



Millcreek Planning Commission Meeting Agenda

Public Notice is hereby given that the Planning Commission of Millcreek will assemble in a regular public meeting on Wednesday, **16 December 2020** at City Hall, 3330 S. 1300 E., Millcreek, Utah 84106, commencing at **5:00 p.m.** Please see additional note below.*

5:00 p.m. – Regular Meeting

1. Public Hearings

- 1.1 Consideration of SD-20-024, requesting creation of a two-lot subdivision at 3896 S Honeycut Drive by applicant Genny Hayward. Erin O’Kelly, Planner.
- 1.2 Consideration of EX-20-007, an application to have a use violation declared legal through special exception at 2975 S Grace Street by applicant Erin Koelliker. Samah Safiullah, Planner.

2. Continuing Business

- 2.1 Consideration of ZM-20-009; Request to Rezone from R-1-10-R-1-15. Applicant Tanner Webster. Samah Safiullah, Planner.

3. Business Meeting

- 3.1 Updates from the Planning and Zoning Director
- 3.2 Ordinance Updates – Accessory Dwelling Units
- 3.3 Ordinance Updates – RM/PUD

4. Calendar of Upcoming Meetings

- City Council Special Meeting, 12/21/20, 6:30 p.m. at City Hall
- City Council Meeting, 01/11/21, 5:00 p.m. at City Hall
- Planning Commission, 01/20/21, 5:00 p.m. at City Hall

5. Adjournment

In accordance with the Americans with Disabilities Act, Millcreek will make reasonable accommodation for participation in the meeting. Individuals may request assistance by contacting the ADA Coordinator, 801-214-2751 or khsansen@millcreek.us, at least 48 hours in advance of the meeting.

The Planning Commission public meeting is a public forum where the Planning Commission receives comment from applicants, the public, applicable agencies and staff regarding land use applications and other items on the Commission’s agenda. In addition, it is where the Planning Commission takes action on these items. Actions may include: approval, approval with conditions, denial of legislative items, continuance, or recommendation to other bodies as applicable.

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

City Offices
Those Listed on the Agenda
DATE: December 11, 2020

City Website
<http://millcreek.us>
DEPUTY RECORDER: Alexander Wendt

Utah Public Notice Website
<http://pmn.utah.gov>

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

**The meeting will be conducted electronically per Millcreek State of Local Emergency Directive No. 2 of 2020 and live streamed via the City’s website at: <https://millcreek.us/373/Meeting-Live-Stream>. Public comment can be submitted before or during the meeting via the City’s website at: <https://millcreek.us/FormCenter/Contact-Us-5/Public-Comments-61>.*



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

File # SD-20-024

Planning Commission Staff Report

Meeting Date: December 16, 2020
Applicant: Genny Hayward
Property Address: 3896 S Honeycut Rd
Parcel ID: 16-33-403-021

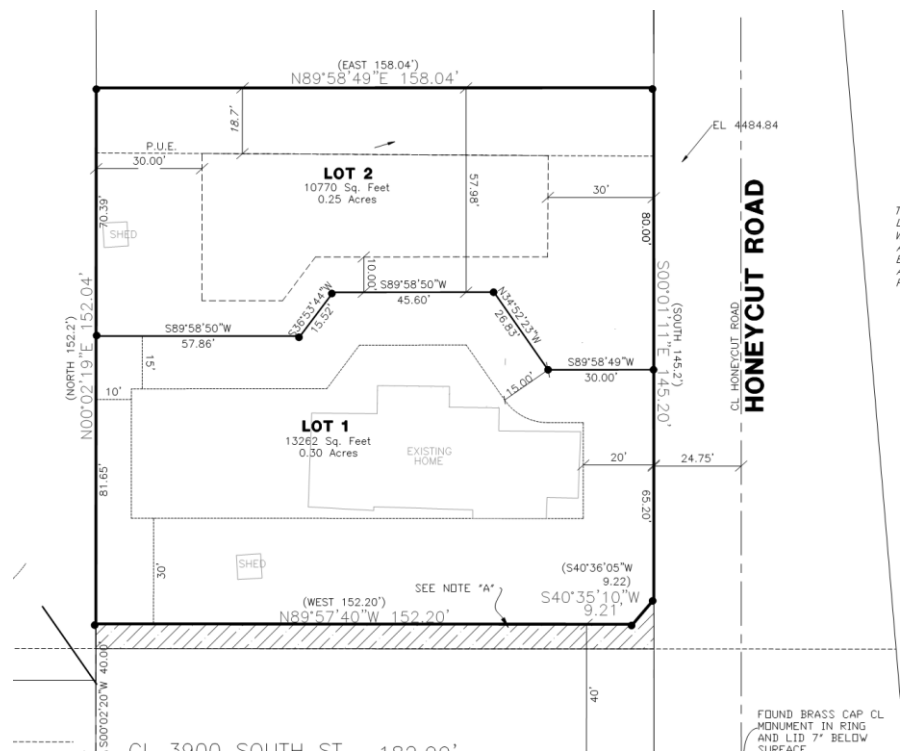
Request: Preliminary plat approval for a 2-lot subdivision.

Zone: R-1-10

Prepared By: Erin O'Kelley, Planner

SYNOPSIS AND SCOPE OF DECISION

Applicant has applied for preliminary approval of a two-lot subdivision located at 3896 S Honeycut Rd. The scope of the project is to keep the existing house on that will be located on the proposed Lot 1, making modifications to the house to meet all requirements of Title 18. The new lot to be developed will be located on the North side of the existing house and will meet the minimum requirements of new lots in the R-1-10 zone. Access for the new lot 2 will be off of Honeycut Rd.



SITE VICINITY AND DESCRIPTION



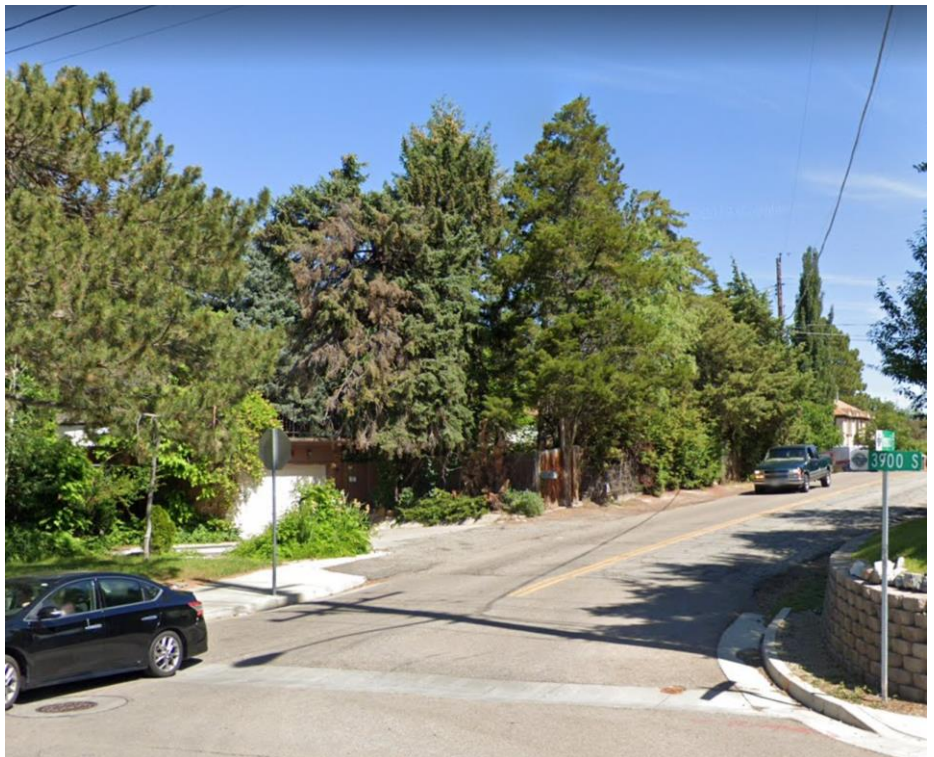
The subject parcel is in the East Mill Creek neighborhood along 3900 S. The parcel is .55 Acres (22,395 square feet) with one single-family house in the Southeast corner of the lot. Access to the existing single-family house is off Honeycut Rd.

A power pole is located to the Northeast of the parcel with an easement existing on the North lot line running East to West, shown on the preliminary plat. The proposed platted easement to the North of Lot 2 is approx. 18 feet.



The frontage along 3900 S has an existing sidewalk & curb, with retaining wall and fence. There is currently no plans to alter this frontage.

The frontage along Honeycut Rd currently has no sidewalk, curb or gutter. There is a large amount of mature trees existing along the property line.



PROJECT INFORMATION

Requirement	Regulating Zone	R-1-10 Standard	Proposed
Lot Area	R-1	10,000 square feet Square Feet	13,262 Square Feet (Lot 1) 10,770 Square Feet (Lot 2)
Lot Width	R-1	80 Feet	80 Feet
Lot Setbacks			
Front	R-1	30 Feet	30 Feet
Side	R-1	10 feet	10 Feet (Min)
Rear	R-1	15 feet (With Attached Garage)	15 Feet (With Attached Garage)
Lot Coverage	RCOZ	31%	31% (max)

- The parcels will comply with the minimum area, width and setback requirements of the R-10 Zone.
- Lots will be located in the Holladay Water Co. District.
- Lots will be located in the Mt. Olympus Sewer District
- Lots are subject to the Residential Compatibility Overlay Zone
- Lots are not located in a designated floodplain area as illustrated in the NFIP Flood Rate Maps
- The proposed subdivision plat has completed a site plan identifying all easements.
- The proposed subdivision plat has completed preliminary requirements that consist of a site plan, utility plan, and a grading and drainage plan that illustrates storm water runoff and retention.
- The proposed subdivision plat will be required to complete a final technical review that includes an engineering review to ensure that the final plat complies with all conditions of approval of the preliminary plat and to ensure that the final plat complies with the design standards, codes, and ordinances and with minimum engineering/surveying requirements
- The proposed plat must obtain Unified Fire and Salt Lake County Addressing approvals before recordation.
- Each lot will consist of a one, single-family dwelling.

APPLICABLE ORDINANCES

***18.16.010 Required Information**

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

***18.08.010 Procedure Generally**

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

Each process shall include the following components:

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

2. A check of appropriate background information, such as: lot access, property title, record of survey, field boundary verification, etc.;
3. The collection of the necessary approval signatures (planning commission representative, director or director's designee on behalf of the city, health department, city attorney, mayor or his) on the final plat;
4. Payment of final fees and bond;

ISSUES OF CONCERN/PROPOSED MITIGATION

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

COMMUNITY COUNCIL RESPONSE

Community Councils do not provide a recommendation for pre-preliminary approval for subdivisions.

PUBLIC COMMENT

Staff has received the following concerns regarding the 2-lot subdivision:

- Increase in density in the East Mill Creek Neighborhood.
- Removal of mature trees on the lot.
- Increase in traffic.
- Height of the house on Lot 2.

PLANNING STAFF ANALYSIS AND FINDINGS

The existing lot is located within R-1-10 zone surrounded by R-1-10 properties. The property is currently .55 acres or 22,395 square feet. The two new lots created will be respectively 13,262 SF and 10,770 SF. The proposed subdivision will not be violating the allowed density in the underlying zone. The lot sizes in the area between .18/.19, .33 acres and the largest parcel in the neighborhood being the subject parcel at .55 acres. .22 acres is 10,000 SF, the new lots created will still be similar in size to those in the immediate area (within 300 feet) not going below the minimum allowed area of 10,000 SF.

One new access will be created for Lot 2 in compliance with Title 18 & Title 14 of the Millcreek code.

It is the applicant's intent to preserve some mature trees on the lot, this is why the newly created Lot 2 does not have the South property line running stright East to West. Trees will be removed along the frontage on Honeycut Rd for cosntruction and creation of the access as well as curb, gutter, and sidewalk improvements required by Code.

PLANNING STAFF RECOMMENDATION

Staff recommends to the Millcreek Planning Commission **that the proposed 2-lot subdivision SD-20-24 be granted preliminary-plat approval with the following staff conditions:**

1. The design of the site and buildings shall comply with all applicable development standards of the Millcreek Zoning Code and any site development standards required by the Millcreek Engineer and Building Official, and Unified Fire Authority.
2. Prior to receiving final plat approval, the applicant shall certify that existing utility services have the capacity to accommodate additional demand induced by the development, or that the services will be upgraded to meet the additional demand.
3. Accessory structures will require separate building permits and staff review for zoning/land use compliance.
4. Any modifications to these approved plans must be approved by the Planning Department, in writing, prior to the changes being implemented in the field.
5. The proposed subdivision plat must complete a final technical review that includes an engineering review to ensure that the final plat complies with all conditions of approval of the preliminary plat and to ensure that the final plat complies with the design standards, codes, and ordinances and with minimum engineering/surveying requirements, including any bonding for possible future improvements.
6. All applicable zoning, building, health, fire and safety requirements must be met prior to receiving final approval of a building permit.
7. All items of the staff report.

SUPPORTING DOCUMENTS

1. Preliminary plat and civil plans.

SOUTH END HONEYCUT SUBDIVISION

A PART OF THE SE QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, IN MILLCREEK, SALT LAKE COUNTY, STATE OF UTAH

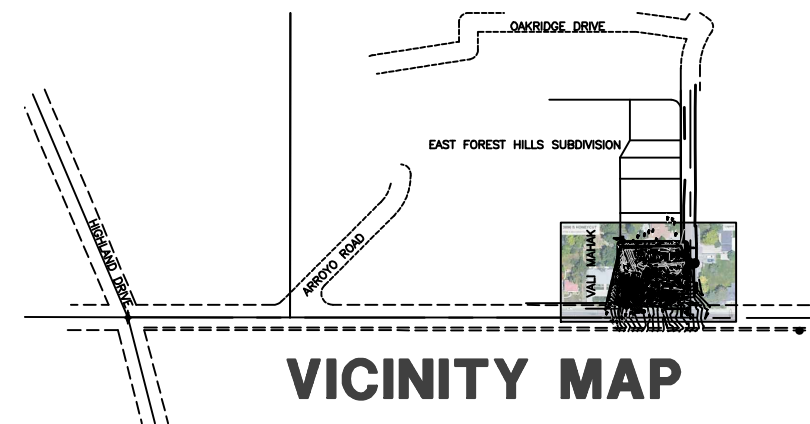
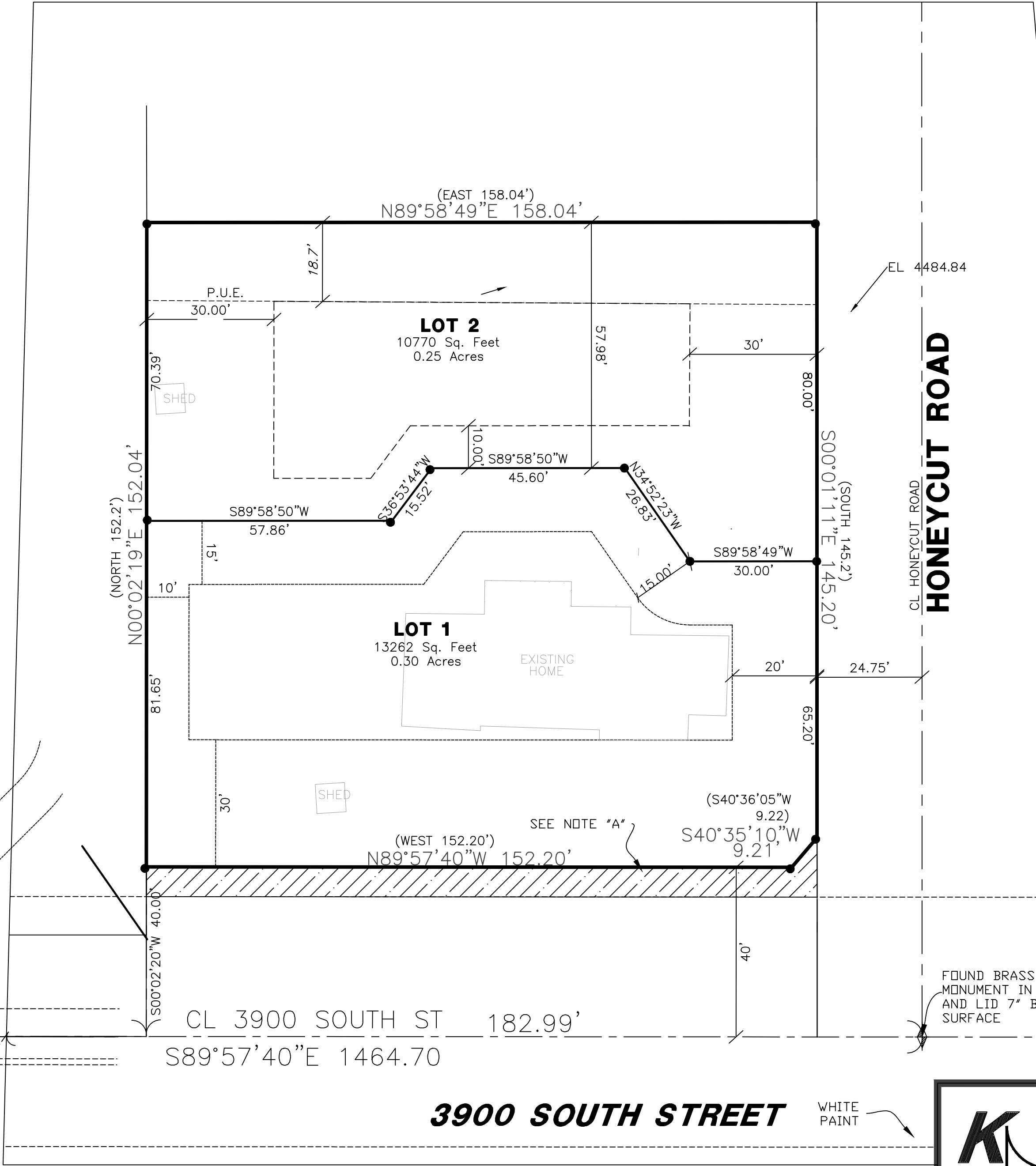
OCTOBER 5, 2020

LOT DATA

LOT	AREA	ADDRESS
1	13,262	3896 SOUTH HONEYCUT ROAD
2	10,770	3986 SOUTH HONEYCUT ROAD
TOTAL	24,032	
ACRES	0.552	
DENSITY	2 UNITS	3.6 UNITS/ACRE

FND BRASS CAP
MONUMENT IN RING AND
LID CENTER SEC 33 5"
BELOW SURFACE.

FOUND BRASS CAP
MONUMENT IN RING AND
LID 6" BELOW SURFACE



NOTES

- A REPORT FOR FAULT RUPTURE HAZARD AND GEOTECHNICAL STUDY OF THIS PROPERTY WAS CONDUCTED BY AGRA EARTH AND ENVIRONMENTAL, INC. ON OCTOBER 31, 1997. ADDITIONALLY THE UTAH GEOLOGICAL SURVEY HAS PREPARED A REVIEW OF THE AGRA(1977) REPORT.
- FOUNDATION AND PAVEMENT DESIGN AND SITE PREPARATION TO BE REVIEWED BY A QUALIFIED GEOTECHNICAL ENGINEER.
- GEOLOGICAL HAZARDS DISCLOSURE AND ACKNOWLEDGEMENT DECLARATION FOR POTENTIAL LIQUEFACTION HAS BEEN RECORDED WITH THE SALT LAKE COUNTY RECORDER'S OFFICE UNDER BOOK _____, PAGE _____, AND ENTRY NO. _____.

BASIS OF BEARINGS

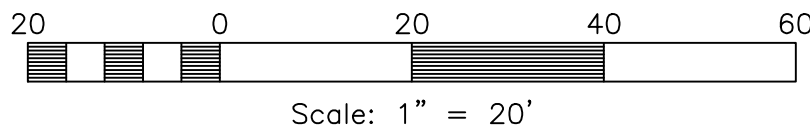
THE BASIS OF BEARINGS FOR THIS PLAT IS THE CENTER LINE OF 700 EAST STREET BETWEEN FOUND MONUMENTS AT 3900 SOUTH AND 4500 SOUTH SHOWN HERE ON AS S00°27'26"W 4651.69'

NARRATIVE

THE PURPOSE OF THIS PLAT IS TO DIVIDE THIS PROPERTY INTO TWO LOTS, ONE BEING A FLAG LOT. ALL BOUNDARY CORNERS WERE SET WITH A 5/8" REBAR AND PLASTIC CAP STAMPED "KUNZ ENGINEERING". ALL FRONT LOT CORNERS WERE SET WITH A LEAD PLUG IN THE TOP BACK OF CURB AT THE EXTENSION OF THE SIDE LOT LINES. THERE APPEARS TO BE A FENCE ENCROACHMENT AT THE NW CORNER OF THE PROPERTY.

LEGEND

- SECTION CORNER/FND MONUMENTS
- SET 5/8" REBAR AND PLASTIC CAP STAMPED "KUNZ ENGINEERING"
- BOUNDARY LINE
- DEED RECORD
- LOT LINE
- ADJOINING PROPERTY
- FENCE LINE
- SANITARY SEWER LINE
- 8' WATER LINE
- BUILDING SET BACK LINE
- EASEMENTS
- SECTION TIE LINE



FEMA FLOOD MAP

PANEL NO. 493035C0311G
EFFECTIVE DATE 09/25/2009
FLOOD ZONE X - AREA OF MINIMAL FLOODING

NOTE A:
THIS AREA PREVIOUSLY DEDICATED
FOR ROADWAY BY WD ENTRY NO.
4083163 RECORDED MAY 7, 1985

KUNZ ENGINEERING
ENGINEERING * SURVEYING * LAND PLANNING
280 EAST 260 SOUTH, OREM, UTAH 84058 CELL NUMBER (801)-830-9896
PHONE: (801) 225-8232 EMAIL: ROBERTDKUNZ@GMAIL.COM

SURVEYOR CERTIFICATE

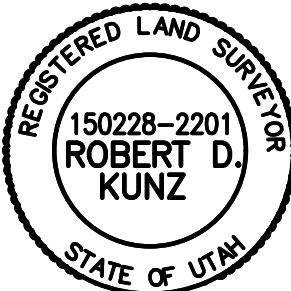
I, ROBERT D. KUNZ, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD LICENSE NO.150228-2201, IN ACCORDANCE WITH TITLE 58, CHAPTER 22 OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS SUBDIVISION PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN ON THE PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS PLAT; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY; AND THAT THIS PLAT OF

SOUTH END HONEYCUT SUBDIVISION

IN MILLCREEK, SALT LAKE COUNTY, UTAH HAS BEEN DRAWN CORRECTLY TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LANDS INCLUDED IN SAID SUBDIVISION, BASED UPON DATA COMPILED FROM THE RECORDS OF THE SALT LAKE COUNTY RECORDERS' OFFICE. I FURTHER CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES OF MILLCREEK CITY CONCERNING ZONING REQUIREMENTS REGARDING LOT MEASUREMENTS HAVE BEEN COMPLIED WITH.

SIGNED THIS ____ DAY OF _____, 2020

ROBERT D. KUNZ, PE, LS



BOUNDARY DESCRIPTION

A PART OF THE SE QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, IN MILLCREEK CITY, SALT LAKE COUNTY, STATE OF UTAH

COMMENCING AT THE CENTER OF SECTION 33 AND PROCEEDING S00°02'19"W, 867.34 FEET TO THE CENTER OF 3900 SOUTH STREET AND S89°57'40"E, 858.89 FEET ALONG SAID CENTERLINE AND N00°02'19"E, 40.00 FEET TO THE TRUE POINT OF BEGINNING; SAID POINT IS ALSO S89°57'40"E, 1281.62 FEET AND N00°02'19"E, 40.00 FEET FROM THE CENTERLINE MONUMENT IN 3900 SOUTH STREET AND HIGHLAND DRIVE; THENCE ALONG THE EAST LINE OF VALI MAHAK SUBDIVISION N00°02'19"E, 152.04 FEET TO A POINT 80 FEET SOUTH OF THE SOUTH LINE OF EAST FOREST HILLS SUBDIVISION; THENCE N89°58'49"E, 158.04 FEET TO THE WEST LINE OF HONEYCUT ROAD; THENCE ALONG SAID WEST LINE S00°01'11"E, 145.20 FEET; THENCE S40°35'10"W, 9.21 FEET TO THE NORTH LINE OF 3900 SOUTH; THENCE ALONG SAID NORTH LINE N89°57'40"W, 152.20 FEET TO THE TRUE POINT OF BEGINNING. HAVING AN AREA OF 24032.795Q FT, 0.552 ACRES

OWNERS DEDICATION

I, THE UNDERSIGNED OWNER OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS SHOWN HEREON AND NAME SAID TRACT:

SOUTH END HONEYCUT SUBDIVISION

AND TO HEREBY DEDICATE, GRANT AND CONVEY TO PUBLIC USE ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, AND HEREBY GRANT AND DEDICATE A PERPETUAL RIGHT AND EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED ON THE PLAT AS PUBLIC UTILITY, STORM WATER DETENTION PONDS, DRAINAGE AND CANAL MAINTENANCE EASEMENTS, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF PUBLIC UTILITY SERVICE LINES, STORM DRAINAGE FACILITIES, IRRIGATION CANALS OR FOR THE PERPETUAL PRESERVATION OF WATER DRAINAGE CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY THE GOVERNING AUTHORITY WITH NO BUILDINGS OR STRUCTURES BEING ERRECTED WITHIN SUCH.

SIGNED THIS ____ DAY OF _____, 20__

AUTHORIZED REPRESENTATIVE
HICKORY TREE REI, INC.

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF SALT LAKE
ON THE ____ DAY OF _____, 20__, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF SALT LAKE, IN SAID STATE OF UTAH, THE SIGNER(S) OF THE ABOVE OWNER'S DEDICATION, ____ IN NUMBER, WHO DULY ACKNOWLEDGED TO ME HE/SHE/THEY SIGNED IT FREELY AND VOLUNTARILY FOR THE PURPOSES THEREON STATED.

MY COMMISSION EXP;RES. _____

NOTARY PUBLIC

OWNER/DEVELOPER

GENEVIEVE HAYWARD
HICKORY TREE R.E.I., INC
13833 SOUTH ASHERWOODS COVE
BLUFFDALE, UT 84065
801-897-1213

SOUTH END HONEYCUT SUBDIVISION

A PART OF THE SE QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, IN MILLCREEK, SALT LAKE COUNTY, STATE OF UTAH

SALT LAKE COUNTY RECORDER

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

DATE: _____ TIME: _____ BOOK: _____ PAGE: _____

FEE \$ _____ DEPUTY, SALT LAKE COUNTY RECORDER

SALT LAKE COUNTY HEALTH DEPARTMENT

APPROVED THIS ____ DAY OF _____ A.D., 202__, BY THE SALT LAKE COUNTY HEALTH DEPARTMENT

DIRECTOR, HEALTH DEPARTMENT DATE _____

UNIFIED FIRE AUTHORITY APPROVAL

SIGNED _____ DATE _____

ADDRESSING APPROVAL

SIGNED _____ DATE _____

MILLCREEK ENGINEERING

SIGNED _____ DATE _____

RECORD OF SURVEY

ROS# _____ S2020-10-0738

COUNTY SURVEYOR DATE _____

MILLCREEK COMMUNITY DEVELOPMENT DEPARTMENT

APPROVED THIS ____ DAY OF _____ A.D., 202__, BY THE MILLCREEK PLANNING AND DEVELOPMENT DEPARTMENT

BY MILLCREEK COMMUNITY DEVELOPMENT DIRECTOR

PUBLIC UTILITY APPROVAL

CENTURYLINK: _____ DATE: _____

COMCAST: _____ DATE: _____

DOMINION ENERGY: _____ DATE: _____

ROCKY MTN POWER: _____ DATE: _____

OTHER: _____ DATE: _____

CHECKED FOR ZONING COMPLIANCE

ZONE: _____ LOT AREA: _____
LOT WIDTH: _____ FRONT YARD: _____
SIDE YARD: _____ REAR YARD: _____

SIGNATURE _____ DATE _____

MILLCREEK PLANNING COMMISSION

APPROVED THIS ____ DAY OF _____ A.D., 202__, BY THE MILLCREEK PLANNING COMMISSION

MILLCREEK PLANNING COMMISSION DATE _____

REVISIONS

INITIALS	DATE	DESCRIPTION

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS ____ DAY OF _____ A.D., 202__,

MILLCREEK ATTORNEY DATE _____

MILLCREEK MAYOR

PRESENTED TO THE MAYOR AND MILLCREEK COUNCIL THIS ____ DAY OF _____ A.D., 202__, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

MAYOR ATTEST: CITY RECORDER SEAL

SOUTH END HONEYCUT SUBDIVISION COVER SHEET

A PART OF THE SE QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN, IN MILLCREEK, SALT LAKE COUNTY, STATE OF UTAH

OCTOBER 5, 2020

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAT IS THE CENTER LINE OF 3900 SOUTH STREET BETWEEN FOUND MONUMENTS AT HIGHLAND DRIVE AND HONEYCUT ROAD SHOWN HEREON AS S89°57'40"E 1464.60'

NARRATIVE

THE PURPOSE OF THIS PLAT (PARCEL NO. 16-33-403-021 OWNED BY HICKORY TREE REI, INC) IS TO DIVIDE THIS PROPERTY INTO TWO LOTS. ALL BOUNDARY CORNERS WERE SET WITH A 3/8" REBAR AND PLASTIC CAP STAMPED "KUNZ ENGINEERING". ALL FRONT LOT CORNERS WERE SET WITH A LEAD PLUG IN THE TOP BACK OF CURB AT THE EXTENSION OF THE SIDE LOT LINES.

BOUNDARY DESCRIPTION

A PART OF THE SE QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, IN MILLCREEK CITY, SALT LAKE COUNTY, STATE OF UTAH

COMMENCING AT THE CENTER OF SECTION 33 AND PROCEEDING S00°02'19"W, 867.34 FEET TO THE CENTER OF 3900 SOUTH STREET AND S89°57'40"E, 858.89 FEET ALONG SAID CENTERLINE AND N00°02'19"E, 40.00 FEET TO THE TRUE POINT OF BEGINNING; SAID POINT IS ALSO S89°57'40"E, 1281.62 FEET AND N00°02'19"E, 40.00 FEET FROM THE CENTERLINE MONUMENT IN 3900 SOUTH STREET AND HIGHLAND DRIVE; THENCE ALONG THE EAST LINE OF VALI MAHAK SUBDIVISION N00°02'19"E, 152.04 FEET TO A POINT 80 FEET SOUTH OF THE SOUTH LINE OF EAST FOREST HILLS SUBDIVISION; THENCE N89°58'49"E, 158.04 FEET TO THE WEST LINE OF HONEYCUT ROAD; THENCE ALONG SAID WEST LINE S00°01'11"E, 145.20 FEET; THENCE S40°35'10"W, 9.21 FEET TO THE NORTH LINE OF 3900 SOUTH; THENCE ALONG SAID NORTH LINE N89°57'40"W, 152.20 FEET TO THE TRUE POINT OF BEGINNING. HAVING AN AREA OF 24032.79SQ FT, 0.552 ACRES

OWNERS DEDICATION

I, THE UNDERSIGNED OWNER OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS SHOWN HEREON AND NAME SAID TRACT:

SOUTH END HONEYCUT SUBDIVISION

AND TO HEREBY DEDICATE, GRANT AND CONVEY TO PUBLIC USE ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER; AND HEREBY GRANT AND DEDICATE A PERPETUAL RIGHT AND EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED ON THE PLAT AS PUBLIC UTILITY, STORM WATER DETENTION PONDS, DRAINAGE AND CANAL MAINTENANCE EASEMENTS, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF PUBLIC UTILITY SERVICE LINES, STORM DRAINAGE FACILITIES, IRRIGATION CANALS OR FOR THE PERPETUAL PRESERVATION OF WATER DRAINAGE CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY THE GOVERNING AUTHORITY WITH NO BUILDINGS OR STRUCTURES BEING ERECTED WITHIN SUCH.

SIGNED THIS ____ DAY OF _____, 20__

AUTHORIZED REPRESENTATIVE
HICKORY TREE REI, INC.

SURVEYOR CERTIFICATE

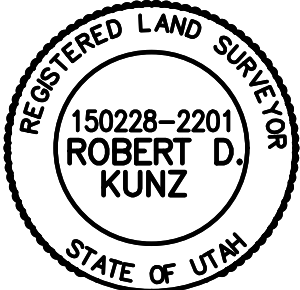
I, ROBERT D. KUNZ, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD LICENSE NO.150228-2201, IN ACCORDANCE WITH TITLE 58, CHAPTER 22 OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS SUBDIVISION PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN ON THE PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS PLAT; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY; AND THAT THIS PLAT OF

SOUTH END HONEYCUT SUBDIVISION

IN MILLCREEK, SALT LAKE COUNTY, UTAH HAS BEEN DRAWN CORRECTLY TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LANDS INCLUDED IN SAID SUBDIVISION, BASED UPON DATA COMPILED FROM THE RECORDS OF THE SALT LAKE COUNTY RECORDERS OFFICE; I FURTHER CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES OF MILLCREEK CITY CONCERNING ZONING REQUIREMENTS REGARDING LOT MEASUREMENTS HAVE BEEN COMPLIED WITH.

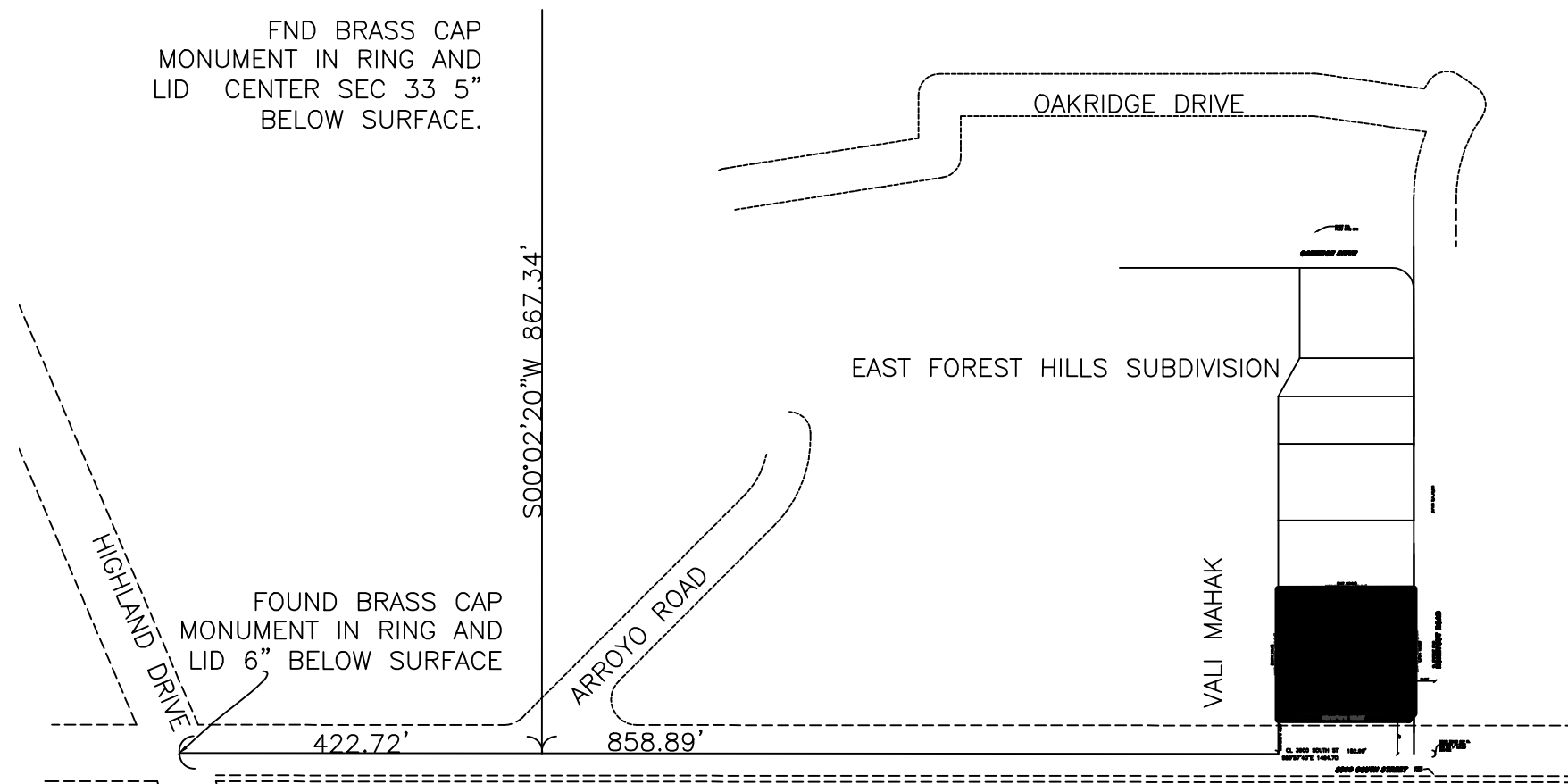
SIGNED THIS ____ DAY OF _____, 2020

ROBERT D. KUNZ, PE, LS



OWNER/DEVELOPER

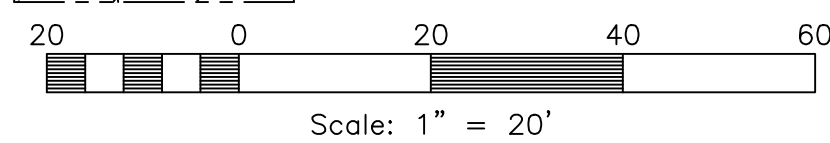
GENEVIEVE HAYWARD
HICKORY TREE R.E.I., INC
13833 SOUTH ASHERWOODS COVE
BLUFFDALE, UT 84065
801-897-1213



VICINITY MAP

LEGEND

- SECTION CORNER/FND MONUMENTS
- SET 5/8" REBAR AND PLASTIC CAP STAMPED "KUNZ ENGINEERING"
- BOUNDARY LINE
- DEED RECORD
- LOT LINE
- ADJOINING PROPERTY
- FENCE LINE
- SANITARY SEWER LINE
- 8' WATER LINE
- BUILDING SET BACK LINE
- EASEMENTS
- SECTION TIE LINE
- SAW CUT
- PUBLIC UTILITY EASEMENT
- EXISTING BUILDING
- EXISTING CONCRETE
- FUTURE CONCRETE



K

KUNZ ENGINEERING

E

ENGINEERING * SURVEYING * LAND PLANNING
280 EAST 260 SOUTH, OREM, UTAH 84058
CELL NUMBER (801)-830-9896
PHONE: (801) 225-8232 EMAIL: ROBERTDKUNZ@GMAIL.COM

REVISIONS	DESCRIPTION
DATE	

HONEYCUT ROAD
A PART OF THE SE QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 1 EAST, U.S. SURVEY, IN MILLCREEK CITY, SALT LAKE CO., STATE OF UTAH

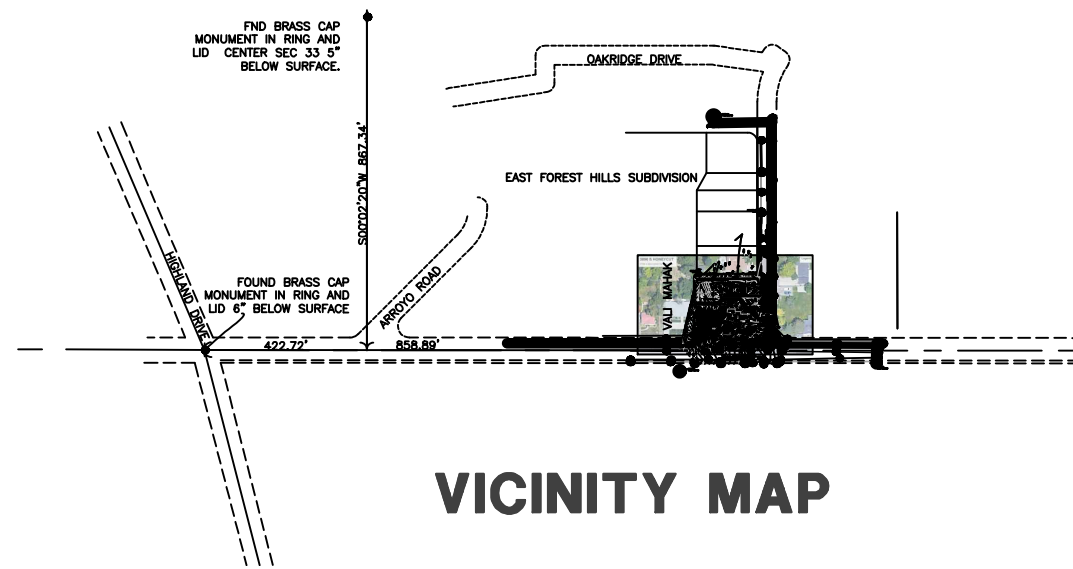
COVER SHEET

Project Info.	
Surveyor:	R KUNZ
Crew Chief:	J BOWMAN
Begin Date:	AUG 7, 2020
Non	HONEYCUT ROAD SUBDIVISION
Scale:	1"=20'
Checked:	
Number:	1035-02

Sheet	6
1	Sheets

EXISTING CONDITIONS

A PART OF THE SE QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN, IN MILLCREEK, SALT LAKE COUNTY, STATE OF UTAH
OCTOBER 5, 2020



BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAT IS THE CENTER LINE OF 3900 SOUTH STREET BETWEEN FOUND MONUMENTS AT HIGHLAND DRIVE AND HONEYCUT ROAD SHOWN HERE ON AS S89°57'40"E 1464.60'

NARRATIVE

THE PURPOSE OF THIS PLAT (PARCEL NO. 16-33-403-021 OWNED BY HICKORY TREE REI, INC) IS TO DIVIDE THIS PROPERTY INTO TWO LOTS. THE PROPERTY WAS LOCATED USING INFORMATION FOUND IN RECORDS OF FILE ON THE SALT LAKE COUNTY RECORDERS AND SURVEYOR'S OFFICE (EAST FOREST HILLS SUBDIVISION, VALI MAHAK SUBDIVISION AND A.R.P. FOR SECTION 33, AND FIELD SURVEY OF MONUMENTS AND IMPROVEMENTS. ALL BOUNDARY CORNERS WERE SET WITH A 5/8" REBAR AND PLASTIC CAP STAMPED KUNZ ENGINEERING. ALL FRONT LOT CORNERS WERE SET WITH A LEAD PLUG IN THE TOP BACK OF CURB AT THE EXTENSION OF THE SIDE LOT LINES. THE DESCRIBED PROPERTY FITS THE FENCED IMPROVEMENTS.

BOUNDARY DESCRIPTION

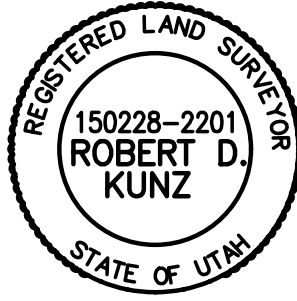
A PART OF THE SE QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, IN MILLCREEK CITY, SALT LAKE COUNTY, STATE OF UTAH

COMMENCING AT THE CENTER OF SECTION 33 AND PROCEEDING S00°02'19"W, 867.34 FEET TO THE CENTER OF 3900 SOUTH STREET AND S89°57'40"E, 858.89 FEET ALONG SAID CENTERLINE AND N00°02'19"E, 40.00 FEET TO THE TRUE POINT OF BEGINNING; SAID POINT IS ALSO S89°57'40"E, 1281.62 FEET AND N00°02'19"E, 40.00 FEET FROM THE CENTERLINE MONUMENT IN 3900 SOUTH STREET AND HIGHLAND DRIVE; THENCE ALONG THE EAST LINE OF VALI MAHAK SUBDIVISION N00°02'19"E, 152.04 FEET TO A POINT 80 FEET SOUTH OF THE SOUTH LINE OF EAST FOREST HILLS SUBDIVISION; THENCE N89°58'49"E, 158.04 FEET TO THE WEST LINE OF HONEYCUT ROAD; THENCE ALONG SAID WEST LINE S00°01'11"E, 145.20 FEET; THENCE S40°35'10"W, 9.21 FEET TO THE NORTH LINE OF 3900 SOUTH; THENCE ALONG SAID NORTH LINE N89°57'40"W, 152.20 FEET TO THE TRUE POINT OF BEGINNING. HAVING AN AREA OF 24032.79SQ FT, 0.552 ACRES

SURVEYOR CERTIFICATE

I, ROBERT D. KUNZ, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH AND HOLD LICENSE NO.150228-2201. I FURTHER CERTIFY THAT I HAVE MADE A SURVEY OF THE PROPERTIES SHOWN HEREON IN ACCORDANCE WITH UCA 17-23-17. THAT THIS PLAT WAS PREPARED WITH THE FIELD NOTES OF THIS SURVEY AND FROM DOCUMENTS AND RESOURCES AS NOTED HEREON.

ROBERT D. KUNZ, PE, LS DATE 10/20/2012



LEGEND

- SECTION CORNER/FND MONUMENTS
- SET 5/8" REBAR AND PLASTIC CAP STAMPED "KUNZ ENGINEERING"
- BOUNDARY LINE
- DEED RECORD
- LOT LINE
- ADJOINING PROPERTY
- FENCE LINE
- SANITARY SEWER LINE
- 8' WATER LINE
- BUILDING SET BACK LINE
- EASEMENTS
- SECTION TIE LINE

- SAW CUT
- P.U.E. PUBLIC UTILITY EASEMENT
- EXISTING BUILDING
- EXISTING CONCRETE
- FUTURE CONCRETE

20 0 20 40 60

OWNER/DEVELOPER

GENEVIEVE HAYWARD
HICKORY TREE R.E.I. INC
13833 SOUTH ASHERWOODS COVE
BLUFFDALE, UT 84065
801-897-1213

MANHOLE ELEVATIONS

MH	RIM EL.	N INVERT	E INVERT	S INVERT	W INVERT
SSMH1	4466.45		4456.71		4456.71
SSMH2	4481.75	4471.68	4471.33		4471.29
SSMH3	4488.58	4476.57		4476.28	
SDMH1	4479.91		4475.26		4475.06
SDMH2	4481.93			4476.88	4477.18
SDMH3	4481.95	4475.88			4475.68

FND BRASS CAP
MONUMENT IN RING AND
LID CENTER SEC 33 5"
BELOW SURFACE.

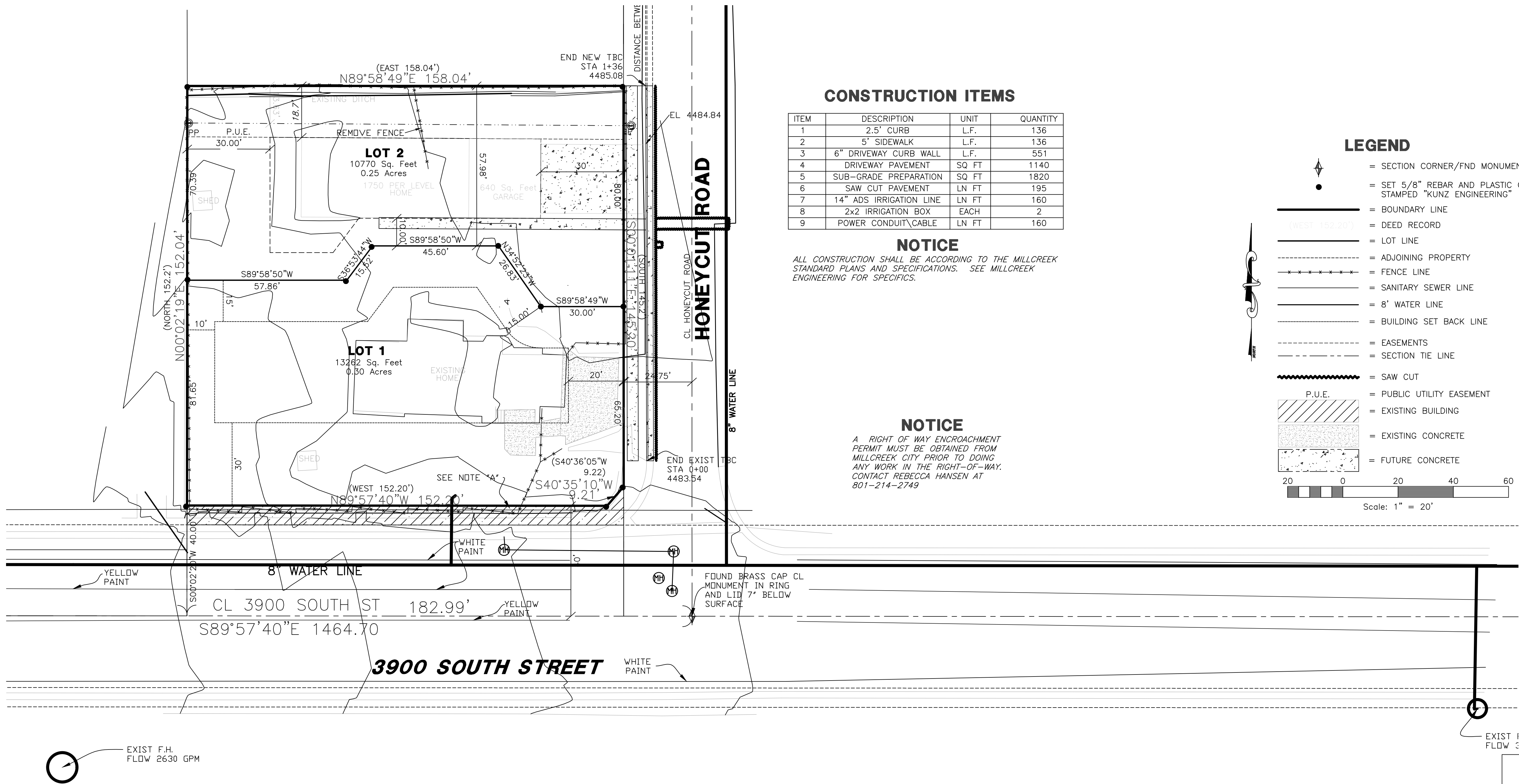
FOUND BRASS CAP
MONUMENT IN RING AND
LID 6" BELOW SURFACE

EXIST F.H.
FLOW 2630 GPM

KUNZ ENGINEERING

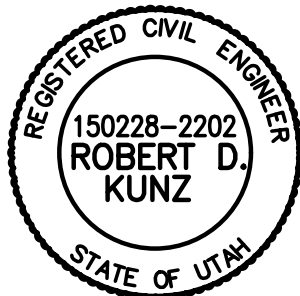
SITE PLANS

A PART OF THE SE QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN, IN MILLCREEK, SALT LAKE COUNTY, STATE OF UTAH
OCTOBER 5, 2020



OWNER/DEVELOPER

GENEVIEVE HAYWARD
HICKORY TREE R.E.I., INC
13833 SOUTH ASHERWOODS COVE
BLUFFDALE, UT 84065
801-897-1213



KUNZ ENGINEERING
ENGINEERING * SURVEYING * LAND PLANNING
280 EAST 260 SOUTH, OREM, UTAH 84058
CELL NUMBER (801)-830-9896
PHONE: (801) 225-8232 EMAIL: ROBERTDKUNZ@GMAIL.COM

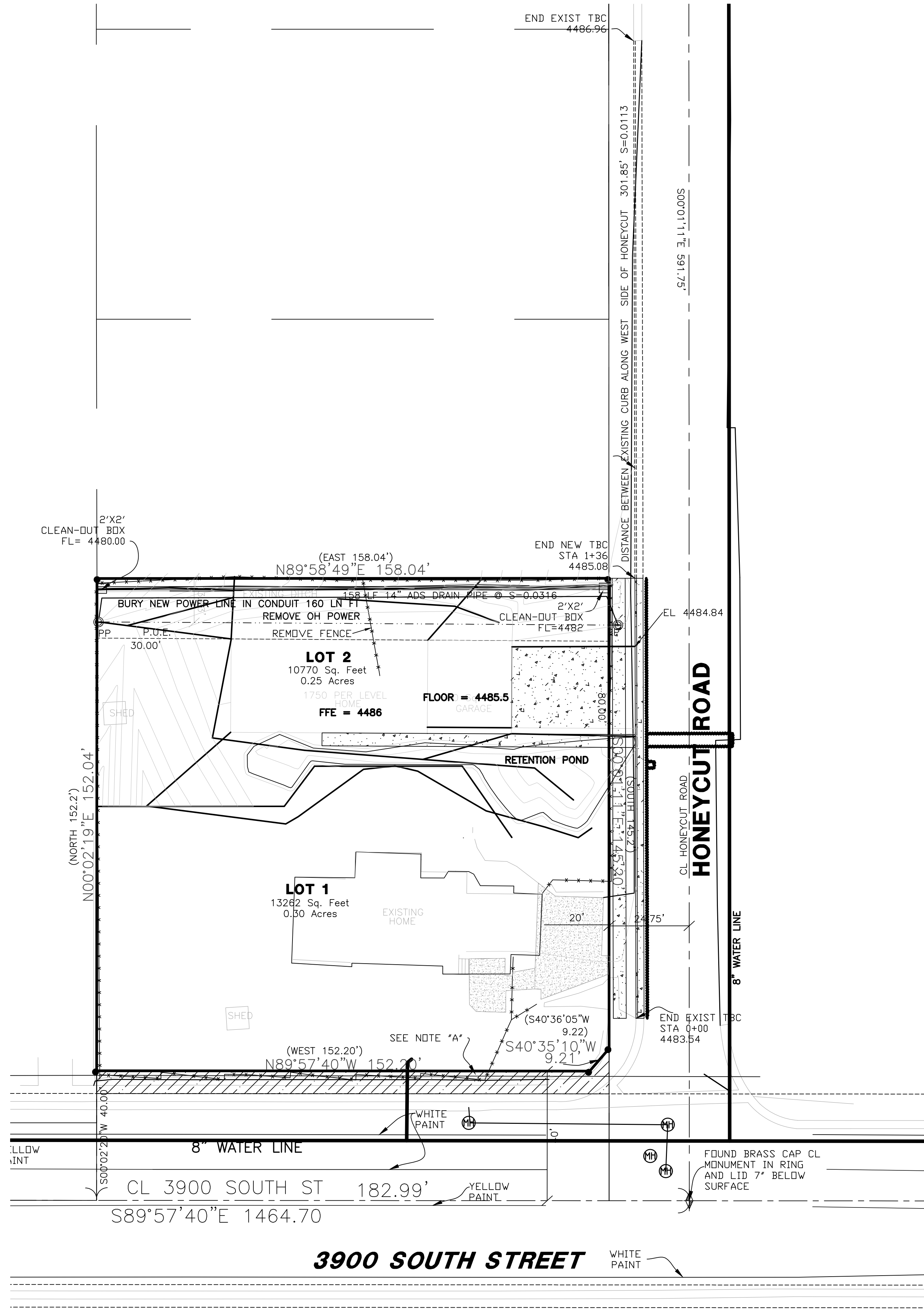
REVISIONS	DESCRIPTION
DATE	

SOUTH END HONEYCUT SUBDIVISION
A PART OF THE SE QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 1 EAST, U.S. SURVEY, IN MILLCREEK CITY, SALT LAKE CO., STATE OF UTAH

SITE PLANS

Project Info.	
Surveyor:	R. KUNZ
Designer:	R. KUNZ
Begin Date:	AUG 7, 2020
Name:	HONEYCUT SUBDIVISION
Scale:	1"=20'
Checked:	
Number:	1035-02

SITE, GRADING AND DRAINAGE PLAN



DRAINAGE CALCULATIONS

CALCULATIONS:

USING THE NOAA POINT PRECIPITATION FREQUENCY ESTIMATES FROM NOAA ATLAS 14, VOL. 1, VERSION 5 FOR SALT LAKE CITY WITH LATITUDE 40.68743 AND LONGITUDE -111.84011. THE RAINFALL TOTAL FOR A TWENTY FOUR HOUR 100 YEAR STORM IS 2.54 INCHES. FOR A 10 YEAR, HOUR STORM IS 1.8 IN. USING THESE DEPTHS OVER THE .40 ACRES, AND A WEIGHTED C*A VALUE PF .273085. THE TOTAL VOLUME OF STORAGE SHOULD BE 335 CU FT FOR THE 10 HOUR STORM. THE 100 YEAR VOLUME OF 850 CU. FT.

DESIGN:

THE STORM WATER WILL BE HANDLED BY LID BMP TYPE A4 (BIOSWALE/RAIN GARDEN) WHERE 33% OF THE VOLUME (285 C.F.) WILL INFILTRATE INTO THE GROUND. THE REMAINING 67% (565 C.F.) WILL BE STORED IN A RETENTION POND. THE RETENTION WILL BE AS SHOWN ON THE DRAINAGE PLAN IN FRONT YARD OF THE NEW BUILDING LOT. THE TOTAL VOLUME OF THE RETENTION POND IS 857 C.F. BETWEEN THE ELEVATIONS OF 4403 AND 4404.5. THE VOLUME OF THE INFILTRATE AND THE RETENTION IS MORE THAN THE 100 YEAR STORM NEED (850 C.F.) EXCESS RUN OFF OVER THE 100 YEAR EVENT WILL BE DIVERTED TO THE STREET THROUGH THE DRIVEWAY CUT WHEN THE ELEVATION EXCEEDS THE DESIGN ELEVATION 4404.5 FEET (1.5 FEET BELOW FINISH FLOOR ELEVATION OF HOME). ALL ROOF AND HARD SURFACE DRAINAGE SHALL BE DIRECTED TO THE RETENTION AREA

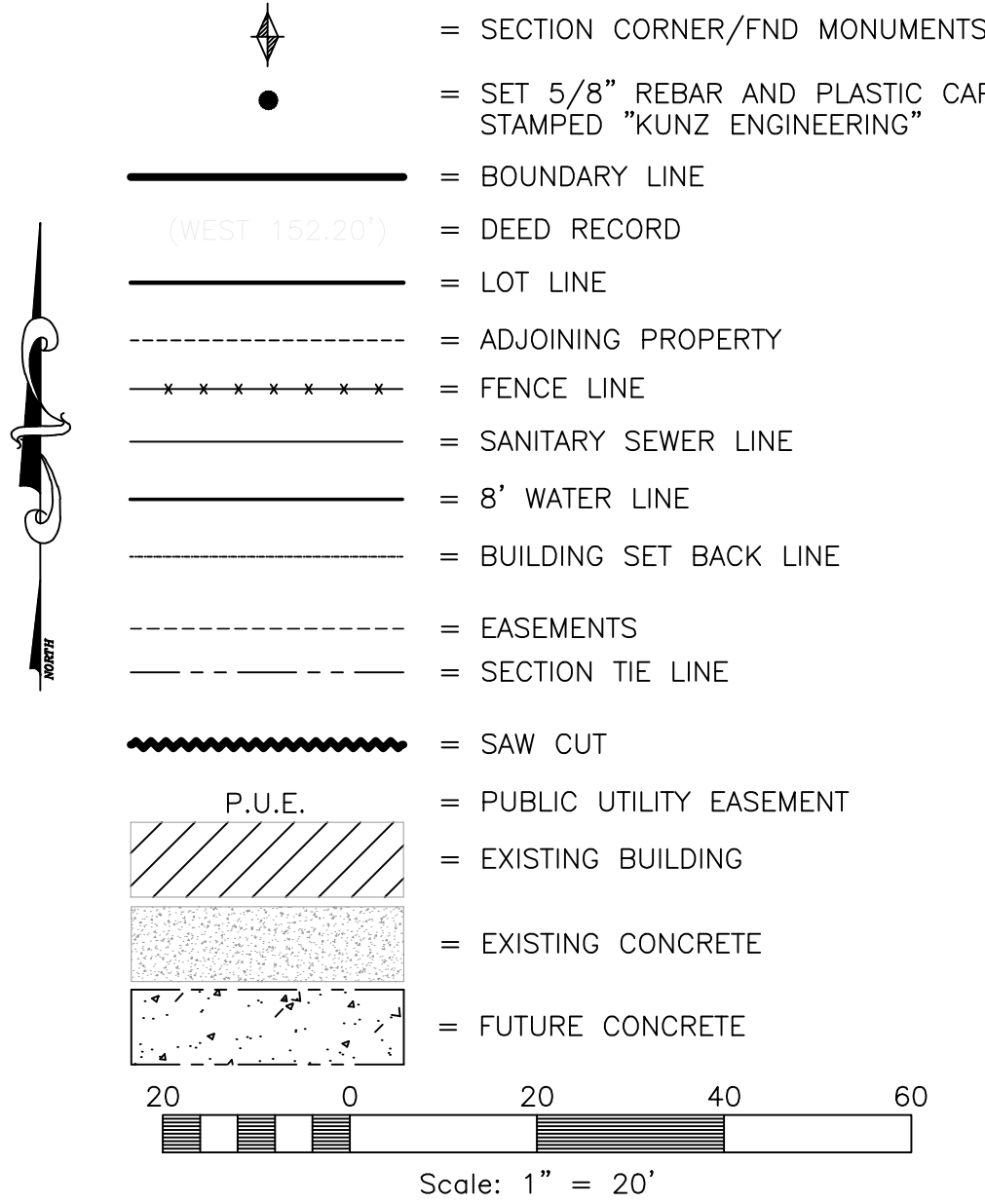
MILLCREEK DRAINAGE STUDY CALCULATIONS

DESCRIPTION	SQ FT	ACRES	C	C*A	FOR 10 YEAR I	FOR 100 YEAR I
IMPERVIOUS AREA	3975	0.091253444	0.9	0.082128099		
LANDSCAPED AREA	6795	0.155991736	0.3	0.046797521		
					1.8	2.54
TOTAL AREA	10770	0.247245179				
			weighted C*A	0.12892562	0.232066116	0.589447934
			VOL =		334.1752066	848.8050248

FEMA FLOOD MAP

PANEL NO. 493035C0311G
EFFECTIVE DATE 09/25/2009
FLOOD ZONE X - AREA OF MINIMAL FLOODING

LEGEND



BENCHMARK ELEVATION

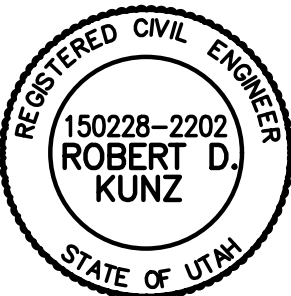
SLCO MONUMENT IN 3900 SOUTH
AND HONEYCUT ROAD - 4481.68

OWNER/DEVELOPER

GENEVIEVE HAYWARD
HICKORY TREE R.E.I, INC
13833 SOUTH ASHERWOODS COVE
BLUFFDALE, UT 84065
801-897-1213

IMPROVEMENTS

- THE FOLLOWING IMPROVEMENTS ARE PART OF THIS PROJECT:
- 136\"/>



KUNZ ENGINEERING
ENGINEERING * SURVEYING * LAND PLANNING
280 EAST 260 SOUTH, OREM, UTAH 84058
CELL NUMBER (801)-830-9896
PHONE: (801) 225-8232 EMAIL: ROBERTDKUNZ@GMAIL.COM

REVISIONS	DESCRIPTION
DATE	

HONEYCUT SUBDIVISION
A PART OF THE SE QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 1 EAST, U.S. SURVEY, IN MILLCREEK CITY, SALT LAKE CO., STATE OF UTAH

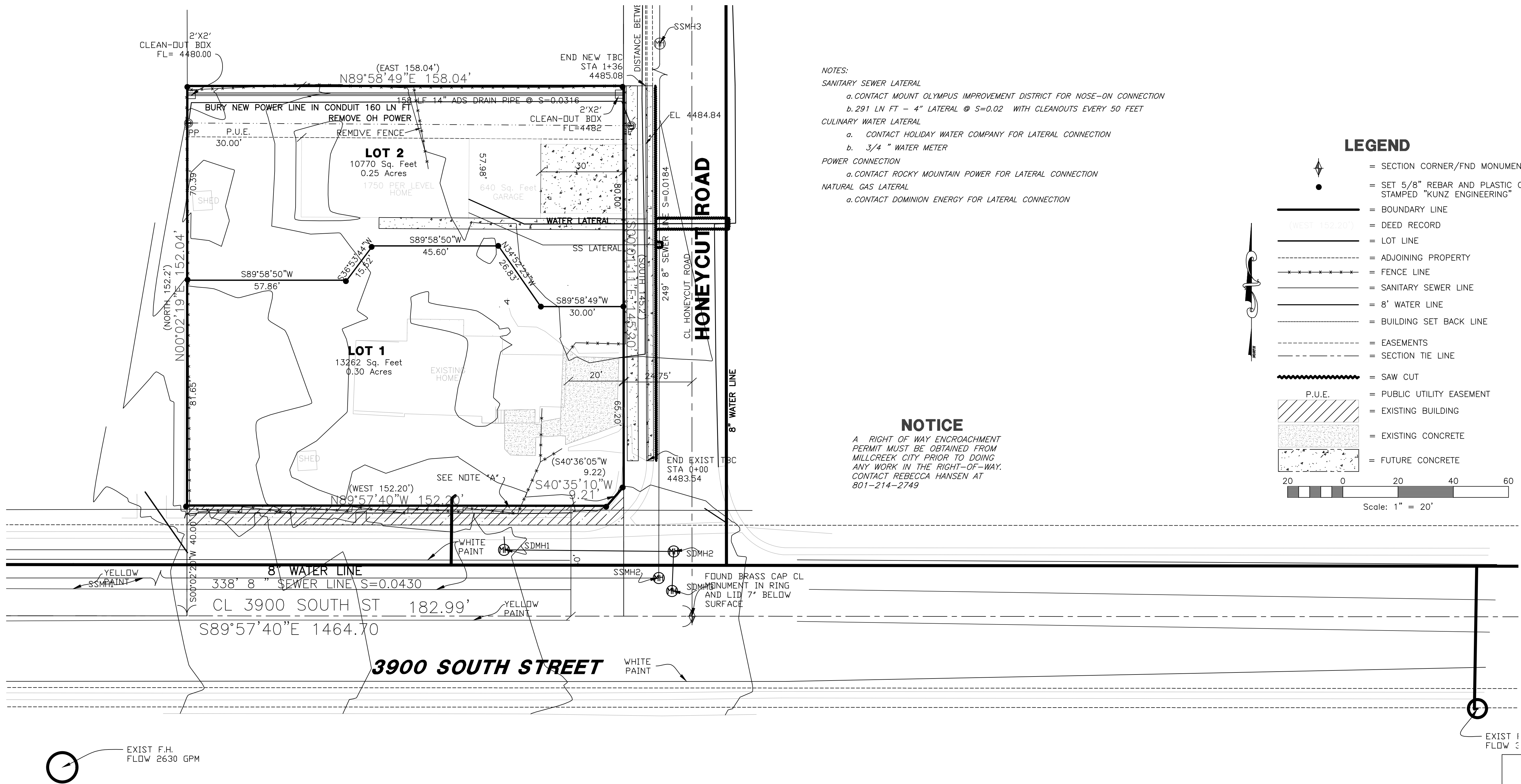
SITE/GRADING/DRAINAGE

Project Info.
Surveyor: R KUNZ
Designer: R KUNZ
Begin Date: AUG 7, 2020
Name: HONEYCUT SUBDIVISION
Scale: 1\"/>

C 2.1

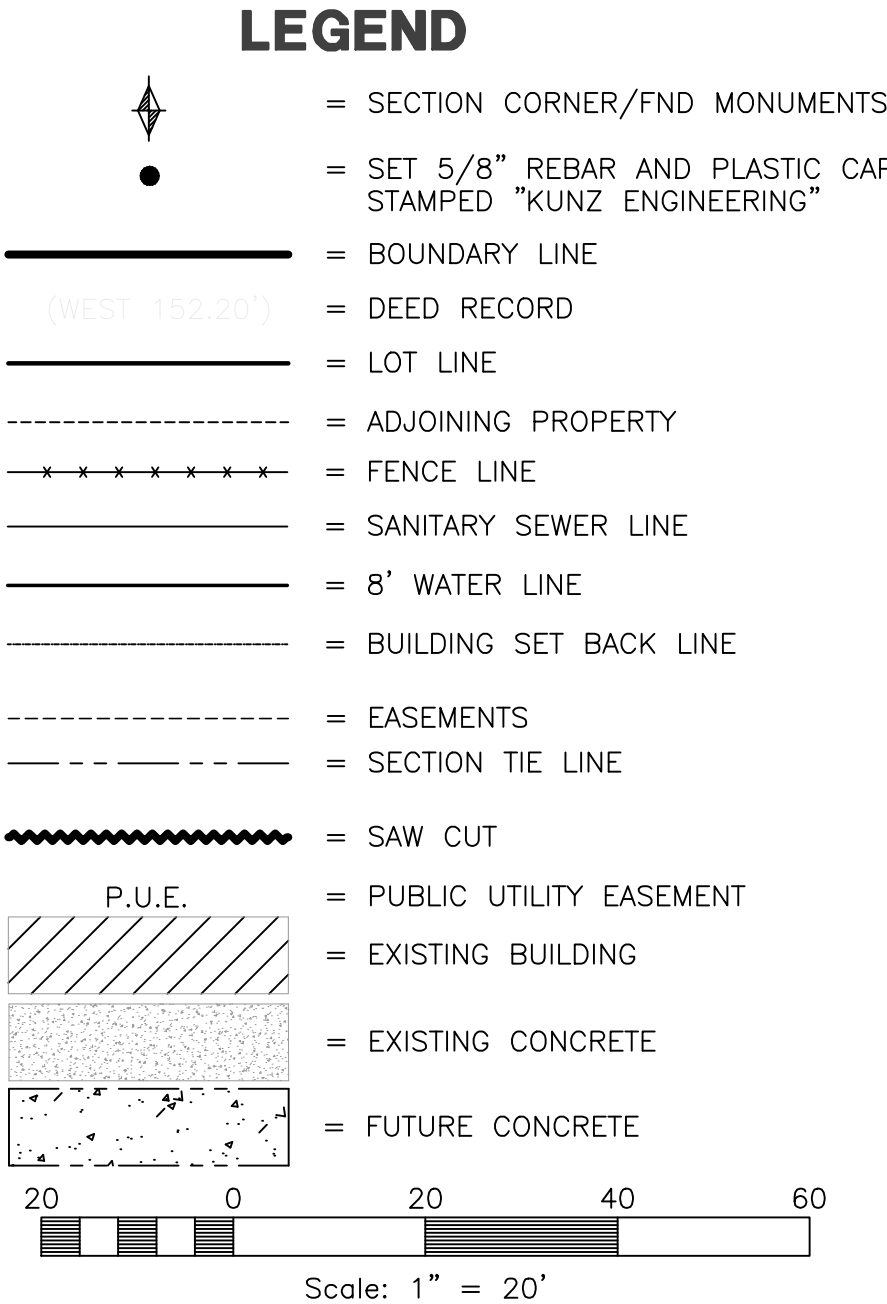
UTILITY PLANS

A PART OF THE SE QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN, IN MILLCREEK, SALT LAKE COUNTY, STATE OF UTAH
OCTOBER 5, 2020



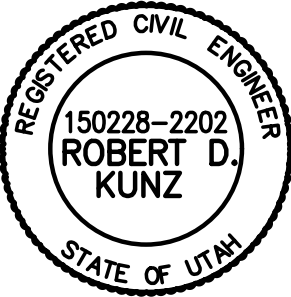
NOTES:
SANITARY SEWER LATERAL
a. CONTACT MOUNT OLYMPUS IMPROVEMENT DISTRICT FOR NOSE-ON CONNECTION
b. 291 LN FT - 4" LATERAL @ S=0.02 WITH CLEANOUTS EVERY 50 FEET
CULINARY WATER LATERAL
a. CONTACT HOLIDAY WATER COMPANY FOR LATERAL CONNECTION
b. 3/4" WATER METER
POWER CONNECTION
a. CONTACT ROCKY MOUNTAIN POWER FOR LATERAL CONNECTION
NATURAL GAS LATERAL
a. CONTACT DOMINION ENERGY FOR LATERAL CONNECTION

NOTICE
A RIGHT OF WAY ENCROACHMENT PERMIT MUST BE OBTAINED FROM MILLCREEK CITY PRIOR TO DOING ANY WORK IN THE RIGHT-OF-WAY. CONTACT REBECCA HANSEN AT 801-214-2749



OWNER/DEVELOPER

GENEVIEVE HAYWARD
HICKORY TREE R.E.I., INC
13833 SOUTH ASHERWOODS COVE
BLUFFDALE, UT 84065
801-897-1213



KUNZ ENGINEERING
ENGINEERING * SURVEYING * LAND PLANNING
280 EAST 260 SOUTH, OREM, UTAH 84058
CELL NUMBER (801)-830-9896
PHONE: (801) 225-8232 EMAIL: ROBERTKUNZ@GMAIL.COM

REVISIONS	DESCRIPTION
DATE	

SOUTH END HONEYCUT SUBDIVISION
A PART OF THE SE QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 1 EAST, U.S. SURVEY, IN MILLCREEK CITY, SALT LAKE CO., STATE OF UTAH

UTILITY PLANS

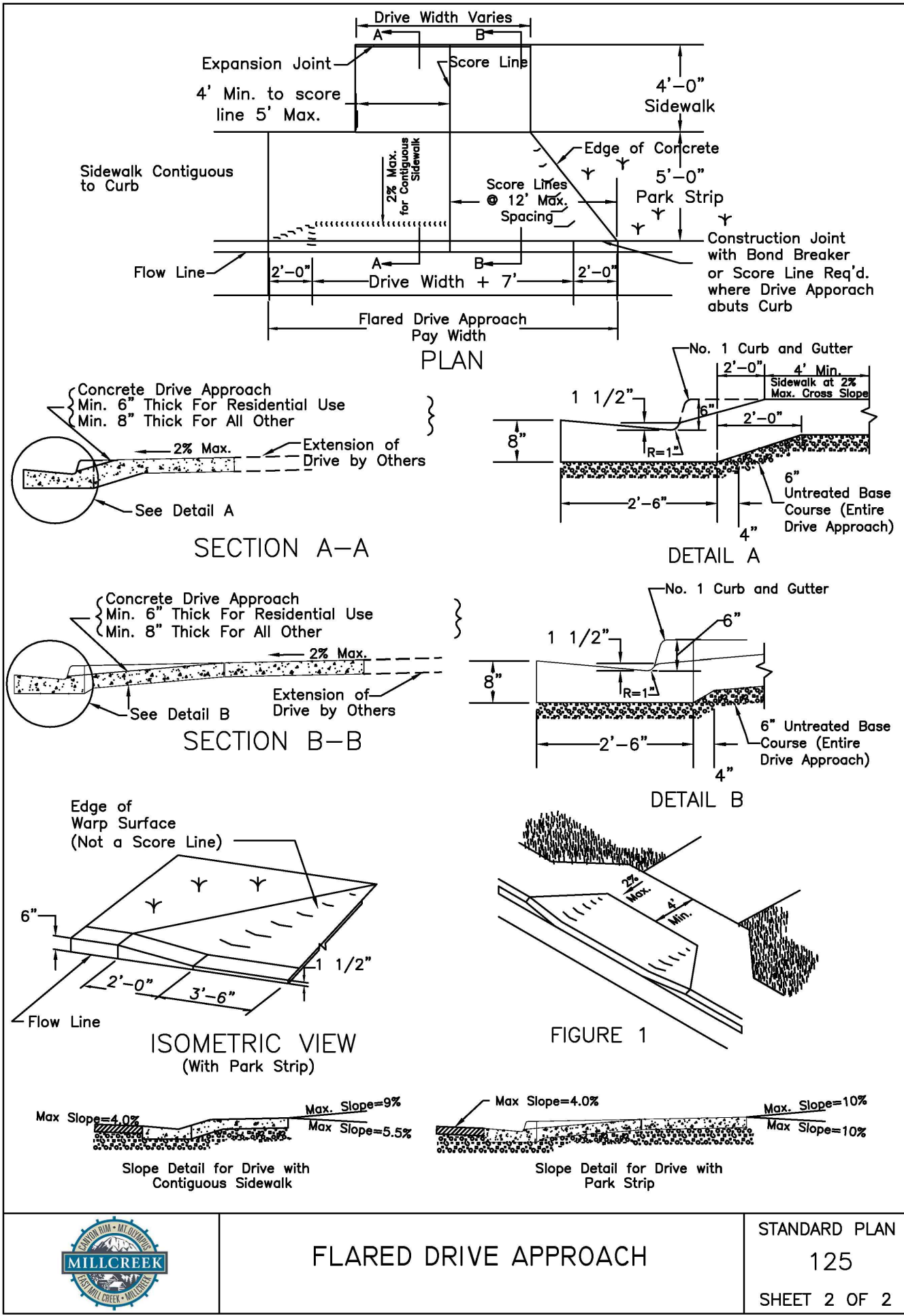
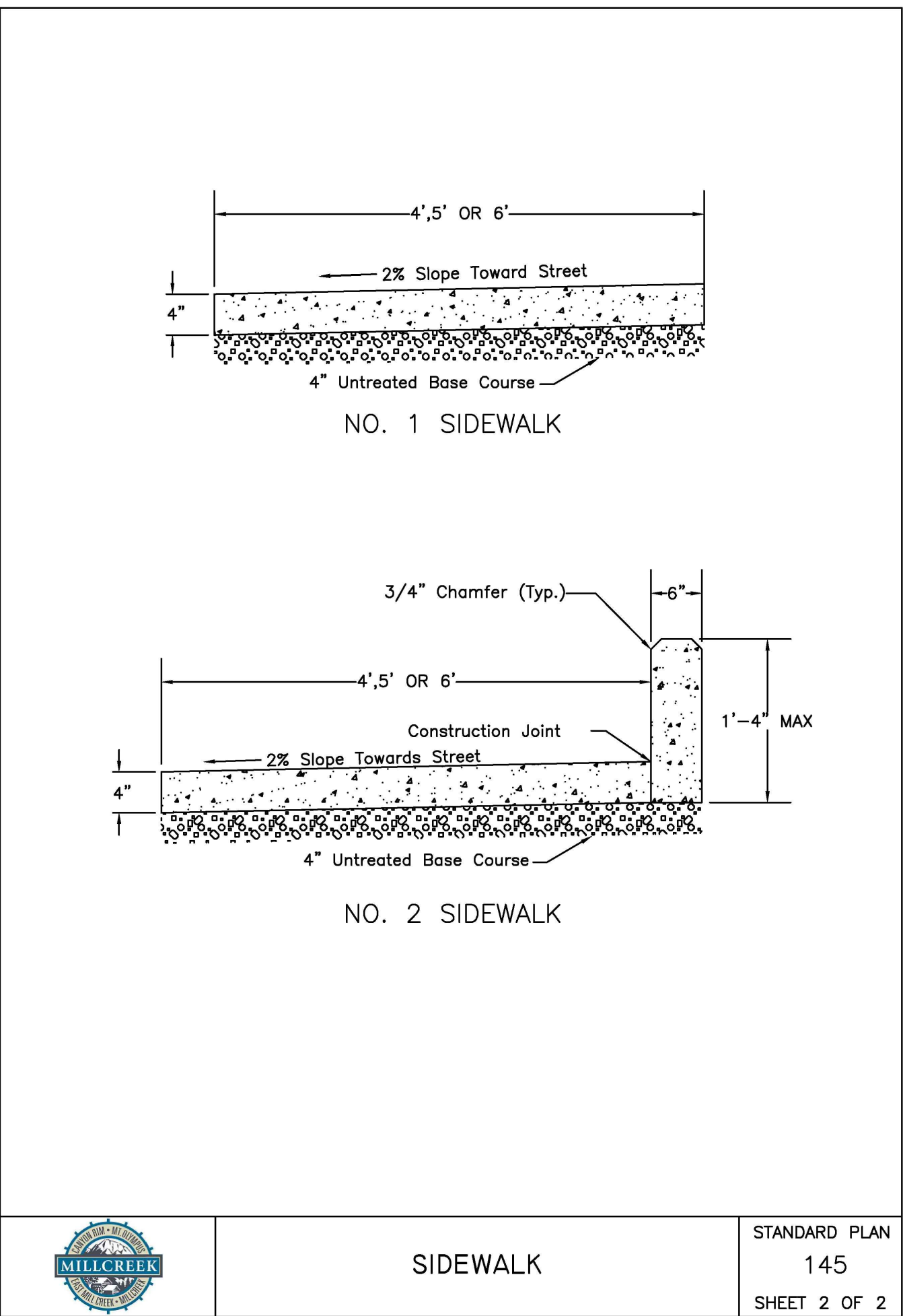
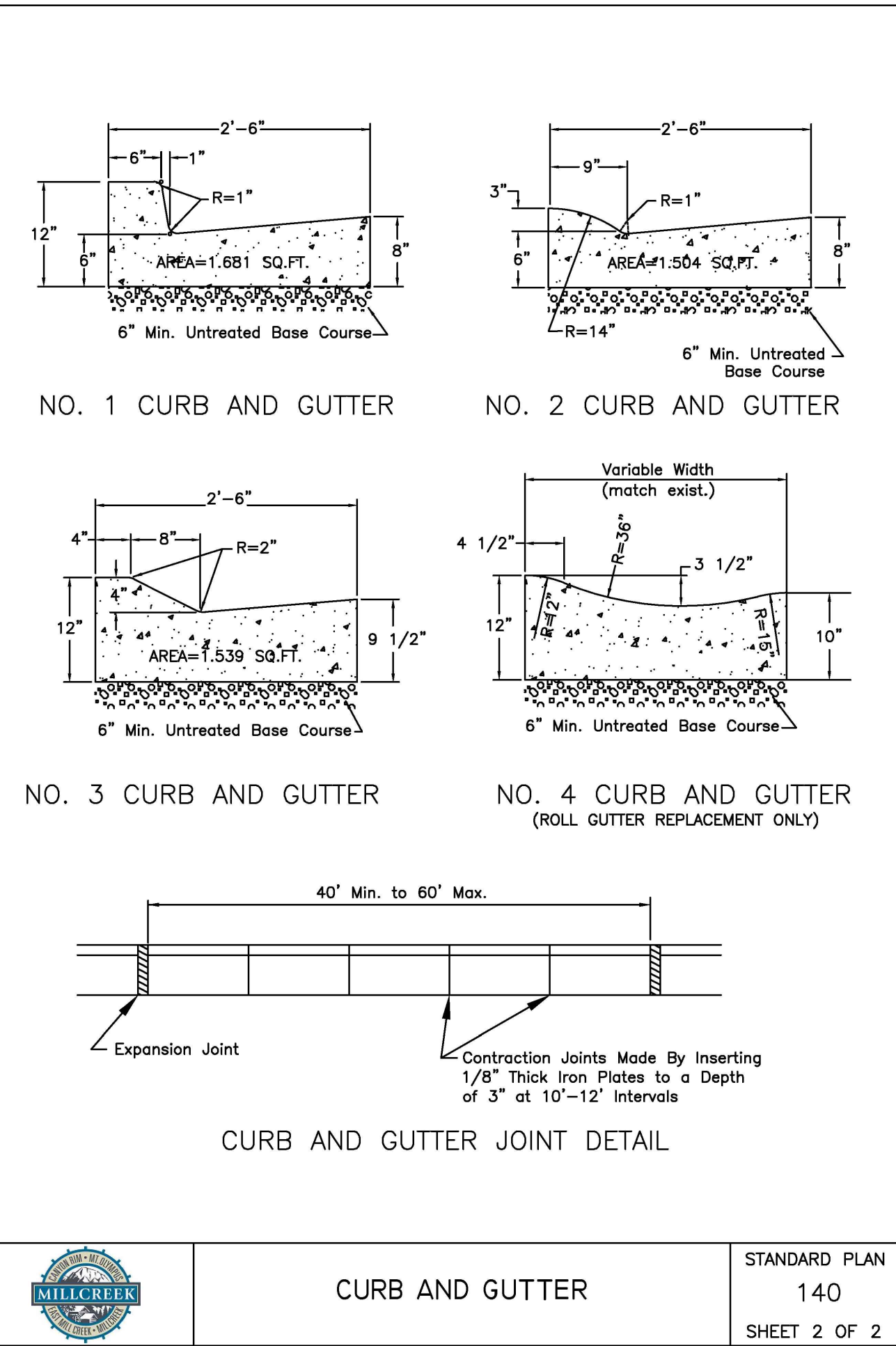
Project Info.
Surveyor: R. KUNZ
Designer: R. KUNZ
Begin Date: AUG 7, 2020
Name: HONEYCUT SUBDIVISION
Scale: 1"=20'
Checked: 1035-02
Number: 1035-02

C 3.1

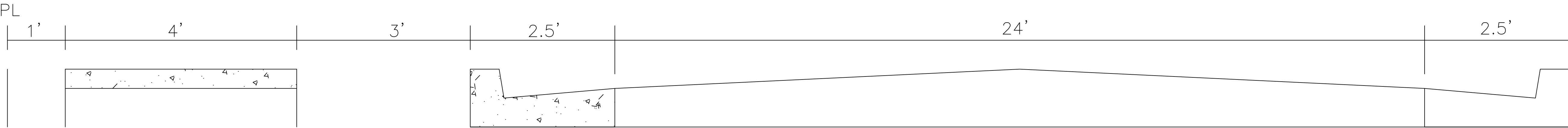
KUNZ ENGINEERING

CONSTRUCTION DETAILS

A PART OF THE SE QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN, IN MILLCREEK, SALT LAKE COUNTY, STATE OF UTAH
OCTOBER 5, 2020



HONEYCUT RD EXISTING CROSS SECTION NORTH FROM 3900 SOUTH



TYPICAL NO.1 CURB AND GUTTER

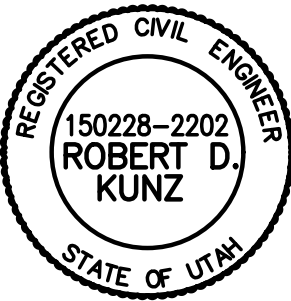
TYPICAL NO.1 CURB AND GUTTER

NOTE:

1. MEASURED DISTANCE TOP BACK OF CURB AT EXISTING CURB RETURNS
2. NEW SIDEWALK ALONG WEST SIDE OF HONEYCUT ROAD

REVISIONS	DESCRIPTION
DATE	

Project Info.
Surveyor: R. KUNZ
DESIGNER: R. KUNZ
Begin Date: AUG 7, 2020
Name: HONEYCUT SUBDIVISION
Scale: 1"=20'
Checked: 1035-02
Number: 1035-02





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

File # EX-20-007

Planning Commission Staff Report

Meeting Date: December 16, 2020

Applicant: Erin Koelliker

Property Address: 2975 South Grace Street

Parcel ID: 16-26-251-010-0000

Request: Have a Use Violation Declared Legal Through Special Exception as per Chapter 19.88.140 of the Millcreek Code.

Zone: R-1-8 Zone

Community Council: Canyon Rim Community Council

Prepared By: Samah Safiullah, Planner I

SYNOPSIS AND SCOPE OF DECISION

The property owner is requesting to have a duplex declared legal through special exception. They currently have an illegal basement apartment they would like to declare a legal use. The duplex is in an R-1-8 zone. The R-1-8 zone does not permit two-family dwellings located on the same lot rendering the current duplex in violation of the Millcreek Code.

Existing Land Use and Proposed Change

The existing parcel is a single-family lot in the R-1-8. The neighborhood is primarily zoned as R-1-8. The zones are residential single with a minimum lot size of 8,000 SF. From research the home has been in existence since at least 1951.



Under Section 19.88.140 Property Owners may request to have a use violation declared if:

Section 19.88.140

“Whenever land or a structure is used in violation of this Chapter, the owner may file an application with the planning commission to have the use declared legal through special exception. The planning commission may approve such an application only when the evidence established all of the following:

1. The use exists on the property at the time of the application and has been in continuous violation of the zoning ordinance for a period exceeding ten years;
2. No complaint has been made to the development services division concerning the violation for a period exceeding ten consecutive years during which the violation existed;
3. Continuation of the use will not have a detrimental effect on the health, safety or welfare of persons or property in the vicinity.

The planning commission may consider as evidence:

1. Documents that are part of the public record, such as tax appraisals, utility records, aerial photographs, building permits, etc.. Ms. Lake provided a copy of the

original building permit. However, due to the accuracy of the old permits it did not show the attached unit. Therefore, we are taking this through the exception process even though we have seen a copy of the permit.

2. Documentation from third parties, such as affidavits, photographs, etc.
3. Documentation from current or past property owners, such as tax records, rental/lease agreements, appraisals records, etc. In approving an application hereunder, the planning commission may set any conditions it deems necessary for protection of adjacent properties or the public welfare including provisions limiting the period of time the use may continue. This section shall in no way be interpreted to permit the continuation of any violation which exists on the effective date of the ordinance codified in this section. Any person shall have the right to appeal to the land use hearing officer a decision rendered by the planning commission pursuant to this section."

SITE & VICINITY DESCRIPTION

Figure 1: Street View



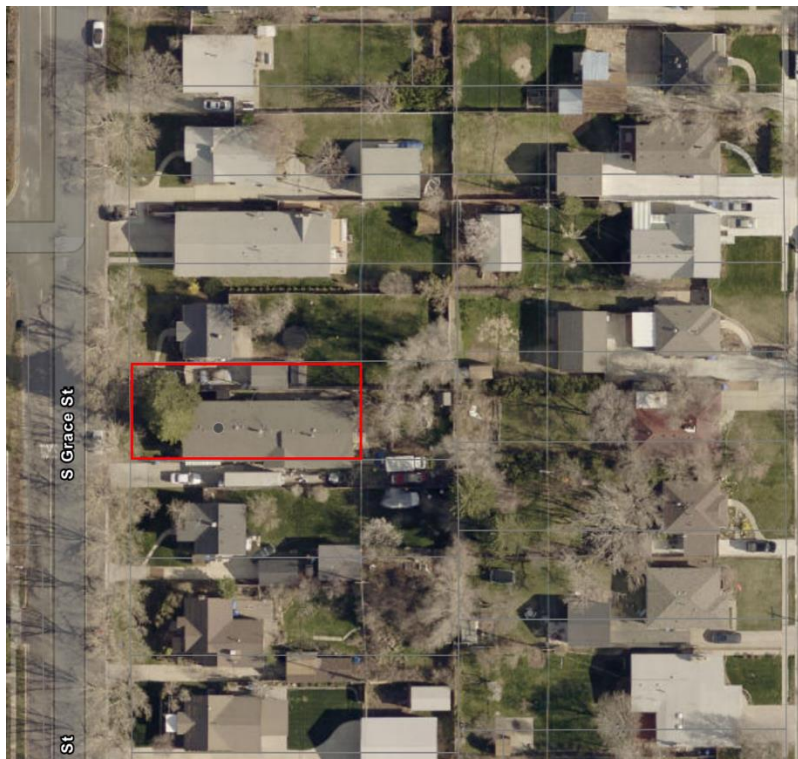


**View showing basement entrance
and entrance to primary dwelling**



View showing street parking

Figure 2: Aerial View



COMMUNITY COUNCIL RECOMMENDATION

At their regularly scheduled meeting on December 02, 2020 the Canyon Rim Community Council offered a positive recommendation to approve the special exception to declare the non-conforming use legal.

STAFF ANALYSIS

The Millcreek Code 19.88 requires that the applicant provide evidence proving the following the standards are met:

The use exists on the property at the time of the application and has been in continuous violation of the zoning ordinance for a period exceeding ten years;

The applicant has provided documentation that the house has existed in this condition for a greater period of 10 years and is prepared to sign an affidavit stating this.

No complaint has been made to the development services division concerning the violation for a period exceeding ten consecutive years during which the violation existed;

The City has no record of any complaints or violations recorded on the property in the last 10 years.

Continuation of the use will not have a detrimental effect on the health, safety or welfare of persons or property in the vicinity.

The applicant has proven that they can meet all applicable zoning regulations that are involved with accommodating an additional dwelling on the lot such as off-street parking. Staff is not concerned that granting this exception will have a detrimental effect on the health, safety, and welfare of persons in the vicinity.

PLANNING COMMISSION RECOMMENDATION AND MODEL MOTION

Staff finds the request for special exception to meet the requirements of Section 19.88.140 of the Millcreek Code and recommends approval of the special exception with the following conditions:

1. The applicant obtain a business license for renting the unit.

Motion to grant the special exception EX 20-007 to have the second unit of the property at declared legal.

Supporting Documents

Attachments Applicant has provided:

- **Application Letter from Applicant**
- **Home Site Plans**

Millcreek City Planning Services
3330 South 1300 East
Millcreek, Utah 84106
801-214-2750

Planning Services
3330 South 1300 East, Millcreek, Utah 84106
Phone (801) 214-2750
Millcreek, Utah

AFFIDAVIT - Property Owner

November 13, 2020

Dear Millcreek City Planning Services,

We are purchasing a home at 2975 South Grace Street and are set to close on December 17, 2020. As we've gone through the process of getting the home financed, inspected, and appraised it's been brought to our attention that approximately 1,000 sqft of the basement in the home is an illegal basement apartment. Not only is the apartment technically illegal in our zone, the house does not have interior access to the basement and is not up to code.

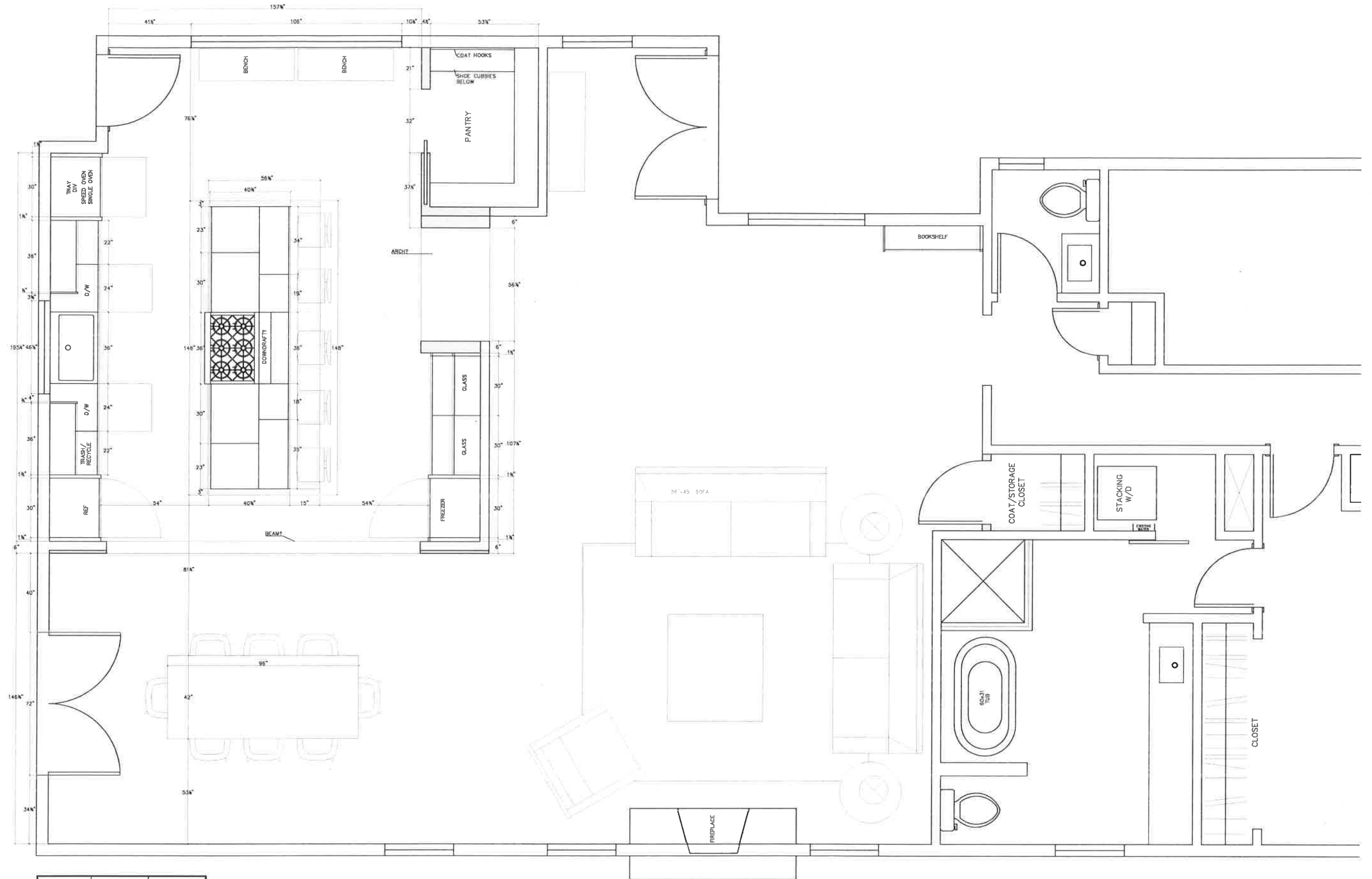
We are applying for an exception to the home so we can get the apartment grandfathered in and made legal. From what we know, the basement apartment was built over twenty years ago (but likely more than that). No permits or receipts exist from this work but the sellers told us that the apartment was already in the basement when they purchased the home from the original family in 2007, who just happened to be our current seller's parents. Since that time, and the many years before it, there have been no complaints about the rental in the immediate area and it seems to have been accepted by the neighborhood.

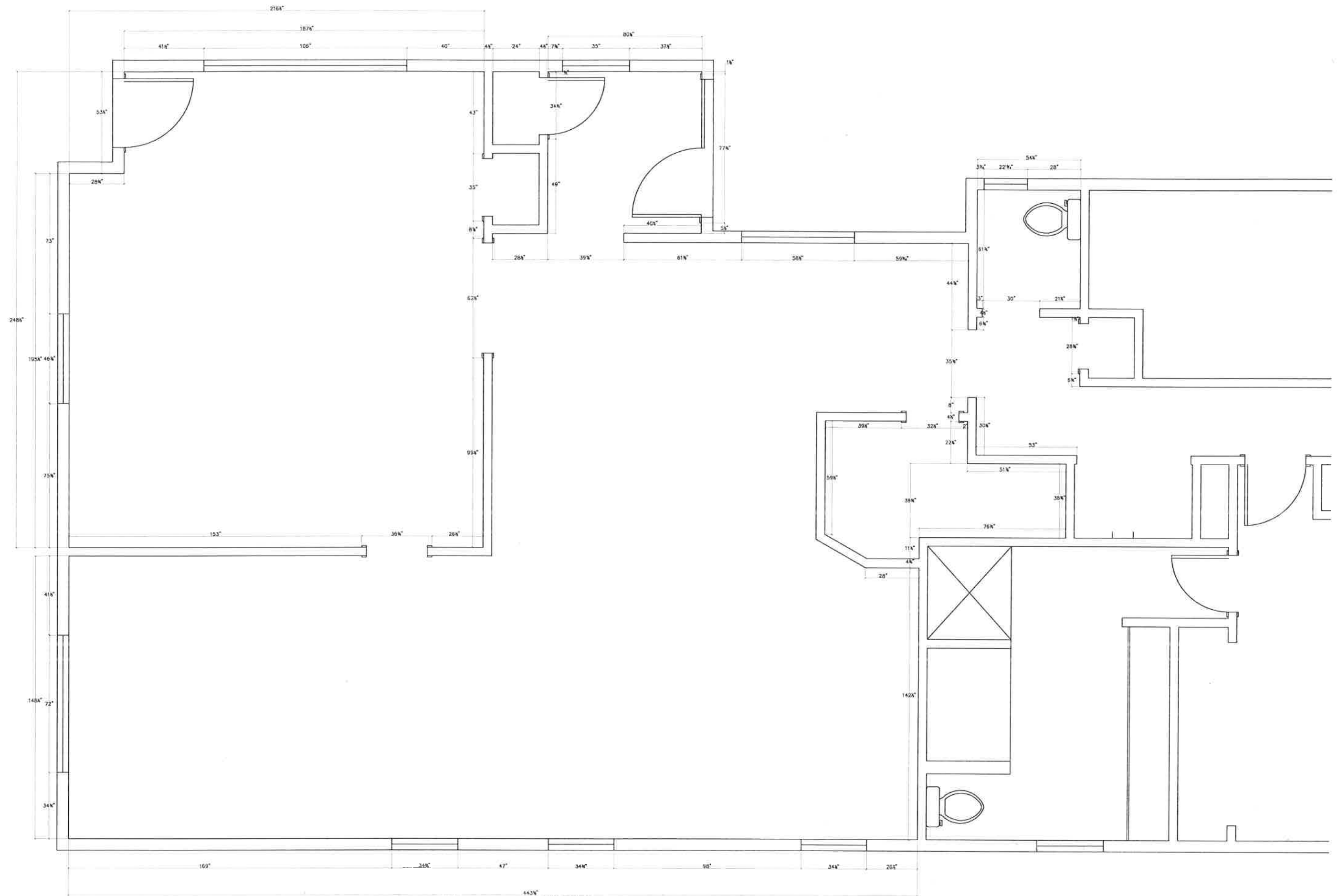
One of the draws of this property for us was the prospect of having an income property. Our original intent was to rent out the basement immediately and do work on the top portion of the home where our family of five will live. But since we now know it's illegal, we would like to take the necessary steps to legalize the dwelling and also make some improvements in the bathroom and kitchen of the apartment before renting it out. Additionally, we have a bid from a licensed contractor to install a staircase that will provide us with interior access to the basement. It's important to us that our home is as safe as possible for not just our family, but for our future tenants as well.

Please review the materials in this application and let us know if there is anything else we can give you. We are eager to get through this step and ensure that we're making the safe and legal choice for our family.

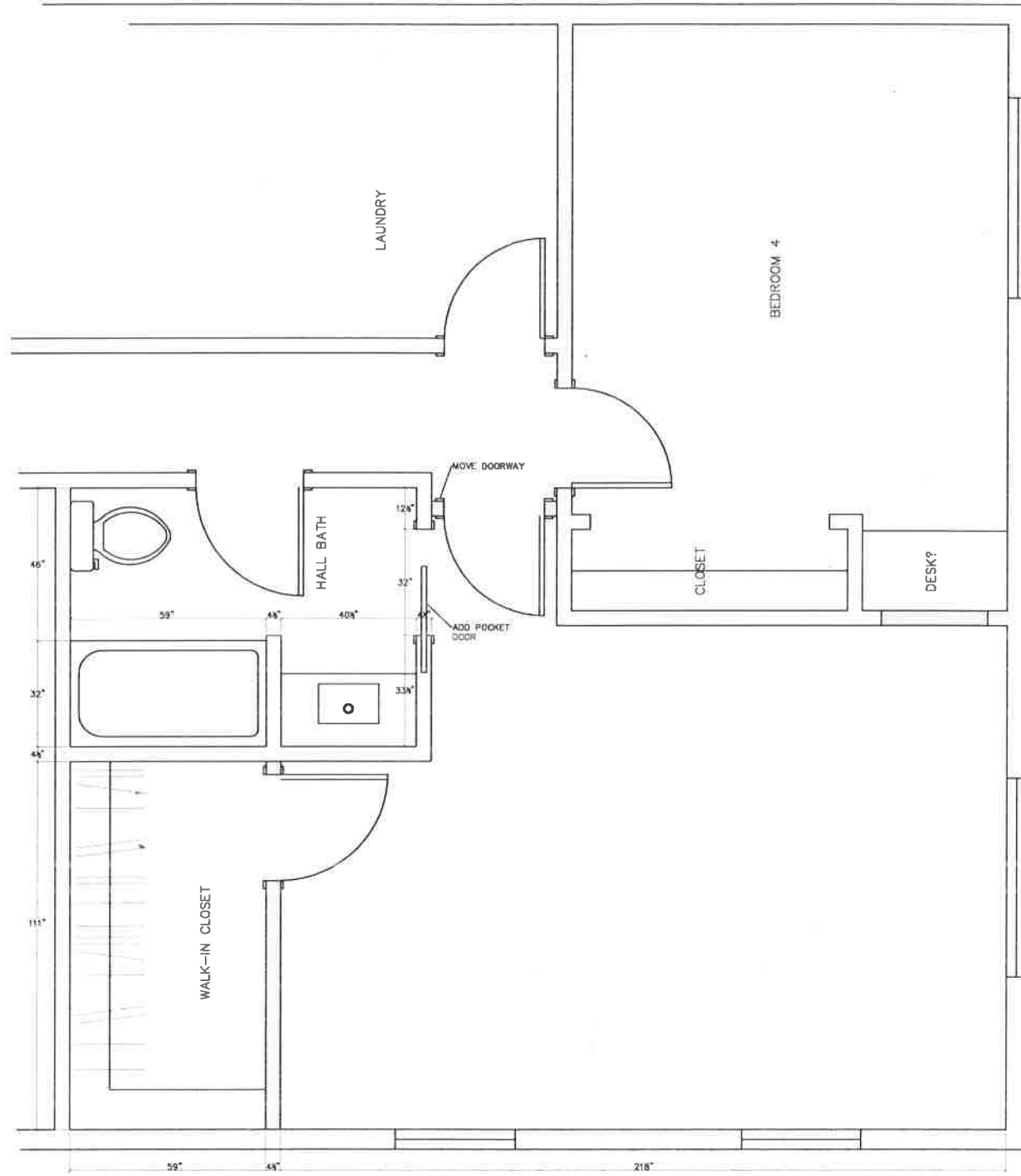
Kindly,
Rob and Erin Koelliker
801-808-3662

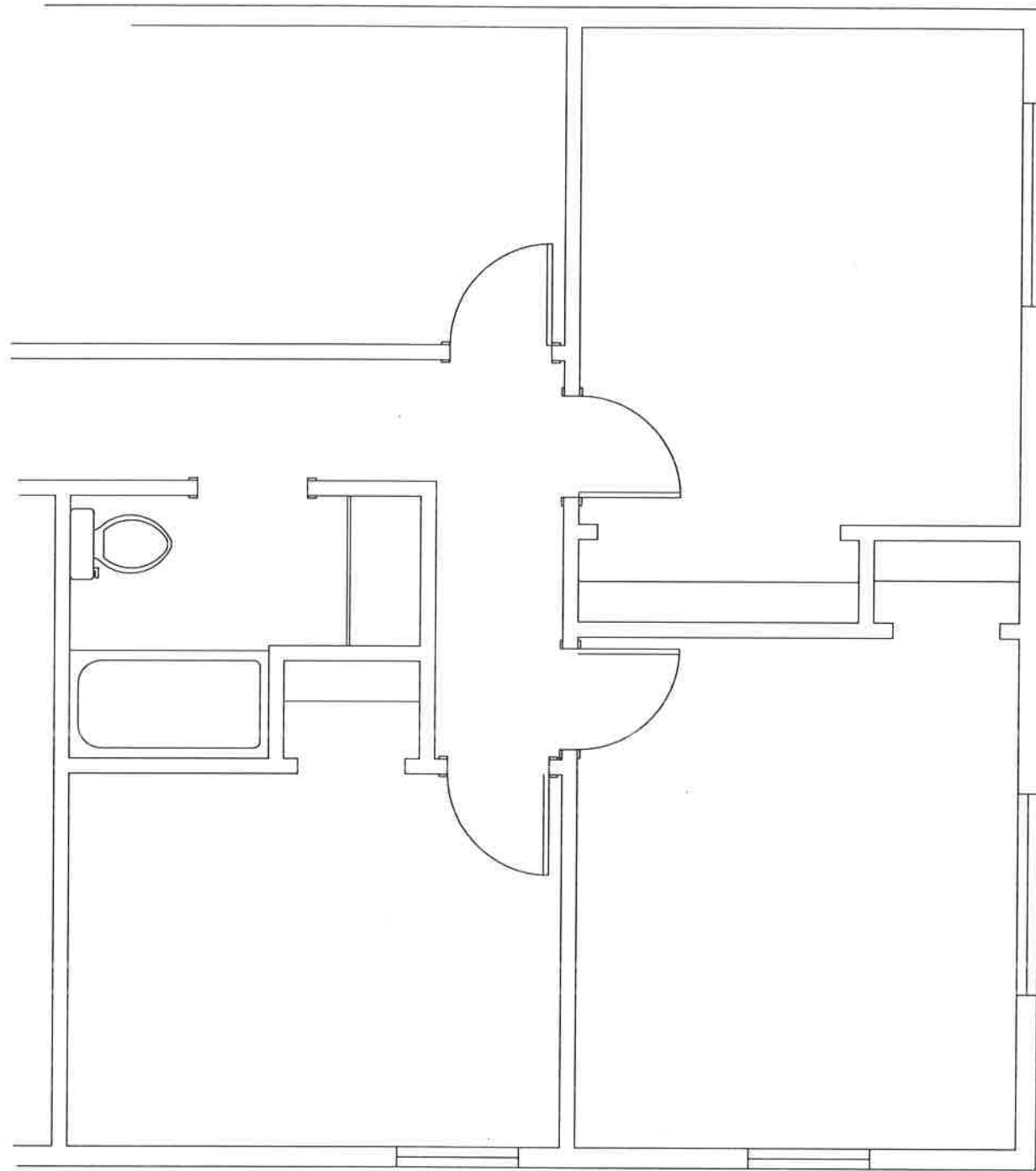






ROB & ERIN	EXISTING PLAN	SCALE: 1/4"=1'
	2375 S GRACE ST. SALT LAKE CITY, UT	11-20-20





ROB & ERIN	EXISTING PLAN	SCALE: 1/4"=1'
	2975 S GRACE ST. SALT LAKE CITY, UT	11-20-20



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

File # ZM-20-009

Planning Commission Staff Report

Meeting Date: December 16, 2020
Applicant: Tanner Webster
Property Address: 4396 South Garden Drive
Parcel IDs: 22-05-178-033-0000

Request 1: Request to rezone from R-1-10 R-1-5

Zone: R-1-10
Community Council: Millcreek City Council
Prepared By: Samah Safiullah, Planner I

SYNOPSIS AND SCOPE OF DECISION

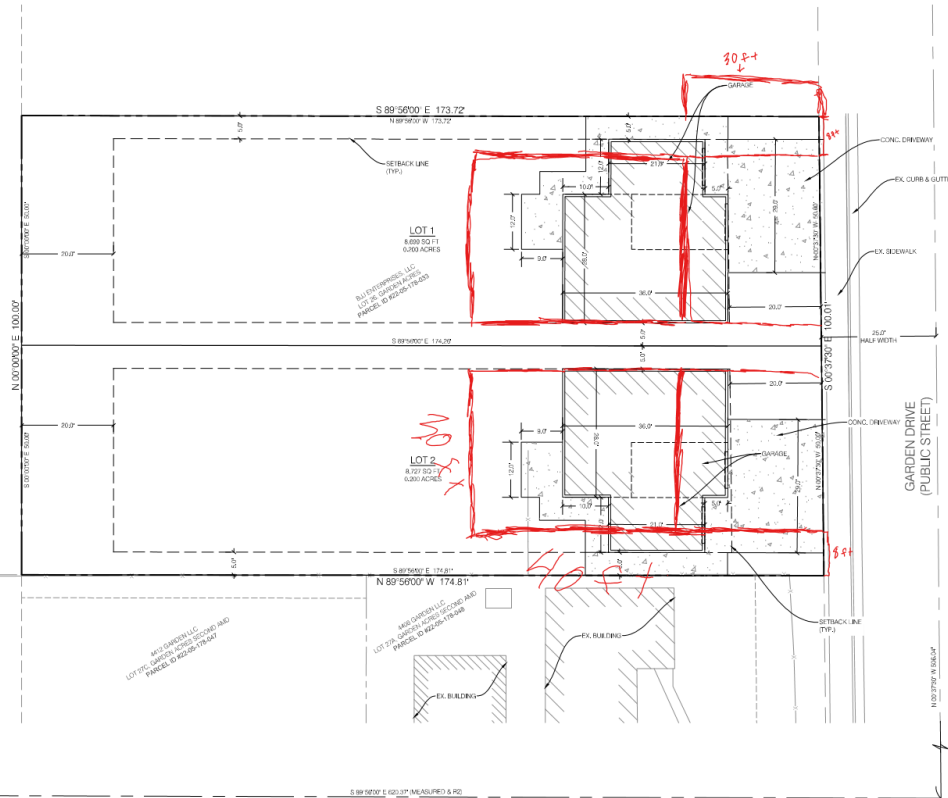
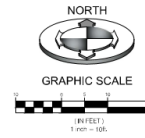
Existing Land Use and Proposed Change

The applicant is proposing to rezone property located 4396 South Garden Drive. The property located at 4396 South Garden Drive is currently zoned R-1-10. The parcel to the south of the property is zoned as R-1-5. The surrounding properties make-up a mixture of R-1-10, R-2-10, R-M, and R-4-8.

The applicant has the intent of subdividing the parcel into two narrow lots and building two small side-by-side single family homes, subject to a Development Agreement with the City. The Development Agreement will place regulations on the future development of the lot, including setbacks, height, slope of roof, building envelope, lot coverage etc.



LOCATED IN THE NORTHWEST QUARTER OF SECTION 5,
TOWNSHIP 2 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN
SALT LAKE COUNTY, UTAH



PARTICULARS	S.F.	%
BUILDING	1,260	14.5
HARDSCAPE	1,043	12.0
LANDSCAPE	6,396	73.5
TOTAL	8,699	100

PARTICULARS	S.F.	%
BUILDING	1,260	14.4
HARDSCAPE	1,043	12.0
LANDSCAPE	6,424	73.6
TOTAL	8,727	100

LEGEND AND ABBREVIATIONS:

- STREET MON. FOUND: _____
- DEPT. PROPERTY CORNER PLAT NOTES

ADJACENT PLAT NOTES

CONTINUE OF ROAD

EXISTING RIGHT-OF-WAY LINE

FASBRIGHT LINE

CURB & GUTTER

EDGE OF EXISTING ASPHALT

FENCE LINE _____X_____X_____

DATE					
TIME					
LOCATION					
PROJECT NO.					
DRAWN BY					
CHECKED BY					
SCALE					
SHEET NO.					
TOTAL SHEETS					
DESIGNED BY					
APPROVED BY					
DATE OF REVIEW					
REVISIONS					
NO.					
DATE					
BY					
DESCRIPTION					

SCALE: MEASUREMENTS IN FEET AND INCHES
ADJUST ACCORDING TO PROJECT SIZE SHEET

0 1 2 FEET
0 1 2 INCHES

**BENCHMARK
ENGINEERING &
LAND SURVEYING**
9136 SOUTH STATE STREET SUITE # 100
DENVER, UT 84005 (801) 543-7841



BARD HOLBROOK
4396 S GARDEN DRIVE
MILLCREEK CITY, UTAH

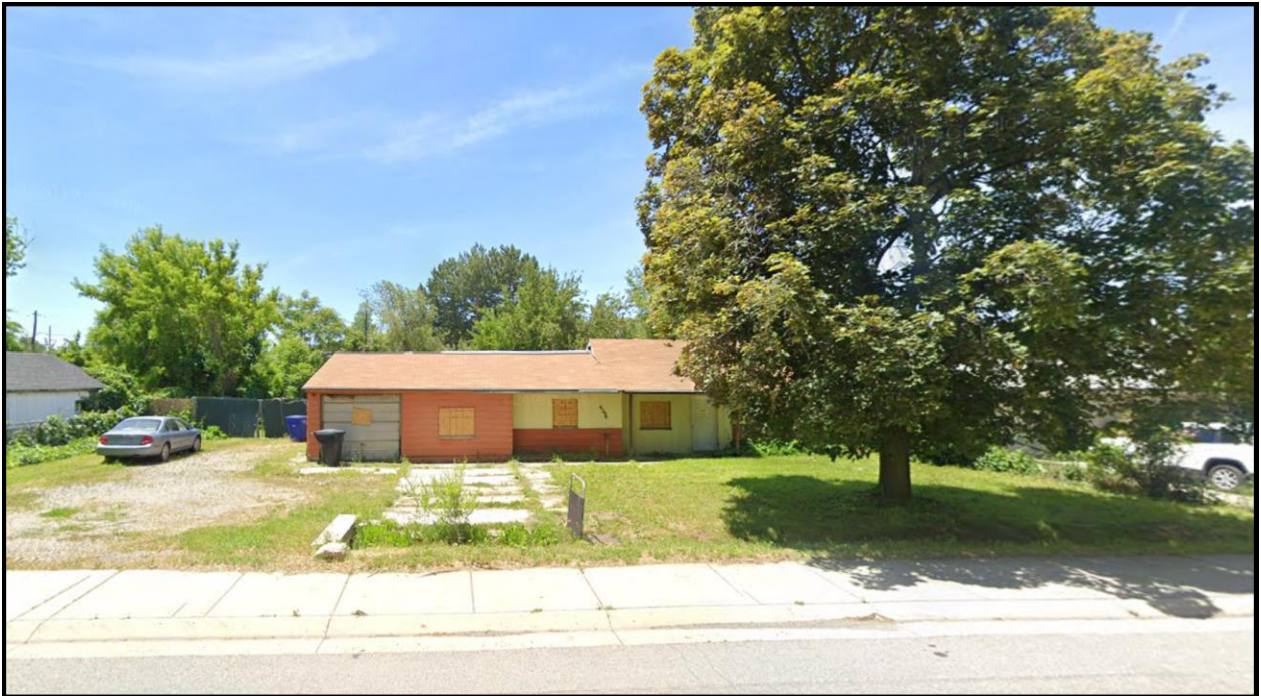
PROJECT NO. 1901015

SITE PLAN

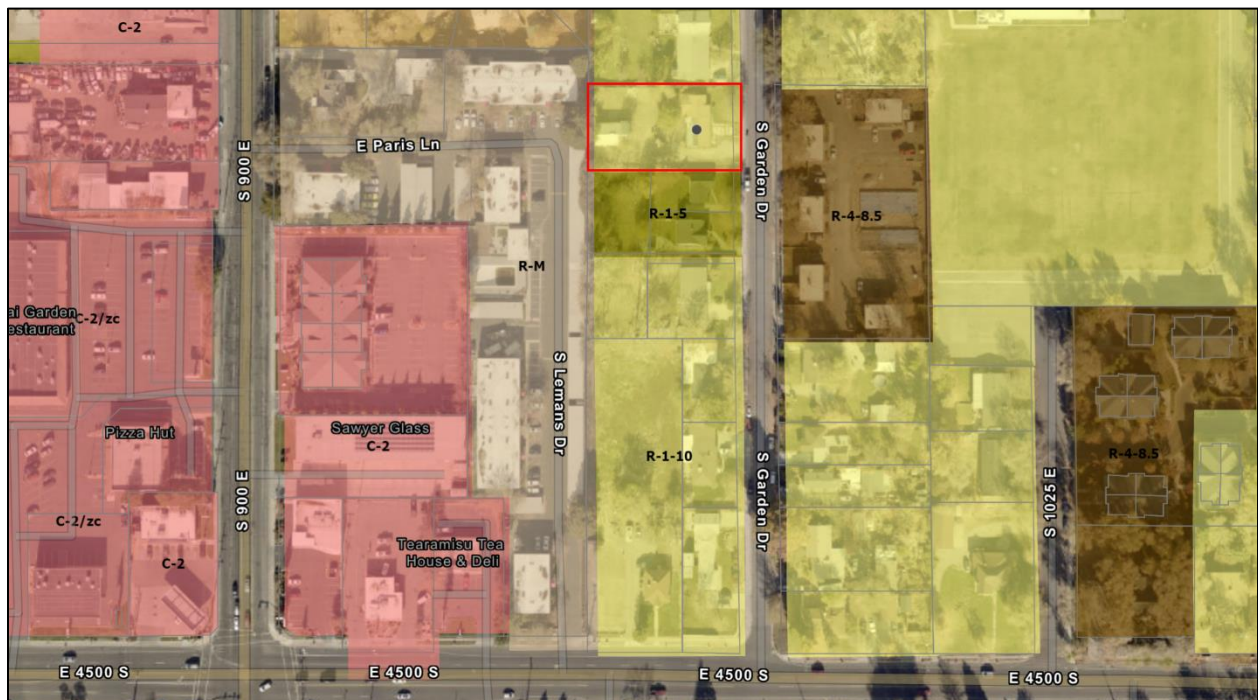
SHEET
1 OF 1

SITE & VICINITY DESCRIPTION

Figure 1: Street View looking East on Garden Drive

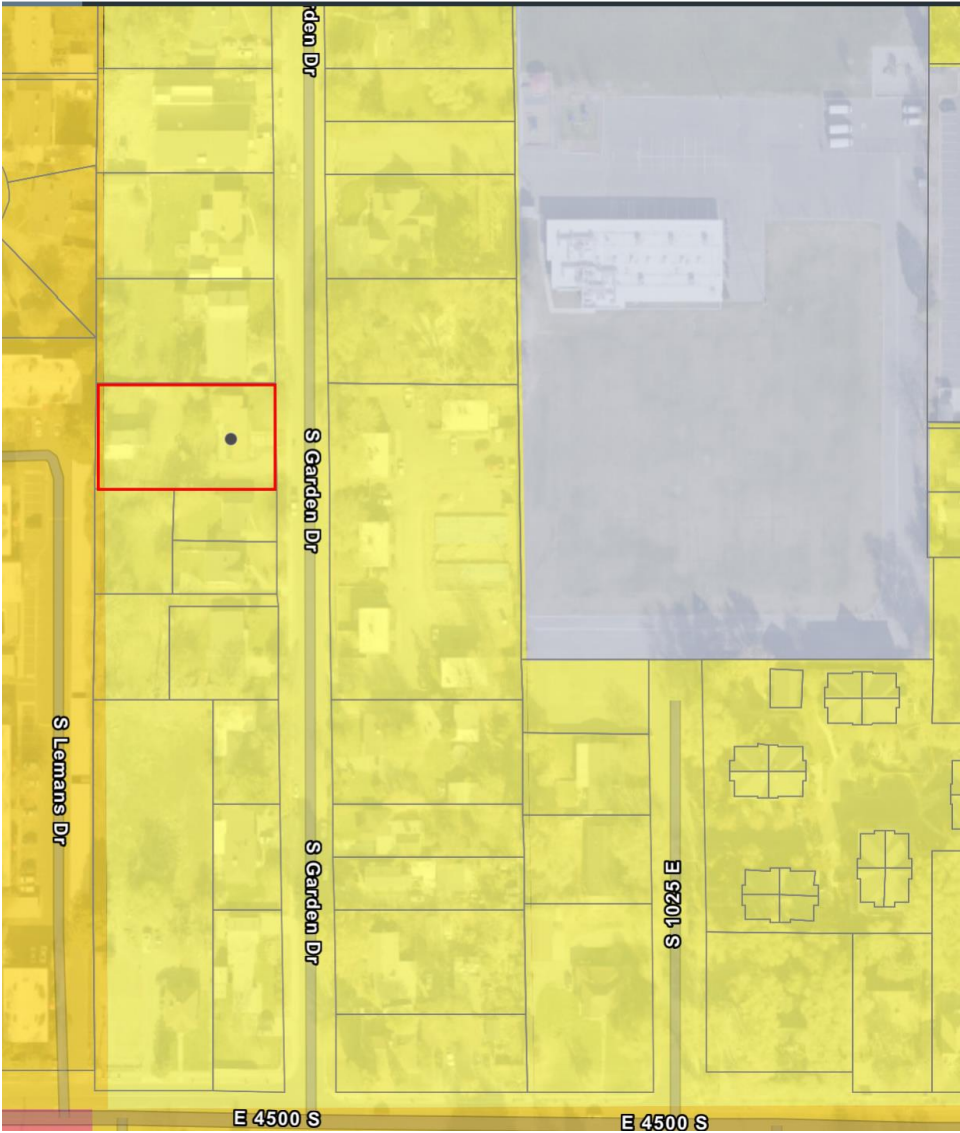


The lot currently has a boarded up single-family home. The neighborhood has seen recent rezones on a few surrounding parcels for the purposes of higher density and new forms of development.



GENERAL PLAN CONSIDERATIONS

Figure 3. Future Land Use Map



The rezone proposal does not contradict the future land use map as described in the general plan. The property is designated as Neighborhood 1, primarily single-family detached homes (see definition below).

NEIGHBORHOODS			
NEIGHBORHOOD 1	Primary: Single-family detached homes. Secondary: Parks, greenways, recreation, community gardens, schools, places of worship, and other complementary uses.	Typically 1 – 6 dwelling units per acre.	- Includes neighborhoods (of all ages) that are comprised of predominantly of single-family detached homes. - A well-defined pattern of blocks and direct pedestrian and bicycle connections provide residents with direct access to nearby services and amenities.

NEIGHBORHOOD RESPONSE

On Tuesday, November 24th, the applicant hosted a neighborhood meeting on site at 4396 South Garden Drive.

A number of residents that showed up to the Neighborhood Meeting were in support of the rezone proposal and subdivision.

One anonymous public comment was submitted against the proposal.

DEVELOPMENT AGREEMENT CONSIDERATIONS

Staff is recommending a development agreement. The essential design standards are listed below:

- 1- Only single-family detached dwellings are permitted.*
- 2- Setbacks for each lot will be:*
 - Front: 30' feet*
 - Rear: 20' feet*
 - Side: 8' feet each side*
- 3- Dwellings will be no higher than 28' feet measured from original ground surface.*
- 4- Dwellings for each lot must incorporate a minimum 3/12 pitch roof*
- 5- Rezone area is subject to a maximum of only 2 lots*
- 6- Each dwelling will incorporate a two-car garage that is at minimum 20' width x 22' length*
- 7- Each lot will have driveways measuring at minimum 20' x 22' and capable of parking two automobiles. Driveways may not block sidewalk or impede pedestrian travel in any way.*
- 8- Landscaping Chapter 19.77 will be enforced on the newly established residential single-family homes*
- 9- Dwellings will be subject to all remaining Residential Compatibility Overlay Zone standards*

COMMUNITY COUNCIL RESPONSE

At their meeting on December 01, 2020 the Millcreek Community Council recommended that:

Recommended the rezone ZM-20-006 be adopted with the recommended zoning condition of a 30' front yard setback.

PLANNING STAFF ANALYSIS AND FINDINGS

The intent of this rezone request is to allow a continue of use with a slightly higher density on the same parcel. The proposed use on the lot will be two-single family homes which will replace a vacant boarded up home. The applicant has been willing to work with residents and the city in order to create a proposal that will work with the desires of the residents and the City's General Plan and Future Land Use plans.

If the rezone were to be granted, the property owner would need to ensure that the single family dwellings they are interested in building would need to conform with setbacks and height standards in the proposed development agreement. A development agreement needs to be developed based on feedback from the City, the public, and the Planning Commission; specific design standards to prevent a monotonously designed home will be necessary, especially for the home that faces the public right of way on the base lot along Garden Avenue. If there is further concern that something will be done to negatively impact the neighborhood staff would recommend imposing a zone condition.

Staff does not believe that this development will bring detrimental harm or effects to the surrounding neighborhood and properties. Furthermore, the enforcement of a Development Agreement and the standards of the Residential Compatibility Overlay Zone will help prevent a detrimental effect to neighbors.

PLANNING STAFF RECOMMENDATION AND MODEL MOTION

Motion to recommend approval for the Rezone Request ZM-20-009 to rezone property located at 4396 S Garden Drive from R-1-8 to R-1-5.