



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

File # SD-21-001

Planning Commission Staff Report

Meeting Date: 17 March 2021
Applicant: Ted Zaharias
Property Address: 875 East 4315 South

Request:	Final Plat approval for an amendment to the Windsor One Subdivision, adjusting the common boundary between lots.
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Zone: R-1-5

Prepared By: Robert May, Planner

SYNOPSIS AND SCOPE OF DECISION

Per previous land use application, ZM-20-010, the applicant, upon recommendation by staff, requested to have the subject properties re-zoned to an R-1-5. Millcreek City Council approved the rezone application on December 21, 2020 per ordinance No. 20-57. Click [here](#) to view ordinance.

The applicant is now requesting plat amendment approval from the Millcreek Planning Commission to adjust the mutual property line and public utility easement between property located at 875 East 4315 South. Typically, a boundary line adjustment (BLA) is exempt from platting requirements unless it involves the alteration or removal of an easement, private right-of-way, condition, limitation, or special requirement. Due to a recorded public utility easement (PUE) placed on the original subdivision plat, the following procedure must be followed.

18.18.050 Other Amendments to Subdivisions

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

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

Figure 4 (Existing Windsor One Subdivision)

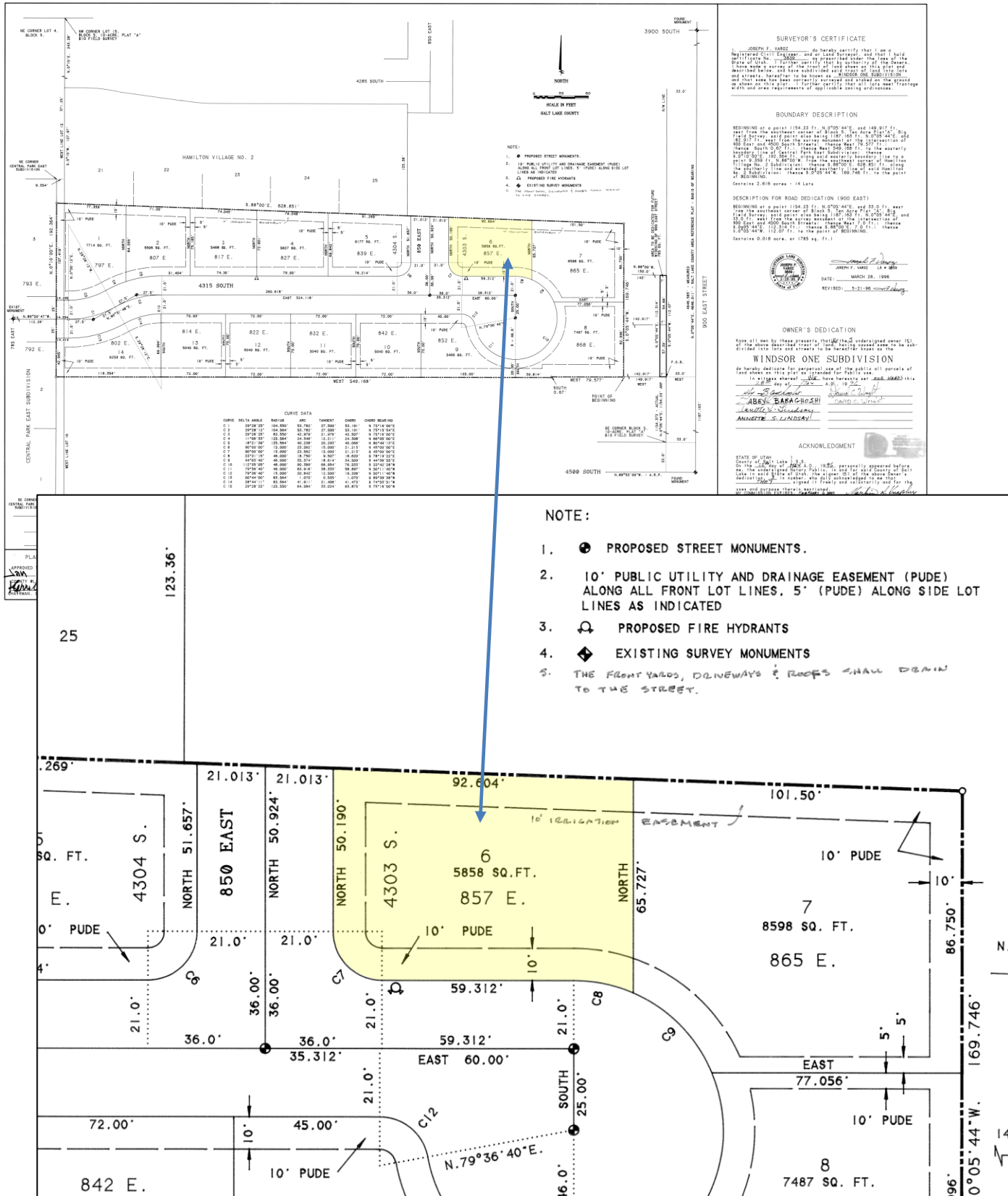
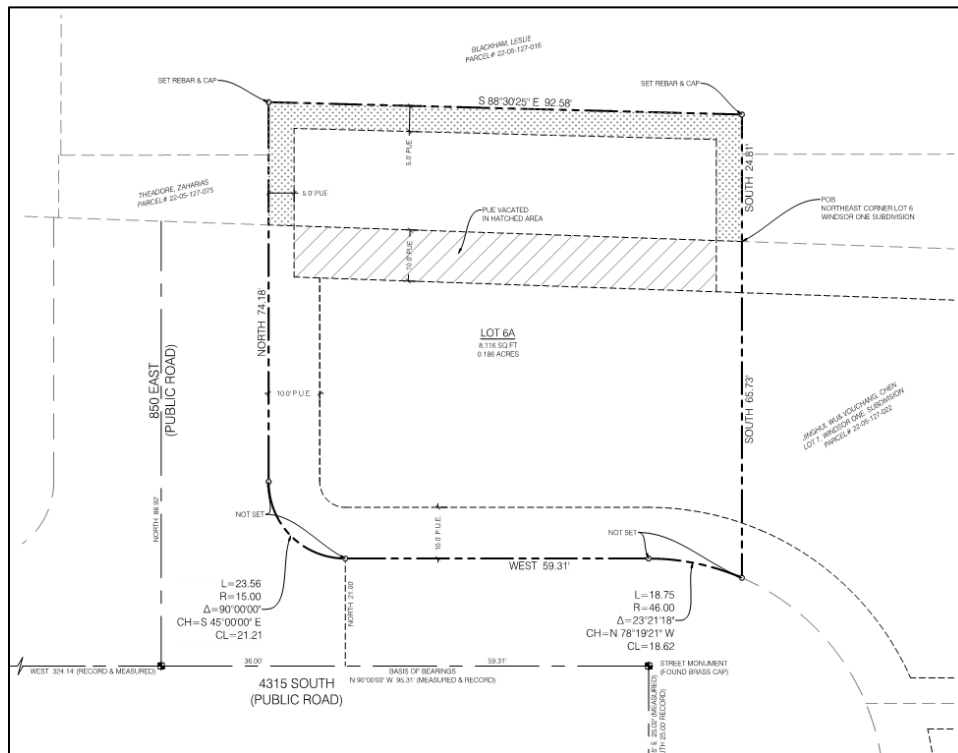


Figure 4 (Proposed boundary line)



NEIGHBORHOOD RESPONSE

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

Staff sent notices to directly affected entities and the property owners on March 5, 2021.

COMMUNITY COUNCIL RESPONSE

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

REVIEWING AGENCIES RESPONSE

Compliance with current building, construction, engineering, fire, health, landscape, and safety standards will be verified prior to final approval. All technical review requirements associated with final approval must be met including any improvements required by the Big Ditch Irrigation Company.

PLANNING STAFF ANALYSIS AND FINDINGS

Staff as found that the proposed amendment to Lot # 6 of the Windsor One Subdivision Plat can meet the requirements of Title 18 of the Millcreek Subdivision Code. Staff finds that the proposed subdivision amendment is in harmony with the Millcreek General Plan and character of the surrounding neighborhood.

PLANNING STAFF RECOMMENDATION

Staff recommends to the Millcreek Planning Commission to **APPROVE** the proposed final plat, Windsor One Subdivision 2nd Amended, file number SD-21-001 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 and recording, 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 and has approved and signed the proposed final plat.
3. Prior to receiving final plat approval and recording, the applicant shall certify that the existing canal company (Big Ditch Irrigation Company) has approved and signed the proposed final plat.

4. Record required deeds that facilitate/complete the lot consolidation approved by Millcreek per application (LC-20-010).
5. Accessory structures will require separate building permits and staff review for zoning/land use compliance.
6. Any modifications to these approved plans must be approved by the Planning Department, in writing, prior to the changes being implemented in the field.
7. The proposed subdivision amendment must complete a final technical review to ensure that the final plat complies with the design standards, codes, and ordinances and with minimum engineering/surveying requirements, including any required bonding.
8. Any future development within the proposed subdivision amendment will be required to meet all current and applicable zoning ordinances.
9. All applicable zoning, building, health, fire, and safety requirements must be met prior to receiving final approval from Millcreek.
10. All items of the staff report.

SUPPORTING DOCUMENTS

1. ZM-20-010 City Council Staff Report
2. Windsor One Subdivision Plat
3. Boundary Survey
4. Proposed Final Plat



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

File # ZM-20-010

City Council Staff Report

Meeting Date: December 14, 2020
Applicant: Ted Zeharias
Property Address: 875 E 4315 S
Parcel IDs: 22-05-127-021, 22-05-127-076, 22-05-127-016

Request 1: Request to rezone from R-1-21, R-1-8, & R-1-5 to only R-1-5.

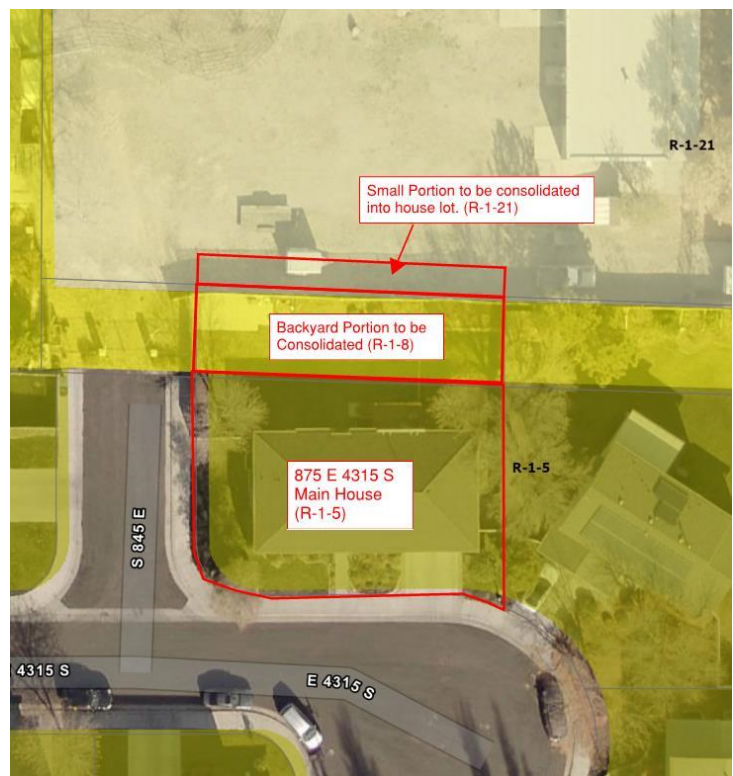
Zone: R-1-5, R-1-8, R-1-21
Community Council: Millcreek Community Council
Prepared By: Erin O'Kelley, Planner II

SYNOPSIS AND SCOPE OF DECISION

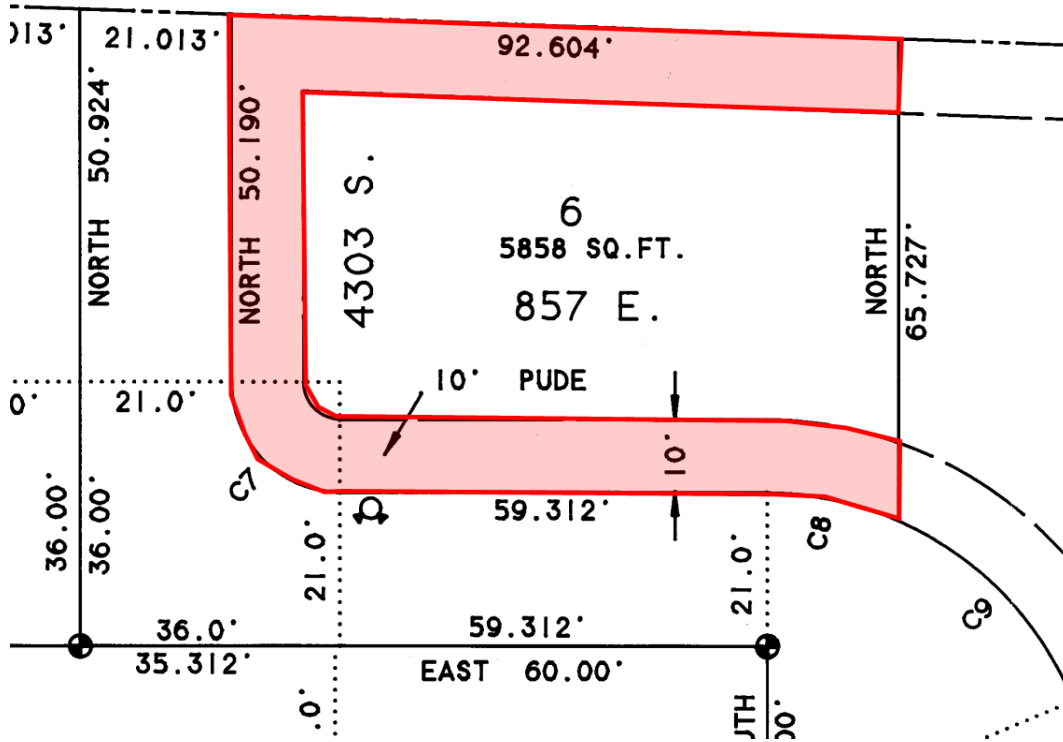
Existing Land Use and Proposed Change

The applicant is requesting to rezone property located at 857 E 4315 S. The existing lot has one single-family house located in the R-1-5 zone. The backyard to the North of the house is a separate parcel in the R-1-8 zone. The applicant's main house is located within the Windsor One Amended Subdivision. The two lots to the North are not located within the subdivision.

The applicant came to the City applying for a building permit for an addition onto the North of the main house. This proposed addition would encroach onto a property line and easement that is located in the platted subdivision. The only way for the City to approve this proposal by code is to amend the subdivision plat and consolidate the lots. This consolidation would result in a property located in 3 different zones. Millcreek City does not support properties located within multiple zones and therefore requested a rezone application be done in addition to the consolidation/subdivision amendment.



Windsor One Amended Subdivision with public utility easement:





SITE & VICINITY DESCRIPTION

Figure 1: Streeview



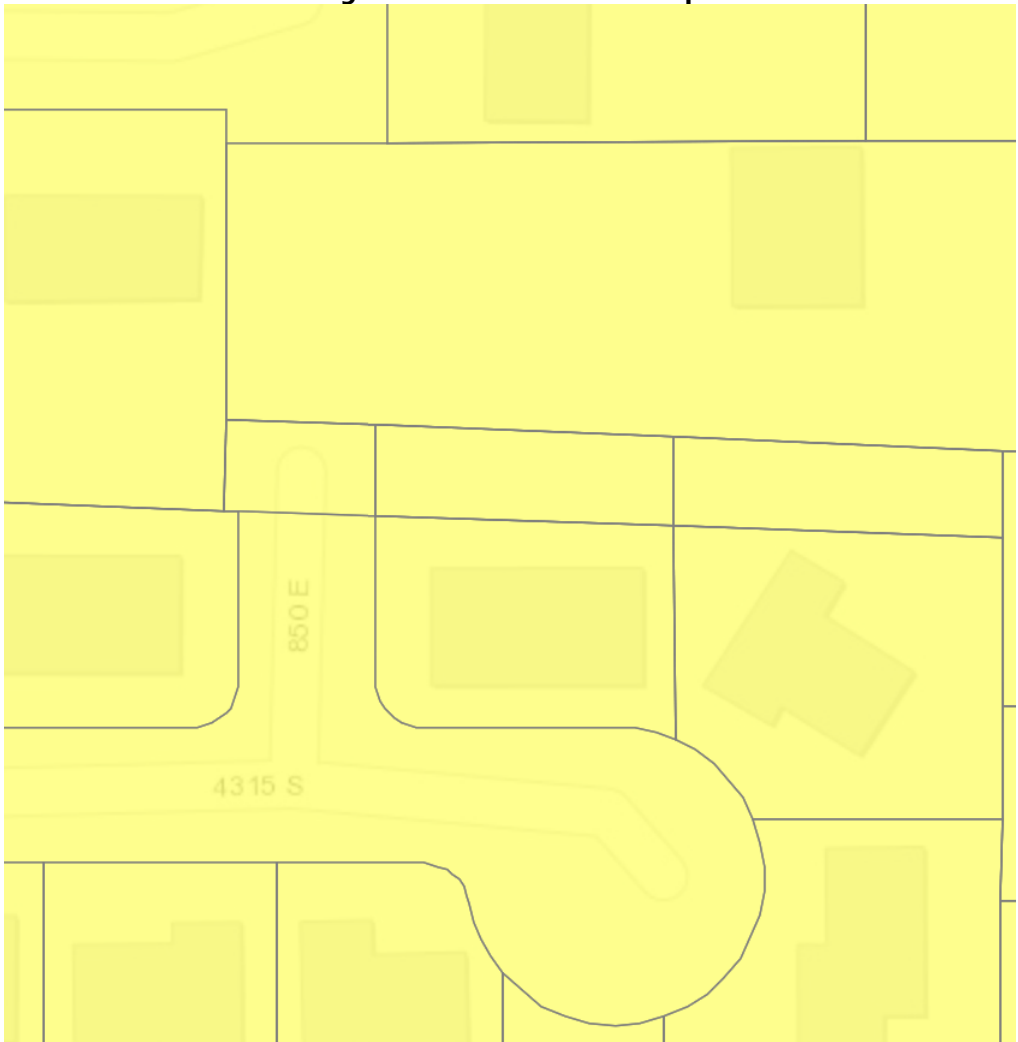
The applicant

Figure 2: Zoning map



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

Staff has not received any response from adjacent properties regarding this rezone.

DEVELOPMENT AGREEMENT CONSIDERATIONS

Staff is not recommending a development agreement at this point.

COMMUNITY COUNCIL RESPONSE

At their meeting on November 3, 2020 the Millcreek Community Council recommended that:

The rezone ZM-20-010 be adopted with no additional conditions.

PLANNING COMMISSION RESPONSE

At their meeting on November 18, 2020 the Millcreek Planning Commission recommended that:

The rezone ZM-20-010 be adopted with no additional conditions.

PLANNING STAFF ANALYSIS AND FINDINGS

Millcreek does not encourage the consolidation of lots if the resulting parcel lies within two different zoning designations. Regulating development of split zoned lots is difficult both for the City and property owners involved especially when the zones allow different uses.

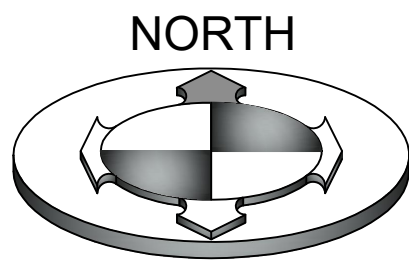


PLANNING STAFF RECOMMENDATION AND MODEL MOTION

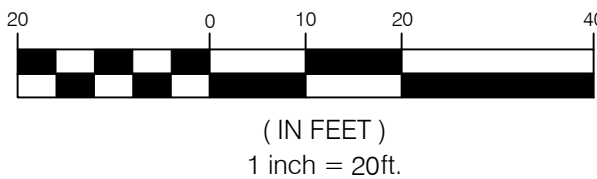
Motion to recommend approval for the rezone Request ZM-20-010 to rezone property located at 875 E 4315 S from R-1-5, R-1-8, R-1-21 to only R-1-5.

SUPPORTING DOCUMENTS

1. Survey



GRAPHIC SCALE

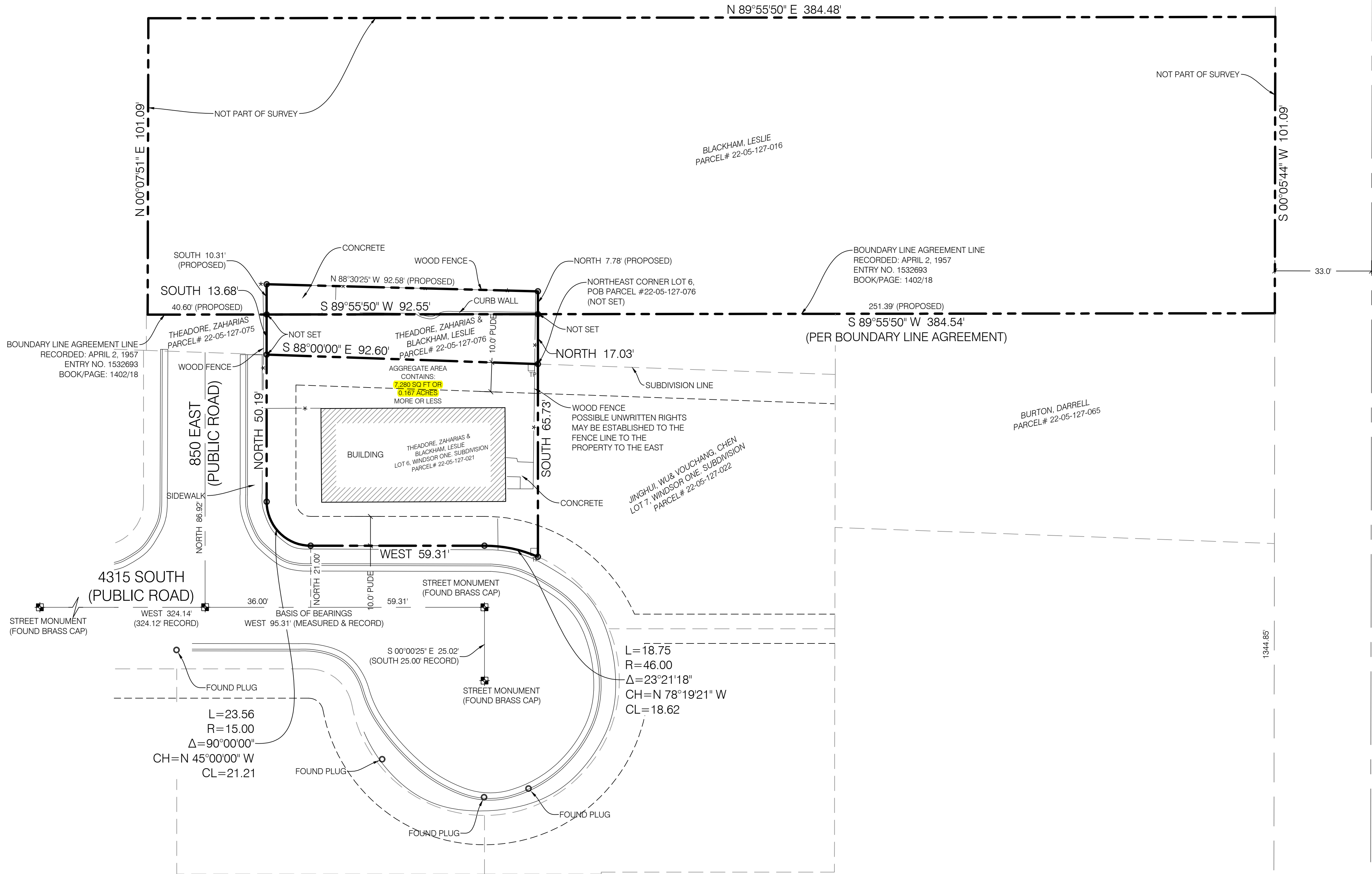


BOUNDARY & LOT LINE ADJUSTMENT SURVEY

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

NORTHEAST CORNER BLOCK 5,
10-ACRE PLAT 'A'
BIG FIELD SURVEY (PER R4)

STREET MONUMENT
(NOT LOCATED (PER R4))



S 00°05'44" W 4646.58' (PER R4)

SOUTHEAST CORNER BLOCK 5,
10-ACRE PLAT 'A'
BIG FIELD SURVEY (PER R4)

STREET MONUMENT
(NOT LOCATED (PER R4))

SURVEYOR'S CERTIFICATE:

I, BRIAN A. LINAM, SALT LAKE CITY, UTAH, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD LICENSE NO. 7240531 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH; THAT I HAVE MADE A SURVEY OF THE FOLLOWING DESCRIBED PROPERTY; THAT THIS PLAT CORRECTLY SHOWS THE TRUE DIMENSIONS OF THE BOUNDARIES SURVEYED AND OF THE VISIBLE IMPROVEMENTS AFFECTING THE BOUNDARIES AND THEIR POSITION IN RELATIONSHIP TO SAID BOUNDARIES.



RECORD DESCRIPTIONS:

PARCEL 22-05-127-021
LOT 6, WINDSOR ONE SUB.
PARCEL 22-02-152-076
BEGINNING AT THE NORTHEAST CORNER OF LOT 6, WINDSOR ONE SUBDIVISION, THENCE NORTH 16.3 FEET, MORE OR LESS TO A POINT ESTABLISHED A THE NORTH BOUNDARY OF THE HEREIN DESCRIBED PROPERTY BY THAT CERTAIN BOUNDARY LINE AGREEMENT RECORDED APRIL 2 1957 AS ENTRY NO. 1532693 IN BOOK 1402. AT PAGE 18 OF OFFICIAL RECORDS; THENCE SOUTH 89°55'50" WEST 92 FEET, MORE OR LESS TO A POINT WHICH IS DUE NORTH FROM THE NORTHWEST CORNER OF SAID LOT 6, SOUTH 13 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LOT 6, THENCE SOUTH 88°00' EAST 92.604 FEET TO THE POINT OF BEGINNING.
PARCEL 22-05-127-016
COMMENCING SOUTH 0°05'44" WEST 271.69 FEET FROM THE NORTHEAST CORNER OF LOT 15, BLOCK 5, TEN ACRE PLAT A; THENCE SOUTH 0°05'44" WEST 101 FEET; THENCE NORTH 89°55'50" WEST 384.54 FEET; THENCE NORTH 0°07'51" EAST 85.55 FEET; THENCE NORTH 89°55'50" EAST 384.48 FEET TO THE POINT OF BEGINNING.

PROPOSED DESCRIPTIONS:

PARCEL 22-05-127-021
LOT 6, WINDSOR ONE SUB.
PARCEL 22-02-152-076
BEGINNING AT THE NORTHEAST CORNER OF LOT 6, WINDSOR ONE SUBDIVISION, THENCE NORTH 16.3 FEET, MORE OR LESS TO A POINT ESTABLISHED A THE NORTH BOUNDARY OF THE HEREIN DESCRIBED PROPERTY BY THAT CERTAIN BOUNDARY LINE AGREEMENT RECORDED APRIL 2 1957 AS ENTRY NO. 1532693 IN BOOK 1402. AT PAGE 18 OF OFFICIAL RECORDS; THENCE SOUTH 89°55'50" WEST 92 FEET, MORE OR LESS TO A POINT WHICH IS DUE NORTH FROM THE NORTHWEST CORNER OF SAID LOT 6, SOUTH 13 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LOT 6, THENCE SOUTH 88°00' EAST 92.604 FEET TO THE POINT OF BEGINNING.
TOGETHER WITH:
BEGINNING AT A POINT BEING NORTH 17.03 FEET FROM THE NORTHEAST CORNER OF LOT 6, WINDSOR ONE SUBDIVISION, SAID POINT BEING ON THAT CERTAIN BOUNDARY LINE AGREEMENT RECORDED APRIL 2 1957 AS ENTRY NO. 1532693 IN BOOK 1402. AT PAGE 18 OF OFFICIAL RECORDS, AND RUNNING THE NORTH 7.78 FEET TO AN EXISTING FENCE LINE; THENCE NORTH 88°30'25" WEST 92.58 FEET ALONG SAID FENCE LINE; THENCE SOUTH 10.31 FEET TO A POINT ON SAID BOUNDARY LINE AGREEMENT; THENCE NORTH 89°55'50" EAST 92.55 FEET ALONG SAID BOUNDARY LINE AGREEMENT TO THE POINT OF BEGINNING.
PARCEL 22-05-127-016
BEGINNING AT A POINT BEING SOUTH 0°05'44" WEST 271.69 FEET FROM THE NORTHEAST CORNER OF LOT 15, BLOCK 5, TEN ACRE PLAT A; THENCE SOUTH 0°05'44" WEST 101.09 FEET TO THAT CERTAIN BOUNDARY LINE AGREEMENT RECORDED APRIL 2 1957 AS ENTRY NO. 1532693 IN BOOK 1402. AT PAGE 18 OF OFFICIAL RECORDS ; THENCE SOUTH 89°55'50" WEST 251.39 FEET ALONG SAID BOUNDARY LINE AGREEMENT TO A POINT BEING NORTH 17.03 FEET OF THE FROM THE NORTHEAST CORNER OF LOT 6, WINDSOR ONE SUBDIVISION; THENCE NORTH 7.78 FEET TO AN EXISTING FENCE LINE; THENCE NORTH 88°30'25" WEST 92.58 FEET ALONG SAID FENCE LINE; THENCE SOUTH 10.31 FEET TO A POINT ON SAID BOUNDARY LINE AGREEMENT; THENCE SOUTH 89°55'50" WEST 40.60 FEET; THENCE NORTH 0°07'51" EAST 101.09 FEET; THENCE NORTH 89°55'50" EAST 384.48 FEET TO THE POINT OF BEGINNING.

NARRATIVE OF BOUNDARY:

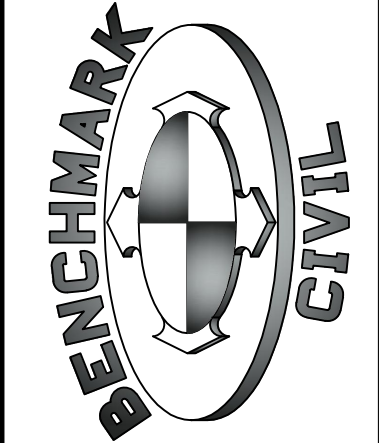
SCOPE
BENCHMARK ENGINEERING AND LAND SURVEYING, LLC WAS RETAINED BY TAD ZAHARIAS TO PERFORM A BOUNDARY SURVEY, AS SHOWN HEREON.
BASIS OF BEARINGS
THE BASIS OF BEARINGS FOR THIS SURVEY IS WEST, AS SHOWN HEREON.
LIST OF REFERENCED DOCUMENTS
R1) WARRANTY DEED, RECORDED OCTOBER 9, 2006 AS ENTRY NO. 9869951 IN BOOK 9362 AT PAGE 7784, AT THE OFFICE OF THE SALT LAKE COUNTY RECORDER.
R2) QUIT CLAIM DEED, RECORDED JULY 9, 2020 AS ENTRY NO. 13323915 IN BOOK 10976 AT PAGE 236, AT THE OFFICE OF THE SALT LAKE COUNTY RECORDER.
R3) WARRANTY DEED, RECORDED NOVEMBER 19, 2012 AS ENTRY NO. 11517811 IN BOOK 10078 AT PAGE 9340, AT THE OFFICE OF THE SALT LAKE COUNTY RECORDER.
R4) WINDSOR ONE AMENDED, RECORDED JUNE 4, 1998 AS ENTRY NO. 6984521 IN BOOK 98-6P AT PAGE 132, AT THE OFFICE OF THE SALT LAKE COUNTY RECORDER.
NARRATIVE
THE DEED ON THE NORTH PROPERTY LINE HAS AN AMBIGUOUS LEGAL DESCRIPTION. IT DOES NOT CLOSE. (R3) THE BOUNDARY LINE AGREEMENT (AS SHOWN AND NOTED) DID NOT MATCH THE EXISTING FENCE LINE AS SHOWN. IT IS UNKNOWN IF INTENT WAS TO MATCH THE EXISTING FENCE. IT DID NOT CALL ALONG A FENCE LINE. IT WAS IN THE SAME LOCATION AS THE EXISTING DEED. THIS SURVEY WILL ONLY CORRECT THE LOCATION AT OUR SUBJECT PROPERTY. FURTHER WORK WILL BE REQUIRED TO CORRECT THE ISSUE ON THE PARCELS TO THE EAST.

LEGEND AND ABBREVIATIONS:

STREET MON. (FOUND)	EASEMENT LINE
PROPERTY CORNER (PLAT NOTED)	CURB & GUTTER
ADJACENT PL. or LOT LINES	EDGE OF EXISTING ASPHALT
EXISTING RIGHT-OF-WAY LINE	FENCE, WOOD
CENTERLINE of ROAD	TELECOMM PEDESTAL
POB POINT OF BEGINNING	

NO.	DATE	DESCRIPTION
DRAWN BY		
CHECKED BY		
FILED BY		
DATE		
DWG FILE		

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

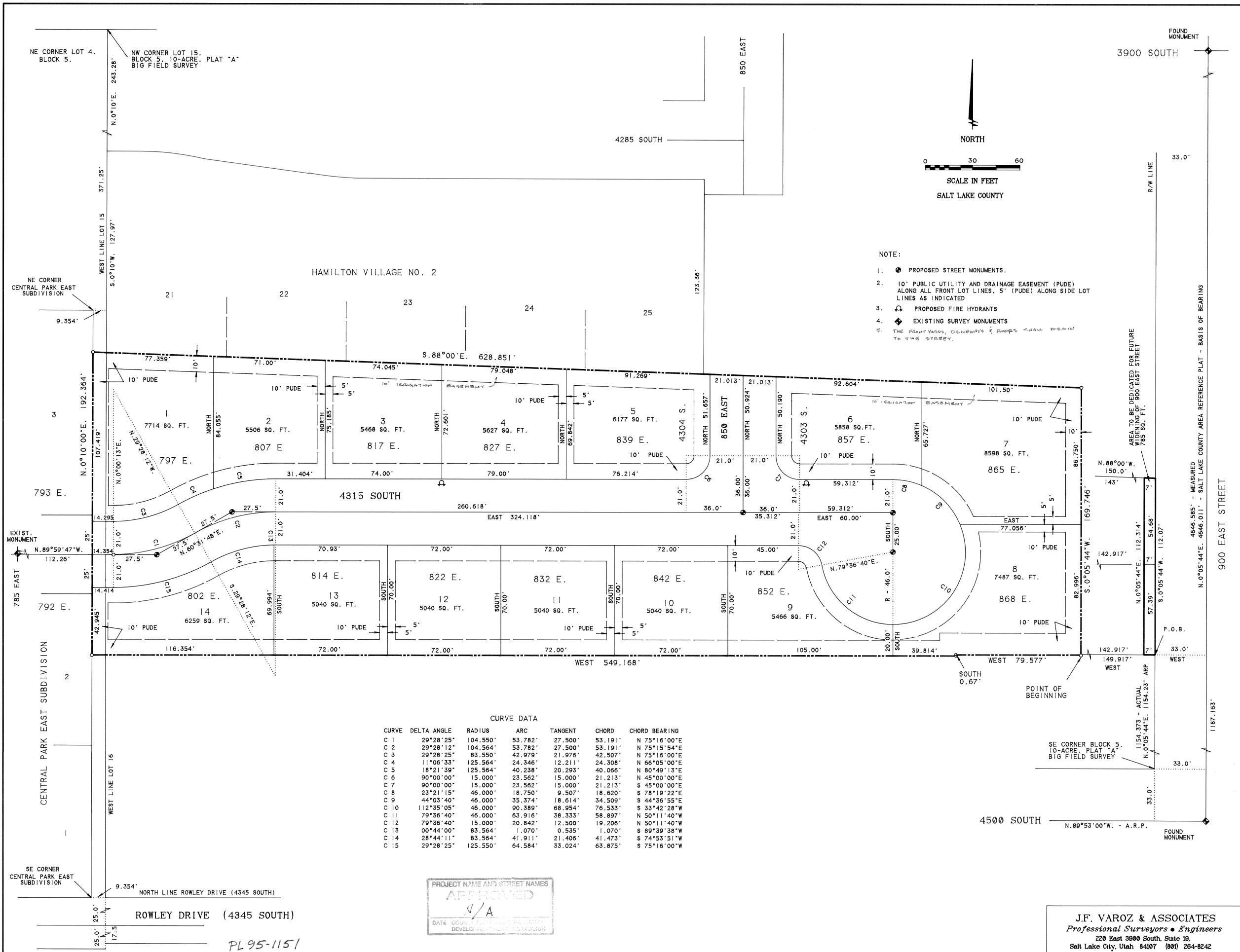


TAD ZAHARIAS
857 E. 4315 S.
MILLCREEK CITY, UTAH

PROJECT NO. 2007163

BOUNDARY
SURVEY

SVB.01
1 OF 1



SURVEYOR'S CERTIFICATE

JOSEPH F. VAROZ, do hereby certify that I am a Registered Civil Engineer, and or Land Surveyor, and that I hold Certificate No. 3839, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owner, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as WINDSOR ONE SUBDIVISION, and that same have been correctly surveyed and staked on the ground as shown on this plat. I further certify that all lots meet frontage width and area requirements of applicable zoning ordinances.

BOUNDARY DESCRIPTION

BEGINNING at a point 1154.23 ft. N. 0°05'44"E. and 149.917 ft. west from the southeast corner of Block S, Ten Acre Plat "A", Big Field Survey, said point also being 1187.163 ft. N. 0°05'44"E. and 182.917 ft. west from the survey monument at the intersection of 900 East and 4500 South Streets; thence West 79.577 ft.; thence South 0.67 ft.; thence West 569.158 ft. to the easterly boundary line of Central Park East Subdivision; thence N. 0°10'00"E. 192.564 ft. along said easterly boundary line to a point 2.359 ft. N. 88°00'W. from the southeast corner of Hamilton Village No. 2 Subdivision; thence S. 88°00'E. 608.851 ft. along the easterly line and extended easterly line of said Hamilton Village No. 2 Subdivision; thence S. 0°05'44"W. 169.740 ft. to the point of BEGINNING. Contains 2.616 acres or .14 Lots.

DESCRIPTION FOR ROAD DEDICATION (900 EAST)

BEGINNING at a point 1154.23 ft. N. 0°05'44"E. and 33.0 ft. west from the southeast corner of Block S, Ten Acre Plat "A", Big Field Survey, said point also being 1187.163 ft. N. 0°05'44"E. and 33.0 ft. west from the survey monument at the intersection of 900 East and 4500 South Streets; thence West 7.0 ft.; thence S. 0°05'44"E. 112.07 ft. to the point of BEGINNING. Contains 0.018 acres, or (785 sq. ft.).

OWNER'S DEDICATION

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

WINDSOR ONE SUBDIVISION

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

In witness whereof WE have hereunto set OUR HANDS this 28 day of MAY A.D. 1996.

ABEY BARAGHOSHI DAVID C. WELAN
ANNETTE S. LINDSAY

ACKNOWLEDGMENT

STATE OF UTAH
County of Salt Lake
On the 28 day of MAY A.D. 1996, 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 that ABEY BARAGHOSHI signed it freely and voluntarily and for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES: SEPTEMBER 6, 2000 NOTARY PUBLIC RESIDING IN SALT LAKE COUNTY

WINDSOR ONE SUBDIVISION
LOCATED IN LOTS 4 AND 15, BLOCK 5,
TEN ACRE PLAT "A", BIG FIELD SURVEY
SALT LAKE BASE & MERIDIAN

PLANNING COMMISSION APPROVED THIS <u>9th</u> DAY OF <u>MAY</u> A.D. 19 <u>96</u> BY THE SALT LAKE COUNTY PLANNING COMMISSION. <u>ARACELI NEEMAN</u> CHAIRMAN, SALT LAKE CO. PLANNING COMM.	BOARD OF HEALTH APPROVED THIS <u>22nd</u> DAY OF <u>MAY</u> A.D. 19 <u>96</u> BY THE SALT LAKE BOARD OF HEALTH. <u>DAVID C. WELAN</u> DIRECTOR, S.L. CO. BOARD OF HEALTH	CHECKED FOR ZONING ZONING <u>2-15 (R-2012)</u> FEE <u>\$1,000</u> DATE <u>5-28-96</u>	DEVELOPMENT SERVICES DIVISION I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE. <u>KEVIN D. KIM</u> DATE <u>5-28-96</u> DIRECTOR	APPROVAL AS TO FORM APPROVED AS TO FORM THIS <u>9th</u> DAY OF <u>MAY</u> A.D. 19 <u>96</u> BY THE SALT LAKE COUNTY ATTORNEY. <u>Paul M. Morgan</u> SALT LAKE COUNTY ATTORNEY	COUNTY COMMISSION PRESENTED TO THIS BOARD OF SALT LAKE COUNTY COMMISSIONERS THIS <u>9th</u> DAY OF <u>MAY</u> A.D. 19 <u>96</u> AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED. <u>DAVID C. WELAN</u> ATTORNEY, SALT LAKE CO. CLERK CHAIRMAN, BD. OF CO. COMM.	RECORDED # <u>6372919</u> STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF <u>ABEY BARAGHOSHI</u> DATE <u>6-26-96</u> TIME <u>3:30 PM</u> BOOK <u>96-6P</u> PAGE <u>232</u> FEE \$ <u>44.00</u> SALT LAKE COUNTY RECORDER
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22-05, 182-071, 079, 075

22-5-11
22-5-12

844.00

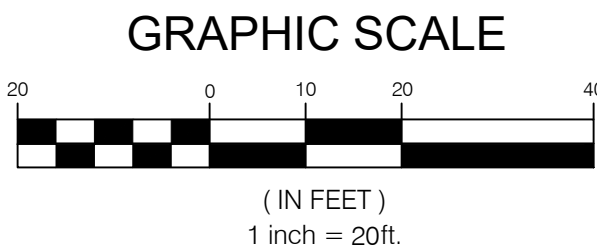
96-6P-232

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DRAWING NUMBER

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96-6P-232

DRAWING NUMBER



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

NORTHEAST CORNER BLOCK 5,
10-ACRE PLAT "A"
BIG FIELD SURVEY (PER R4)

STREET MONUMENT
(NOT LOCATED (PER R4)).

SURVEYOR'S CERTIFICATE:

I, BRIAN A. LINAM, SALT LAKE CITY, UTAH, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD LICENSE NO. 7240531 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH; THAT I HAVE MADE A SURVEY OF THE FOLLOWING DESCRIBED PROPERTY; THAT THIS PLAT CORRECTLY SHOWS THE TRUE DIMENSIONS OF THE BOUNDARIES SURVEYED AND OF THE VISIBLE IMPROVEMENTS AFFECTING THE BOUNDARIES AND THEIR POSITION IN RELATIONSHIP TO SAID BOUNDARIES;



RECORD DESCRIPTIONS:

PARCEL 22-05-127-021

LOT 6, WINDSOR ONE SUB.

PARCEL 22-02-152-076

BEGINNING AT THE NORTHEAST CORNER OF LOT 6, WINDSOR ONE SUBDIVISION, THENCE NORTH 16.3 FEET, MORE OR LESS TO A POINT ESTABLISHED AS THE NORTH BOUNDARY OF THE HEREIN DESCRIBED PROPERTY BY THAT CERTAIN BOUNDARY LINE AGREEMENT RECORDED APRIL 2, 1957 AS ENTRY NO. 1532693 IN BOOK 1402, AT PAGE 18 OF OFFICIAL RECORDS; THENCE SOUTH 89°55'50" WEST 92 FEET, MORE OR LESS TO A POINT WHICH IS DUE NORTH FROM THE NORTHWEST CORNER OF SAID LOT 6, SOUTH 13 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LOT 6, THENCE SOUTH 88°00' EAST 92.604 FEET TO THE POINT OF BEGINNING.

PARCEL 22-05-127-016

COMMENCING SOUTH 0°05'44" WEST 271.69 FEET FROM THE NORTHEAST CORNER OF LOT 15, BLOCK 5, TEN ACRE PLAT A; THENCE SOUTH 0°05'44" WEST 101 FEET; THENCE NORTH 89°55'50" WEST 384.54 FEET; THENCE NORTH 0°07'51" EAST 85.55 FEET; THENCE NORTH 89°55'50" EAST 384.48 FEET TO THE POINT OF BEGINNING.

PROPOSED DESCRIPTIONS:

PARCEL 22-05-127-021

LOT 6, WINDSOR ONE SUB.

BEGINNING AT THE NORTH-EAST CORNER OF LOT 6, WINDSOR ONE SUBDIVISION, THENCE NORTH 16.3 FEET, MORE OR LESS TO A POINT ESTABLISHED A THE NORTH BOUNDARY OF THE HEREIN DESCRIBED PROPERTY BY THAT CERTAIN BOUNDARY LINE AGREEMENT RECORDED APRIL 2 1957 AS ENTRY NO. 1523693 IN BOOK 1402. AT PAGE 18 OF OFFICIAL RECORDS; THENCE SOUTH 89°55'00" WEST 92 FEET, MORE OR LESS TO A POINT WHICH IS DUE NORTH FROM THE NORTH-WEST CORNER OF SAID LOT 6, SOUTH 13 FEET, MORE OR LESS, TO THE NORTH-WEST CORNER OF SAID LOT 6, THENCE SOUTH 88°00" EAST 92.604 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

BEGINNING AT A POINT BEING NORTH 17.03 FEET FROM THE NORTHEAST CORNER OF LOT 6, WINDSOR ONE SUBDIVISION, SAID POINT BEING ON THAT CERTAIN BOUNDARY LINE AGREEMENT RECORDED APRIL 2 1957 AS ENTRY NO. 1532693 IN BOOK 1402. AT PAGE 18 OF OFFICIAL RECORDS, AND RUNNING THE NORTH 7.78 FEET TO AN EXISTING FENCE LINE; THENCE NORTH 88°30'25" WEST 92.58 FEET ALONG SAID FENCE LINE; THENCE SOUTH 10.31 FEET TO A POINT ON SAID BOUNDARY LINE AGREEMENT; THENCE NORTH 89°55'50" EAST 92.55 FEET ALONG SAID BOUNDARY LINE AGREEMENT TO THE POINT OF BEGINNING.

PARCEL 22-05-127-016

BEGINNING AT A POINTING SOUTHWEST 0°54'44" WEST 271.69 FEET FROM THE NORTHEAST CORNER OF LOT 15, BLOCK 5, TEN ACRE PLAT A; THENCE SOUTHWEST 0°54'44" WEST 101.09 FEET TO THAT CERTAIN BOUNDARY LINE AGREEMENT RECORDED APRIL 2, 1957 AS ENTRY NO. 1587; THENCE SOUTHWEST 88°25'55" WEST 251.39 FEET TO A POINT BEING NORTH 17°03 FEET ALONG SAID BOUNDARY LINE AGREEMENT TO A POINT BEING NORTH 17°03 FEET OF THE FROM THE NORTHEAST CORNER OF LOT 6, WINDSOR ONE SUBDIVISION; THENCE NORTH 7°78 FEET TO AN EXISTING FENCE LINE; THENCE NORTH 88°30'25" WEST 92.58 FEET ALONG SAID FENCE LINE; THENCE SOUTHWEST 10°31 FEET TO A POINT ON SAID BOUNDARY LINE; THENCE SOUTHWEST 88°25'55" WEST 251.39 FEET TO A POINT BEING NORTH 17°03 FEET ALONG SAID BOUNDARY LINE; THENCE NORTH 88°25'55" EAST 384.48 FEET TO THE POINT OF BEGINNING;

NARRATIVE OF BOUNDARY:

SCOPE
BENCHMARK ENGINEERING AND LAND SURVEYING, LLC WAS RETAINED BY TAD ZAHARIAS TO PERFORM A BOUNDARY SURVEY, AS SHOWN HEREON.

BASIS OF BEARINGS
THE BASIS OF BEARINGS FOR THIS SURVEY IS WEST, AS SHOWN HEREON

LIST OF REFERENCED DOCUMENTS
R1) WARRANTY DEED, RECORDED OCTOBER 9, 2006 AS ENTRY NO. 9869951 IN BOOK 9362
AT PAGE 7784, AT THE OFFICE OF THE SALT LAKE COUNTY RECORDER.

R2) QUIT CLAIM DEED, RECORDED JULY 9, 2020 AS ENTRY NO. 13323915 IN BOOK 10976 A PAGE 236, AT THE OFFICE OF THE SALT LAKE COUNTY RECORDER.

R3) WARRANTY DEED, RECORDED NOVEMBER 19, 2012 AS ENTRY NO. 11517811 IN BOOK 10078 AT PAGE 9340, AT THE OFFICE OF THE SALT LAKE COUNTY RECORDER.

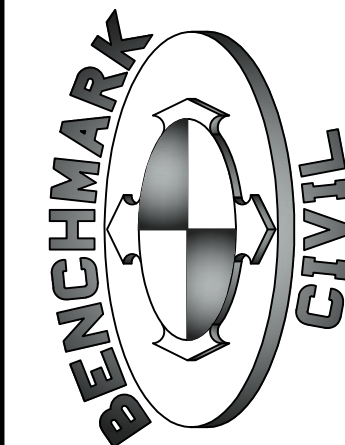
R4) WINDSOR ONE AMENDED, RECORDED JUNE 4, 1998 AS ENTRY NO. 6984521 IN BOOK 98-6P AT PAGE 132, AT THE OFFICE OF THE SALT LAKE COUNTY RECORDER.

NARRATIVE
THE DEED ON THE NORTH PROPERTY LINE HAS AN AMBIGUOUS LEGAL DESCRIPTION. IT DOES NOT CLOSE. (R3) THE BOUNDARY LINE AGREEMENT (AS SHOWN AND NOTED) DID NOT MATCH THE EXISTING FENCE LINE AS SHOWN. IT IS UNKNOWN IF INTENT WAS TO MATCH THE EXISTING FENCE. IT DID NOT CALL ALONG A FENCE LINE. IT WAS IN THE SAME LOCATION AS THE EXISTING DEED. THIS SURVEY WILL ONLY CORRECT THE LOCATION AT OUR SUBJECT PROPERTY. FURTHER WORK WILL BE REQUIRED TO CORRECT THE ISSUE ON THE PARCELS TO THE EAST.

LEGEND AND ABBREVIATIONS:

 STREET MON. (FOUND) _____	EASEMENT LINE _____
 PROPERTY CORNER (PLAT NOTED) _____	CURB & GUTTER _____
ADJACENT PL. or LOT LINES _____	EDGE OF EXISTING ASPHALT _____
EXISTING RIGHT-OF-WAY LINE _____	FENCE, WOOD _____ x _____
CENTERLINE of ROAD _____	 TELECOMM PEDESTAL _____
POB  POINT OF BEGINNING _____	

**BENCHMARK
ENGINEERING &
LAND SURVEYING**



TAD ZAHARIAS

857 E. 4315 S.
MILLCREEK CITY, UTAH

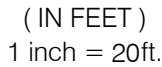
PROJECT NO. 2007163

BOUNDARY SURVEY

SVB.01
1 OF 1

SCALE MEASURES 1-INCH ON FULL SIZE SHEETS
ADJUST ACCORDINGLY FOR REDUCED SIZE SHEETS

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

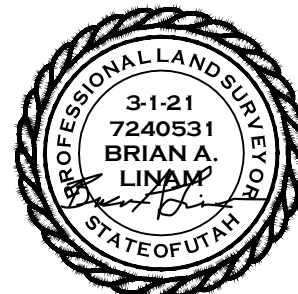
[illegible]

	EXISTING STREET MONUMENT
	BOUNDARY CORNER (SET 3/4 REBAR AND CAP MARKED "BENCHMARK ENG.") (UNLESS OTHERWISE NOTED)
	CENTERLINE OF ROAD
	RIGHT OF WAY LINE
	BOUNDARY LINE
	ADJACENT PROPERTY
	EASEMENT LINE
	PUBLIC UTILITY EASEMENT
	VACATED EASEMENT
	NEW P.U.E.

I, BRIAN A. LINAM DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 7240531, 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 HAVE VERIFIED ALL MEASUREMENTS, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, AND A STREET TOGETHER WITH EASEMENTS, HEREAFTER TO BE KNOWN AS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 6, WINDSOR ONE SUBDIVISION, THENCE SOUTH 65.73 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6, THENCE NORTHWESTERLY 18.75 FEET ALONG THE ARC OF A 46.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARS NORTH 78°19'21" WEST 18.62 FEET; THENCE WEST 59.31 FEET; THENCE NORTHWESTERLY 23.56 FEET ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARS NORTH 45°00'00" WEST 21.21 FEET; THENCE NORTH 63.87 FEET; THENCE SOUTH 88°30'25" EAST 92.58 FEET; THENCE SOUTH 17.03 FEET TO THE POINT OF BEGINNING.

CONTAINS: 8,116 SQ FT OR 0.186 ACRES, MORE OR LESS
1 LOT



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

AND DO HEREBY DEDICATE, OR 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 I HAVE HEREUNTO SET OUR HAND(S) THIS _____ DAY OF _____, A.D. 20 ____.

THEODORE E. ZAHARIAS	LESLIE BLACKHAM
_____	_____
SIGNATURE	SIGNATURE
BY (PRINT NAME): _____	BY (PRINT NAME): _____
ITS: _____	ITS: _____

State of Utah }
County of Salt Lake } S.S.

ON THE _____ DAY OF _____, A.D. 20____ BEFORE ME, _____, THE
UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED THEODORE E. ZAHARIAS, AND PROVED ON
THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED
TO IN THE FOREGOING OWNER'S DEDICATION AND WAS SIGNED BY THEM AND ACKNOWLEDGED THAT
THEY EXECUTED THE SAME.

MY COMMISSION EXPIRES: _____
(DATE)

COMMISSION NUMBER: _____

PRINT NAME

(SIGNED) A NOTARY PUBLIC
COMMISSIONED IN UTAH

State of Utah }
County of Salt Lake } S.S.

ON the _____ DAY OF _____, A.D. 20_____, BEFORE ME, _____, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED LESLIE BLACKHAM, AND PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO IN THE FOREGOING OWNER'S DEDICATION AND WAS SIGNED BY THEM AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME.

MY COMMISSION EXPIRES: _____
(DATE)

COMMISSION NUMBER: _____

PRINT NAME

(SIGNED) A NOTARY PUBLIC
COMMISSIONED IN UTAH

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

SHEET 1 OF 1



SALT LAKE COUNTY HEALTH DEPARTMENT

APPROVED AS TO FORM THIS _____ DAY OF
_____, A.D. 20__.

DIRECTOR, COUNTY HEALTH DEPARTMENT

CHECK FOR ZONING COMPLIANCE

ZONE: _____ LOT AREA: _____

LOT WIDTH: _____ FRONT YARD: _____

SIDE YARD: _____ REAR YARD: _____

_____ SIGNED _____ DATE _____

MILLCREEK PLANNING COMMISSION

APPROVED THIS _____ DAY OF _____, A.D.
20____, BY THE MILLCREEK PLANNING COMMISSION.

PLANNING COMMISSION CHAIR

MILLCREEK PLANNING AND ZONING DEPT.
APPROVED THIS _____ DAY OF _____,
A.D. 20____, BY MILLCREEK PLANNING AND
DEVELOPMENT DEPARTMENT.

MILLCREEK PLANNING AND ZONING DIRECTOR

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____ DAY OF _____, A.D. 20__.

MILLCREEK ATTORNEY

MILLCREEK MAYOR

PRESENTED TO THE MAYOR AND MILLCREEK COUNCIL
THIS _____ DAY OF _____, A.D. 20____, AT WHICH
TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED

MAYOR

ATTEST: CITY RECORDER

SALT LAKE COUNTY RECORDER	
RECORDED # _____	
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF _____	
DATE _____	TIME _____ BOOK _____ PAGE _____
SEAL _____	DEPUTY SALT LAKE COUNTY RECORDER _____



Millcreek City Planning and Community Development

3330 South 1300 East

Millcreek, Utah 84106

Phone: (801) 214-2750

Inspections: (385) 468-6690

STAFF MEMORANDUM

From: Erin O'Kelley
To: Millcreek Planning Commission
Meeting Date: March 17, 2021

RE: Conditional use permit for a for-rent townhome style with 100 units, clubhouse, pool, playground, and parking.

Parcel Id 22-06-426-008

Applicant: J Fisher Company

File No.: CU-21-001

Request

Applicant is seeking preliminary approval on a proposal for 100 for-rent townhome project located at approx. 555 E 4500 S.

Update:

The applicant is requesting the Planning Commission vote to continue this project to a meeting at a later date so the applicant has more time to work on conditions and mitigating detrimental effects. More specifically related to the look and design of the buildings as discussed at the February Planning Commission.

Minutes and staff reports from the February 17th Planning Commission meeting can be found on the City Website.



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

Date: February 11, 2021
From: Blaine Gehring, AICP, Legislative Analyst
To: Mount Olympus Community Council
RE: Amendments to the Historic Preservation Ordinance

Francis Lilly reported to me concerns by the Mount Olympus Community Council regarding the proposed amendments to the Historic Preservation Ordinance. Here the answers to those concerns.

Is it clear that property owner consent is required for designating a historic site and a historic district? What if an owner objects to a district designation and loses out? What is her recourse?

Here is how having a historic designation would be placed on a property in Millcreek. The Historic Preservation Commission will approach a property owner, or a property owner will approach the commission, and request that the property in question be listed on the municipal historic registry. There will be plenty of notification about this proposed listing and everyone including the historic preservation commission, city official and property owner will be on the same page. If it is not requested by the property owner, and that property owner objects to the designation, things end there. See 19.86.060.E(5) in the proposed amendments.

Is notice placed on a property's title regarding a historic site or district designation? Are there any other affirmative obligations to notify or disclose to a potential property owner about a historic district or site designation.

A historic designation is not a preservation easement which would be attached to a title but is a special zoning designation which is not attached to a title. As such, information about the zoning designation is publicly available and, if a seller does not disclose zoning before a sale (which they should), it is part of a purchaser's due diligence to understand what zoning category governs the property they wish to purchase.

Let's say I buy a house that's on the register? How easy is it to get it removed from the register?

Section 19.86.060.G. of the proposed amendments reads:

G. Removal of Properties. If, after review and consideration by the historic preservation commission, it is determined that a historic resource no longer meets the criteria for listing, the

historic preservation commission may remove the historic resource from the list. A property owner where an historic resource is found may request removal of the historic resources from the list, by submitting a request in writing to the city recorder's office, who shall promptly notify the historic commission of the written request. The historic commission shall remove an historic resource from the list within 10 calendar days following the city recorder's receipt of a written request. The historic commission shall use reasonable efforts to document the historic resource prior to its removal from the list. (underline added)

I hope this answers the concerns by the community council. If you have further questions, please let me know.



March 8, 2021

Blaine Gehring
Legislative Analyst
Millcreek City
3330 S. 1300 E.
Millcreek, UT 84106

Dear Blaine,

The Mount Olympus Community Council supports the draft Historic Preservation ordinance. We appreciate your clarifications on how the ordinance will balance the community's desire to preserve our unique historic assets alongside the rights of the property owner. We espouse that some of Millcreek's irreplaceable branding comes from these historic structures and we should strive for policies that motivate private property owners to preserve them if possible.

Please feel free to contact me directly at (801) 831-7943 if you need any additional information on these recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "David Baird".

David Baird
Chair, Mt. Olympus Community Council



February 9, 2021

Millcreek City Council
C/O Blaine Gehring, AICP
Millcreek City Offices
3330 South 1300 East
Millcreek, UT 84106

Dear Council Members,

I have enjoyed collaborating over the past year with Millcreek planner Blaine Gehring in developing a historic preservation ordinance for Millcreek City. Millcreek certainly merits an ordinance of this sort. The city enjoys a rich built history representing more than 170 years of development. Until now, much of this history has largely remained unacknowledged and undocumented. The proposed preservation ordinance takes important steps in drawing merited attention to Millcreek's historic built environment and provides mechanisms to preserve the same. I strongly encourage the Millcreek City Council to adopt this proposed preservation ordinance.

Millcreek's preservation ordinance represents an effective synthesis of best practices, model ordinances, municipal goals, and community feedback. In many respects, this ordinance follows historic preservation ordinance recommendations issued by the National Trust for Historic Preservation. First, Millcreek's ordinance states its purpose and mission and links this purpose to larger community goals. Secondly, the ordinance creates a preservation commission and defines this commission's role in promoting local preservation. Finally, the ordinance establishes criteria for designating districts and landmarks and emphasizes appropriate preservation approaches. Note that Millcreek's ordinance allows residents the option of opting into and out of Millcreek's preservation program, thereby encouraging preservation while also maintaining local property rights.

This preservation ordinance has been circulated among Millcreek's neighborhood councils and has been well received by the same. Should the Millcreek City Council now approve this ordinance, Preservation Utah will happily work Millcreek City's leadership, Planning Department, residents, and the Utah State Historic Preservation Office in establishing an official Millcreek City Historic Commission. We at Preservation Utah very much look forward to

People
Preserving
Places.

this work which will directly contribute to Millcreek City's mission to "provide a 'welcome home' feeling to everyone - past, present and future."

Again, I encourage Millcreek's City Council to adopt this proposed preservation ordinance. Do not hesitate to approach me should any member of Millcreek City leadership have questions about the content of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "David Amott", with a stylized flourish at the end.

David Amott,
Executive Director

david@preservationutah.org
801-971-4808



**Minutes of the
Millcreek Planning Commission
February 17, 2021
5:00 p.m.
Regular Meeting**

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, February 17, 2021 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
Victoria Reid, Vice Chair (electronic)
David Allen (absent)
Scott Claerhout (electronic)
Fred Healey (absent)
Skye Sieber (electronic)
Tom Stephens
Ian Wright (electronic)

City Staff

John Brems, City Attorney (electronic)
Elyse Sullivan, City Recorder
Francis Lilly, Planning and Zoning Director
Erin O'Kelley, Planner (electronic)
Samah Safiullah, Planner (electronic)
Naba Faizi, Planning Permit Tech (electronic)
Kurt Hansen, Legislative Policy Director
Blaine Gehring, Legislative Analyst (electronic)

Attendees: Council Member Bev Uipi (electronic), Larson Wood (electronic), Mitch Vance (electronic), Rolland T. Lee (electronic), Zach Robinson (electronic), Dominic Burchett (electronic), J Fisher Companies (electronic), and Cheryl Groot.

REGULAR MEETING – 5:00 p.m.

TIME COMMENCED: 5:03 p.m.

Chair LaMar called the meeting to order and read a statement explaining the duties of the Planning Commission.

1. Public Hearings

1.1 Consideration of CU-21-001, Request for a Conditional Use Permit for 113 New For-Rent Townhomes with Amenities in the RM Zone Location: 525-575 E. 4500 S. Applicant: JF Capital Planner: Erin O'Kelley

Erin O'Kelley said the applicant was seeking to build 100 for-rent townhome units with a clubhouse, pool, and playground. The buildings would be a maximum of 30 feet tall. The property is currently occupied by an office complex. The traffic for the property has two access points onto 4500 S. and one access point on 500 E. There are 3 single-family residential lots to the east of the property and the James E. Moss Elementary School property directly to the north. The property is in the RM (Residential Multi-Family) Zone which

allows uses between single-family to multi-family, office, and other smaller commercial uses. The project would have one access point on 500 E. and one access point on 4500 S. She showed the Commission the proposed site plan and building elevations. O’Kelley went through the project proposal in comparison to the RM Zoning requirements. The project exceeded the required minimum side yard setback on the west side, the lot width, and lot area. It would have approximately 18 units per acre (allowed approximately 22 per acre), would have 42% open space, and would provide the required 224 parking stalls.

At their regular meeting on February 2, 2021, the Millcreek Community Council recommended approval of the project with the following conditions and observations:

- Staff review the visibility along 500 E and make conditions to help mitigate the potential impacts on clearview during the elementary school traffic.
- Fencing along the east property line should be required.
- Crossing areas be reviewed for safety. If safety concerns appear, conditions should be added by staff.
- Emergency cache should be reviewed by staff and added to the conditions.

The Community Council also made the observation that the allowed density in the RM zone is too high and allows for projects like this that appear to be “packed into the lot beyond what the lot can handle.” O’Kelley said the fencing would be solid and a minimum of 6 feet in height. She said to the northwest of the subject property on 500 E. was the access to the school. She showed a diagram of the property which ensured that no landscaping would block the clearview, as required by code.

Staff recommended preliminary approval of the conditional use permit for a 100-unit townhome project subject to the following conditions:

- The development will be 30 feet tall (see definition of building height 19.04) townhome project with 100 units.
- No upward illumination is allowed. Any installation of public lighting facilities or lighting located within the public right of way must be approved by the Millcreek Public Works Department. No light may trespass onto adjacent lots.
- Applicant is required to provide a solid opaque fence on the North and East Boundary, at least 6 feet in height. Except the fence shall only be 2.5 feet tall starting at the Northwest corner of the property and extend West 50 feet. After which, the fence height shall increase to 6 feet and extend all way to the East property line. No fence is permitted to be built along 500 E or 4500 S.
- The applicant shall obtain all approvals and permits required from UDOT for construction and modifications to 4500 S.
- Signs and accessory buildings will require separate building permits and staff review for zoning/land use compliance.
- Any modifications to these approved plans must be approved by the Millcreek Planning & Zoning Department. Any adjustments to the exterior design of the building, or alterations that increase the height or building footprint of structures, or any increase in density, must be approved by Planning Commission. Any changes to the site plan along a public right of way must be reviewed and approved by Millcreek Public Works Department.
- The applicant will comply with all requirements established through the technical review process prior to receiving final conditional use approval.
- As part of the technical review, applicant is required to meet all standards for roadway development as determined by the Millcreek Public Works department.
- All applicable fees from the technical review process required must be paid in full before final conditional use approval can be granted and before certificate of occupancy is granted.

- The applicant will comply with all requirements of the Unified Fire Code and is subject to approval by the Fire Marshal.
- The applicant shall obtain a complete review for an approved building permit and shall comply with the requirements of Millcreek City, and utilities.
- Applicant must obtain utility will serve letters during the technical review process.
- The applicant and its successors shall properly and continually maintain all required landscaping, fencing, buildings.
- An approved landscape plan that complies with the minimum standards found in Chapter 19.77 and shall be bonded for prior to final conditional use approval.
- Applicant will be required to receive approval from Salt Lake County addressing department before final conditional use approval.
- Applicant is required to bond for all proposed or required improvements of landscaping and public improvements as determined by the Public Works Department and Planning and Zoning Department.
- That applicant shall schedule a pre-construction meeting with the public works department once bonding is complete.
- All items of the staff report.

O'Kelley then amended the first bullet to remove the required height limit since it was already in code. Commissioner Wright asked if that would allow for different roof configurations. O'Kelley said yes.

Applicant – Brock Loomis, J Fisher Companies, said there would be 163 parking spots in garages and 61 surface stalls for a total of 224 parking stalls. Commissioner LaMar asked about ADA parking stalls. Loomis said there would be access stalls to the north of the clubhouse. Commissioner LaMar asked about garbage collection and snow plowing. Loomis said there would be individual cans per unit. A private company would do snow plowing. Commissioner LaMar asked about a line in the garage on the floor plans. Loomis did not know what it was. Commissioner Sieber asked about the no perimeter fencing condition along 4500 S. and 500 E. and asked about interior fencing. Loomis said there would be fencing around the pool and playground. O'Kelley said she would modify the condition to allow for the interior fencing.

Chair LaMar opened the public hearing.

Chair LaMar read a comment submitted online via the City's website from Larry Averett, 4410 S. 615 E. *"We were unable to attend the Planning Commission Meeting scheduled for Feb. 2, 2021 because we couldn't find it with the url address in your letter. We're sorry we missed the meeting because we are not happy about rental apartments being considered at 525-575 E. 4500 So. Rentals always create problems with noise, traffic and other situations."*

Chair LaMar closed the public hearing.

Commissioner Stephens said the townhome design was something that the Commission had seen before and he did not like the outcome. He proposed the structures more than 100 ft from a residential zone have a pitched roof because they were more attractive than flat roofs. He said there was an inadequate number of windows on the side elevation and should have not less than 25% of the entire surface for windows on the side facing the right-of-way to

break up the dull façade. He recommended a continuation of the application to accommodate those changes or let staff be able to allow for them as part of the Commission's approval. Commissioner Reid asked the applicant about the pitched roof idea. The applicant said the proposed product had been well-received by the community and flat roofs were in the near vicinity. Commissioner Wright said the nearby office building had a flat roof but was interested what a pitched roof would look like architecturally with the design. Commissioner Claerhout said he preferred a pitched roof but did not feel opposed to the flat roof in this instance and agreed with the window requirement. Commissioner Sieber said she did not mind the flat roof and agreed with the 25% window requirement. Commissioner Claerhout asked if the mature trees on 4500 S. would be removed. O'Kelley said some would be.

Commissioner Reid asked about having a requirement that was not in the code design standards. Commissioner Stephens said in the conditional use Millcreek Code chapter 19.84.060, there were situations where the Commission could require mitigation of detrimental effects. He read number 7, "Detrimental effects arising from incompatible designs in terms of use, scale, intensity, height, mass, setbacks, character, construction, solar access, landscaping, fencing, screening, and architectural design and exterior detailing/finishes and colors within the neighborhood in which the conditional use will be located." He said the Planning Commission does have the authority to require something, like a pitched roof, if it was out of character with the neighborhood. Commissioner Stephens said if the Commission was asking for more architectural variation, the application should be continued. Lilly said if there were questions of design, the professional designer should be allowed to respond within certain parameters.

Loomis asked how the design was detrimental in reference to Commissioner Stephens comment. Commissioner Stephens said it was a personal opinion of aesthetics. The applicant did not feel that was a detrimental effect.

Commissioner Stephens, as respects to CU-21-001, conditional use permit for 113 new for-rent townhomes with amenities located at 525-575 E. 4500 S., moved to continue the application to the next regularly scheduled Planning Commission meeting so that the applicant and staff can work together on improving the architectural appearance of the project, specifically the roof area, and 25% minimum window façade facing rights-of-way. Commissioner Claerhout seconded. Chair LaMar called for the vote. Commissioners voted yes. Commissioner Reid voted no. The motion passed.

1.2 Consideration of CU-21-003, Request for a Conditional Use Permit for a Temporary Fire House in the R-1-8 Zone Location: 3856 S. 2700 E. Applicant: Unified Fire Service Area Planner: Erin O'Kelley

Erin O'Kelley said the Unified Fire Service (UFS) came to the city six months ago to do temporary construction at the location in Mt. Olympus and needed somewhere to house employees and vehicles while the construction took place. The applicant was requesting to modify an existing single-family home for temporary use as a fire station while the current fire station undergoes modifications. The current property is a single-family house in the R-1-8 zone. The applicant would be making updates to the house and adding additional garage space for the emergency vehicles. The applicant intends to sell the property as a single-family lot once the fire department no longer needed the temporary space. UFS would add a garage taller than a normal garage to house the firetruck and modify the house to have

employees living there during shifts. O’Kelley said the house would be subject to the zone when applying for a building permit. At their regular meeting on February 4th, 2021, the East Mill Creek Community Council recommended approval of the temporary fire house station to be located at 3856 S. 2700 E. with no additional conditions. Staff recommended preliminary approval for the conditional use permit subject to the following conditions:

- Parking shown on the plans for non-emergency vehicles is not approved by the Millcreek Planning Commission and is subject to the parking requirements of residential lots in the R-1-8 zone.
- No upward illumination is allowed. Any installation of public lighting facilities or lighting located within the public right of way must be approved by the Millcreek Public Works Department. No light may trespass onto adjacent lots.
- Any modifications to these approved plans must be approved by the Millcreek Planning & Zoning Department. Any adjustments that exterior design of the building must be approved by Planning Commission. Any changes to the site plan along a public right of way must be reviewed and approved by Millcreek Public Works Department.
- The applicant will comply with all requirements established through the technical review process prior to receiving final conditional use approval.
- All applicable fees from the technical review process required must be paid in full before final conditional use approval can be granted.
- The applicant will comply with all requirements of the Unified Fire Code and is subject to approval by the Fire Marshal.
- The applicant will complete a technical review process to adjust corrections to the plans to meet all standards in Title 19 MKC.
- The applicant shall obtain a complete review for an approved building permit and shall comply with the requirements of Millcreek City, and utilities.
- All items of the staff report.

O’Kelley pointed out that no front yard parking was allowed for residential lots and that the applicant did not want to add any signs to the property. Chair LaMar asked about parking in the front. O’Kelley said it should not be part of their parking plan. Chair LaMar asked if the Commission could allow for temporary parking there. O’Kelley said the applicant said they did not need the street parking. Commissioner Claerhout asked for the timeframe for the temporary station. O’Kelley estimated one year but asked for the applicant to respond. Commissioner Claerhout asked if there would be a fire pole in the home and if it would be removed prior to sale. O’Kelley did not think one would be installed. Commissioner Reid asked about replacement of landscaping and encouraged a tree in the front yard. She then asked about noise.

Applicant – Zach Robinson, Unified Fire Authority, said staff currently working at the station on Jupiter Drive was conscious of noise. When they pull out of the station, they do not use the siren or horn until they pass residential, they only use the emergency lights. Commissioner Sieber advocated for mature tree replacement. She asked about the condition of a fire station running with the land. Francis Lilly said that the condition does run with the land but uses change. He said there was only one fire department that would buy or sell the property, Unified Fire, so the chance of another fire station buying and using it was negligible. He said once the home was sold as a private residence, a change of use would occur. Robinson said four staff members would reside in the home at one time for 48 hours shifts. He anticipated occupying the home as a station for approximately 18 months. He noted that they would probably not install a fire pole.

Chair LaMar opened the public hearing.

Cheryl Groot, 2630 E. 3900 S., said she was in support of the fire station. She had not heard from UFA about the conditional use request. She expressed concern about access with 3900 S. construction going on at the same time. O'Kelley said UFS reached out to some residents in December 2020 but did not do as far of a radius as the City did for the public hearing noticing.

Chair LaMar asked about the pending construction and access. He felt certain any issues could be resolved with the contractors. Francis Lilly said as of that day, preconstruction activities would start on the east side of 3900 S. and head west. The project would be completed by the end of summer, but staff would ensure close coordination with UFA and Acme Construction doing the street reconstruction. Lilly said he would connect the parties.

Chair LaMar closed the public hearing.

Commissioner Claerhout expressed favor for the application.

Commissioner Claerhout moved to grant preliminary approval of the conditional use permit for a temporary fire house located 3865 S. 2700 E. following the nine conditions specified in the staff report. He specified the motion was for application CU-21-003.

Commissioner Reid asked for an amendment to encourage an additional tree in the landscaping plan. **Commissioner Claerhout amended the motion to include the additional tree.**

Commissioner Reid seconded. O'Kelley asked for clarification on the tree replacement.

Commissioner Reid asked to rework the landscaping plan to include one additional tree.

Chair LaMar called for the vote. All Commissioners present voted yes. The motion passed unanimously.

1.3 Consideration of ZT-21-001, Amendments to the Millcreek Historic Preservation Ordinance Staff: Blaine Gehring, Legislative Analyst

Blaine Gehring said the chapter in the Millcreek zoning ordinance related to historic preservation fell short of what was needed to preserve the historic features of Millcreek. Currently the chapter's purpose is to "preserve sites with historical architectural, or aesthetic value which are unique and irreplaceable assets." The problem is it only identifies four structures of historic value and then discusses a conditional use permit process when making any modifications to a historic site or structure. The code fails to identify other historic structures and districts and outline a process for identifying and preserving them. The proposed code amendments would create a Historic Preservation Commission, create a list of historic sites and districts, designate historic sites and districts on a historic register, provide standards for rehabilitation of historic structures, and retain the existing conditional use process. The Historic Preservation Commission would have seven members, one from each City Council district and three at-large chosen by the Mayor with consent of the City Council. Each of the members must be a bona fide resident of Millcreek and at least two members must have professional background and knowledge related to history preservation. The Commission would issue certificates of appropriateness, establish a repository for important documents, artifacts, and items of historical significance, provide a written history

of Millcreek, put on historical events to promote education, and designate entries to the list of sites for state and national registries.

Gehring said in addition to the four homes in the current ordinance, the Evergreen Avenue Historic District was listed on the National Register of Historic Places in 2007 but it is not recognized in the current ordinance along with two homes on the National Register, the Susanna Bradford mansion known as Oakwood and the Nathaniel Baldwin home. Also located in the Evergreen Avenue Historic District is the Baldwin Radio Factory building. He said there are numerous other sites and structures recognized by the State Office of Historic Preservation and Preservation Utah which are not on any list. Gehring showed a map of the District and images of the homes and buildings. He said all of those historic sites and buildings needed to be recognized on a Historic Landmark Register. The Historic Preservation Commission would be the body which reviews and recommends structures, sites, and districts to be included on the national register.

Gehring said the proposed ordinance establishes standards for rehabilitation of historic structures and establishes design guidelines for: avoiding demolition of historic buildings, treatment of vacant historic buildings, rehabilitation work to preserve historic features, and avoiding creating artificial grouping of historic buildings. The proposed ordinance retains the existing conditional use process for any modifications to a historic site or structure along with an appeal process for anyone adversely affected by a decision of the Historic Preservation Commission. The proposed ordinance was patterned after other ordinances recognized as good examples by David Amott with Preservation Utah (formerly Utah Heritage Foundation). He said Mr. Amott reviewed the proposed ordinance and made recommendations on the ordinance along with providing photos of historic sites and buildings in Millcreek.

Chair LaMar asked about the district designation. Gehring said there were other homes that would qualify in the specifications of historic that were in the district, but they were not recognized. Chair LaMar asked about homeowners being able to leave the district. Gehring said the only thing affecting the property would be the individual home's historic registration. The registry impacts taxes and allow for help in renovations. Chair LaMar asked about the other homes being included with the historic designation automatically with the ordinance adoption. Gehring said each home would need to go through the process to be included in the registry. Commissioner Reid asked if staff was seeking a recommendation from the Commission that night. Gehring asked for a continuation until March to wait for feedback from the Mt. Olympus Community Council. Commissioner Reid asked about removal from the register. Gehring said there was a process for a homeowner to remove the property. Commissioner Claerhout asked if the property owner could demolish the property. Gehring said yes. Commissioner Claerhout expressed concern about developers knocking down historic buildings. Gehring said the ordinance aligned with how the State treats historic buildings. He said it would be to the advantage of the property owner to be on the registry.

Chair LaMar opened the public hearing.

There was no public comment.

Chair LaMar closed the public hearing.

Commissioner Claerhout moved to continue file #ZT-21-001 to the March meeting. Commissioner Sieber seconded. Chair LaMar called for the vote. All Commissioners present voted yes. The motion passed unanimously.

2. Continuing Business

2.1 Accessory Dwelling Unit Progress Report Planner: Erin O'Kelley

Francis Lilly said the Utah State Legislature was actively considering a legislative preemption for accessory dwelling units (ADUs) and the outcome would make ADUs allowed by right within the existing footprint of a single-family dwelling. He said it did not accommodate for other scenarios, such as expanding a house or having a detached ADU. He believed there would be legislation to mandate allowing ADUs, driven by the ability to keep up with the housing demand. Staff agreed to put the draft ordinance on pause to see the outcome. Chair LaMar asked if the language in any current bills was detailed so that there would be enough parameters for implementation. Lilly said Millcreek was concerned about parking in neighborhoods and that may not be the case for other cities. The bill would allow for one off-street parking spot as it was that day. Lilly said he had expressed his personal preference to the bill's sponsor about parking and said a legislative preemption would make it hard for local government to do their job. He felt Erin O'Kelley had done a good job over the last year and half crafting an ADU ordinance for Millcreek. Hansen pointed out that the proposed bill was for interior ADUs. Commissioner Reid asked if the bill could exclude existing city laws in effect if Millcreek was able to pass the ordinance first. Lilly said the Legislature was aware of other cities' ordinances and did not seem to care.

2.2 Consideration of ZT-20-008, Amendments to Millcreek Code Chapters 19.04, 19.44, and 19.78 Pertaining to Multifamily Residential Standards and Planned Unit Developments (PUD) Planner: Francis Lilly

Francis Lilly said the amendments to code were intended to improve the outcomes of multi-family design standards, streamline the process in code, and respond to concerns from the last few years. He then highlighted the changes in the RM zone. He clarified the definition of "lot coverage" to include any structure that does not have a roof and a change to allow neighborhood services as a permitted use. Chair LaMar asked about existing food establishments in the zone. Lilly said Marie Callender's and others. Other proposed code changes were to 19.44.050: to require four Building Massing and Façade Articulation design elements, a combined stepback of at least ten feet, adding the word "finished" to concrete in Building Materials, requiring perimeter fencing along residential zones and the option to have metal or composite picket fencing or no fencing along a public right-of-way, garbage and recycling collection must occur on the development site and not in the right-of-way, that front yard setback reductions may require additional street trees, private garages must have a minimum unobstructed height of six feet for the entire length and width of the garage, and on lots where a property line abuts an alley of at least 20 feet in width, the required setback from the right-of-way line along the alley may be reduced to ten feet. He showed the Commission an example on a map of an alley on 3300 S. that created a buffer between zones and preserved the 30-foot setback. Lilly said another code change would be to the Setbacks provision (19.44.050A(22)) since the current code was too vague with the term "developed." He would change the language to read, "Where fifty percent or more of the abutting lot frontage is occupied by a building façade..." Commissioner Stephens asked about a definition of "abutting." Lilly said he would consider one. He suggested adding that windows

shall comprise of at least 25 percent of each story on any street-facing façade in the Windows subsection. He said added a reference to the frontage requirements established in code chapter 19.78 for the Planned Unit Development and Condominium Requirements. He also added an information standards table in General Standards of Applicability (19.44.070).

Chair LaMar brought up a site in Salt Lake City (1700 S. 900 E.) and asked if it could be built in Millcreek. Lilly said Millcreek code provided for a greater setback from the back of sidewalk.

Lilly then went over the proposed PUD code. He said there was a standard frontage requirement and minimum acreage requirement for PUDs. He said it was typically 3 lots with the option for a reduction in acreage if the development abuts or is contiguous to a corridor. Staff had struggled with that and had proposed that developments of at least 150 feet of frontage and 60 feet in width along a public right-of-way could be exempt from the minimum acreage requirement if there were at least 8 units. He pointed out that higher density zones tend to be narrower, so in those specific zones, only 100 feet of frontage would be required. He said the other code changes corresponded with the changes in RM zone; the option for perimeter fencing along the right-of-way and types, collection of garbage and recycling on site, and unobstructed private garage height. Commissioner Reid expressed concern for garbage trucks being able to get into small developments. Lilly mentioned that the roadway standard had changed to require wider roads. He highlighted existing challenges where cans were put onto busy streets.

Commissioner Stephens commended planning staff for updating the ordinance.

Commissioner Stephens moved, as respects to consideration of ZT-20-008, amendments to Millcreek Code Chapters 19.04, 19.44, and 19.78 pertaining to multifamily residential standards and planned unit developments, to recommend to the City Council approval of the draft ordinance as presented to the Commission that night. Commissioner Reid seconded. Chair LaMar called for the vote. All Commissioners present voted yes. The motion passed unanimously.

3. Business Meeting

3.1 Open and Public Meetings Act Annual Training; John Brems, City Attorney

Francis Lilly asked that the training be moved to the next meeting, per the City Attorney's request.

3.2 Approval of December 16, 2020 Meeting Minutes

Commissioner Stephens moved to approve the December 16, 2020 draft meeting minutes. Commissioner Sieber seconded. Chair LaMar called for the vote. All Commissioners present voted yes. The motion passed unanimously.

3.3 Approval of January 20, 2021 Meeting Minutes

Commissioner Sieber moved to approve the minutes of the January 20, 2021 meeting. Commissioner seconded. Chair LaMar called for the vote. Commissioners Sieber,

Stephens, Reid, Claerhout, and LaMar voted yes. Commissioner Wright abstained. The motion passed.

3.4 Updates from the Planning and Zoning Director

Francis Lilly said Russ Booth resigned from the Planning Commission. He said the City was accepting applications and interviewing for a new commissioner.

3. Calendar of Upcoming Meetings

- City Council Mtg., 2/22/21, 5:00 p.m. at City Hall
- Mt. Olympus Community Council Mtg., 3/2/21, 6:00 p.m. TBD
- Millcreek Community Council Mtg., 3/2/21, 6:30 p.m. TBD
- Canyon Rim Citizens Association Mtg., 3/3/21, 7:00 p.m. TBD
- East Mill Creek Community Council Mtg., 3/4/21, 6:30 p.m. TBD
- City Council Mtg., 3/8/21, 5:00 p.m. at City Hall
- Planning Commission Mtg., 3/17/21, 5:00 p.m. at City Hall

ADJOURNED: Commissioner Reid moved to adjourn the meeting at 7:27 p.m. Commissioner Claerhout 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