feet above the ground. A Street Tree planting plan is required, which may modify the minimum separation requirement above, depending on the width of the tree canopy at maturity.

16. **Perimeter Fencing.** Fencing is required for non-residential uses **and mixed use developments** located adjacent to residential uses. Acceptable fencing materials include architecturally designed brick, stone, or block, or pre-cast concrete. Fencing with materials using composite products, wrought iron, wood, or vinyl may be allowed with a minimum two foot wide, six foot tall brick or stone pillars spaced every ten feet on center. Unless otherwise allowed by the Planning Commission, exterior fencing along a public right of way shall be limited to brick, stone, or block, or pre-cast concrete and be setback a minimum of 5 feet from the property line to allow for a landscaping buffer designed in accordance with MKZ 19.77 to soften long expanses of walls. ~~Interior fencing shall comply with MKZ 19.78.030(11) (f).~~

17. Lighting.

- a. **Interior Street Lights.** Street and pedestrian lighting for streets on the interior of the development is required. All lighting fixtures shall be directed downward with mechanisms to prevent dark sky illumination. The applicant must submit a photometric plan for review which indicates the type and location of lights in relation to the development and designed for pedestrian safety. Minimum Average Foot-Candles for interior streets shall be shall be 0.3 and the fixture height shall not exceed 25 feet. No on-site light poles may be located closer than 10 feet from the public right of way.
- b. **Dark Sky Compliant Lighting Required.** All lighting fixtures shall be directed downward with mechanisms to prevent dark sky illumination.

18. **Access between uses.** Vehicular and pedestrian access between uses that does not force vehicles out to the adjacent street is required.

19. **Reduced Setback Provisions.** Front yards may ~~also~~ be reduced based on enhanced landscaping as per section MKZ 19.77.050. Where a front yard setback is reduced below 20 feet per MKZ 19.77.050, a ten foot stepback is required between the first story and upper stories of the building, **subject to the limits established in Section 12 above.**

20. **Utilities.** All utilities shall be located underground. Utility equipment shall be screened from view. Overhead telephone, cable, fiber optic, or transmission power lines must be located underground.

21. **Height Transition Requirements.** For any development adjacent to an R-1, R-2, R-4, A-1, or A-2 zone ("residential zone"), the maximum height, as measured per Table 19.60-3, for buildings or structures within 100 feet of a residential zone boundary shall not exceed 35 feet. No vertically-integrated mixed use building within 100 feet of a

residential zone boundary may have more than two stories.

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

23. **Measurement of Building Height.** Notwithstanding contrary definitions found in MKZ 19, building height is measured from the natural grade original ground surface to the highest point of the roof, including firewalls, parapets, skylights, towers, steeples, flagpoles, shade structures, and all other architectural features.

D. Additional Requirements for Vertically-Integrated Mixed Use Buildings and Mixed Use Developments in Unified Site Plans. Mixed use buildings and developments that contain residential uses must comply with the bulk and yard requirements and design standards listed in this chapter, and with the standards listed in this section:

1. **Mixed Use Configuration.** Mixed Use Buildings and Developments that Contain Residential Uses must be configured in one of the following manners:
 - a. **Vertically-Integrated Mixed Use.** A vertically-integrated mixed use development containing residential uses consists of a building or buildings with commercial uses on the ground story with residential uses on upper stories.
 - b. **Mixed Use in a Unified Site Plan.** A mixed use development in a unified site plan consists of separate residential and commercial or vertically-integrated mixed use buildings in a site plan that features consistent approaches to lighting, landscaping, signage, building design, and materials use. For mixed use projects consisting of separate residential and commercial buildings in a unified site plan, commercial uses must comprise at least 30 percent of the gross ground story floor area identified on the site plan, and must occupy at least 50 percent of the of the building frontages along a right-of way. Vertically-integrated mixed use buildings in a unified site plan shall meet the requirements of vertically-integrated mixed use buildings, and shall abut a public right-of-way. Residential buildings in a unified site plan shall follow the requirements of multifamily residential buildings established in MKC 19.44.050 (13), (14), or (15).
2. **Minimum Frontage Requirement.** In order to qualify for a mixed use building or development that includes residential uses, the development site must have at least 100 feet of frontage along a major collector, minor arterial, or other principal arterial road as identified in the Roadway Functional Classification Map of the Millcreek Transportation Master Plan.

3. **Balconies or Patios.** At least 60 percent of residential units shall have a private outdoor space in the form of a balcony and/or patio with a minimum of 60 square feet with a minimum 5 foot depth. Each ground floor patio shall have a privacy fence at a depth and height sufficient to provide meaningful privacy from adjacent residents.
4. **Rooftop Gardens and Rooftop Patios.** For any development adjacent to an R-1, R-2, R-4, A-1, or A-2 zone (“residential zone”), rooftop gardens or rooftop patios are prohibited within 100 feet of a residential zone boundary, unless the rooftop garden, patio or amenity space is not located above the highest occupied floor of a building, or is obstructed from view from the zone boundary by at least 20 feet of occupied floor space.
5. **Ground Story Use Requirements.** The ground floor of any vertically-integrated mixed use building or a mixed use development in a unified site plan shall include commercial uses, subject to the following requirements.
 - a. **Minimum Commercial Floor Area Required.** Any mixed use development shall have no less than 1,500 square feet of commercial floor area.
 - b. **Commercial Frontage and Minimum Depth of Ground Story Commercial Space.**
 1. **Vertically-Integrated Mixed Use Buildings.** For vertically-integrated mixed use buildings with frontage along a roadway identified in the Roadway Functional Classification Map in the Millcreek Transportation Master Plan as a Major Collector, a Minor Arterial or an Other Principal Arterial, no less than 50 percent of a vertically-integrated mixed use building’s front façade shall consist of commercial uses, in one of the following configurations:
 - a) Commercial spaces with a minimum depth of 30 feet shall occupy at least 80 percent of a building’s ground floor front façade.
 - b) Commercial spaces with a minimum depth of 40 feet shall occupy at least 50 percent of a building’s ground floor front façade.
 - c) Commercial spaces that ~~are~~ occupy a minimum of two stories ~~and that~~ shall have a minimum depth of 30 feet and shall occupy at least 30 percent of a building’s ground floor front façade. In no event shall the minimum required commercial square footage be less than 3,000 sq. ft.

2. **Mixed Use in a Unified Site Plan.** For developments incorporating mixed use in a unified site plan with frontage along a roadway identified in the Roadway Functional Classification Map in the Millcreek Transportation Master Plan as a Major Collector, a Minor Arterial, or an Other Principal Arterial, commercial uses shall be arranged in one of the following configurations:

- a) Single-story commercial spaces of at least 1,500 square feet in ground floor area must occupy at least 50 percent of the building frontages along a public street.
- b) Commercial spaces of at least 2,000 square feet in ground floor area or commercial spaces that are a minimum of two stories shall occupy at least 30 percent of the building frontages along a public street.

3. **Additional Commercial Use Requirements for Commercially Significant Development Sites.** Any Mixed Use Development on a Commercially Significant Development Site shall include commercial uses for at least 30 percent of the development's gross floor area. A Commercially Significant Development Site is defined as follows:

- a) Any development site greater than one acre in area; or
- b) Any development site located within a Village Center Future Land Use Designation on the adopted Millcreek Future Land Use Map; or
- c) Any development site on property located within 600 feet of the following intersections, as measured as a radius from the nearest property line to the intersection right of way line:
 - 1. Valley Street and 3300 South
 - 2. 2000 East and 3300 South
 - 3. 900 East and 4500 South
 - 4. 900 East and 3300 South
 - 5. 2300 East and 3900 South

4. Facades for mixed use developments that are along street that is not identified in the Millcreek Transportation Master Plan Roadway Functional Classification Map as a Major Collector, a Minor Arterial, or an Other Principal Arterial are not required to include commercial uses.

5. Live/Work units may be used to meet the requirement for commercial uses, provided that the entire ground floor of the live/work unit meets

the design and use criteria listed in this chapter, and is operated as an allowable commercial use in this Chapter. Ground floor spaces in a live/work unit may not be used for residential purposes or storage.

6. For the purposes of this chapter, leasing offices serving on-site residential and commercial uses, lobbies, required parking, elevators, stairwells and any required residential amenity spaces are not considered commercial uses.
- c. **Minimum First Story Height for Ground Floor Commercial Space.** Ground stories containing commercial space, including live/work units, shall be at least 12 feet in height.
- d. The finished floor elevation of a ground floor commercial space fronting a street shall be no lower than 2 feet below the street elevation, as measured at the edge of asphalt, or top of curb, where applicable. .
6. **Laundry Facilities.** All mixed used developments containing residential uses shall include either washer and dryer hook-ups for each dwelling unit or an on-site laundry.
7. **Management.** 24-hour on-site management is required for all residential development consisting of more than 50 dwelling units.
8. **Open Space.** Common open space shall be provided for residential uses in the amount of at least 20 percent of the gross site area of the building or development. For purposes of this chapter, gross site area is defined as the total area of the development excluding anything in the public right of way. The required common open space shall be usable land areas that are not occupied by buildings, dwellings, structures, parking areas, streets, public park strips, curbs, gutters, sidewalks, walking paths, driveways, or alleys and shall be accessible by all residents of the development. Buildings erected for the principle purpose of providing an amenity, or required interior common amenity spaces may be included as open space. Said open space may be an area of land or water set aside, or reserved for use by residents of the development, including an expanse of lawn, trees, plants, fully accessible landscaped roof areas, or other natural areas. Common open space also includes ~~common interior walkways~~, formal picnic areas, and recreational areas. Common open space may be distributed throughout the development and need not be in a single large area. Open space amenities and gathering shall reflect the market that the development is attempting to attract. Projects with over twenty dwelling units shall include a single and contiguous landscaped passive open space sufficient for outdoor activity with a minimum area of 5,000 square feet.
9. **Parking and Vehicular Access.** In addition to meeting the requirements of MKC 19.80, parking and vehicular access for mixed use developments containing residential uses

shall also meet the requirements below.

- a. **Parking to be Enclosed in a Structure, Podium, Private Garage, or Carport.** Parking required for each residential dwelling unit must be in a structure, a podium, a private garage, or a carport.
 - b. **Private Garage Requirements.** If a private garage is used to provide two required spaces, the private garage shall have a minimum unobstructed size of twenty-two feet wide by twenty feet in length, or twenty feet wide by twenty-two feet in length. If a private garage is used to provide one required space, the private garage shall have a minimum unobstructed size of ten feet wide by twenty-two feet in length, or eleven feet wide by twenty feet in length. Private garages shall not be the only means of pedestrian access into a dwelling. Each garage shall be serviced with a 220 volt power supply.
 - c. **Vehicular Access to Private Garages.** Vehicle access serving a private garage shall be at least 24 feet in width.
 - d. **Tandem Spaces in Podiums and Structures.** Tandem spaces in conjunction with garages may be allowed only for residential uses with a minimum size requirement of 20 feet in length and 9 feet in width per parking space, up to a maximum of two contiguous spaces for unit.
 - e. **Vehicular Entry Gates Prohibited.** Vehicular entry gates are prohibited as part of any mixed use development containing residential uses, unless the gate services a structure or podium. Gates must be situated in a manner that does not pose a traffic hazard due to vehicle queues waiting to enter through the gate.
 - f. **Electric Vehicle Charging.** Each development shall provide residents the opportunity to charge electric vehicles. If private garages are used, each garage shall be serviced with a 220 volt power supply. If parking is shared in a structure, a podium, or carports, one vehicle charging station shall be provided for each ten required parking spaces.
 - g. **Guest and Commercial User Parking.** Parking for guests and commercial users shall be conveniently accessible. Tandem parking or parking in a private garage or driveway shall not be counted as guest parking or commercial user parking.
 - h. **Front Door Weather Protection.** All exterior front doors serving individual dwelling units shall include a canopy, porch, or portico to provide protection from adverse weather, with a dimension of not less than four feet by four feet.
10. **Privacy.** Each mixed use building consisting of residential uses shall provide adequate visual and acoustical privacy for dwelling units. Fences, walks, barriers, landscaping, and

sound reducing construction techniques with a maximum transmission of 55 decibels in the walls and ceilings shall be used to enhance the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.

11. **Residential Amenities.** Each mixed use development consisting of residential uses shall provide residential amenities pursuant to the standards established in MKC 19.44.050 (E)(11).

12. **Storage.** Each dwelling unit shall include at least one private storage space consisting of at least 100 cubic feet.

19.60.065 Application Process for Conditional Uses for New Development

Any application for a conditional use that involves new development shall follow the application process described below:

1. Preapplication conference meeting with representatives from the City is required.
2. Site Plan Review Application – an application and associated fees shall be submitted and reviewed by staff for completeness. An incomplete application, that does not address the required design standard and other City ordinance required information, as determined by staff, will be returned to the applicant and not be processed until all information required by the City ordinances is provided. The City will provide a list of application requirements. An application for a conditional use permit will not be deemed complete until a site plan review is completed by City staff. The initial application will generally consist of concept plans with the following minimum requirements:
 - A. The applicant's name, address, telephone number, email address, and interest in the property.
 - B. The property owner's name, address, email address, and telephone number, if different than the applicant, and the property owner's signed consent to the filing of the application.
 - C. A property survey, property boundaries, right-of-way center lines, utility access, topographical information indicating original ground surface as defined by MKZ 19.04.095, and recorded easements. The survey shall also include the street address and legal description of the subject property.
 - D. The current zoning classification, zoning district boundaries, and present use of the subject property.
 - E. A conceptual site plan or plans, drawn to scale, including sketches of the types of buildings proposed, floor plans, elevations of proposed buildings, materials, landscaping, street tree plan, parks, plazas, pedestrian pathways, parking, low impact design stormwater techniques to be applied to the site, known fault lines and recommended

setbacks, and conceptual street cross sections.

- F. A written explanation of the project that describes the thematic elements of the project, the placemaking concepts, one or more signature features, commercial and mixed-use designs (if applicable), potential tenants, its' relationship to the goals established for Mixed Use Corridors in the Millcreek General Plan and other details that will provide reasons that the development will create a long term benefit to the City and proposed techniques to mitigate any anticipated detrimental effects.
 - G. If required by the City, a preliminary traffic study that defines potential traffic generation, the integration of the new development with the adjacent street corridors, traffic capacity/level of service issues on adjacent roads and intersections and suggests mitigation solutions for anticipated traffic congestion problems. The traffic study may also address parking demands, if the applicant believes that the standards found in the Parking Chapter are inappropriate. Applicants shall follow the requirements of MKZ Section 19.80.040 to create a parking study. Traffic and parking studies shall be commissioned by the City and paid for by the applicant.
 - H. Provide letters from all utility companies providing service to the project site describing their ability to serve the project.
 - I. A site-specific geologic hazard study and report, if required by MKZ 19.75.
 - J. A summary table showing floor area by use, required parking by use, materials percentages, percentages of doors and windows, residential amenities if required, and open space requirements.
 - K. Other information the City may deem necessary, as described on the application form, for proper review and analysis of an application and its potential detrimental effects.
3. Application processing and review – Upon payment of required fees, the initial application, composed of the concept plan information as described above and the conceptual development agreement, if required by the city, shall be reviewed by staff and discussed with the applicant in an internal pre-development review meeting. Subsequent to that meeting, changes may be made to the submittal documents, if needed. Staff will assess the application for the project's compliance with the regulations of this chapter and determine if any potential detrimental effects require mitigation to include the following list of potential issues and standards, that may need to be addressed and mitigated:
- A. Decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards.
 - B. Negative impacts on the adequacy of utility systems, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity,

or preserving existing systems.

- C. Negative impacts on connectivity and safety for pedestrians and bicyclists.
 - D. Detrimental effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance.
 - E. Environmental impacts that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people such as waste disposal, fire safety, geologic hazards such as fault lines, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.
 - F. Modifications to signs and exterior lighting to assure compatibility with the zone.
 - G. Incompatible designs in terms of use, scale, intensity, height, mass, setbacks, character, construction, solar access, landscaping, fencing, screening, and architectural design and exterior detailing/finishes and colors, relative to the zone and the immediate neighborhood in which the use will be located.
 - H. Reduction in the tax base and property values.
 - I. Reduction in the current level of economy in governmental expenditures.
 - J. Insufficient emergency fire service and emergency vehicle access.
 - K. Reduction in usable public open space.
 - L. Graffiti prevention applications and designs.
 - M. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.
 - N. Enhancement of personal safety through the application of Crime Prevention Through Environmental Design (CPTED) principles to building design, especially for parking garages.
4. Final Development Plan and Conditional Use Application – this plan submittal, subsequent to any Planning Commission public hearing(s) including an associated fee, is a detailed plan that addresses every section requirement of this ordinance and all applicable standards.

19.60.070 General Standards Of Applicability

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

Landscaping, MKZ 19.77, Signs, MKZ 19.82, etc.

2. Standards in other chapters may apply. In the event there is language elsewhere in MKZ Title 19 that conflicts with language in this chapter, the more restrictive standard prevails.
3. In any rezoning process, a development agreement shall be required at the sole discretion of the City. "Development Agreement" means an agreement negotiated and entered into by the City with a property owner and/or developer, pursuant to a proposed development within the City. The Agreement must (1) specify and describe the proposed development through text, site plans and elevations (2) detail the amenities and other benefits being provided to the City and its residents (3) utilize a development agreement form approved by the City. The Development Agreement shall run with the land and be binding on all successors and assigns of the property owner or developer; however, each Development Agreement shall include a clause that allows the City to re-zone the property and withdraw from the Development Agreement if the Development Agreement is not recorded within two (2) years of execution of the Agreement.



**Minutes of the
Millcreek Planning Commission
July 15, 2020
5:00 p.m.
Regular Meeting**

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, July 15, 2020 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was conducted electronically per Millcreek State of Local Emergency Directive No. 2 of 2020 and live streamed via the City's website with an option for online public comment.

PRESENT:

Commissioners

Shawn LaMar, Chair
Russ Booth, Vice Chair
David Allen (electronic)
Scott Claerhout (excused)
Fred Healey (absent)
Victoria Reid (electronic)
Skye Sieber (electronic)
Tom Stephens

City Staff

John Brems, City Attorney
Elyse Sullivan, City Recorder
Francis Lilly, Planning and Zoning Director
Robert May, Planner
Erin O'Kelley, Planner
Jared Bowling, IT/Facilities Manager
Andrew Clark, Emergency Manager
Samah Safiullah, Planner (electronic)

Attendees: Mayor Jeff Silvestrini, Council Member Dwight Marchant, Bryan Balli, Jill Balli, Brad Allen, David Black, Sumner Swaner, Josip Moger, Alan Gygi, Caroline Spencer, Nancy & Jack Hobbs, J. M. Anderson, S. A. Luck, John Thomas, Brandon Pehrson, Craig Jacobs (electronic), Cherie Orellana (electronic), Andrea Palmer (electronic), Ryan Reynolds (electronic), and Dale Bennett (electronic).

REGULAR MEETING – 5:00 p.m.

TIME COMMENCED: 5:03 p.m.

Chair LaMar called the meeting to order, explained the instructions for the electronic meeting, and read a description explaining the duties of the Planning Commission. He said Commissioner Scott Claerhout would be reappointed to a new term in August. Commissioner Mark Mumford, whose term ended, would leave the Commission and Ian Wright would be appointed as the new commissioner. He recommended that since items 1.1 and 1.3 were about the same property that they be heard together.

Commissioner Booth moved to move item 1.3 ahead of item 1.2. Commissioner Stephens seconded. Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.

1. Public Hearings

1.1 Consideration of ZM-20-007, Rezone of a Portion of Properties to Adjust the R-1-8 and R-1-21 Zone Boundary to Established Property Lines Location: 2660 E. Evergreen Avenue & 3500 S. Hillside Lane Planner: Erin O'Kelley

Erin O'Kelley said the applicant was seeking preliminary plat approval for a 3-lot subdivision, two traditional lots that front on Hillside Lane and one flag-lot with access off Hillside Lane. The lots would meet the minimum requirements of the R-1-8 zone. The applicant would not be demolishing the existing house on the proposed Lot 2. Millcreek was requiring a rezone application associated with the proposed subdivision due to the fact the property located at 3500 Hillside was currently a split zoned parcel with a portion of the lot zoned R-1-21. The proposed subdivision was created to comply with the minimum lot standards for the R-1-8 zone which accounts for most of the property. For the subdivision to meet all applicable zoning and subdivision requirements the entire parcel needs to be zoned R-1-8. Staff went through historical records and the zoning map from 1957 showed property lines where they currently exist so the zone boundary had not changed. The subject property neighborhood is zoned for single-family use. The zones in the neighborhood range from R-1-8, R-1-10, and R-1-21. O'Kelley showed the Commission images of the property. There was no sidewalk, curb, or gutter on the frontage but there was a private irrigation canal. The property is located in a FEMA floodplain, so any lot property owner would have to build in the platted buildable area. The existing garage would be demolished. The Millcreek Future Land Use Map identified the property as Neighborhood 1, which is designated as low-density residential uses, 1-2 stories in height typically single-family lots. The proposed subdivision would be compatible with the General Plan and Millcreek code.

O'Kelley said the neighborhood response to the proposal was negative. The neighbors did not want to increase density, add more driveways, increase traffic, reduce the number of mature trees, deal with construction, and generally felt that the street overall was unsafe. O'Kelley said the community councils do not review subdivision applications, but the East Mill Creek Community Council voted to recommend approval of the proposed rezone. Staff's analysis was that the rezone would put one existing property in one zone and would not affect any other properties and it was the City's policy to rectify zone boundaries when they do not match property lines. She said redevelopment in the City was considered new development and therefore subject to current standards. The applicant would be required to install curb, gutter, sidewalk, and 133 feet of improvements would be installed along the proposed frontage. The applicant would be required to work with the irrigation company about the ditch. O'Kelley said more than half of the subject property was zoned R-1-8, so the land could potentially be subdivided into 6-7 lots instead of the proposed 3 and still meet code. Staff recommended approval of the rezone.

Commissioner Stephens asked if there would be two driveways on Hillside Lane. O'Kelley said there would be three with the current proposal. Commissioner Stephens asked if the applicant had shown that the subdivision code could be satisfied. O'Kelley confirmed. Commissioner Allen asked if the zone change were not approved if it would still meet the subdivision code. O'Kelley said the property would still meet the subdivision code, the rezone was to clean up the boundaries. She said the code did not address a subdivision in two zones, so it would need to be fixed either way. Commissioner Reid asked about the sidewalk placement. O'Kelley said the sidewalk would be 5 feet wide and curb and gutter would be an additional 2 feet. She said the applicant would need to negotiate with the irrigation company

about the ditch placement. Commissioner Booth asked about loss of width to the road with the sidewalk and gutter. O'Kelley said the asphalt would be expanded into the applicant's property with a road dedication, so the road would not be made smaller. Commissioner Booth asked if the applicant had worked with the adjacent property owner about connecting a sidewalk. O'Kelley did not know of any conversations, but the adjacent property owner would be required to install a sidewalk if they redeveloped their property. Commissioner Sieber said there were concerns about speed of traffic on the road. She asked what the recourse would be for unsafe speeds on the road. O'Kelley said there was a speed limit sign on the corner and the City had worked with the adjacent property owner to keep it visible from neighboring vegetation. She felt the only way to make the road safer would be to widen it. Commissioner Booth asked about the proximity of the three driveways. O'Kelley said the nature of three driveways was allowed by code, every lot is allowed one driveway. Staff did not recommend restricting the proposal to two driveways. Francis Lilly said staff could ask nicely to consolidate driveways, but every lot that is created was allowed to have an access. He said it could be a reasonable mitigation that would be up to the applicant. Chair LaMar asked about fencing. O'Kelley said the reference to fencing in the staff report was a technical error.

Applicant – Dale Bennett with Benchmark Civil, said a traffic study was not necessary and the impact of two additional homes was minimal. The sight distance with the new driveways would be really good. He said some old trees would be removed to add the curb, gutter, and sidewalk. The applicant met with the irrigation company already and the proposed plans reflected their discussion. Commissioner Allen asked if the landowner to the south was willing if the applicant would build the connecting sidewalk for them. Applicant Craig Jacobs said he could talk to the property owner. Commissioner Booth asked about trees. Jacobs said the access on the flag lot would be an additional eight feet wide to help preserve the trees.

Chair LaMar read an online comment from Nancy Carlson-Gotts from the East Mill Creek Community Council into the record. *"There is an application for a rezone as a preface to a subdivision at subject address. Do you then approve a subdivision application before the community sees the renderings of what's being proposed? It seems that the proposed 3 lots are 'interesting', 2 of the new lots are slivers that would contain a 'small' house; not sure what small means. The 2 lot would be larger and contain the existing home. I think we should see a proposal of the layout of the homes as to size, shape, style, etc. before approving a subdivision*

- 1. Traffic is a concern because of the 3/4 schools in the area; Hillside is a narrow, country lane that has the sharp turn right where the entry to the lot(s) are/would be.*
- 2. Concern over the density of the homes in that area, 3 lots may be okay, but the document I saw, indicates 2 small slivers and 1 larger lot. Would want to see more specifics on what the applicant is proposing.*
- 3. I might be concerned over the look and size/scale and height of the homes; having no document that gives us the layout, I can't give specifics at this time.*
- 4. Concern over the creek and development; we have seen several along the creek that have caused concern with residents, encroachment, deterioration of stream bank with removal of trees and construction; e.g., the large home on the 's' curve, the development on Honeycutt (at Millcreek Way), property across creek from the community center.*
- 5. The trees, a major asset to the stream - will they be removed and how many ? Will trees be required to be planted to replace those removed during construction. We had a development where trees were removed because they were 'infested' w/o providing proof they were infested.*

6. *What will be the impact to neighbors across the creek; in terms of what will they be seeing? How will it change the quiet, calm sense of the creek and those residents who live along the stream."*

O'Kelley said the zoning had been established since 1954. There was no official legal description of the zone boundary so historical data was used. Chair LaMar noted there was a lot of online public comment on the matter. He said the Planning Commission received 23 online public comments about the application altering the character of the neighborhood, the curb and road being unsafe, that there was no sidewalk, tree preservation, and concerns about the irrigation ditch. He said the Commission was looking for new information on the matter.

Chair LaMar opened the public hearing.

Bryan Balli, 3521 Hillside Lane, spoke in opposition of the zone change and subdivision. He brought up concern about guest parking since there was no parking allowed on the corner. He said the street was a major thoroughfare for pedestrian and cyclists and widening the street would encourage more. He showed the Commission an aerial map indicating which nearby property owners were in favor of, against, or unknown about the proposed subdivision. The image reflected a majority being opposed.

Jack Hobbs, 2575 Neffs Lane, said Mr. Black (property owner) felt that traffic was so heavy on that street that he had appealed to the County Commission to block off the street. He asked the Planning Commission to consider the 5 speed bumps on Evergreen Avenue because traffic had shifted to the "s" curve on Neffs Lane.

Jill Balli, 3521 Hillside Lane, showed the Commission a picture of Hillside Lane and stated the corner was not safe and she was opposed to the application.

David Black, 3500 Hillside Lane, said as the subject property owner, the property had never been closed off. He has a deaf son, so a friend thought the road was dangerous for him and went to the County Commission. He said the road was never closed. He said previous people had tried to buy the property with the intent of subdividing for 6-7 new lots, but the current applicant was only proposing 3 lots. He said the road would be safer with the buried ditch, widened asphalt, and added sidewalks. He felt the proposal was the best solution to remedy any unsafeness.

Elyse Sullivan read into the record an online comment received from Sean Thompson, 3550 S. Hillside Lane, *"I am opposed to the granting of the subdivision for a couple of reasons.*

First, the location of the property is located on a very tight corner on a very narrow roadway. The current speed limit of this lane is 15 mph though traffic travels at significantly higher speeds.

Introduction of two additional driveways represents and egregious decrease in traffic safety. Our children walk home from school along this stretch of road and already have to deal with dangerous traffic. Adding multiple curb cuts at this location is not good planning or engineering.

Second, the property is currently a single family residence with copious large trees on the property. Granting the subdivision will result in significant loss of these trees and the associated benefits of shade, aesthetics and acoustics enjoyed by the residents and their neighbors. Though the land owner is within their rights to develop a second property I do not think that it is in the neighborhoods' interest to reward the destruction of these natural amenities for the benefit of a developer' profit by granting a third lot. Third, the impact of the construction will have an adverse affect upon those inhabitants in the neighborhood. There is no available room for construction activity.

For these reasons and concerns regarding additional traffic/safety I am firmly opposed.”

The applicant declined to respond to public comment.

Chair LaMar closed the public hearing.

Commissioner Allen said he did not like the idea of adding two new driveways. He would like the extending of the sidewalk onto the neighbor’s property to be a condition of approval. He did not want gates on any of the driveways. Commissioner Sieber said she did not have an issue with the rezone but from a public safety standpoint, the current situation was a concern. She requested a shared access driveway to help mitigate the safety concern. She brought up potential remedies for the speed. Commissioner Reid said the three lots would be generous to the smaller lots across the street. She said there would be more clear view with trees removed and the added curb, gutter, and sidewalk. The property rights needed to be honored. Commissioner Stephens said if a subdivision application meets the standards of the City’s subdivision code, then the Planning Commission shall grant it. He felt the addition of the clear view would be a tremendous benefit. He was okay with the rezone and the three driveways. He said extending the sidewalk to the neighbor’s property would be desirable but that was beyond the scope of what could be required for the application. The zone change was a technical matter that would not affect the subdivision. Commissioner Booth said he did not want there to be three driveways for safety reasons. Chair LaMar suggested the applicant consider combining accesses to two driveways. He said the 3-lot subdivision was the best use compared to what it could be.

Commissioner Stephens, as respects to ZM-20-007, moved for the Planning Commission to recommend approval of the zone change from R-1-8 and R-1-21 to only R-1-8 based on reasons given in the staff report and discussion given tonight. Commissioner Booth seconded. Chair LaMar called for the vote. Commissioners Allen and Booth voted no. Commissioners Reid, Sieber, Stephens, and LaMar voted yes. The motion passed.

1.3 Consideration of SD-20-015, Preliminary Plat Approval for a 3-lot Subdivision Including 1 Flag Lot Location: 3500 S. Hillside Lane Applicant: Craig Jacobs Planner: Erin O’Kelley

Commissioner Sieber, as respects to SD-20-015, moved to approve the proposed flag lot subdivision with the conditions outlined in the staff report minus condition number 8 regarding Countryside Drive. Commissioner Reid seconded. Commissioner Allen said the Planning Commission needed tools for driveway access discretion for safety reasons. **Chair LaMar called for the vote. Commissioners Allen and Booth voted no. Commissioners Reid, Sieber, Stephens, and LaMar voted yes. The motion passed.**

1.2 Consideration of EX-20-004, Request to Have a Duplex Use Declared Legal Through Special Exception Location: 4538 Range Circle Applicant: Chance Wilden Planner: Erin O’Kelley

Erin O’Kelley said the property was currently a nonconforming duplex. Due to the current zoning of R-1-8, the use as a duplex was not a permitted use. The applicant was proposing to have the use of a duplex declared legal through special exception. Building permits from the detached garage in the 1970’s was being using as evidence of the garage and duplex existing

for more than 10 years. The property was a corner lot with two drive accesses that served as parking for each unit. O'Kelley showed the Commission pictures of the property. The old building permit did not define the garage as having a residential unit as part of it. At their regularly scheduled meeting on July 7, 2020, the Millcreek Community Council offered a positive recommendation to approve the special exception to declare the non-conforming use legal. O'Kelley said staff was required to review variables per Code 19.88 for a special exception; continuous violation of zoning for a period exceeding ten years, no complaints or violations on the property in the last ten years, and that continuation of the use would not have a detrimental effect on the health, safety, or welfare of persons or property in the vicinity. O'Kelley said the applicant provided documentation that the building had existed in its current condition for a period of greater than ten years, there were no complaints with the City against the property but O'Kelley had not yet heard back from the County about any, and staff was not concerned about any detrimental effects in granting the exception.

Commissioner Reid asked about staff looking for code violations. O'Kelley said the rental business license would require a building inspection.

Applicant – Cherie Ordellana said the original garage was built in 1978 and later in 1979 the area above the garage was approved.

Commissioner Allen asked why the structure was not processed as an accessory dwelling unit (ADU). O'Kelley said ADUs and duplexes were not allowed in the R-1 zones. Staff said when people inquire about the process, they recommend that residents wait for the draft ADU ordinance to be adopted, but residents could go with the special exception route instead since a current process was in place.

Chair LaMar opened the public hearing.

There were no comments other than the one attached to the staff report.

Chair LaMar closed the public hearing.

Commissioner Stephens said he would be inclined for a continuance based on the unknown information if complaints had been made with the County. Chair LaMar brought up approval with a condition of any county complaints. Commissioner Allen agreed. Commissioner Reid would like the condition that the applicant pass a building inspection. Commissioner Sieber was in favor of both conditions. Commissioner Stephens asked about the building inspection. O'Kelley said building code standards for a duplex and a safety inspection would be part of the business license inspection.

Commissioner Stephens, as respects to EX-20-004 request that a duplex use declared legal through special exception, moved that the Planning Commission grants that exception subject to the following conditions: 1) the applicant obtains a business license for renting the unit which includes a satisfactory passage of a Millcreek City building inspection, and 2) that granting the exception is contingent upon no adverse response from Salt Lake County Development Services Division as respects to any filed complaints going back to the ten year period and if there are complaints then the special exception is not granted and this matter will have to come back to the Planning

Commission for further deliberation. Commissioner Allen seconded. Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.

**1.4 Consideration of SD-20-016, Preliminary Plat Approval for a 1-lot Subdivision
Amendment Location: 3646 E. Viewcrest Circle Applicant: Kyle Killen Planner: Erin O’Kelley**

Erin O’Kelley said the property was discussed the prior month for a rezone and had not yet been finalized by the City Council. The applicant was proposing a 1-lot subdivision to consolidate two subdivided lots in the Mount Olympus Hills subdivision. The subdivision would create one lot in the R-1-21 zone. The property owner would like to build an accessory structure guesthouse in the backyard of the main house located on 3646 Viewcrest Circle. An older accessory structure in the rear of the property had been demolished. She showed the Commission the proposed plans and plat for the property. There would be a new utility easement to the southeast and the power lines would be buried. She highlighted that the application was for preliminary plat approval and would be subject to the approval of the rezone application ZM-20-006.

Commissioner Sieber asked if the guesthouse would be an ADU. O’Kelley said the R-1-21 zone allowed guesthouses and the application would not be required to follow an ADU ordinance. Commissioner Sieber verified that the guesthouse would not have its own access. O’Kelley confirmed.

Applicant – Andrea Palmer did not offer comment.

Chair LaMar opened the public hearing.

There were no comments.

Chair LaMar closed the public hearing.

Commissioner Reid, regarding SD-20-016, moved to approve the preliminary plat approval for the 1-lot subdivision with all the conditions suggested by staff. Commissioner Sieber seconded. Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.

The Commission took a break from 6:48-7:08 p.m.

**1.5 Consideration of SD-20-017, Preliminary Plat Approval for a 4-lot Subdivision
Including 2 Flag Lots Location: 773 & 767 E. Scott Avenue Applicant: Brandon Pehrson Planner: Robert May**

Robert May said the subject parcels were in the R-1-6 zone, collectively consisted of approximately 1 acre of area, and had 135 feet of frontage along Scott Avenue. The area is primarily low density residential with single-family homes but does have a light mixture of medium density with apartments and condominiums. Many of the lots are deep and situated next to Mill Creek resulting in some floodplain designations. May said there were existing flag lots on Scott Avenue making the ability to subdivide utilizing the flag lot policy consistent with the neighborhood. May showed the Commission pictures of the property and the preliminary plat that showed a proposed shared driveway. The north portions of the rear

flag lots were in the floodway zone. In the R-1-6 zone, the base lot must be a minimum of 6,000 square feet and have at least 60 feet of width. The flag lot must be a minimum of 9,000 square feet and have at least a 20-foot-wide access. Staff received two resident comments about the proposed subdivision and traffic and parking were the greatest concerns. The subdivision did not get reviewed by the community council. May said staff recommended preliminary approval be granted subject to the conditions in the staff report.

Chair LaMar asked if Lots 2 and 4 would front on Scott Avenue or the proposed road. May said the four lots would access from the private access road. Chair LaMar asked about tree preservation. May said the subdivision would be subject to code and it was included in staff's conditions of approval.

Applicant – Brandon Pehrson, 11099 S. Farnsworth Lane, said the property was blighted and the existing home was condemned. He said most traffic came from 700 E. Each lot would have two car garages with one driveway off of Scott Avenue. Commissioner Sieber asked about plans for the floodplain area. Pehrson said the lots would be privately owned. May said most of the area near the floodplain would not be disturbed due to protections with Salt Lake County.

Chair LaMar opened the public hearing.

Chair LaMar read into the record an online public comment submitted by Anna Papulak, 769 Shady Lake Drive, *“Regarding Project # SD-29-017. I live north of this property, in the Shadybrook Condo complex. This property was originally designed for 2 lots. Now it has been revised to include 4 lots. I'm concerned about the small space with the additional inclusion of 2 more lots. I'm also concerned with the existing trees sitting south of the Millcreek being removed, thereby destroying what little privacy remains and what little natural beauty is left. I would appreciate some feedback on this. Also, how many units are planned for each lot and how many stories are planned for each unit? Thanks”*

Robert May read an online public comment received from Brad and Barbara Spring. *“Regarding the public meeting on July 15, 2020, we will be out of town. We live at 800 East Scott Avenue and are neighbors to the property in this project. Thus here is a list of our concerns for Project Location 773 and 767 East Scott Avenue. TRAFFIC – Scott Avenue already has increased in traffic because Scott Avenue is the only thru street between 3300 south and 3900 south. Too many commuters, that do NOT live on Scott Avenue use it as thoroughfare. Build even MORE structures on our already crowded street, will obviously and upsetting increase traffic. And the traffic does NOT follow speed limit regulations at all. Drivers seem to think is a freeway. PARKING – Another issue on Scott Avenue. Therefore we absolutely need the developer to properly address the parking situation and guarantee that the residents will have adequate parking OFF the street and individual property boundaries. Please address these issues to the developer, expressing our concerns and that of our neighbors, to resolve it before the project gets underway. Thank you for your time.”*

Chair LaMar closed the public hearing.

Commissioner Stephens asked if the application complied with the subdivision ordinance and flag lot policy. May confirmed.

Commissioner Booth moved that SD-20-017, preliminary plat approval for a 4-lot subdivision including two flag lots, be approved subject to the conditions in the staff report. Commissioner Reid seconded. Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.

1.6 Consideration of SD-20-014, Preliminary Plat Approval for a 2-lot Subdivision

Location: 3419 S. 1300 E. Applicant: Brad Reynolds Planner: Robert May

Robert May said the Commission saw the rezone from a R-1-8 to a R-2-8 for the property last year. He said the property would have a duplex constructed similar in design to the Millcreek Meadows PUD to the south of it. The purpose of the subdivision was to facilitate a two-family dwelling with individual property parcel numbers. He showed the Commission the proposed plat. He said per Code 19.32.090, a lot containing a two-family dwelling may be subdivided, creating a new lot line along the shared common wall and extending to the front and rear property lines, subject to the following conditions: 1) the minimum area of the lot containing each unit shall be 4,000 square feet; 2) the division of ground is subject to the requirements of the Title 18; and 3) the subdivision plat shall specifically note that the purpose of the subdivision is to accommodate a two-family dwelling. May said he received comment from the property owner to the northeast about the trees on the shared property line and the canal ditch. He said the applicant did not intend to remove any trees there, so May made it a condition of approval. May said he added to the presentation, though it was not in the staff report, the condition that the developer obtain an approval letter and meet all the improvements required by the Lower Canal Company. He said the subdivision did not go to the community council, but the Millcreek Community Council did recommend unanimous approval of the prior rezone. Staff recommended the Commission grant preliminary subdivision approval with the conditions located in the staff report and the new condition added about the ditch.

Commissioner Reid asked about the tree preservation ordinance. May said it was in code section 19.77.040. Commissioner Reid asked about preserving the northern trees in a condition of approval. May said he could add a requiring a tree preservation plan.

Applicant – Ryan Reynolds said there was no intention of removing the trees because it offered a good buffer. He said he had met with Ron Carlston, Ditch Master with the Lower Ditch Company, and he was willing to meet the conditions set forth by staff.

Chair LaMar opened the public hearing.

Caroline Spencer, 3443 S. 1300 E., asked about a condition of removing the trees. She said the north trees were supposed to be preserved in the Meadows of Millcreek PUD and they were removed. She asked about the difference between a duplex and a twin home. May said duplexes could be subdivided for individual ownership. Spencer asked if there would be two driveways on 1300 E. May said there would be two. Spencer felt two would be a safety concern. She also expressed concern about parking with two separate households. May said the parking standards were the same, each unit would have to provide two stalls, one of which was covered. May said everything would be reviewed in the technical review process with the City's Public Works Department.

Chair LaMar closed the public hearing.

Commissioner Reid said it would be good to figure out the tree situation; if they need to be removed along the northern border, the applicant should submit a tree preservation plan to the City. Commissioner Sieber asked about the driveways. Reynolds said the plans showed a straight driveway 41.5 feet wide. Commissioner Sieber asked if it was shared. Reynolds said it could be viewed that way with the property line going down the middle, but they could add a park strip if staff requested it.

Commissioner Stephens, as respects to SD-20-014 preliminary plat approval for a 2-lot subdivision, moved to give preliminary approval to the plat subject to the staff report conditions and adding the two following conditions, first, that the canal company is required to approve the plat and the second that a tree preservation plan will be required for areas if removal of trees along the canal side of the property, the shared property line to the north. Commissioner Allen seconded. Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.

1.7 Consideration of ZT-20-005, Amendments to Chapters 19.04 and 19.60 of the Millcreek Code Regulating Commercial Zones and Mixed Use Buildings Planner: Francis Lilly

Francis Lilly said staff had observed shortcomings in the commercial zones with regard to mixed use buildings. The current code could be difficult to apply and interpret. The proposed code replaces footnote language and puts it into tables for mixed uses. He said residential standards differed in the multifamily zones and commercial zones. Staff would like to better balance incentives by ensuring higher standards for commercial uses in mixed use corridors. He said commercial ground floor requirements were inadequate and inflexible, the City was not seeing the type of desired commercial projects, design standards were inadequate, and the current zone preferred one building type which was a vertically integrated mixed-use building on sites where separate buildings in a unified site plan may be more effective and appropriate. He then critiqued prior projects that had been approved in the City.

Lilly said 3300 S. was a mixed-use corridor because residential and commercial uses coexisted. More people living along the corridor would help activate existing and proposed commercial spaces. Desired spaces like small retail shops, personal services, and restaurants thrive where there are many people living nearby. Mixed use development provides a viable option to redevelop obsolete sites. Many smoke shop and commercial storage requests along the corridor suggested that Millcreek had an overabundance of single-purpose commercial buildings that performed below expectations. Lilly showed the Commission the Future Land Use Map in the General Plan and said it supported mixed uses. He then reviewed the Mixed Use 1 and Mixed Use 2 District descriptions. Lilly said that mixed use commercial was flourishing but some retail sites were empty or functionally obsolete in commercial corridors.

Lilly reviewed the proposed code changes. He said to qualify, a mixed-use project must have a minimum of 100 feet of frontage on a major collector or arterial road. There would be an increase in maximum building height to 45 feet, and 35 feet within 100 feet of a residential zone. The current standard was 40 feet and 30 feet. The extra feet offered more flexibility, tall residential ceilings, better roof articulation, possibility of pitched roofs, more functional garages, a retail storefront at grade, and other creative design elements. Lilly showed the Commission examples of recent commercial, residential, and mixed-use buildings in

Millcreek to point out where some of the code changes would have helped the project and what had already worked well with the project. He explained why a two-story limit or building height of 30 feet was not desirable. There is a two-story limit in the CCOZ area immediately adjacent to existing single-family, affecting property on the east side of Highland Drive. In this instance, the City Center Master Plan actively encouraged the adaptive reuse of the existing commercial uses along the Highland Drive corridor in the City Center. Staff was not convinced that the same desire existed for many of the functionally obsolete commercial buildings elsewhere in the commercial corridor.

The proposed code included a maximum building length of 200 feet, no more than 20% of a façade could be stucco, EIFS, or metal siding, and a 10-foot step back for buildings taller than 35 feet. Commercial uses would not include lobbies, leasing offices, required parking, or residential amenities. Currently, code required a minimum of 40-foot-deep commercial spaces occupy 50% of building frontage. The proposal offered flexibility of a 40-foot depth with 50% frontage or 30-foot depth at 80% of frontage, and freestanding commercial buildings occupy 30% of the gross ground floor area of the development site. There would be two concepts of mixed use, vertically mixed-use buildings, and mixed-use buildings in a unified site plan. Staff wanted to make sure that freestanding commercial buildings meaningfully contribute to the mixed-use concept. Freestanding commercial buildings could occupy 30% of the gross ground floor area of the development site, and at least 50% of the frontage with the proposed ordinance. Lilly showed the Commission examples and site plans of both mixed-use types.

The proposed ordinance included a pre-application site plan review, prior to qualifying an application for community council and Planning Commission review. A similar process exists for applications in the CCOZ, because a longer review lead time results in better clarity and better outcomes. Lilly concluded that the ordinance should change because the mixed use form is the most likely redevelopment scenario for commercial corridors, especially for functionally obsolete sites outside of the City Center and Meadowbrook, heightened design standards would result in better looking buildings, frontage and commercial areas and ground story height requirements would promote the creation of meaningful commercial spaces along corridors, and updates would produce better outcomes in the form of mixed use projects with more meaningful commercial uses.

Lilly said all four community councils gave recommendations of approval for the proposed code concept. He said he added sections on building massing and façade articulation and street tree requirements. He said the Commission used to have the option of allowing greater height up to 75 feet for areas within 500 feet of 1300 E. and 3300 S. and that was rendered moot and removed. The flexibility was also offered in the Meadowbrook area and on Main Street. He said the one time the Commission had used it, it was a difficult process, so he struck that from the proposed code.

Commissioner Allen said he would like to see a higher percentage of commercial. Commissioner Booth agreed with Commissioner Allen's comments and said the Commission should be able to make changes in the future to the ordinance if something did not work. Commissioner Sieber said the proposal was an improvement to current code and would result in better projects. She would appreciate more time to review the proposed amendments. Commissioner Reid suggested recommending approval of the proposal if projects were

pending. Commissioner Stephens said he was in favor of passing a recommendation of approval of the ordinance with the understanding that it was living document and could change as needed. Chair LaMar said he would want to run through scenarios of buildings with a small footprint to have a better balance of commercial and residential such as a total square footage required a certain percentage of commercial. Chair LaMar brought up the twenty feet separation for rooftop gardens. Lilly said it came from the City Center Overlay Zone (CCOZ) code to allow for variation other than a wall. Chair LaMar brought up unfinished concrete in the building materials section. Lilly said he would remove it. He said about the commercial ratio concept, he did not include a minimum ratio to be able get a better project and not punish the developer for using the zone. He wanted to see spaces get occupied and the currently used spaces tended to be around 1200-1500 square feet.

Chair LaMar opened the public hearing.

Chair LaMar read into the record a comment received online from Bruce Parker, 3007 E. Cruise Way, "Planning Commissioners, The standards of Minimum Frontage of 100 feet and a Maximum Building Length of 200 feet may work to only allow "larger" mixed-use projects. Community benefits can accrue from smaller, more intimate scaled mixed-use projects. Please consider revising the Minimum Frontage of 100 feet to allow a smaller "frontage" to qualify for a mixed-use opportunity. A suggestion; a minimum frontage of 100 feet, or as determined by the Land Use Authority. Thank You for all you do to the benefit of Millcreek City and its residents. BP"

Lilly said with the 100 feet of frontage, it could account for setbacks or a side drive aisle, so there could be a 50-foot building. He agreed with the concept but did not accommodate for it in the ordinance.

Chair LaMar closed the public hearing.

Commissioner Sieber asked if under a unified site plan, if the minimum frontage and building length could become problematic. Lilly said it could work. Commissioner Allen asked about a timeline for the proposed code amendments. Lilly said the Commission could review the proposal again in August, but he wanted clear direction to prepare the ordinance for approval. Commissioner Booth asked about a pending ordinance. John Brems said the City could adopt one. Lilly suggested the Council adopt a pending ordinance to prevent applications then the Commission could review the ordinance again in August. Chair LaMar asked about a compatible design with a unified site plan. Lilly read from proposed code 19.60.060(D)(1)(b), *Mixed Use in a Unified Site Plan. A mixed use development in a unified site plan consists of separate residential and commercial or vertically-integrated mixed use buildings in a site plan that features consistent approaches to lighting, landscaping, signage, building design, and materials use.* Chair LaMar asked about uses that were not good together in a unified site plan. Lilly said staff could add prohibitory language for use categories, such as drive-throughs.

Commissioner Stephens, as respects to ZT-20-005 amendments to Chapters 19.04 and 19.60, moved that this application be continued to the scheduled 2020 August Planning Commission meeting. Commissioner Sieber seconded. John Brems suggested the Planning Commission recommend the Council adopt a pending ordinance. **Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.**

Commissioner Stephens moved to make a strong recommendation to the City Council to adopt a pending ordinance as respects to Chapters 19.04 and 19.60 of the Millcreek Code Regulating Commercial Zones and Mixed Use Buildings with the rationale to give the Planning Commission and City Council adequate time and preparation for decision making to the extent applicable it is a pending ordinance. Commissioner Reid seconded. Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.

2. Business Meeting

2.1 Approval of June 10, 2020 Special Meeting Minutes

Commissioner LaMar moved to approve the notes in the packet for the June 10th special meeting. Commissioner Booth seconded. Chair LaMar called for the vote. Commissioner Allen was not present for the vote. Commissioner Stephens abstained. Commissioners Booth, Sieber, Reid, and LaMar voted yes. The motion passed.

2.2 Approval of June 17, 2020 Regular Meeting Minutes

Commissioner Sieber moved to approve the minutes from June 17, 2020 Planning Commission meeting. Commissioner Booth seconded. Chair LaMar called for the vote. Commissioner Allen was not present for the vote. Commissioners Booth, Sieber, Reid, Stephens, and LaMar voted yes. The motion passed.

2.2 Updates from the Planning and Zoning Director

Francis Lilly said he gave the Planning Commission a different approach on the ordinance presentation and welcomed feedback. Commissioner Stephens said the staff reports this month were excellent. Chair LaMar said a new commissioner, Ian Wright, would be joining next month. He thanked Mark Mumford for his work on the Commission. Lilly said he would invite Mark Mumford to the next meeting to express shared gratitude for his service.

3. Calendar of Upcoming Meetings

- City Council Mtg., 7/27/20, 5:00 p.m. at City Hall
- Mt. Olympus Community Council Mtg., 8/4/20, 6:00 p.m. TBD
- Millcreek Community Council Mtg., 8/4/20, 6:30 p.m. TBD
- Canyon Rim Citizens Association Mtg., 8/5/20, 7:00 p.m. TBD
- East Mill Creek Community Council Mtg., 8/6/20, 6:30 p.m. TBD
- City Council Mtg., 8/10/20, 5:00 p.m. at City Hall
- Planning Commission Mtg., 8/19/20, 5:00 p.m. at City Hall

ADJOURNED: Commissioner Booth moved to adjourn the meeting at 9:15 p.m. Chair LaMar seconded. Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.

APPROVED: _____ Date
Shawn LaMar, Chair

Attest: _____
Elyse Sullivan, City Recorder