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, **20 October 2021** at City Hall, 3330 S. 1300 E., Millcreek, Utah 84106, commencing at **5:00 p.m.**

5:00 p.m. – Regular Meeting

1. Continuing Application

1.1 Consideration of **GP-21-001/ZT-21-007**, Amendments to the City Center Master Plan Regarding District Signs/Amendment to Chapter 19.82 of the Millcreek Zoning Ordinance Regarding Billboards and District Signs **Planner:** Francis Lilly

2. Public Hearings

2.1 Consideration of **CU-21-016**, Request for a Conditional Use Permit for Development of a 9-Plex Condominium in the R-M Zone **Location:** 4820 S. 1300 E. **Applicant:** Brandon Fry **Planner:** Naba Faizi

2.2 Consideration of **CU-21-017**, Request for a Conditional Use Permit for Development of a Multi-Family Project in the M-D Zone **Location:** 4074 S. West Temple **Applicant:** CDCU **Planner:** Robert May

2.3 Consideration of **CU-21-018**, Request for a Conditional Use Permit for a Mixed-Use Development with 7,735 Square Feet of Commercial Space and 226 Residential Units **Location:** 3300 S. 1306 E. **Applicant:** Cottonwood Residential **Planner:** Robert May

3. Commission Business

3.1 Approval of September 15, 2021 Meeting Minutes

3.2 Approval of September 16, 2021 Special Meeting Minutes

3.3 Approval of October 7, 2021 Special Meeting Minutes

3.4 Updates from the Planning and Zoning Director

4. Calendar of Upcoming Meetings

- City Council Mtg., 10/25/21, 5:00 p.m. at City Hall
- Mt. Olympus Community Council Mtg., 11/1/21, 6:00 p.m. TBD
- Millcreek Community Council Mtg., 11/2/21, 6:30 p.m. TBD
- Canyon Rim Citizens Association Mtg., 11/3/21, 7:00 p.m. TBD
- East Mill Creek Community Council Mtg., 11/4/21, 6:30 p.m. TBD
- City Council & Planning Commission Special Mtg., 11/8/21, 5:00 p.m. at City Hall
- City Council Mtg., 11/8/21, 7:00 p.m. at City Hall
- Planning Commission Mtg., 11/17/21, 5:00 p.m. at City Hall

5. Adjournment

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.

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 khansen@millcreek.us, at least 48 hours in advance of the meeting.

The meeting will be 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.

The Commission may convene in an electronic meeting. Commissioners may participate from remote locations and may be connected to the electronic meeting by GoToMeeting, Zoom, or telephonic communications. The anchor location will be City Hall.

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	City Website	Utah Public Notice Website
Those Listed on the Agenda	http://millcreek.us	http://pmn.utah.gov

DATE: October 13, 2021 CITY RECORDER: Elyse Sullivan

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

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

File # CU-21-016

Planning Commission Staff Report

Meeting Date:	**October 20, 2021**
Applicant:	**Brandon Fry**
Property Address:	**4820 S 1300 E**
Parcel ID:	**22082330110000**
Request:	**Conditional use permit for a six-plex.**
Zone:	**R-M 19.44**
Prepared By:	**Naba Faizi, Planner**

SYNOPSIS AND SCOPE OF DECISION

The Applicant is seeking a conditional use permit approval from the Planning Commission to construct a 2-story 9-unit residential condominium structure, within the RM Zone, located at 4820 South 1300 East. The proposal includes podium parking on majority of the main level and consists of 2 one-bedroom units and 7 two-bedroom units. The Applicant has indicated his intentions to further subdivide the building into individual condominiums which will be require a PUD application, requiring the Planning Commission's review and approval at a future date.



FRONT ELEVATION
SCALE 1/4"

19.84.050 Approval/Denial Authority

The Planning Commission has the authority to approve or approve with conditions, based on standards, all conditional use applications. Denial of an application shall only be considered if there are no conditions that can be imposed to mitigate the reasonably anticipated detrimental effects of the use. All conditional uses are presumed to be compatible in the zone and compatible with the intent of the General Plan.

1. Planning Commission Approval
    1. The Planning Commission shall review and approve with conditions, continue, or deny, if no reasonable mitigation can be determined, each application during a public meeting.
    2. The Planning Commission's decision shall be based on information presented through the public meeting process, including: the materials submitted by the applicant, information provided by reviewing agencies, the recommendation of the director or director's designee, and input from community councils, interested parties and affected entities.
    3. The director or director's designee shall issue a final approval letter, subsequent to Planning Commission approval, detailing the conditions imposed and standards of the ordinances as applied to the conditional use.
    4. If the applicant fails to meet all conditions of approval within twelve months of the Planning Commission's decision, the application is deemed denied. Up to a twelve-month extension may be granted upon the payment of an additional filing fee equal to the original filing fee.
    5. A Planning Commission decision shall be made on a complete conditional use application within a reasonable time frame, not to exceed ninety days, beginning on the date the complete conditional use application is first reviewed by the Planning Commission. The Planning Commission is authorized to review and take action on an application as outlined in MKZ 19.84.040 after having notified the applicant of the meeting date.
    6. Failure by the applicant to provide information that has been requested by the Planning Commission, the director or director's designee to resolve conflicts with the standards in MKZ 19.84.060 may result in an application being considered incomplete or denied.

SITE VICINITY AND DESCRIPTION

The property is located in the RM Zone and is surrounded by the RM (Multifamily), R-1 (Single Family), and A-1 (Agricultural) Zones. The property is accessed from 1300 East, which is a minor arterial street, (see the Transportation Plan (page 9) for more information regarding Roadway Classifications). The property is .35 acres in size and contains a single-family home that was built in the 1950's and has been zoned RM since the 1990's. Public improvements along 1300 East such as, curb, gutter, and sidewalk will be required for the proposed project. A traffic study was conducted for the proposed project, which, showed low levels of service and low impact on 1300 East. There are no irrigation canals in this area. The height of the proposed 9-plex will be 30 feet which is permitted in the RM code. All the parking will be located within the podium parking portion of the structure.

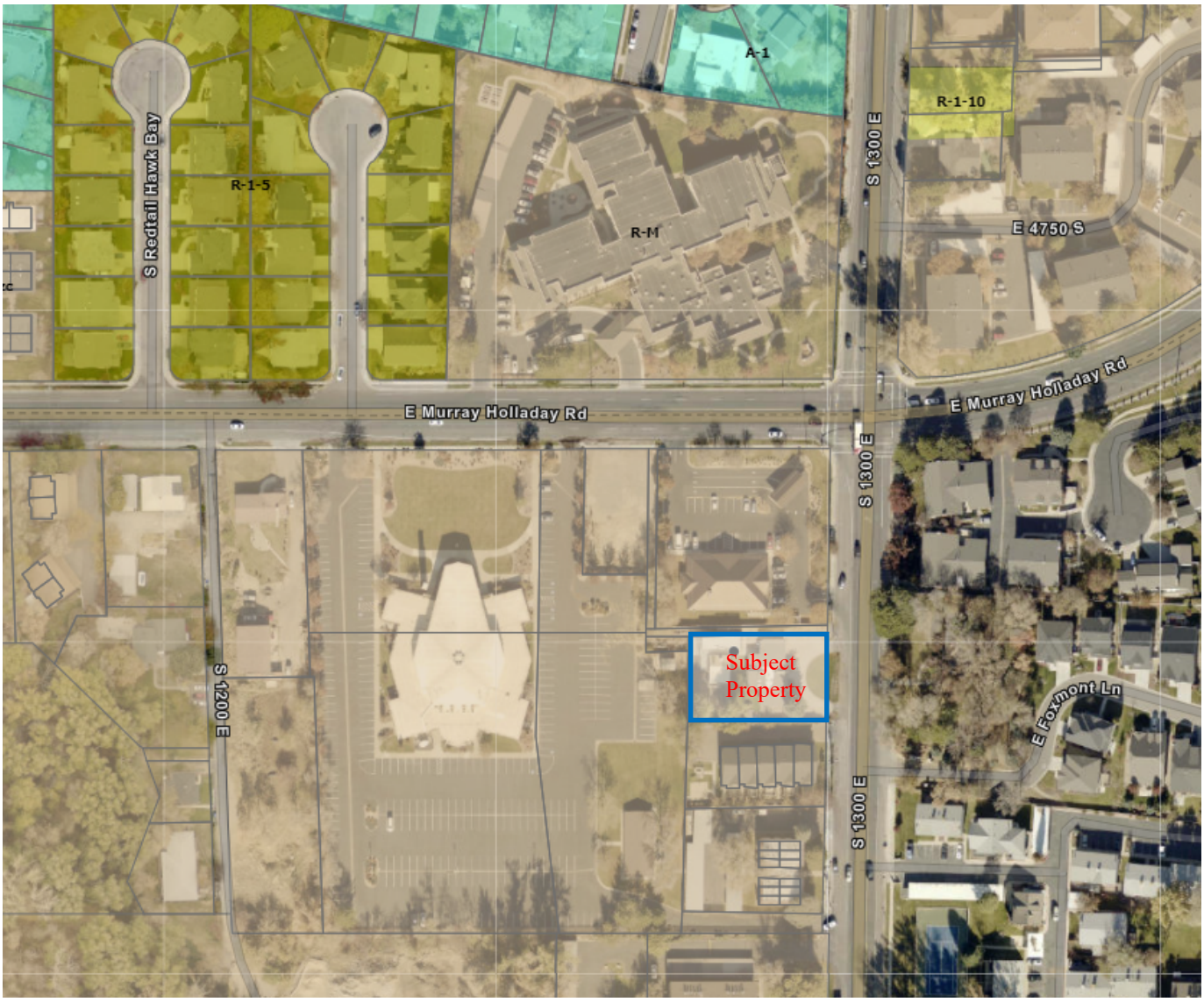


FIGURE 1: ZONING MAP

STREET VIEW



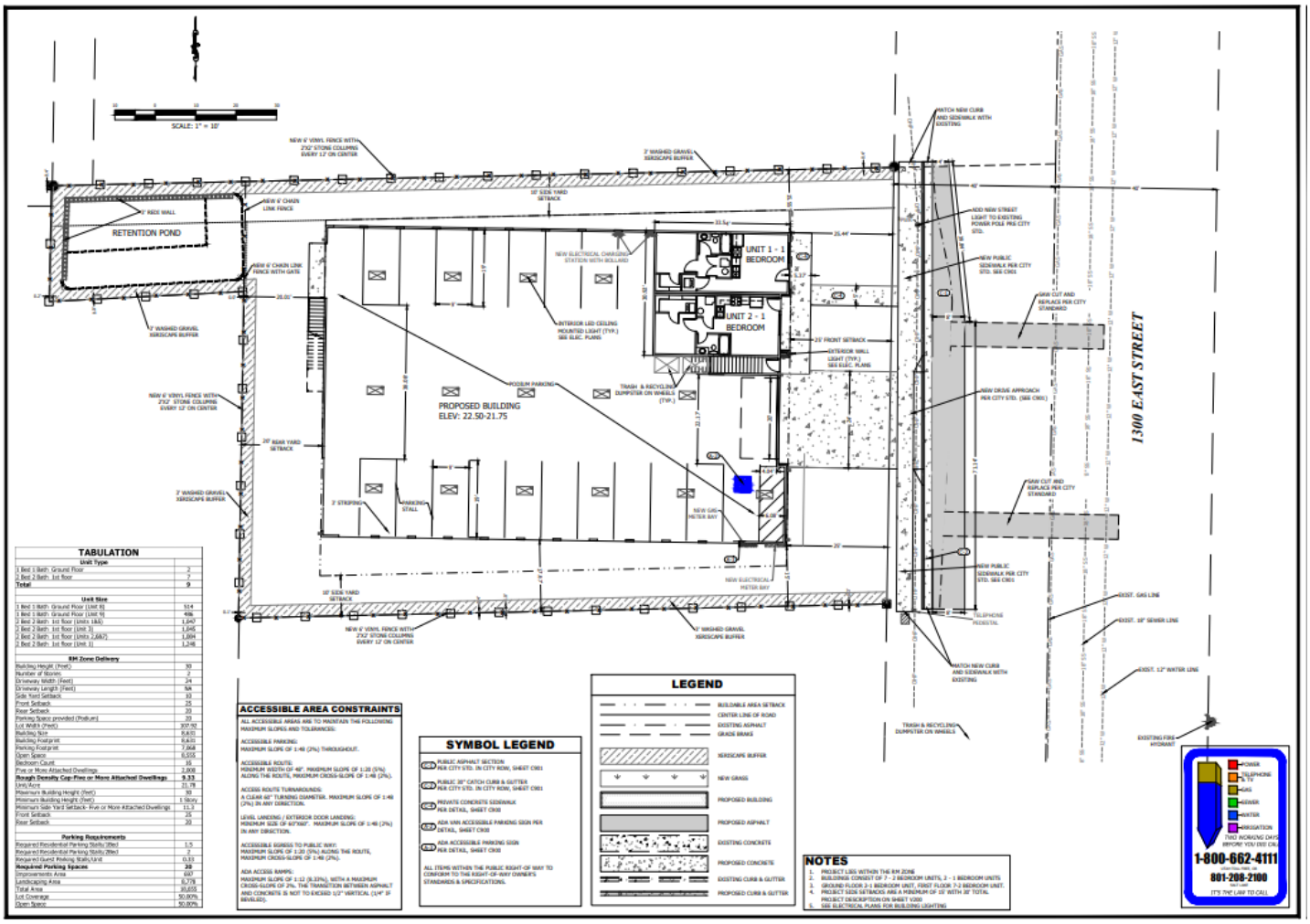


Figure 2 PROPOSED SITE PLAN

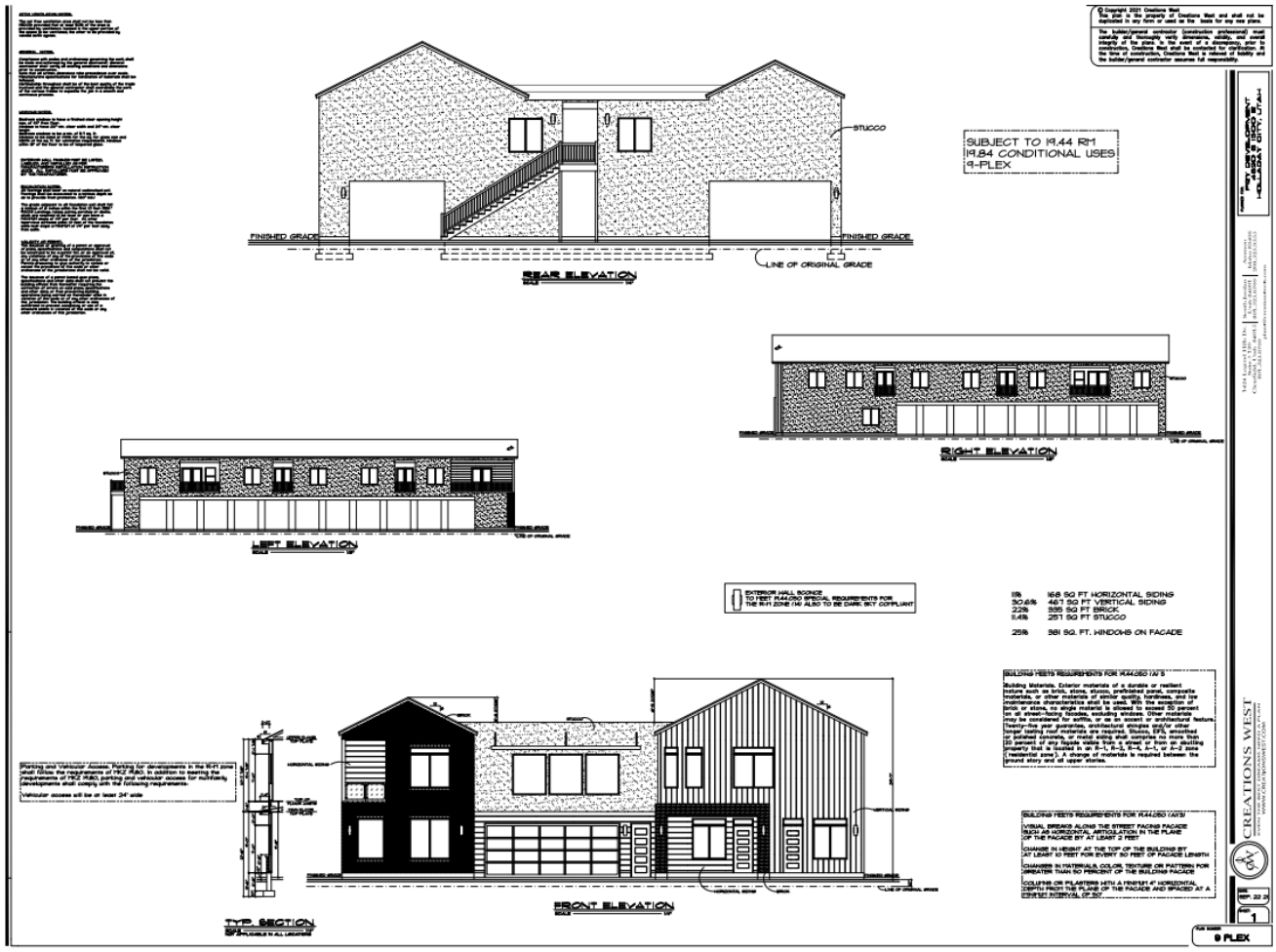


Figure 3 PROPOSED ELEVATIONS

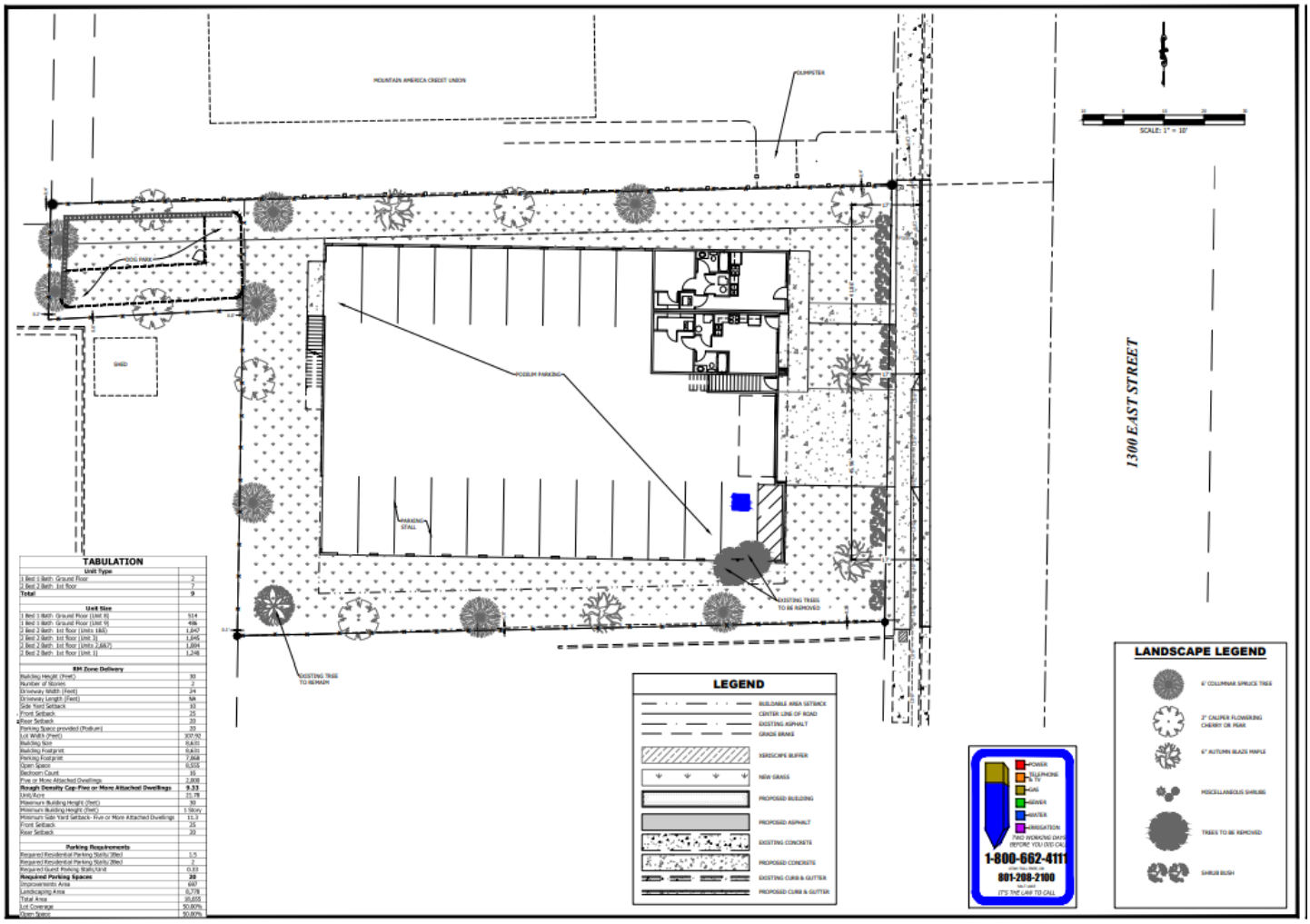


Figure 4 PROPOSED LANDSCAPE PLAN

PROJECT INFORMATION (SEE SUPPORTING DOCUMENTS)

TABULATION	
Unit Type	
1 Bed 1 Bath Ground Floor	2
2 Bed 2 Bath 1st floor	7
Total	**9**
Unit Size	
1 Bed 1 Bath Ground Floor (Unit 8)	514
1 Bed 1 Bath Ground Floor (Unit 9)	486
2 Bed 2 Bath 1st floor (Units 1&5)	1,047
2 Bed 2 Bath 1st floor (Unit 3)	1,045
2 Bed 2 Bath 1st floor (Units 2,6&7)	1,084
2 Bed 2 Bath 1st floor (Unit 1)	1,246
RM Zone Delivery	
Building Height (Feet)	30
Number of Stories	2
Driveway Width (Feet)	24
Driveway Length (Feet)	NA
Side Yard Setback	10
Front Setback	25
Rear Setback	20
Parking Space provided (Podium)	20
Lot Width (Feet)	107.92
Building Size	8,631
Building Footprint	8,631
Parking Footprint	7,068
Open Space	8,555
Bedroom Count	16
Five or More Attached Dwellings	2,000
Rough Density Cap-Five or More Attached Dwellings	**9.33**
Unit/Acre	21.78
Maximum Building Height (feet)	30
Minimum Building Height (feet)	1 Story
Minimum Side Yard Setback- Five or More Attached Dwellings	11.3
Front Setback	25
Rear Setback	20
Parking Requirements	
Required Residential Parking Stalls/1Bed	1.5
Required Residential Parking Stalls/2Bed	2
Required Guest Parking Stalls/Unit	0.33
Required Parking Spaces	**20**
Improvements Area	697
Landscaping Area	8,778
Total Area	18,655
Lot Coverage	50.00%
Open Space	50.00%

Figure 5 PROJECT INFORMATION SUMMARY TABLE

There will be 3 parking stalls for the 1-bedroom units and 14 parking stalls for the 2-bedroom units as required in code. There will be 3 guest parking spaces provided. There will be one ADA parking stall on the property. There will be 20 spaces of parking total.

Multiple Family Units, Multiple Family Dwelling, Dwelling Group, Apartment House:	.75 space per unit
Studio Units	1.5 spaces per unit
One Bedroom Units Two Bedroom Units	2 spaces per unit
Three Bedroom Units Four Bedroom Units	2.5 spaces per unit
Guest/visitor parking	3 spaces per unit
	.33 spaces per unit

Figure 1 19.80 PARKING REQUIREMENTS

# Bedrooms	Parking required	Stalls Provided
1 bedroom (2)	1.5 spaces required	3
2 bedroom (7)	2 spaces required	14
Guest Parking	.33 (bedroom) .33 x 9	3

Proposed Use. Residential condominium units

Density. 9 units. 9.3 units per acre. (RM zone max density 2000 sf/unit)

Site Layout. The site layout is the 9 unit building running East to West along the property with one drive access from 1300 E into podium parking to access the site.

Fencing: Perimeter fencing will be installed per RM code standards.

Lighting: Interior lighting will be required, must be dark sky compliant and not penetrate adjacent lots.

Landscaping: Applicant is providing 8778 square feet of landscape area, 3 street trees located along the front of the property.

There will be 4663.75 square feet (50%) open space, the code requires 40 percent. A dog park will be provided as the amenity.

Access. The project will be accessed from 1300 E, the project has podium parking.

Parking. Applicant meets the minimum parking standards of 19.80. There will be 20 parking spaces.

Building Design. Building consists of a mix of stucco, siding, and brick.

Height: The height of the proposed 9-plex will be 30 feet as permitted in the RM zoning code. The height shall not be greater than 30 feet and the building is 2 stories tall. The height will be measured from original ground surface.

Minimum Setbacks per the RM Zone are as follows:

Front *25* Feet
Back 10 Feet
Side 20 Feet

STANDARDS FOR APPROVAL

Per §19.84.060 of the Millcreek Code, All Conditional Use Permits run with the land and may require the applicant to record documents to that effect. The Planning Commission and staff, in their review capacity, may impose site plan modifications and conditions to mitigate the reasonably anticipated detrimental effects of a conditional use.

While staff finds that the project is well designed, the final conditional use permit will be evaluated for potential detrimental impacts established in the Millcreek Code.

Staff identified the following reasonably anticipated detrimental effects on this project, and recommend the following modifications and conditions to mitigate them:

1. *Detrimental effects of decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards, including other reasonable mitigation as determined by a qualified traffic engineer.*

   Effect: The project did undergo a traffic study; the results of the study were that there is low level of service and low impact on 1300 E.
   Mitigation: No Mitigation.

   Detrimental effects on the adequacy of utility systems, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, or preserving existing systems, including other reasonable mitigation as determined by the City's engineering staff, contracted engineers, and utility service providers.

   Effect: Although minor, the project will have an impact on utility systems.
   Mitigation: Applicant is required to provide will serve letters from each utility company.

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

   Effect: **Not applicable.**

   Mitigation: **Not applicable.**

3. *Detrimental effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered acceptable, within a neighborhood including such effects as environmental impacts, dust, fumes, smoke, odor, noise, vibrations, chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance.*

   Effect: **Staff does not anticipate this detrimental effect due to this only being 9 units.**
   Mitigation: **Staff recommends the applicant provide downward lighting as per the RM code.**

4. *Detrimental effects that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people arising from, but not limited to, waste disposal, fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands, as determined by City Engineer, City geologist and other qualified specialists.*

   Effect: **Project will have a minor effect during the construction phase of the project.**
   Mitigation: **Applicant is required to include a geotechnical study and engineered civil plans during technical review.**

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

   Effect: **Applicant is not proposing a sign currently.**
   Mitigation: **Must meet all sign requirements in the 19.82 code.**

6. *Detrimental effects arising from incompatible designs in terms of use, scale, intensity, height, mass, setbacks, character, construction, solar access, landscaping, fencing, screening, and architectural design and exterior detailing/finishes and colors within the neighborhood in which the conditional use will be located.*

   Effect: **Project meets all requirements in code 19.44 and 19.77 for items mentioned above.**
   Mitigation: **No mitigation is recommended as long as code is met.**

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

Effect: **Property improvements will influence the neighboring property values.**
Mitigation: **Not applicable.**

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

Effect: **Not applicable.**
Mitigation: **Not applicable.**

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

Effect: Applicant will be required to meet all Fire code.

Mitigation: Applicant will comply with recommendation #10

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

Effect: **Not applicable.**
Mitigation: **Not applicable.**

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

Effect: **Applicant meets the minimum requirements of the RM requirements of open space at 50% (requirement is 40%) and is providing a dog park as an amenity.**
Mitigation: **Must meet the minimum standards of the RM code.**

12. *Detrimental effects on appearance from graffiti. Applicants shall apply an anti-graffiti material or coating, approved by the City, to building, fence, and other surfaces from ground level to a height of nine feet. The Planning Commission may approve dense planting or appropriate design measures in place of anti-graffiti materials. This requirement may be imposed retroactively where graffiti issues are present.*

Effect: Building and landscaping maintenance for the property may influence neighboring properties. Building materials may be subject to graffiti.

Mitigation: Staff recommends as conditions of approval to have applicant secure property and landscape maintenance; this will be reviewed through technical review. Applicant is required to meet the building and design materials mentioned in the RM zone.

COMMUNITY COUNCIL AND NEIGHBORHOOD RESPONSE

This project was reviewed at Millcreek Community Council.

At their regularly scheduled meeting on Tuesday, October 5th at 6:30 pm. Millcreek Community Council discussed the following:

- Council inquired about whether there would be an elevator to access the second floor. The Applicant responded that the only access to the second floor would be via the stairs from the rear of the property and parking structure. Council suggested to applicant to include elevator to access the building.

- Council Members asked about the aesthetic of the home. The Applicant responded that all design requirements have been met.

- Council Members inquired about the retention pond. It was commented that the retention pond would be landscaped and made available as a small open space/dog park, as noted on the plans

- Council inquired about the proposed individual trash receptacles. Staff commented that individual receptacles were not allowed for this use and would need to be addressed prior to Planning Commission approval. The Applicant has made changes to the plans which now show a shared on-site trash collection system.

Millcreek Community Council voted to recommend approval of the project.

PLANNING STAFF ANALYSIS AND FINDINGS

Staff has made the following findings:

1. The Applicant can meet all the requirements through a Conditional Use permit.
2. The Applicant has indicated that they plan to submit a PUD condominium application at a later date.
3. The Applicant can meet requirements through Technical Review.
4. The height of the project is comparable to the surrounding building heights.
5. The project will not be a major impact due to only being 9 units and the results from the Traffic Study have stated a low level of service and impact on 1300 East.
6. Signs and accessory buildings will require separate building permits and staff review for zoning/land use compliance.

PLANNING STAFF RECOMMENDATION & PROPOSED MOTION (CU-21-016)

Staff recommends that the Millcreek Planning Commission **approve Conditional Use Permit, file number CU-21-016, to allow a two story 9-plex residential building, located at 4820 South 1300 East, subject to the following conditions:**

1. 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.

2. 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.

3. The applicant will submit application for a PUD for preliminary approval before starting the Technical Review process for the project.

4. The applicant will comply with all requirements established through the technical review process prior to receiving final conditional use approval.

5. As part of the technical review, applicant is required to meet all standards for roadway development as determined by the Millcreek Public Works department.

6. 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.

7. The applicant will be required to install oil and water separators in the parking lot inlets below the living units.

8. There must not be any inlets in or near the dog park and vice versa.

9. The applicant will comply with all requirements of the Unified Fire Code and is subject to approval by the Fire Marshal. Any safety measures required by the Fire Marshal including a fire hydrant shall be installed. The applicant must include fire sprinklers and riser room in the front of the building, the Riser room will need a door that can be accessed directly from the exterior of the front of building & will need to be of sufficient size for maintenance and mobility.

10. The applicant shall obtain a complete review for an approved building permit and shall comply with the requirements of Millcreek City, and utilities. Building permit may only be applied for once final approval letter for conditional use permit and PUD is given to applicant.

11. Applicant must obtain utility will serve letters during the technical review process.

12. The applicant and its successors shall properly and continually maintain all required landscaping, fencing, buildings.

13. 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. A tree preservation, replacement, and removal plan will be completed and approved by City staff.

14. Applicant will be required to receive approval from Salt Lake County addressing department before final conditional use approval.

15. 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.

16. That applicant shall schedule a pre-construction meeting with the public works department once bonding is complete.

17. The develop shall meet all requirements of Low Impact Development (LID) approach. This approach includes long-term stormwater BMPS that allow stormwater to infiltrate, evapotranspiration or harvest and reduces runoff from the site and protects water quality (MS4 permit 4.2.5.1.3). If a LID approach is infeasible, an alternative rationale must be provided and documented showing that infiltration, evapotranspiration, and harvesting methods were used to the maximum extent feasible. Reasons for infeasibility may include the following: high ground water, drinking water source protection areas, soil conditions, slopes, accessibility, excessive costs, or others (MS4 permit 4.2.5.1.5).

18. All items of the staff report and 19.44, 19.78 requirements.

SUPPORTING DOCUMENTS

1. **Attached Plans**
2. **19.44 RM Zone**

MILLCREEK PLANNING AND ZONING
3330 SOUTH 1300 EAST
MILLCREEK, UTAH 84106

File No. CU-21-017

Planning Commission Staff Report

Meeting Date:	**20 October 2021**
Applicant:	**Todd Reeder, CDCU**
Request:	**Preliminary conditional use approval for a 64-unit affordable senior housing project located at 4074 South West Temple**
Parcel:	**15-36-476-032-0000, 15-36-476-033-0000**
Size:	**1.15 acres / 50,068 square feet**
Prepared By:	**Robert May, Long Range Planning Manager**

SYNOPSIS AND SCOPE OF DECISION

The applicant, Todd Reeder from the Community Development Corporation of Utah (CDCU) is seeking preliminary conditional use approval to construct an affordable senior housing project located at 4074 South West Temple in the Meadowbrook Center of Millcreek. CDCU intends to apply for low-income tax credits and provide an affordable housing project for low-income seniors between 25% and 55% area median income (AMI). As you may recall, the applicant made a previous application (ZM-21-001) to rezone the subject property to an MD Zone from an RM Zone. Staff recommended approval of application to further help Millcreek reach its demographic projections for moderate income housing and provide a substantial housing development. The rezone application was approved by City Council by way of a development agreement on September 13, 2021. Click here to review Ordinance 21-35.

The applicants plans for the preliminary conditional use permit reflect all the physical requirements and conditions of the approved and recorded development agreement.



The parking stalls provided for the CUP have been approved per the rezone request and identified as a condition of approval within the development agreement.

A copy of the city approved and recorded development agreement is included in the supporting documents.

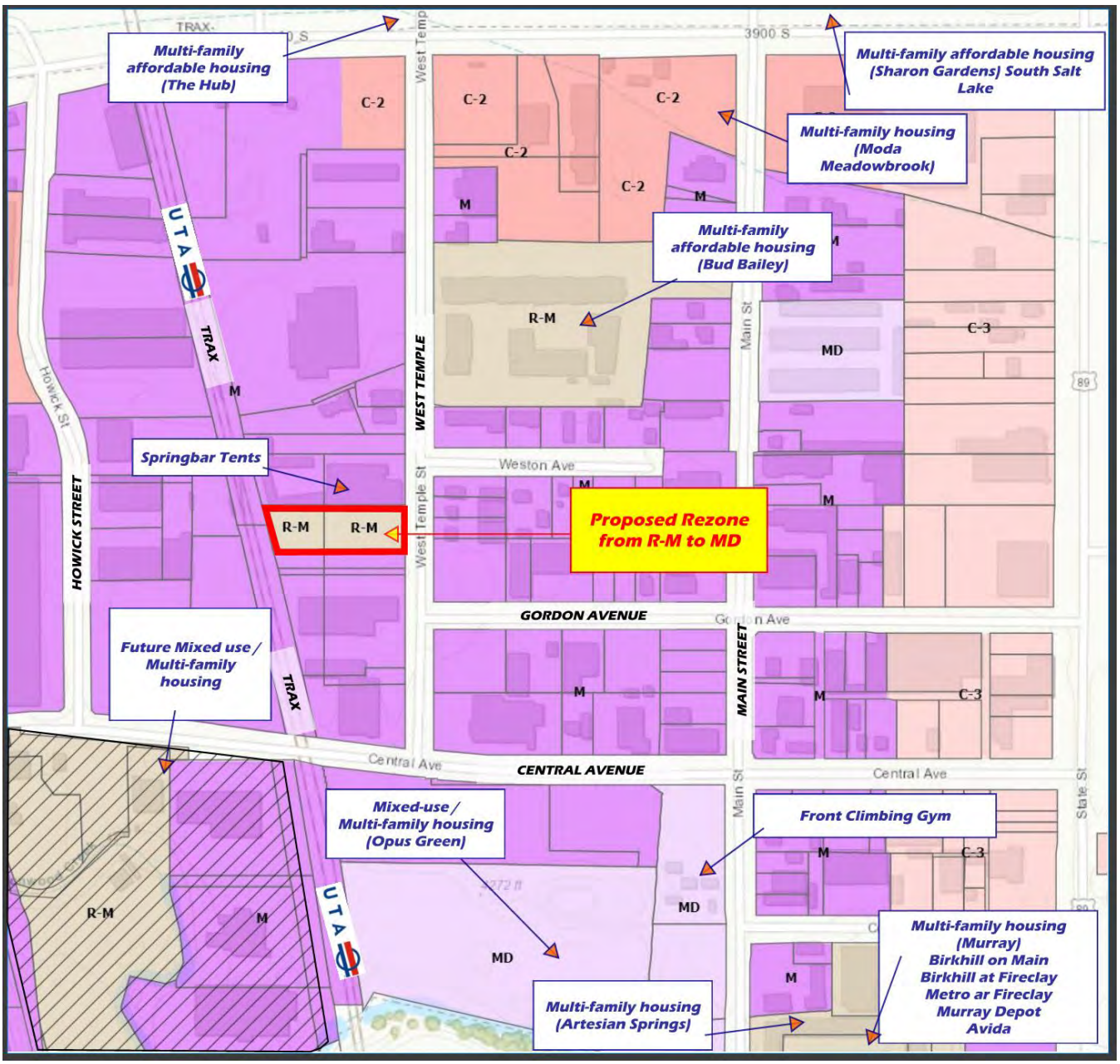
SITE & VICINITY DESCRIPTION



Currently the subject property is vacant and has been used as a dumping ground with overgrown vegetation. Historically the property has always been used as outside storage and unimproved parking and has remained undeveloped. The property has no improvements in terms of curb, gutter or sidewalk and is a gap for pedestrians using the sidewalk on adjacent properties. The property has always been used as outside storage and unimproved parking and has remained undeveloped.



Until recently, much of the immediate area has been industrial and manufacturing, sprinkled with auto repair businesses. Recent code changes adopted by City Council in 2018 to help allow for moderate to high density housing in the Meadowbook area has triggered a development trend of various types of housing and mixed-use projects. Due to the lack of diverse and affordable housing in Utah, similar land use trends to the north and south of the Meadowbook area in South Salt Lake and Murray have taken way, creating a host of diverse housing. Repurposing the subject property will aid in providing needed public improvements and be a tremendous improvement to the overall curb appeal on West Temple. The proposed affordable housing project will include a full landscape plan with park strip and right-of-way improvements. Additionally, all private improvements required by the MD Zone will be installed and will include, among other design standards and requirements, sidewalk, a new perimeter fence, parking lot street lighting, safe vehicular access and parking lot and garbage and recycling facilities. transit oriented district.



Uses map from previously approved rezone application

In the previously approved rezone application ZM-21-001, a parking study was commissioned by Millcreek and performed by Fehr and Peers that analyzed other senior and affordable housing parking requirement rates ranging from neighboring jurisdictions and suggested state of the art practices from the Institute of Transportation Engineers and the Urban Land Institute. The study took into account key characteristics at each development that included at minimum, number of units and bedroom counts, age restrictions, income restrictions, available transit services within a half (0.5) mile and existing pedestrian infrastructure. Staff has reviewed the senior housing parking study and find that based on data collected detailing parking rates and occupancy counts of other similar senior housing projects, the recommendation made by Fehr and Peers is justified and reflects a parking ratio range that will meet the parking needs of residents and guests within the senior housing project. Based on the findings of the literature review and the collected data, Fehr & Peers recommends that Millcreek implement a parking requirement for senior housing developments, such as the proposed 4074 West Temple development, based on the following standard:

- ***0.75 parking stalls per single-bedroom dwelling unit***
- ***1 parking stall per two-bedroom dwelling unit***
- ***1.25 parking stalls per dwelling unit with three or more bedrooms.***

*See attached parking study performed by Fehr and Peers

The parking stalls provided for the CUP have been approved per the rezone request and identified as a condition of approval within the development agreement. A copy of the city approved, and recorded development agreement is included in the supporting documents. ** A condition was included the development agreement as an extra measure to solidify the parking reduction to an affordable senior housing development. If by chance the, in the future, the use should change, the parking reduction would not apply, therefore recalculating a new required parking requirement.

STAFF ANALYSIS AND FINDINGS

Staff finds that in addition to the rezone request, the proposal CUP proposal by CDCU will provide an excellent repurpose of the existing property and that it aligns with the characteristics and uses deliberately intended for the Meadowbrook district. Additionally, staff finds that the CUP application and proposal will enhance the curb appeal and beautify the property through its building design, landscape plans and required public and private improvements.

Staff finds the proposal for a 64-unit affordable housing project intended for low-income seniors between 25% and 55% area median income will help Millcreek further meet its obligation to provide diverse and affordable housing options. Per the Millcreek General Plan, the greatest demand is for households making less than 50% AMI. Under Utah Code, municipalities must assure the production of moderate-income housing and submit an annual update for its Moderate Income Housing Plan. The development will accommodate the affordable housing needed to help Millcreek meet its implementation strategies and goals for providing affordable housing for households within the 25%-50% AMI.

Table 35: Number of Units Currently Needed by Targeted Income Group

	Households	Existing Units	Difference Between Demand for Units and Existing Units	Cumulative Difference
< 30% AMI	2,438	510	1,928	1,928
30-50% AMI	2,438	2,114	324	2,252
50-80% AMI	3,745	5,120	(1,375)	877
> 80% AMI	10,494	12,786	(2,292)	(1,415)
Total	19,116	20,531	(1,415)	

Housing Affordability

The Utah State Code (Section 10-9a-403) requires municipalities to include a plan for moderate-income housing as part of a general plan. It outlines the responsibility of a City to facilitate a "reasonable opportunity" for those households with moderate-incomes to live within the City. Moderate-income housing is defined by the U.S. Department of Housing and Urban Development (HUD) as "housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80 percent of the median gross income for households of the same size in the county in which the City is located [Also known as Area Median Income or AMI]."

Staff finds that the proposed affordable housing project is harmonious with the standards and principles found in the Millcreek Together General Plan and that the slated land use frame supports the proposed development. The proposal will become a valuable asset to the community and with a development agreement that outlines at minimum, conditions for use, parking, density, building height, materials and landscaping, the project will have a tremendous outcome with a cohesive design.

Staff finds that based on the study development characteristics within the parking study, the following highlighted senior housing sites above (***Sharon Gardens, Kelly Benson, and Preston Place***) identify a close comparable to the proposed senior housing development, thus indicating and supporting a parking ratio of .75 per one-bedroom unit. Staff finds that a .75 parking ratio will satisfy the required parking and guesting parking needed to accommodate a 64 one-bedroom unit senior housing project. Staff notes that the senior housing project "The Morrissey" is subject to a development agreement that among other conditions, include the following:

1. A minimum of 48 required stalls.
2. Total sum of required stalls shall not include the accessible parking spaces required to satisfy the Americans with Disabilities Act and shall be provided in addition to the number of stalls required.
3. Required parking must be provided to residents free of charge. No fees or premiums shall be collected for resident and guest parking.

PROJECT INFORMATION

Proposed Uses. An affordable senior housing multi-family development

Density. 64 units. No max density in the MD Zone

Site Layout. A 4-story structure with an approximate 12,170 sf footprint which is approximately 24% of the total lot square footage. Structure is designed to have fire access completely around perimeter and is situated such to allow for adequate parking and usable open space.

Fencing: A solid fencing sound barrier is proposed along the west boundary line. Perimeter Fencing is only required adjacent to residential uses.

Lighting: Three interior light poles are situated within development

Landscaping: Landscaping consists of approximately 20% of the total lot square footage. There will be an outdoor community space at the rear of the building comprising of approximately 3,000 sf, including three 48 SF raised garden beds.

Access. Property will consist of two access points coming off of West Temple. One of which is strictly fire access.

Dedication. Not required. Public improvements such as curb, gutter, and sidewalk will be required and bonded for.

Parking. Per the development agreement, the developer is providing 48 parking stalls with an additional 3 ADA stalls, equaling 51 parking stalls.

Open Space. The developer is providing roughly 5,000 sf of ***usable*** open space that consists of approximately a 3,000 sf outdoor community space and a 2,000 sf community / fitness room. Each unit includes a patio or balcony consisting of approximately 50 sf.

Building Design. A mostly flat roof, 4-story building with a diverse range of articulation and materials.

Height: Ground floor to top of parapet is at 44' feet.

Setbacks: Front: 10' Rear: 20' Side: 20'

Materials: A mixture of charcoal grey and red/brown brick, metal panels with aluminum siding. A beautiful mural wall showcasing a rainbow of birds flying aimlessly that faces West Temple.

Massing: Although mostly broken up, the width of the building is *roughly* 57' feet wide and 216' feet long.

Unit Characteristics. All 64 affordable senior housing units will be oriented as one-bedroom and consist of approximately 525 sf and include a 50-sf balcony or patio.

Amenities. An outdoor community gathering area with garden beds with an indoor community/ fitness room. Collectively they total roughly 5,000 sf.

Utilities and Waste Removal. Trash and recycling dumpsters are provided at the rear of the building and will have a contract with a private waste management company for removal from the premises.

PLANNING COMMISSION RECOMMENDATION FOR PREVIOUS REZONE APPLICATION ZM-21-001

At their regularly scheduled meeting on July 21, 2021, the Millcreek Planning Commission voted unanimously to make a positive recommendation to the City Council subject to the staff report and the conditions therein. The Planning Commission further added in their motion for recommendation that the development agreement include that the mural will be the same size, scale, and quality as depicted in the plans, change of use language that would affect the parking requirement, bike locker capacity and use, landscaping will use endemic/waterwise plants and trees. All Commissioner's present voted yes.

COMMUNITY COUNCIL RESPONSE

At their regularly scheduled meeting on October 5, 2021, the Millcreek Community Council (MCCC) voted **unanimously to recommend approval** of the proposed CUP application with the understanding that a development agreement has been recorded.

During the meeting, there was a resident that had a question regarding construction phase and best management practices for dust, debris, and noises. Staff recommended to the applicant to prepare a construction timeline during technical review and how the concerns of the resident will be mitigated.

DEVELOPMENT AGREEMENT CONSIDERATIONS

The rezone application was approved by City Council by way of a development agreement on September 13, 2021. Click here to review Ordinance 21-35. The applicants plans for the preliminary conditional use permit reflect all the physical requirements and conditions of the approved and recorded development agreement. A copy of the city approved, and recorded development agreement is included in the supporting documents. Conditions in recorded development agreement are as follows:

1. Use of property is limited to an affordable multi-family senior housing project for low-income seniors that are of 62 years of age or older and fall within a 25% - 55% area median income range. Development and use of property must qualify for affordable senior housing under the requirements set by the U.S Department of Housing and Urban Development.
2. Development shall consist of 64 one-bedroom units.
3. A minimum of 48 parking stalls is required. Total sum of required stalls shall not include the accessible parking spaces required to satisfy the Americans with Disabilities Act and shall be provided in addition to the number of stalls required.
4. Required parking must be provided to residents free of charge. No fees or premiums shall be collected for resident and guest parking.
5. Development shall include an ADA vehicle drop off and vehicle pick-up area that includes an unobstructed path of travel to and from the building.
6. Five parking stalls out of the 48 stalls provided must be identified as guest parking with signage.
7. The approved parking ratio is for one-bedroom units in an affordable senior housing development. If the use changes within the term of the development agreement, the new use must satisfy the then current parking ordinance and parking required for that use.
8. Maximum height of the building is limited to 45 feet measured from original ground surface.
9. Building footprint shall not exceed 12,750 square feet.
10. Exterior building materials of a durable or resilient nature such as brick, stone, prefinished panel, composite materials, or other materials of similar quality, hardiness, and low maintenance characteristics shall be used. No single material is allowed to exceed 50 percent of street-facing facades. Other materials may be considered for soffits, or as an accent or architectural feature. Twenty-five-year guarantee, architectural shingles and/or other longer lasting roof materials are required.
11. Arrangement of the materials and the windows will be substantially the same as indicated on the attached renderings, Exhibit C. All other character defining features such as size, craftmanship and design, including the form and massing of the building shall remain the same as indicated on the attached renderings in Exhibit C.
12. The mural on the east building façade shall be at least 500 square feet in area and be the same scale and quality as depicted in the plans shown in Exhibit C.

13. Developer shall provide 5,000 sf of usable open space that consists of approximately a 3,000-sf outdoor community space and a 2,000-sf community/fitness room with glass frontage. The developer shall include at minimum, three 48 sf raised garden beds as part of the amenities for this development.
14. Each unit shall include a patio or balcony consisting of a minimum fifty square feet and a minimum depth of at least five feet.
15. The developer will install three interior light poles within the parking lot as established on the attached site plan, Exhibit C
16. Landscaping will be provided as provided in the attached landscape plan as established on the attached landscape plan, Exhibit C. Trees and plantings shall include only endemic or waterwise plant species that are appropriate to the region.
17. Developer shall include a minimum of 24 trees, having a minimum caliper of two inches in size consisting of seven conifers and seventeen deciduous trees.
18. Developer shall perform a lot consolidation that is approved by the city and recorded at Salt Lake County Recorder's Office.

STANDARDS OF APPROVAL

19.84.060 Standards For Approval

All Conditional Use Permits run with the land and may require the applicant to record documents to that effect. The Planning Commission and staff, in their review capacity, may impose site plan modifications and conditions to mitigate the reasonably anticipated detrimental effects of a conditional use. All conditional uses shall meet the following standards:

1. **The proposed conditional use shall comply with City ordinances, Federal, State Law, as applicable to the use and to the site where the conditional use will be located, and;**
2. **Mitigation is required of reasonably anticipated detrimental effects arising from the conditional use, including:**

1. Detrimental effects of decreased street service levels and/or traffic patterns including the need for street modifications as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of offstreet parking and circulation, l oading docks, as well as compliance with off- street parking standards, including other reasonable mitigation as determined by a qualified traffic engineer.

RESPONSE: The project will add curb, gutter, and sidewalks on a vacant piece of land.
The developer will complete the sidewalk connection of its portion of West Temple. Staff did not require a traffic analysis due to the minimal impact and the existing infrastructure and level of service. Such as adjacent and surrounding uses being prominently industrial with scattered residential, West Temple consisting of a 66' collector that has a larger carrying capacity, and minimal increased impact on nearby intersections.

2. Detrimental effects on the adequacy of utility systems, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, or preserving existing systems, including other reasonable mitigation as determined by the City's engineering staff, contracted engineers, and utility service providers.

RESPONSE: The project will connect to the existing utility system. Prior to development, the project will be required to obtain water and sewer will serve letters.

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

RESPONSE: With a new sidewalk, the project will add to the connection along West Temple for both pedestrians and bicyclists.

4) Detrimental effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered acceptable, within a neighborhood including such effects as environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance.

RESPONSE: The building is designed as an all-electric building and minimizing any environmental impacts through the certification through the Enterprise Green Communities.

5) Detrimental effects that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people arising from, but not limited to, waste disposal, fire safety geological hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands, as determined by City Engineer, City geologist and other qualified specialists.

RESPONSE: None. The property had no significant findings through a Phase I Environmental Site Assessment and Geotechnical report. Additionally, during the CUP technical review and building permit phase, a Geotech report addressing liquification will inform the structural design of the building.

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

RESPONSE: None. The exterior lighting and signs will conform the building code, lighting requirements for development in the MD zone and Public Works standards. All lighting fixtures shall be directed downward with mechanisms to prevent dark sky illumination.

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.

RESPONSE: None. The design standards will be satisfied per the requirements of the MD zone. No design exceptions have been requested for the project.

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

RESPONSE: None. The addition of a 64-unit property on formerly vacant land will increase the tax base and the current property value.

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

RESPONSE: None.

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

RESPONSE: None. The project has been designed with input from Unified Fire Authority and includes a dedicated emergency access lane.

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

RESPONSE: None. The project includes accessible and usable open space for the residence and their guests. The developer has agreed to provide 5,000 sf of usable open space that consists of approximately a 3,000-sf outdoor community space and a 2,000-sf community/fitness room with glass frontage. Additionally, the developer is including three 48 sf raised garden beds as part of the amenities for this development.

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

RESPONSE: None. The applicant is providing 24 hour on-site management. The ongoing property management company will perform preventative maintenance activities. Additionally, capital reserve accounts will be established for future capital repairs.

13) Detrimental effects on appearance from graffiti. Applicants shall apply an anti-graffiti material or coating, approved by the City, to building, fence, and other surfaces from ground level to a height of nine feet. The Planning Commission may approve dense planting or appropriate design measures in place of anti-graffiti materials. This requirement may be imposed retroactively where graffiti issues are present.

RESPONSE: None. Anti-graffiti material will be applied as required on the new development. Existing border fencing and walls will be monitored for graffiti activity by the onsite property manager.

STAFF ANALYSIS AND FINDINGS

A common component of the proposed affordable senior housing project that has been often misunderstood by the community and the MCCC is that the units are available to *any persons of the senior category* and that seniors within this category maintain one or more vehicles. The critical distinction missed is that each unit within the affordable senior housing project is restricted and must be utilized by seniors in the 25% - 50% area median income range.

It will be expected that a percentage of low income seniors will have access to a vehicle and need parking accommodations. Much of the basis for a parking reduction for a low income senior living development is due to a financial hardship created from the inability to maintain employment. Low income seniors between in the 25%-50% AMI range already struggle to pay rent and cannot afford a vehicle, let alone pay for gas and insurance premiums that come with owning a car. Many low income seniors are not capable of owning and driving a vehicle due to health issues and impairment.

1. The rezone and CUP applications in comparison to other applications, did not face any public opposition for its intended use as affordable housing but simply its minimal impacts in terms of parking. However, when considering the specific study development characteristics within the Fehr and Peers parking stud and the comparable senior housing sites (***Sharon Gardens, Kelly Benson, and Preston Place***) that are similar to the proposed senior housing development, a parking ratio of .75 per one-bedroom unit will satisfy the required parking and guesting parking needed to accommodate a 64 one-bedroom affordable senior housing project. **Staff finds** that a .75 parking ratio with the conditions located in the

determination letter and development agreement will help further mitigate the public's parking concerns.

2. South Salt Lake and Murray, along with Millcreek have identified this area, due to its transit oriented opportunities, to be an excellent location for residents seeking affordability and low-income housing. **Staff finds** that the rezone request and CUP proposal by CDCU will provide an excellent repurpose of the existing property and that the development aligns with the characteristics and uses deliberately intended for the Meadowbrook district.
3. As the area progresses, more opportunities will be available and in return attract more people which helps reduce criminal activity altogether. Millcreek is currently working with developers seeking to develop in the Meadowbrook area on a wide variety of mixed-use plans that will include, in addition to a variety housing options, a city park and trail along Big Cottonwood Creek and a neighborhood market that can be accessed easily. **Staff finds** that the proposed affordable housing project closely follows the standards and principles found in the Millcreek Together General Plan, and that the slated land use frame within the Future Land Use Map supports the rezone. Additionally, **staff finds** that the proposed CUP will accommodate the affordable housing project and help Millcreek meet its implementation strategies and goals for providing affordable housing for households within the 25%-50% AMI.
4. The subject property is vacant and has been used as a dumping ground with overgrown vegetation. The property has no improvements in terms of curb, gutter or sidewalk and serves as a gap for pedestrians using the sidewalk on adjacent properties. **Staff finds** that the CUP proposal will enhance the curb appeal and beautify the property through its building design, landscape plans. The required public improvements will connect the sidewalk creating a safe pedestrian route and make way for curb, gutter, and park strip. **Staff finds** that the proposal would be a valuable addition to the community and that many of the concerns can be mitigated with a carefully crafted development agreement that outlines conditions, at minimum, for use, parking, density, building height, materials, and landscaping.

PLANNING STAFF RECOMMENDATION AND MODEL MOTION

Based on staff's analysis and findings, along with the conditions located in Exhibit A of the development agreement recorded at the Salt Lake County Recorder's Office, File # 13773687, staff recommends to the Planning Commission to grant preliminary conditional use approval of application CU-21-017.

Model Motion:

Motion to grant preliminary conditional use approval of application CU-21-017 based on staff's analysis and findings, and the conditions located in the development agreement recorded at the Salt Lake County Recorder's Office, File # 13773687

SUPPORTING DOCUMENTS

1. Applicant Letter
2. Plans
3. Parking Determination Letter
4. Fehr and Peers Parking Study
5. Recorded Development Agreement
6. September 13, 2021, City Council Meeting Minutes – Click here

CDCU
Community Development
Corporation of Utah

September 14, 2021

Millcreek Planning Commission
Millcreek City Hall
3330 S. 1300 E.
Millcreek, UT 84106

Dear Commissioners,

The Community Development Corporation of Utah (CDCU) is seeking to develop the property located at 4074 S. West Temple in the Meadowbrook Center of Millcreek by constructing a multifamily housing project called The Morrissey. The zone for this parcel was recently changed to MD to allow for a higher density affordable housing project to be built. As part of the rezone process, CDCU and Millcreek entered into a Development Agreement with the city and now seeks a Conditional Use Permit to develop the project.

CDCU has applied for 9% Low Income Housing Tax Credits for this property and, if awarded credits through this competitive process, will construct 64 one-bedroom units for low-income seniors between 25% and 55% area median income. This equates to restricted rents between $389 and $821 per month. The project will also provide a community room with a kitchen, laundry rooms, fitness center, a dedicated wellness room and computer room. Outdoor amenities include a landscaped gathering area, raised garden beds, and bike stalls. The building will be four stories tall and reach up to 45 feet in height with an impressive painted mural on the front of the building. Each unit will have a balcony or a patio for those units on the ground floor. Mature trees and landscaping will be provided as called out by the zoning ordinance and specified in the Development Agreement. Finally, new curb, gutter and sidewalk will be installed and connect the pedestrian walkway along the west side of West Temple.

Timing for the project includes a tax credit award notification in December of 2021. If awarded, the architectural and engineering designs will be completed, investor terms will be finalized for funding, and a building permit will be submitted for a groundbreaking in the summer of 2022. With a construction schedule of 12 months, The Morrissey would welcome tenants moving in during the summer of 2023.

We thank you for your consideration of The Morrissey project and look forward to working with all of you through this conditional use process and the redevelopment of this transitioning part of your city.

Sincerely,

J. Todd Reeder
Chief Operating Officer

501 East 1700 South, Salt Lake City, UT 84105
P: 801-994-7222 • F: 801-994-7220 TTY 711
info@cdcutah.org • www.cdcutah.org



MORRISSEY APARTMENTS

North & East Elevations

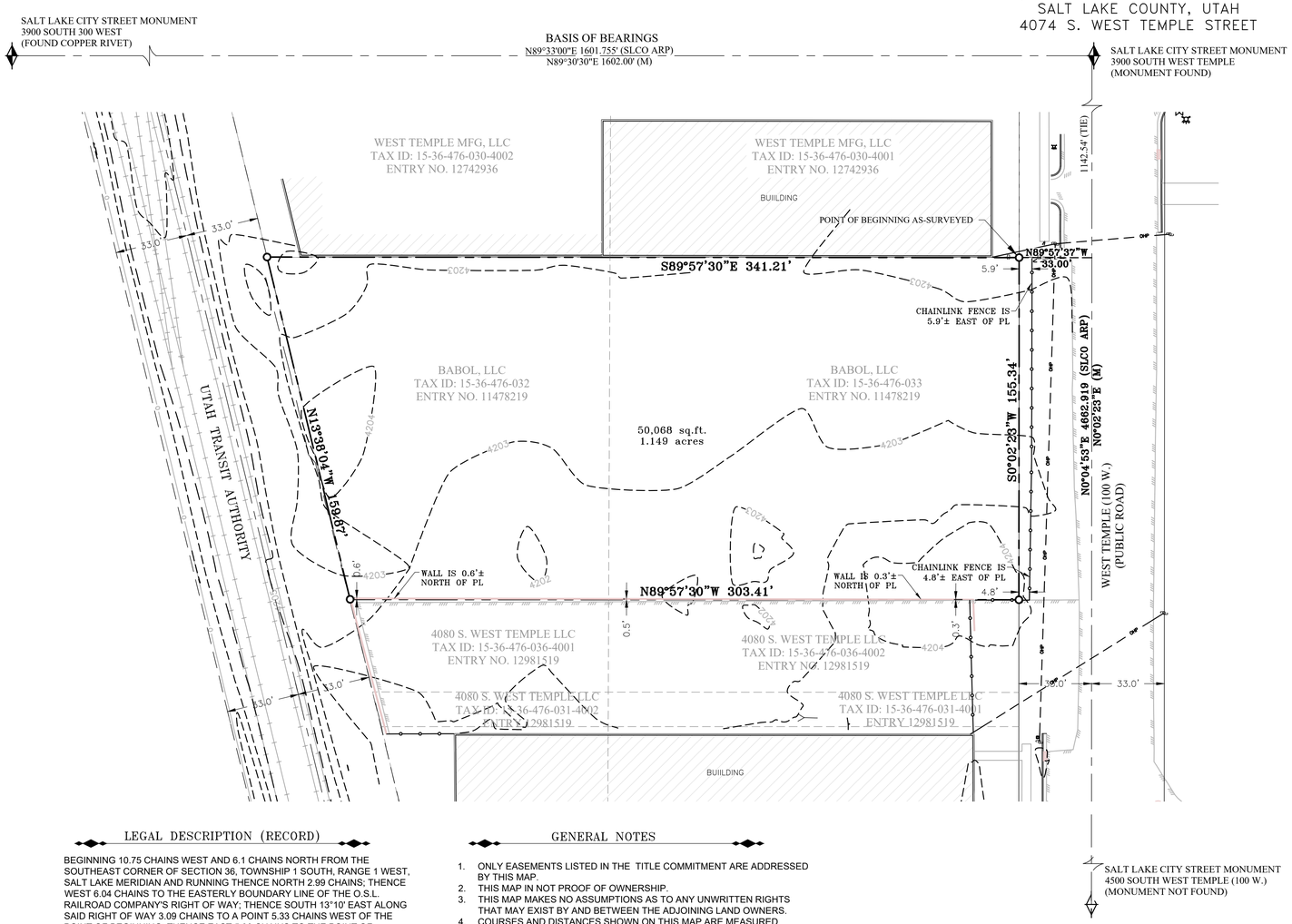
CDCU
Community Development
Corporation of Utah

method studio

GREAT WEST PROPERTIES LLC

ALTA / NSPS LAND TITLE SURVEY

LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 36,
TOWNSHIP 1 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN
SALT LAKE COUNTY, UTAH
4074 S. WEST TEMPLE STREET



LEGAL DESCRIPTION (RECORD)

BEGINNING 10.75 CHAINS WEST AND 6.1 CHAINS NORTH FROM THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 1 WEST, SALT LAKE MERIDIAN AND RUNNING THENCE NORTH 2.99 CHAINS; THENCE WEST 6.04 CHAINS TO THE EASTERLY BOUNDARY LINE OF THE O.S.L. RAILROAD COMPANY'S RIGHT OF WAY; THENCE SOUTH 13°10' EAST ALONG SAID RIGHT OF WAY 3.09 CHAINS TO A POINT 5.33 CHAINS WEST OF THE POINT OF BEGINNING; THENCE EAST 5.33 CHAINS TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THAT PROPERTY AS SHOWN IN THAT CERTAIN WARRANTY DEED, RECORDED NOVEMBER 13, 2008, AS ENTRY NO. 10561049, IN BOOK 9658, AT PAGE 5705, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE STREET CENTERLINE MONUMENT REPRESENTING THE INTERSECTION OF 3900 SOUTH AND WEST TEMPLE, SAID POINT BEING SOUTH 41°32' 05" EAST 50.09 FEET AND NORTH 00°51'10" EAST 1768.92 FEET AND NORTH 89°08'50" WEST 792.11 FEET FROM THE RECORD POSTION (AREA REFERENCE PLAT) OF THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 1 WEST, AND RUNNING THENCE SOUTH 00°02'23" WEST 1297.88; THENCE NORTH 89°57'37" WEST 33.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF WEST TEMPLE STREET AND THE POINT OF BEGINNING; RUNNING THENCE ALONG SAID WEST RIGTHT OF WAY LINE SOUTH 0°02'23" WEST 42.00 FEET; THENCE NORTH 89°57'30" WEST 293.20 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE UTA TRAXX LINE CONVEYED TO UTAH TRANSIT AUTHORITY IN BOOK 664 AT PAGES 1471-1472; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE NORTH 13°38'04" WEST 43.23 FEET; THENCE SOUTH 89°57'30" EAST 303.41 FEET TO THE POINT OF BEGINNING.

CONTAINS 50,068 SQUARE FEET OR 1.149 ACRES.

LEGAL DESCRIPTION (AS-SURVEYED)

BEGINNING AT A POINT ON THE WEST RIGHT OF WAY LINE OF WEST TEMPLE STREET (100 WEST), SAID POINT BEING SOUTH 0°02'23" WEST 1142.54 FEET AND NORTH 89°57'37" WEST 33.00 FEET FROM THE STREET CENTERLINE MONUMENT REPRESENTING THE INTERSECTION OF 3900 SOUTH AND WEST TEMPLE STREET; AND RUNNING THENCE ALONG SAID WEST RIGHT OF WAY LINE SOUTH 00°02'23" WEST 155.34 FEET TO A POINT ON THE NORTH LINE OF THE ADJOINING PARCEL, AS DESCRIBED IN ENTRY NO. 10561049, RECORDED IN THE SALT LAKE COUNTY RECORDER'S OFFICE; THENCE NORTH 89°57'30" WEST 303.41 FEET ALONG SAID NORTH LINE TO THE EAST RIGHT OF WAY LINE OF THE UTATRAXX LINE CONVEYED TO UTAH TRANSIT AUTHORITY IN BOOK-664 AND PAGES-1471-1472; THENCE ALONG SAID RIGHT OF WAY LINE NORTH 13°38'04" WEST 159.87 FEET; THENCE SOUTH 89°57'30" EAST 341.21 FEET TO THE POINT OF BEGINNING.

CONTAINS 50,068 SQUARE FEET OR 1.149 ACRES.

GENERAL NOTES

1. ONLY EASEMENTS LISTED IN THE TITLE COMMITMENT ARE ADDRESSED BY THIS MAP.
2. THIS MAP IN NOT PROOF OF OWNERSHIP.
3. THIS MAP MAKES NO ASSUMPTIONS AS TO ANY UNWRITTEN RIGHTS THAT MAY EXIST BY AND BETWEEN THE ADJOINING LAND OWNERS.
4. COURSES AND DISTANCES SHOWN ON THIS MAP ARE MEASURED DIMENSIONS TAKEN FROM ACTUAL FIELD MEASUREMENTS, UNLESS CONTAINED WITHIN PARENTHESIS INDICATING A RECORD COURSE OR DISTANCE. RECORD INFORMATION IS TAKEN FROM MAPS, PLATS, DEEDS OF RECORD, OR OTHER SOURCES OF RECORD INFORMATION.

SURVEYOR'S NARRATIVE

THIS ALTA/NSPS LAND TITLE SURVEY WAS PREPARED AT THE REQUEST OF RC AUTOMOTIVE FOR THE PURPOSE OF RETRACING THE HEREON DESCRIBED PARCEL OF LAND AND EVALUATING SCHEDULE B SECTION 2 EXCEPTIONS TO COVERAGE LISTED IN THE COMMITMENT FOR TITLE INSURANCE.

THE BASIS OF BEARING FOR THIS SURVEY IS NORTH 89°30'30" EAST, ALONG THE MONUMENT LINE FOR 3900 SOUTH STREET FROM A FOUND COPPER RIVET AT THE INTERSECTION OF 3900 SOUTH AND 300 WEST TO A FOUND 2.5" FLAT BRASS CAP AT THE INTERSECTION OF 3900 SOUTH AND WEST TEMPLE.

THE NORTH AND SOUTH LINES WERE CONSTRUCTED FROM RECORD DATA AND ROTATED CLOCKWISE 0°02'30" TO MATCH THE MEASURED CONDITION OF THE BASIS OF BEARING.

THE WEST LINE OF WEST TEMPLE (AND EAST PROPERTY LINE) WAS CONSTRUCTED BY TURNING COUNTERCLOCKWISE ANGLE OF 89°28'07" FROM THE MONUMENTED BASIS OF BEARING LINE IN 3900 SOUTH.
THE WEST PROPERTY LINE (OR EAST LINE OF THE UTA TRAXX CORRIDOR) WAS CONSTRUCTED FROM A BEST FIT LINE 33' PERPENDICULARLY DISTANT FROM THE CENTERLINE OF THE EASTERLY TRACK.

THIS SURVEY WAS PREPARED BASED UPON THE COMMITMENT FOR TITLE INSURANCE PREPARED BY INWEST TITLE SERVICES, INC. WITH COMMITMENT NO. 280685, WITH AN EFFECTIVE DATE OF JANUARY 15, 2021 AT 6:00 PM. THE FOLLOWING NOTES PERTAIN TO SCHEDULE 'B' SECTION 2 EXCEPTIONS FROM COVERAGE LISTED IN SAID COMMITMENT:

SURVEYOR'S NARRATIVE CONTINUED

1. TAXES FOR THE YEAR 2021 ACCRUING AS A LIEN, BUT NOT YET DUE AND PAYABLE. PRIOR TAX INFORMATION AS FOLLOWS:

   YEAR: 2020
   AMOUNT DUE: $3,888.22
   SERIAL NO.: 5-36-476-033
   STATUS: DELINQUENT
   TOGETHER WITH PENALTIES, FEES AND INTEREST THEREON.

2. TAXES FOR THE YEAR 2021 ACCRUING AS A LIEN, BUT NOT YET DUE AND PAYABLE. PRIOR TAX INFORMATION AS FOLLOWS:

   YEAR: 2020
   AMOUNT DUE: $3,720.82
   SERIAL NO.: 15-36-476-032
   STATUS: DELINQUENT
   TOGETHER WITH PENALTIES, FEES AND INTEREST THEREON.

3. THE SUBJECT PROPERTY IS LOCATED WITHIN THE BOUNDARIES OF THE SPECIAL ASSESSMENT DISTRICT(S) SHOWN BELOW, AND IS SUBJECT TO ALL CHARGES AND/OR ASSESSMENTS LEVIED THEREBY:

DISTRICT:	SALT LAKE
DISTRICT:	MULTICOUNTY ASSESSING & COLLECTING LEVY
DISTRICT:	COUNTY ASSESSING & COLLECTING LEVY
DISTRICT:	GRANITE SCHOOL DISTRICT
DISTRICT:	MILLCREEK
DISTRICT:	SOUTH SALT LAKE VALLEY MOSQUITO ABATEMENT DISTRICT
DISTRICT:	JORDAN VALLEY WATER CONSERVANCY DISTRICT
DISTRICT:	MT OLYMPUS IMPROVEMENT DISTRICT
DISTRICT:	WASATCH WASTE AND RECYCLING DISTRICT
DISTRICT:	UNIFIED FIRE SERVICE
DISTRICT:	SALT LAKE VALLEY LAW ENFORCEMENT SERVICE AREA
DISTRICT:	SALT LAKE COUNTY LIBRARY
DISTRICT:	WEST MILLCREEK URBAN RENEWAL PLAN

SURVEYOR'S NARRATIVE CONTINUED

4. THE SUBJECT PROPERTY IS LOCATED WITHIN THE BOUNDARIES OF THE SPECIAL ASSESSMENT DISTRICT(S) SHOWN BELOW, AND IS SUBJECT TO ALL CHARGES AND/OR ASSESSMENTS LEVIED THEREBY:

DISTRICT:	SALT LAKE
DISTRICT:	MULTICOUNTY ASSESSING & COLLECTING LEVY
DISTRICT:	COUNTY ASSESSING & COLLECTING LEVY
DISTRICT:	GRANITE SCHOOL DISTRICT
DISTRICT:	MILLCREEK
DISTRICT:	SOUTH SALT LAKE VALLEY MOSQUITO ABATEMENT DISTRICT
DISTRICT:	JORDAN VALLEY WATER CONSERVANCY DISTRICT
DISTRICT:	COTTONWOOD IMPROVEMENT DISTRICT
DISTRICT:	CENTRAL UTAH WATER CONSERVANCY DISTRICT
DISTRICT:	WASATCH WASTE AND RECYCLING DISTRICT
DISTRICT:	UNIFIED FIRE SERVICE
DISTRICT:	SALT LAKE VALLEY LAW ENFORCEMENT SERVICE AREA
DISTRICT:	SALT LAKE COUNTY LIBRARY
DISTRICT:	WEST MILLCREEK URBAN RENEWAL PLAN

5. ORDINANCE

RECORDED:	FEBRUARY 25, 2010
ENTRY NO.:	10903420
BOOK/PAGE:	9806/1980
PURPOSE:	AN ORDINANCE, AMENDING TITLE 19, ENTITLED "ZONING" OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 1986, BY RECLASSIFYING CERTAIN PROPERTY LOCATED IN SALT LAKE COUNTY FROM M-2 TO R/M Z/C ZONE

6. MINERALS OF WHATSOEVER KIND, SUBSURFACE AND SURFACE SUBSTANCES, INCLUDING BUT NOT LIMITED TO COAL, LIGNITE, OIL, GAS, URANIUM, CLAY, ROCK, SAND AND GRAVEL IN, ON, UNDER AND THAT MAY BE PRODUCED FROM THE LAND, TOGETHER WITH ALL RIGHTS, PRIVILEGES, AND IMMUNITIES RELATING THERETO, WHETHER OR NOT APPEARING IN THE PUBLIC RECORDS OR LISTED IN SCHEDULE B. THE COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SUCH INTERESTS. THERE MAY BE LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF INTERESTS THAT ARE NOT LISTED.

7. RIPARIAN OR WATER RIGHTS, CLAIMS, OR TITLE TO WATER WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.

8. ALL EXISTING ROADS, STREETS, ALLEYS, DITCHES, RESERVOIRS, UTILITIES, CANALS, PIPELINES, POWER POLES, TELEPHONE, SEWER, GAS OR WATER LINES AND RIGHTS-OF-WAY AND EASEMENTS THEREOF.

9. ANY DISCREPANCIES, CONFLICTS, OR SHORTAGES IN AREA OR BOUNDARY LINES, OR ANY ENCROACHMENTS OR PROTRUSIONS, OR OVERLAPPING OF IMPROVEMENTS WHICH WOULD BE DISCLOSED BY AN INSPECTION AND ACCURATE SURVEY OF THE PREMISES.

10. RIGHTS-OF-WAY FOR RAILROAD, SWITCH TRACKS, SPUR TRACKS, RAILWAY FACILITIES AND OTHER RELATED EASEMENTS, IF ANY, ON AND ACROSS THE LAND.

11. A RIGHT OF WAY FOR THE PUBLIC ACROSS THAT PORTION LYING WITHIN THE BOUNDS OF WEST TEMPLE STREET.

12. TRUST DEED

DATED:	AUGUST 18, 2006
RECORDED:	OCTOBER 4, 2006
ENTRY NO:	9865450
BOOK/PAGE:	9360/8595
AMOUNT:	$155,504.33
EXECUTED BY:	MAHROKH AKBARIAN, MEHRAN TAHMASSEBI AND JALAL MIRRAFIE, EACH AS TO 1/3
TRUSTEE:	INTEGRATED TITLE INSURANCE SERVICES, LLC
BENEFICIARY:	METRO WEST PROPERTIES, L.L.C.

    (AFFECTS THIS AND OTHER PROPERTY)

13. TRUST DEED

DATED:	SEPTEMBER 30, 2020
RECORDED:	SEPTEMBER 30, 2020
ENTRY NO:	13412815
BOOK/PAGE:	11030/7020
AMOUNT:	$650,000.00
EXECUTED BY:	GREAT WEST INVESTMENTS, LLC
TRUSTEE:	LAMONT RICHARDSON, ESQ.
BENEFICIARY:	THE FRANKS COMPANY, LC, A UTAH LIMITED LIABILITY COMPANY, KURT E. KAPPUS, AND LON R. STALSBURG

14. ASSIGNMENT OF RENTS AND LEASES

DATED:	SEPTEMBER 30, 2020
RECORDED:	SEPTEMBER 30, 2020
ENTRY NO.:	13412816
BOOK/PAGE:	11030/7028
ASSIGNOR:	GREAT WEST INVESTMENTS, LLC
ASSIGNEE:	THE FRANKS COMPANY, LC, A UTAH LIMITED LIABILITY COMPANY, KURT E. KAPPUS, AN INDIVIDUAL, AND LON R. STALSBERG, AN INDIVIDUAL

15. TRUST DEED

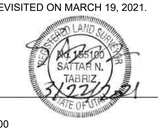
DATED:	SEPTEMBER 30, 2020
RECORDED:	SEPTEMBER 30, 2020
ENTRY NO:	13412817
BOOK/PAGE:	11030/7035
AMOUNT:	$284,000.00
EXECUTED BY:	GREAT WEST INVESTMENTS, LLC
TRUSTEE:	INTEGRATED TITLE INSURANCE SERVICES, LLC
BENEFICIARY:	SHARON SEINER

16. MECHANIC'S AND MATERIALMEN'S LIENS WHICH MAY HAVE PRIORITY AS A RESULT OF COMMENCEMENT OF WORK AND/OR ANY FILINGS IN THE STATE CONSTRUCTION REGISTRY PRIOR TO THE RECORDATION OF THE DEED OF TRUST OR MORTGAGE TO BE INSURED UNDER THIS COMMITMENT.

SURVEYOR'S CERTIFICATE

TO: FIRST AMERICAN TITLE INSURANCE COMPANY, INWEST TITLE SRVICES, INC., STEWART TITLE GUARANTY, RC AUTOMOTIVE, GREAT WEST PROPERTIES, LLC, AND LENDER: UTAH EQUITABLE TRANSPORTATION ORIENTED DEVELOPMENT (UETOD)

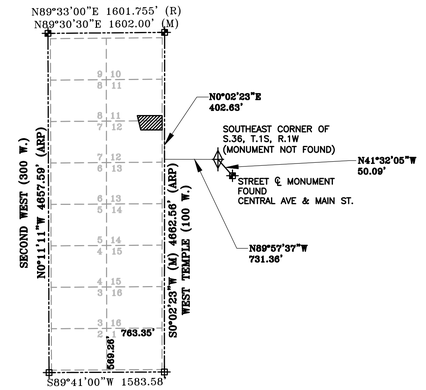
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS. THE FIELD WORK WAS COMPLETED ON JULY 21, 2020, AND REVISITED ON MARCH 19, 2021.



SATTAR N. TABRIZ, PLS.
UTAH LICENSE NO.: 155100

BLOCK DIAGRAM

BLOCK 10, 10 ACRE PLAT: SCALE: 1"=1,000'



MAP LEGEND

- BOUNDARY LINE
- CENTERLINE
- RIGHT OF WAY
- LOT LINE
- DEED LINE
- RADIAL LINE
- FENCE LINE (CHAINLINK)
- CONCRETE
- ASPHALT
- OVERHEAD POWER LINE (OHP)
- MONUMENT
- LEAD PLUG
- BOUNDARY CORNER
- POWER POLE
- LIGHT POLE
- FIRE HYDRANT
- WATER VALVE
- WATER METER
- SEWER CLEANOUT
- GAS METER
- POWER METER
- MAJOR CONTOUR
- MINOR CONTOUR

NOTE:
CONTOURS ARE SHOWN IN 1' INTERVALS



GRAPHIC SCALE

30 0 15 30 60 90

(IN FEET)
1 inch = 30 ft.

DRAWN BY: FWH
FIELD CREW: BJM
CHECKED BY: SNT
DATE: 3/22/21

CLIENT: GREAT WEST PROPERTIES LLC
DWG: BOUNDARY SURVEY.DWG
JOB No: 6814-GWP01-20
DRAWING SCALE: 1" = 30' IF PRINTED AT 22"x34"
DIMENSIONS AND NOTES TAKE PRECEDENCE OVER SCALE.

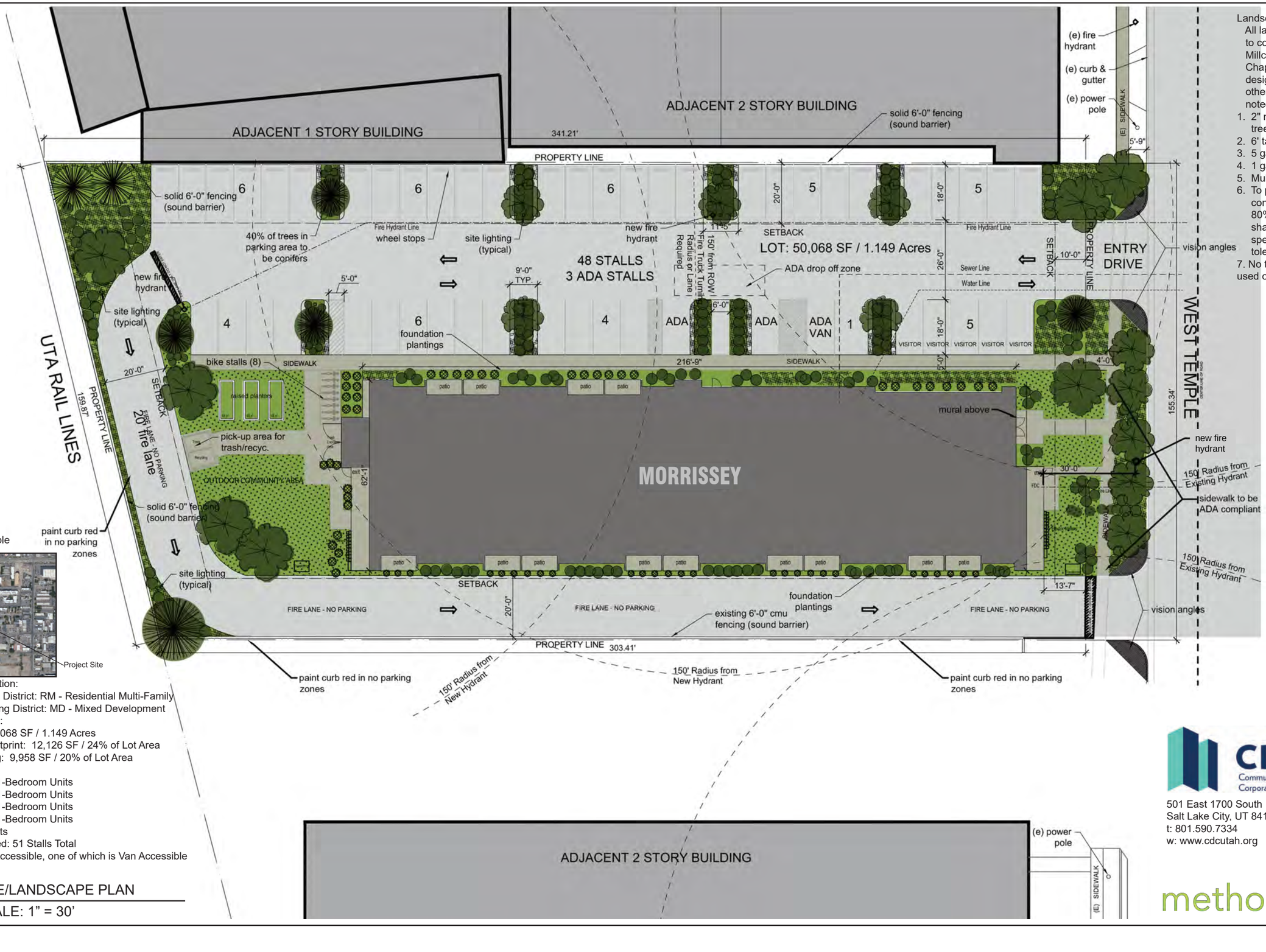
REVISIONS

No.	DATE	BY	REVISION

GREAT WEST PROPERTIES LLC
ALTA / NSPS LAND TITLE SURVEY
4074 S. WEST TEMPLE STREET, SALT LAKE COUNTY, UTAH
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN.

Ward Engineering Group
Planning • Engineering • Surveying
Since 1981
231 West 800 South
Salt Lake City, Utah 84101
www.wardeng.com
tel (801) 487-3040
fax (801) 487-8668

O:\Great West Properties\6814 S West Temple, SLC\pulled from backup\7AB-007 4074 SOUTH WEST TEMPLE\ACAD\4074 SOUTH BOUNDARY-ALTA Updated 3-22-2021 CSQ.dwg Mar 22, 2021 - 3:05pm



Vicinity Map
4074 S West Temple



Site Plan Information:

Current Zoning District: RM - Residential Multi-Family
Proposed Zoning District: MD - Mixed Development
Lot Information:
Lot Size: 50,068 SF / 1.149 Acres
Building Footprint: 12,126 SF / 24% of Lot Area
Landscaping: 9,958 SF / 20% of Lot Area
Units:
Level 1: 13 1-Bedroom Units
Level 2: 17 1-Bedroom Units
Level 3: 17 1-Bedroom Units
Level 4: 17 1-Bedroom Units
Total: 64 Units
Parking Provided: 51 Stalls Total
48 Stalls, 3 Accessible, one of which is Van Accessible

N

SITE/LANDSCAPE PLAN

SCALE: 1" = 30'

Landscape Notes:

All landscape irrigation and plants to conform to the requirements of Millcreek Zoning Ordinance Chapter 19.77 for water efficient design and the use of native and other drought tolerant plants as noted below:

1. 2" min. caliper for all deciduous trees.
2. 6' tall min. coniferous trees.
3. 5 gallon min. for shrubs.
4. 1 gallon min. for ground cover.
5. Mulch min. thickness: 3"
6. To promote maximum water conservation, not less than 80% of the trees and shrubs shall be water conserving species (native or other drought tolerant plants).
7. No trees from Saudi Arabia will be used on this project

CDCU
Community Development Corporation of Utah
501 East 1700 South
Salt Lake City, UT 84105
t: 801.590.7334
w: www.cdcutah.org

methodstudio



Vicinity Map

4074 S West Temple

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- Total: 64 Units

Parking Provided: 51 Total Stalls
- 48 Stalls + 3 Accessible Stalls, one of which is Van Accessible

Site Plan Information:
Set Backs:
- Front: 10'-0"
- Interior: 20'-0"
- Rear: 20'-0"

N

SITE/LANDSCAPE PLAN
Scale: 1" = 30'

Landscape Notes:

All landscape irrigation and plants to conform to the requirements of Millcreek Zoning Ordinance Chapter 19.77 for water efficient design and the use of native and other drought tolerant plants as noted below:

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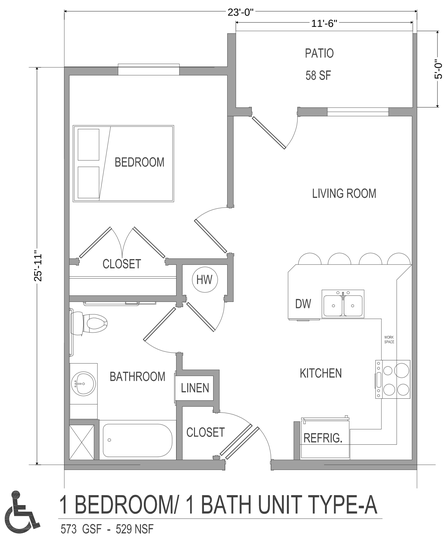
CDCU
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501 East 1700 South
Salt Lake City, UT 84105
t: 801.590.7334
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method studio



LEVEL - 1 MIXED USE

SCALE: 1/8" = 1'-0" 12,237 GSF MINUS PATIOS: PATIOS = 754 SF



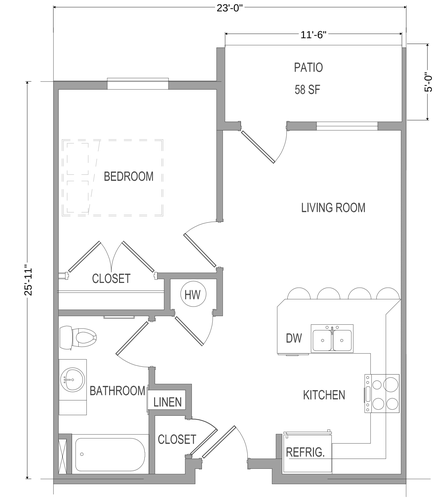
1 BEDROOM/ 1 BATH UNIT TYPE-A

573 GSF - 529 NSF



LEVEL - 2 RESIDENTIAL

SCALE: 1/8" = 1'-0" 12,352 GSF MINUS PATIOS: PATIOS = 986 SF



1 BEDROOM/ 1 BATH UNIT TYPE-B

573 GSF - 529 NSF

LEVEL -1

COMMUNITY ROOM/KITCHEN	- 1331 NSF
LAUNDRY ROOM	- 192 NSF
LEASING OFFICE	- 251 NSF
UNISEX RESTROOM X 2	- 56 NSF
JANITOR ROOM	- 28 NSF
TRASH/RECYCLING ROOM	-236 NSF
STORAGE/ SOLAR ROOM	-101 NSF
COMPUTER ROOM	- 88 NSF
STAIR X 2	-154 NSF
MAIL ROOM	- 169 NSF
(02) TYPE - A UNITS	- 529 NSF
(14) TYPE - B UNITS	- 529 NSF
(01) TYPE - C UNIT (HI)	- 529 NSF

LEVEL - 2

TRASH/RECYCLING ROOM	-78 NSF
FITNESS ROOM	- 332 NSF
STORAGE	-101 NSF
STAIR X 2	-154 NSF
MAIL ROOM	- 169 NSF
(02) TYPE - A UNITS	- 529 NSF
(15) TYPE - B UNITS	- 529 NSF

LEVEL - 3

TRASH/RECYCLING ROOM	-78 NSF
LAUNDRY ROOM	- 332 NSF
STORAGE	-101 NSF
STAIR X 2	-154 NSF
MAIL ROOM	- 169 NSF
(02) TYPE - A UNITS	- 529 NSF
(14) TYPE - B UNITS	- 529 NSF
(01) TYPE - C UNIT (HI)	-529 NSF

LEVEL - 4

TRASH/RECYCLING ROOM	-78 NSF
WELLNESS ROOM	- 332 NSF
STORAGE	-101 NSF
STAIR X 2	-154 NSF
MAIL ROOM	- 169 NSF
(03) TYPE - A UNITS	- 529 NSF
(14) TYPE - B UNITS	- 529 NSF

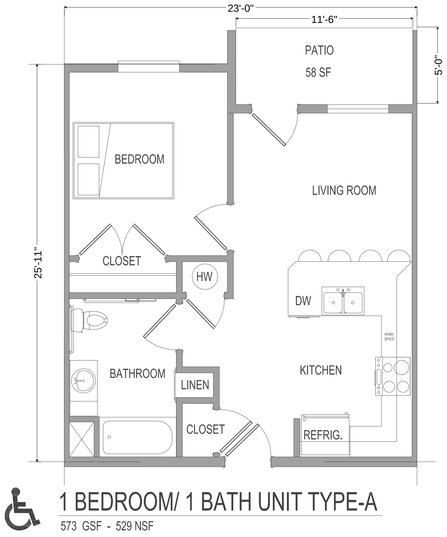
CDCU Community Development Corporation of Utah

method studio



LEVEL - 3 RESIDENTIAL

SCALE: 1/8" = 1'-0" 12,352 GSF MINUS PATIOS: PATIOS = 986 SF



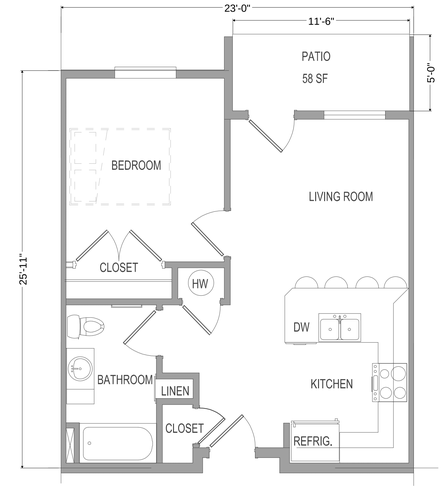
1 BEDROOM/ 1 BATH UNIT TYPE-A

573 GSF - 529 NSF



LEVEL - 4 RESIDENTIAL

SCALE: 1/8" = 1'-0" 12,352 GSF MINUS PATIOS: PATIOS = 986 SF



1 BEDROOM/ 1 BATH UNIT TYPE-B

573 GSF - 529 NSF

LEVEL -1

COMMUNITY ROOM/KITCHEN	- 1331 NSF
LAUNDRY ROOM	- 192 NSF
LEASING OFFICE	- 251 NSF
UNISEX RESTROOM X 2	- 56 NSF
JANITOR ROOM	- 28 NSF
TRASH/RECYCLING ROOM	-236 NSF
STORAGE/ SOLAR ROOM	-101 NSF
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STAIR X 2	-154 NSF
MAIL ROOM	- 169 NSF
(02) TYPE - A UNITS	- 529 NSF
(14) TYPE - B UNITS	- 529 NSF
(01) TYPE - C UNIT (HI)	- 529 NSF

LEVEL - 2

TRASH/RECYCLING ROOM	-78 NSF
FITNESS ROOM	- 332 NSF
STORAGE	-101 NSF
STAIR X 2	-154 NSF
MAIL ROOM	- 169 NSF
(02) TYPE - A UNITS	- 529 NSF
(15) TYPE - B UNITS	- 529 NSF

LEVEL - 3

TRASH/RECYCLING ROOM	-78 NSF
LAUNDRY ROOM	- 332 NSF
STORAGE	-101 NSF
STAIR X 2	-154 NSF
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(02) TYPE - A UNITS	- 529 NSF
(14) TYPE - B UNITS	- 529 NSF
(01) TYPE - C UNIT (HI)	-529 NSF

LEVEL - 4

TRASH/RECYCLING ROOM	-78 NSF
WELLNESS ROOM	- 332 NSF
STORAGE	-101 NSF
STAIR X 2	-154 NSF
MAIL ROOM	- 169 NSF
(03) TYPE - A UNITS	- 529 NSF
(14) TYPE - B UNITS	- 529 NSF

CDCU Community Development Corporation of Utah

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East Elevation

0 8' 16'

City Design Requirements:

Anti-Graffiti Coating:
- Anti-graffiti material or coating, approved by the City, shall be applied to building, fences and other surfaces from ground level to a height of nine feet.

Exterior Building Materials:
- Exterior materials shall be of durable or resilient materials
- No single material is allowed to exceed 50 percent of the street-facing facades
- Other materials may be considered for soffits, or as accent or architectural features
- Provide 25 year guarantee architectural shingles and/or other longer lasting roof materials

Street Facing Facade Requirements:

Entrances: First floor commercial spaces and mixed use buildings shall have an entrance on the street front facade.

Glazing:
Street facing facades shall have functional transparent (90%) windows which shall be a minimum of 50% of the first floor facade.
- First Floor Facade Area: 510 SF
- First Floor Glazing Area: 260 SF (51%)

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method studio



North Elevation

0 8' 16'

CDCU Community Development Corporation of Utah

method studio



South Elevation

0 8' 16'

CDCU Community Development Corporation of Utah

method studio



West Elevation

0 8' 16'

CDCU
Community Development
Corporation of Utah

method studio

Millcreek City Council
Jeff Silvestrini, Mayor
Silvia Catten, District 1
F. Dwight Marchant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4

Millcreek City Hall
3330 South 1300 East
Millcreek, Utah 84106
801-214-2700
millcreek.us
June 23, 2021

Todd Reeder
Director of Real Estate Development
Community Development Corporation of Utah

The Morrissey
4074 S West Temple
Millcreek, Utah 84107

Re: Parking Requirements for a 64-unit Senior Housing Development in the MD Zone

Dear Todd:

As part of your rezone application ZM-21-001, you requested that the Planning Services Department make a determination regarding the off-street parking requirement for an affordable senior housing development consisting of 64 one-bedroom units. Millcreek's parking requirements, found in Chapter 19.80 of the Millcreek Code, contains a provision that allows the Planning Director to establish an off-street parking requirement for uses that are not specified in the Code. Specifically, §19.80.040 (B) of the Code states:

Parking Spaces for Uses Not Specified

The number of parking spaces for uses not specified herein shall be determined by the Planning Director being guided, where appropriate, by the requirements set forth herein for uses which are similar to the use not specified. A parking study may be required. Appeals of the decision of the Planning Director are made to the Land Use Hearing Officer.

Pursuant to the above section, I am recommending a parking ratio that includes required parking and guest parking, for the Senior Housing Development to be calculated at no less than 0.75 spaces per one-bedroom unit. Total sum of required stalls shall not include the accessible parking spaces required to satisfy the Americans with Disabilities Act and shall be provided in addition to the number of stalls required. Required parking must be provided to residents free of charge. No fees or premiums shall be collected for resident and guest parking.

Rationale

Millcreek Code allows the Planning Director to review comparable ordinances from other jurisdictions in order to determine an appropriate parking ratio for an unspecified land use. A parking study may be required.

A parking study commissioned by Millcreek was performed by Fehr and Peers that analyzed other senior and affordable housing parking requirement rates ranging from neighboring jurisdictions and suggested state of

the art practices from the Institute of Transportation Engineers and the Urban Land Institute. Staff has reviewed the senior housing parking study and find that based on data collected detailing parking rates and occupancy counts of other similar senior housing projects, the recommendation made by Fehr and Peers is justified and reflects a parking ratio range that will meet the parking needs of residents and guests within the senior housing project.

TABLE 2: STUDY DEVELOPMENT CHARACTERISTICS

Site	Unit Types	Total Units	Total Bedrooms	Age Restriction	Income Restriction	Vacancy Rate	Transit Access
Sharon Gardens	1 Bedroom	58	58	Yes, 62+	Yes, rent=30% income	5%	TRAX, 15-min Bus
Bud Bailey	1-3 Bedrooms	136	285	No	Most ≤55% AMI, a few market rate	4%	TRAX, 15-min Bus
The Hub	1-3 Bedrooms	157	234	No	Mix of subsidized and market	2%	TRAX, 15-min Bus
Kelly Benson	Studio, 1-2 Bedrooms	59	70	Yes, 55+	Yes, rent=30% income	8%	30-min Bus
Preston Place	1 Bedroom	65	65	Yes, 65+	Yes, 50% AMI	0%	30-min Bus

Site	Bikeability	Walkability	Overflow Parking	Parking Supply	Stalls per Unit	Stalls per Bedroom
Sharon Gardens	Poor	Fair	On-Street	57	1.0	1.0
Bud Bailey	Poor	Fair	On-Street	216	1.6	0.75
The Hub	Fair	Fair	On-Street, TRAX Lot	137	0.875	0.6
Kelly Benson	Poor	Far	None	43	0.75	0.6
Preston Place	Fair	Good	On-Street	32	0.5	0.5

Source: Fehr & Peers, 2021

Staff further finds that based on the study development characteristics (Table 2) within the parking study, the following highlighted senior housing sites above (Sharon Gardens, Kelly Benson and Preston Place) identify a close comparable to the proposed senior housing development, thus indicating and supporting the implementation of a parking ratio of .75 per one-bedroom unit. Staff finds that a .75 parking ratio will satisfy the required parking and guesting parking needed to accommodate a 64 one-bedroom unit senior housing project. Staff notes that the senior housing project "The Morrissey" shall be subject to the following conditions:

1. **A minimum of 48 required stalls.**
2. **Total sum of required stalls shall not include the accessible parking spaces required to satisfy the Americans with Disabilities Act and shall be provided in addition to the number of stalls required.**
3. **Required parking must be provided to residents free of charge. No fees or premiums shall be collected for resident and guest parking.**

Respectfully,

Francis Xavier Lilly,

Planning Director, AICP

FEHR PEERS

Millcreek Senior Housing Parking Study

MEMORANDUM

Date: June 18, 2021

To: Francis Lily, AICP, Millcreek City
Todd Reeder, Community Development Corporation of Utah

From: Christopher Bender, PE, Fehr & Peers
Tim Baird, AICP, Fehr & Peers

Subject: Millcreek Senior Housing Parking Study

UT21-2286

EXECUTIVE SUMMARY

This memorandum documents the parking analysis performed for the proposed age-restricted residential development located at 4074 West Temple, Millcreek, Utah. At the time of this study, Millcreek City's zoning code did not specify parking requirements for age-restricted senior housing developments (as distinct from typical multifamily residential developments). This study was performed to provide an appropriate parking ratio for the West Temple development and for senior housing in Millcreek generally.

Fehr & Peers performed a literature review to outline parking supply recommendations from various state-of-the-practice sources. Fehr & Peers also performed parking occupancy counts to observe parking utilization rates at nearby comparable senior and/or affordable housing developments. Based on the findings of the literature review and the collected data, Fehr & Peers recommends that Millcreek implement a parking requirement for senior housing developments, such as the proposed 4074 West Temple development, based on the following standard:

- 0.75 parking stalls per single-bedroom dwelling unit
- 1 parking stall per two-bedroom dwelling unit
- 1.25 parking stalls per dwelling unit with three or more bedrooms.

This standard reflects the range of observed occupancy rates, peer community requirements, and national recommendations. Fehr & Peers recommends that the 0.75-1.25 stall range would provide a "right size" parking supply that would meet the parking needs of residents and guests without relying on on-street parking to meet parking demand, and avoid supplying an excessive amount of unused parking, which would add excess cost to such housing developments.

STUDY AREA

The proposed residential development will access West Temple between Weston Avenue and Gordon Avenue in Millcreek, Utah. Within the study area, West Temple serves nearby residences and businesses and is functionally classified as a local roadway. This section of West Temple is a two-lane, two-way (one lane per direction) unseparated roadway with a 30mph speed limit. On-street parking was observed to be permitted throughout the study area in front of residential land uses but restricted in front of most non-residential land uses.

The proposed development is within ¼ mile of bus route 39 which operates east-west on 3900 South and runs on 15-min headways in the AM and PM peak hours. Bus route 200 is within ⅓ mile of the development and operates north-south on State Street with 15-min headways in the AM and PM peak hours The TRAX Red (703) and Blue (701) lines are both accessible at the Meadowbrook Station to the north as well.

This section of West Temple does not have any bicycle infrastructure. Most of the east side of the roadway has sidewalk, but the sidewalk on the west side of the roadway transitions to a gravel shoulder near 3900 South. The nearest crosswalks to the study area are striped at the intersection at 3900 South & West Temple.

LITERATURE REVIEW

Using the characteristics described in the introduction, Fehr & Peers reviewed senior housing parking rates from the following sources:

- Institute of Transportation Engineers (ITE)
- Urban Land Institute (ULI)
- West Valley City Municipal Code
- Salt Lake City Municipal Code
- Sandy Municipal Code
- Murray Municipal Code

Table 1 outlines the senior housing parking requirement rates from each source listed above.

TABLE 1: PARKING REQUIREMENT RATES

Source	Land Use	Parking Requirement
ITE[1]	Senior Adult Housing – Attached	0.61 (Dwelling Unit)
ULI[2]	Senior Housing	0.85 (Dwelling Unit)
West Valley City[3]	Assisted Living	0.6 (Dwelling Unit)
Salt Lake City[4]	Affordable and Senior Housing (Multi-family Structures)	*General Context* 0.75 (Studio) 0.9375 (One Bedroom) 1.125 (Two or More Bedrooms)
		Neighborhood Center Context 0.375 (Studio) 0.75 (One or More Bedrooms)
		Urban Center Context No Minimum (Studio) 0.375 (One Bedroom) 0.75 (Two or More Bedrooms)
Sandy[5]	Senior or Elderly Housing	1.0
Murray[6]	Retirement Facility	0.6

1. ITE parking generation rates from the *ITE Parking Generation, 5th Edition, 2019*, for Senior Adult Housing – Attached (Land Use 252).
2. ULI parking generation rates from *Shared Parking, 3rd Edition,* 2020, for Senior Housing.
3. Parking ratio requirements from West Valley City Code Chapter 7-9-104: *Computation of Off-Street Parking Spaces*.
4. Parking ratio requirements from Salt Lake City Code Chapter 21A.44.050: *Alternatives to Minimum and Maximum Parking Calculations.*
5. Parking ratio requirements from Sandy Municipal Code Chapter 21-24-8: *Parking Space Requirements*.
6. Parking ratio requirements from Murray Municipal Code Chapter 17.72.070: *Parking Spaces Required.*

This literature review was performed to outline parking supply recommendations from various state-of-the-practice sources. As shown in **Table 1**, the number of stalls recommended to be required at a senior housing development ranged from no minimum parking at all to 1.125 stalls/dwelling unit, depending on the context of the development. Notably, aside from Salt Lake City and Sandy, all reviewed sources recommended fewer than one parking stall per dwelling unit. Furthermore, when compared to the requirements for standard multi-family residential developments, all sources showed a significant reduction in required parking. Salt Lake City, for example, recommends that affordable or senior housing should implement a 25% parking reduction from standard multi-family housing developments.

DATA COLLECTION

Parking occupancy data was collected for comparable senior and/or affordable housing developments at the nearby Sharon Gardens, Bud Bailey, Hub of Opportunity, Kelly Benson, and Preston Place residential developments. Fehr & Peers noted key characteristics at each development including number of units, number of bedrooms, age restrictions, income restriction, nearby transit services (within 0.5 miles), bike infrastructure (marked bike lanes, sharrows, emergency lane, and nearby roadway classifications), pedestrian infrastructure (sidewalk width, separation from roadway, nearby roadway classifications, and amenities within walking distance), and parking supply. These characteristics are shown in **Table 2**. It should be noted that none of the properties surveyed charge residents for parking.

TABLE 2: STUDY DEVELOPMENT CHARACTERISTICS

Site	Unit Types	Total Units	Total Bedrooms	Age Restriction	Income Restriction	Vacancy Rate	Transit Access
Sharon Gardens	1 Bedroom	58	58	Yes, 62+	Yes, rent=30% income	5%	TRAX, 15-min Bus
Bud Bailey	1-3 Bedrooms	136	285	No	Most ≤55% AMI, a few market rate	4%	TRAX, 15-min Bus
The Hub	1-3 Bedrooms	157	234	No	Mix of subsidized and market	2%	TRAX, 15-min Bus
Kelly Benson	Studio, 1-2 Bedrooms	59	70	Yes, 55+	Yes, rent=30% income	8%	30-min Bus
Preston Place	1 Bedroom	65	65	Yes, 65+	Yes, 50% AMI	0%	30-min Bus

Site	Bikeability	Walkability	Overflow Parking	Parking Supply	Stalls per Unit	Stalls per Bedroom
Sharon Gardens	Poor	Fair	On-Street	57	1.0	1.0
Bud Bailey	Poor	Fair	On-Street	216	1.6	0.75
The Hub	Fair	Fair	On-Street, TRAX Lot	137	0.875	0.6
Kelly Benson	Poor	Far	None	43	0.75	0.6
Preston Place	Fair	Good	On-Street	32	0.5	0.5

Source: Fehr & Peers, 2021

Fehr & Peers collected parking occupancy data on June 14th and 15th, 2021. The data collection staff counted each site during evening (6-8pm) and nighttime (11pm-1am) peak parking periods. Due to access restrictions at The Hub, data collection staff were prevented from conducting direct parking observations of parking utilization at this site; however, the property manager provided an estimate that no more than 75% of spaces were occupied at this development during peak conditions. **Table 3** outlines the findings of the data collection efforts.

TABLE 3: PARKING OCCUPANCY COUNTS

Site	Capacity	Evening Occupancy	Night Occupancy	Max Occupancy	Occupancy per Bedroom	Occupancy per Dwelling Unit
Sharon Gardens	58	20	33	33	0.57	0.57
Bud Bailey	216	106	118	118	0.41	0.87
The Hub	137	103*		103	0.44	0.66
Kelly Benson	43	18	17	18	0.26	0.31
Preston Place	32	30	32	32	0.49	0.49
TOTAL	**485**	**277**	**303**	**304**	**0.44**	**0.64**

Source: Fehr & Peers, 2021
* Staff were unable to conduct direct counts; interview with property management indicated no more than 75% of residential parking is utilized under peak conditions.

Across this sample of properties, all but one (Preston Place) utilized less than 100% of parking capacity during the highest observed parking conditions. Altogether, approximately 0.44 parking stalls were occupied per bedroom; approximately 0.64 stalls were occupied per dwelling unit.

Notably, Preston Place was observed to provide the fewest number of parking stalls per unit of the observed senior/affordable residential developments. Observation of on-street parking adjacent to this development suggests approximately 8-10 additional vehicles may have parked on-street. Accounting for resident use of on-street parking, it is likely that Preston Place experienced a total parking demand of around 0.62 stalls per bedroom/dwelling unit.

The observed developments with the highest per-unit occupancy rates were the Bud Bailey apartments, followed by The Hub. These were the two developments in this sample that are not subject to age restrictions. Among the three age-restricted developments, the average occupancy rate was 0.46 occupied stalls per dwelling unit, and the highest was 0.57 stalls per dwelling unit.

RECOMENDATION

Comparing the reviewed literature to the observed parking occupancies of nearby senior housing developments, Fehr & Peers recommends that 0.75 stalls per single-bedroom unit would be sufficient for the proposed senior housing development at 4074 West Temple. Furthermore, in keeping with the observation that developments with multiple bedrooms dwelling units typically had higher occupancy rates than dwelling units with only single-bedroom units, Fehr & Peers recommends applying an increased parking requirement for multi-bedroom units. More specifically, an additional 0.25 parking stalls should be required per additional bedroom, up to 1.25 total stalls per unit. Fehr & Peers recommends that the 0.75-1.25 stall range would provide a "right size" parking supply that would meet the parking needs of residents and guests without relying on on-street parking to meet parking demand, and avoid supplying an excessive amount of unused parking, which would add excess cost to such housing developments.

CONCLUSION

Fehr & Peers performed a literature review to outline parking supply recommendations from various state-of-the-practice sources. Fehr & Peers also performed parking occupancy counts to observe parking utilization rates at nearby comparable senior and/or affordable housing developments. Based on the findings of the literature review and the collected data, Fehr & Peers recommends that Millcreek implement a parking requirement for senior housing developments, such as the proposed 4074 West Temple development, based on the following standard:

- 0.75 parking stalls per single-bedroom dwelling unit,
- 1 parking stall per two-bedroom dwelling unit,
- 1.25 parking stalls per dwelling unit with three or more bedrooms.

This standard reflects the range of observed occupancy rates, peer community requirements, and national recommendations. Fehr & Peers recommends that the 0.75-1.25 stall range would provide a "right size" parking supply that would meet the parking needs of residents and guests without relying on on-street parking to meet parking demand, and avoid supplying an excessive amount of unused parking, which would add excess cost to such housing developments.

APPENDIX – SITE PLAN



North & East Elevations

CDCU
Community Development
Corporation of Utah

method studio



East Elevation

CDCU
Community Development
Corporation of Utah

method studio



Vicinity Map

4074 S West Temple

Site Plan Information:

Current Zoning District: RM - Residential Multi-Family
Proposed Zoning District: MD - Mixed Development

Lot Information:

Lot Size: 50,068 SF / 1.149 Acres
Building Footprint: 12,170 SF / 24% of Lot Area
Landscaping: 9,990 SF / 20% of Lot Area

Units:

Level 1: 13 1-Bedroom Units
Level 2: 17 1-Bedroom Units
Level 3: 17 1-Bedroom Units
Level 4: 17 1-Bedroom Units
Total: 64 Units

Parking Provided:

51 Stalls (4 Accessible one of which is Van Accessible)

N

SITE PLAN
Scale: 1" = 30'

CDCU
Community Development Corporation of Utah
501 East 1700 South
Salt Lake City, UT 84105
t: 801.590.7334
w: www.cdcutah.org

methodstudio

TRANSFORMER

PROPERTY LINE

CONIFER, TYP. OF 11
[46% CONIFERS]

DOWNLIGHT, TYP.

HYDRANT, SEE SITE PLAN

DECIDUOUS, TYP. OF 13

SETBACK LINE

51 PARKING STALLS,
26' DRIVE AISLE

ADA DROP-OFF

ADA ADA ADA ADA

FOUNDATION PLANTINGS

SETBACK LINE

PROPERTY LINE

BIKE LOCKERS

ENTRY

MURAL ABOVE

ENTRY

LAWN

NEW 4-STORY, 64-UNIT RESIDENTIAL BUILDING
FOOTPRINT = 12,170 SF
GROSS FLOOR AREA = 48,365 SF
MAXIMUM HEIGHT AS DESIGNED = +44'

EXIT

EXIT

COMMUNITY LAWN
AND PLAY AREA

METER YARD

CONIFER, TYP. OF 11
[46% CONIFERS]

FOUNDATION PLANTINGS

20' FIRE LANE

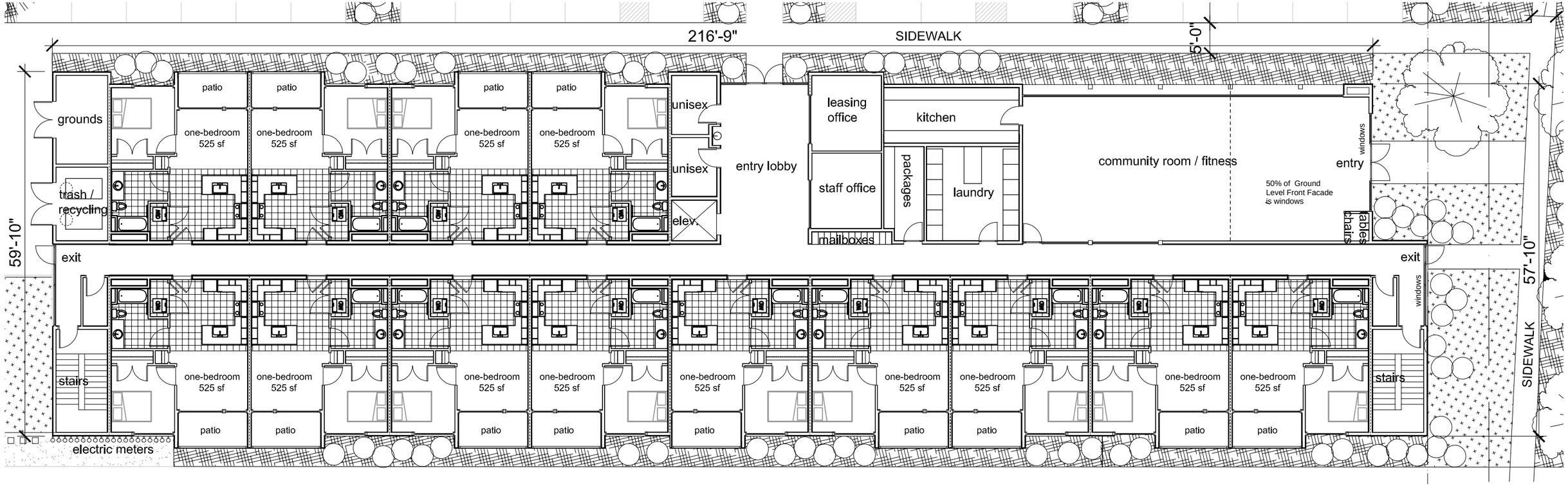
PROPERTY LINE

LANDSCAPE PLAN

N

CDCU
Community Development
Corporation of Utah

method studio



N

GROUND LEVEL FLOOR PLAN

SCALE: 1/16"=1'-0"

0 8' 16'

UNITS:
Level 1: 13 1-Bedroom Units
Level 2: 17 1-Bedroom Units
Level 3: 17 1-Bedroom Units
Level 4: 17 1-Bedroom Units

Total Units: 64 1-Bedroom Units

FLOOR AREA (Gross):
Level 1: 12,170 SF + 880 SF for Patios
Level 2: 12,065 SF + 880 SF for Balconies
Level 3: 12,065 SF + 880 SF for Balconies
Level 4: 12,065 SF + 880 SF for Balconies

Total Building Gross Area: 48,365 SF
Total Area Patios/Balconies: 3,520 SF

CDCU Community Development Corporation of Utah

method studio



N

LEVELS 2-4 FLOOR PLAN

SCALE: 1/16"=1'-0"

0 8' 16'

UNITS:
Level 2: 17 1-Bedroom Units
Level 3: 17 1-Bedroom Units
Level 4: 17 1-Bedroom Units

FLOOR AREA (Gross):
Level 2: 12,065 SF + 880 SF for Balconies
Level 3: 12,065 SF + 880 SF for Balconies
Level 4: 12,065 SF + 880 SF for Balconies

CDCU
Community Development
Corporation of Utah

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East Elevation

0 8' 16'

CDCU
Community Development
Corporation of Utah

method studio



North Elevation

0 8' 16'

CDCU Community Development Corporation of Utah

method studio



South Elevation

0 8' 16'

CDCU Community Development Corporation of Utah

method studio



West Elevation

0 8' 16'

CDCU
Community Development
Corporation of Utah

method studio

When recorded, return to:

Millcreek
Attn: Jeff Silvestrini
3330 South 1300 East
Millcreek, UT 84106

13773687
09/15/2021 10:07 AM $0.00
Book - 11239 Pg - 1114-1124
RASHELLE HOBBS
RECORDER, SALT LAKE COUNTY, UTAH
MILLCREEK CITY
3330 SOUTH 1300 EAST
MILLCREEK UT 84106
BY: GGA, DEPUTY - MA 11 P.

DEVELOPMENT AGREEMENT

This Development Agreement (this "Agreement") is entered into this 14 day of September 2021, by and between the Community Development Corporation of Utah ("Developer"), for the land to be included in or affected by the project located at approximately 4074 South West Temple Street in Millcreek Utah, a municipal corporation of the State of Utah ("City"). The Developer and the City are sometimes referred to as the "Parties."

RECITALS

WHEREAS, Developer owns approximately 1.15 acres of real property located at 4074 South West Temple Street in Millcreek, Utah ("Property") and intends to develop the Property. A legal description of the Property is attached hereto as exhibit "A." The Parties desire that the Property be developed in a unified and consistent fashion and establish minimum standards for a new 64-unit affordable senior housing project development consisting of apartments and offices (the "Project") on the Property; and

WHEREAS, Developer hereby represent to the Millcreek Council that it is voluntarily entering into this Agreement; and

WHEREAS, Developer is willing to restrict the Property in a manner that is in harmony with the objectives of the City's General Plan and long-range development objectives, and which addresses the more specific development issues set forth in this Agreement, and is willing to abide by the terms of this Agreement; and

WHEREAS, the City, acting pursuant to its authority under the Utah Municipal Land Use, Development, and Management Act, Utah Code Ann. §10-9a-101, *et seq.*, and its ordinances, resolutions, and regulations, and in furtherance of its land-use policies, has made certain determinations with respect to the proposed Project, and, in the exercise of its legislative discretion, has elected to approve this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

1. **Affected Property**. The legal description of the Property contained within the Project boundaries is attached as exhibit "A." No additional property may be added to or removed from this description for the purposes of this Agreement except by written amendment to this Agreement executed and approved by Developer and the City.

2. **Reserved Legislative Powers**. Nothing in this Agreement shall limit the future exercise of police power by the City in enacting zoning, subdivision, development, transportation, environmental, open space, and related land-use plans, policies, ordinances and regulations after the date of this Agreement, provided that the adoption and exercise of such power shall not restrict Developer's vested rights to develop the Project as provided herein. This Agreement is not intended to and does not bind the Millcreek Council in the independent exercise of its legislative discretion with respect to such zoning regulations.

3. **Compliance with City Ordinances and Standards**. Developer acknowledges and agrees that nothing in this Agreement shall be deemed to relieve it from the obligation to comply with all applicable ordinances and requirements of the City necessary for development of the Project, including the payment of fees, and compliance with applicable City standards.

4. **Specific Design Conditions**. The Project shall be developed and constructed as set forth in the specific design conditions/criteria set forth in exhibit "B. The Project shall also comply with all requirements set forth in the minutes of the Millcreek Planning Commission and Millcreek meetings on this matter.

5. **Agreement to Run With the Land**. This Agreement shall be recorded in the Office of the Salt Lake County Recorder, shall be deemed to run with the Property, and shall encumber the same; and shall be binding on and inure to the benefit of all successors and assigns of Developer in the ownership or development of any portion of the Property. This Agreement supersedes any and all development agreements that have been executed concerning the Property.

6. **Assignment.** Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without the consent of the other party. This Agreement shall be binding upon any successors and assigns. This restriction on assignment is not intended to prohibit or impede the sale by Developer.

7. **No Joint Venture, Partnership or Third Party Rights**. This Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto nor any rights or benefits to third parties, except as expressly provided herein.

8. **Integration. Modification, and Entire Agreement**. This Agreement contains the entire agreement between the parties with respect to the subject matter hereof and integrates all prior conversations, discussions, or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed and approved by the parties hereto. Exhibits A and B are hereby incorporated into this Agreement.

9. **Notices.** Any notices, requests, or demands required or desired to be given hereunder shall be in writing and should be delivered personally to the party for whom intended, or, if mailed by certified mail, return receipt requested, postage prepaid to the parties as follows:

TO DEVELOPER:

Todd J. Reeder
Community Development Corporation of Utah
501 East 1700 South
Salt lake City, UT 84105

TO CITY:

Millcreek
Jeff Silvestrini, Mayor
3330 South 1300 East
Millcreek, Utah 84106

Any party may change its address by giving written notice to the other party in accordance with the provisions of this section.

10. **Choice of Law and Venue**. Any dispute regarding this Agreement shall be heard and settled under the laws of the State of Utah. Any Utah litigation regarding this Agreement shall be filed in the Third District Court in Salt Lake City, Utah. Any federal litigation regarding this Agreement shall be filed in the United States District Court for the District of Utah in Salt Lake City, Utah.

11. **Severability.** In the event any provision of this Agreement is held to be invalid or unenforceable, the remaining provisions shall remain valid and binding upon the parties. One or more waivers of any term, condition, or other provision of this Agreement by either party shall not be construed as a waiver of a subsequent breach of the same or any other provision.

12. **Limitation on Recovery for Default – No Damages.** No party shall be entitled to any claim for any monetary damages as a result of any breach of this Agreement and each Party waives any claims thereto. The sole remedy available to Developer or and assignee shall be that of specific performance. Notwithstanding such limitation the City may withhold all further

reviews, approvals, licenses, building permits and/or other permits for development of the Project in the case of a default by Develop or any assignee.

13. **Term of Agreement.** The term of this Agreement shall be until September 13, 2031 and shall automatically expire on such date.

14. **Force Majeure.** Neither party shall be liable or deemed to be in default for any delay, failure, or interruption in performance under the Agreement resulting, directly or indirectly, from acts of God, acts of civil or military authority, acts of public enemy, war, accidents, fires, explosions, earthquakes, floods, failure of transportation, machinery or supplies, vandalism, strikes or other work interruptions, or any other cause beyond the control of either party. Both Parties, however, agree to make good faith efforts to perform under this Agreement in the event of any such circumstance.

15. **Construction.** The Parties stipulate that this Agreement and all agreements or documents incorporated herein shall not be subject to the rule of construction that a written agreement is construed against the Party preparing or drafting that Agreement.

16. **Headings**. The descriptive headings of the paragraphs of this Agreement are inserted for convenience only and shall not control or affect the meaning or construction of any of the provisions hereof.

17. **No Waiver**. The failure of either Party to exercise in any respect a right provided for in this Agreement shall not be deemed to be a subsequent waiver of the same right or of any other right.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

Millcreek

Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, CMC, City Recorder

DEVELOPER

By: _____

Title: C.O.O.

STATE OF UTAH)
: ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 14 day of September, 2021, by Jeff Silvestrini and Elyse Sullivan as the Mayor and the City Recorder, respectively, of Millcreek, a Utah municipality.

Notary Public

JANA STRATFORD
Notary Public - State of Utah
Comm. No. 706593
My Commission Expires on
Jun 4, 2023

STATE OF UTAH)
: ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 14 day of September 2021 by Todd Reeder

Notary Public

JANA STRATFORD
Notary Public - State of Utah
Comm. No. 706593
My Commission Expires on
Jun 4, 2023

Exhibit A

Parcel No. 15-36-476-032-0000

Legal Description

BEG W 709.5 FT M OR L & N 402.6 FT M OR L FR SE COR SEC 36, T1S, R1W, SLM; N 197.34 FT; W 398.64 FT; S 13¿10' E 203.94 FT; E 351.78 FT TO BEG. LESS AND EXCEPT BEG S 41¿32'30" E 50.09 FT & N 00¿51'10" E 1768.92 FT & N 89¿08'50" W 792.11 FT & S 00¿02'23" W 1297.88 FT & N 89¿57'37" W 33 FT FR SD SECOR SEC 28; S 00¿02'23" W 42 FT; N 89¿57'30" W 293.2 FT TO E'LY LINE OF UTA TRAX; N 13¿38'04" W 43.23 FT ALG SD E'LY LINE; S 89¿57'30" E 303.41 FT TO BEG. LESS THAT PORTION IN SLC SUB SAN DIST NO 1. 0.69 AC M OR L. BEING IN LOT 12, BLK 10, 10 AC PL A. 7031-1584 7209-1048 9348-6016,6018 9348-60219360-8596 9658-5705

Parcel No. 15-36-476-033-0000

Legal Description

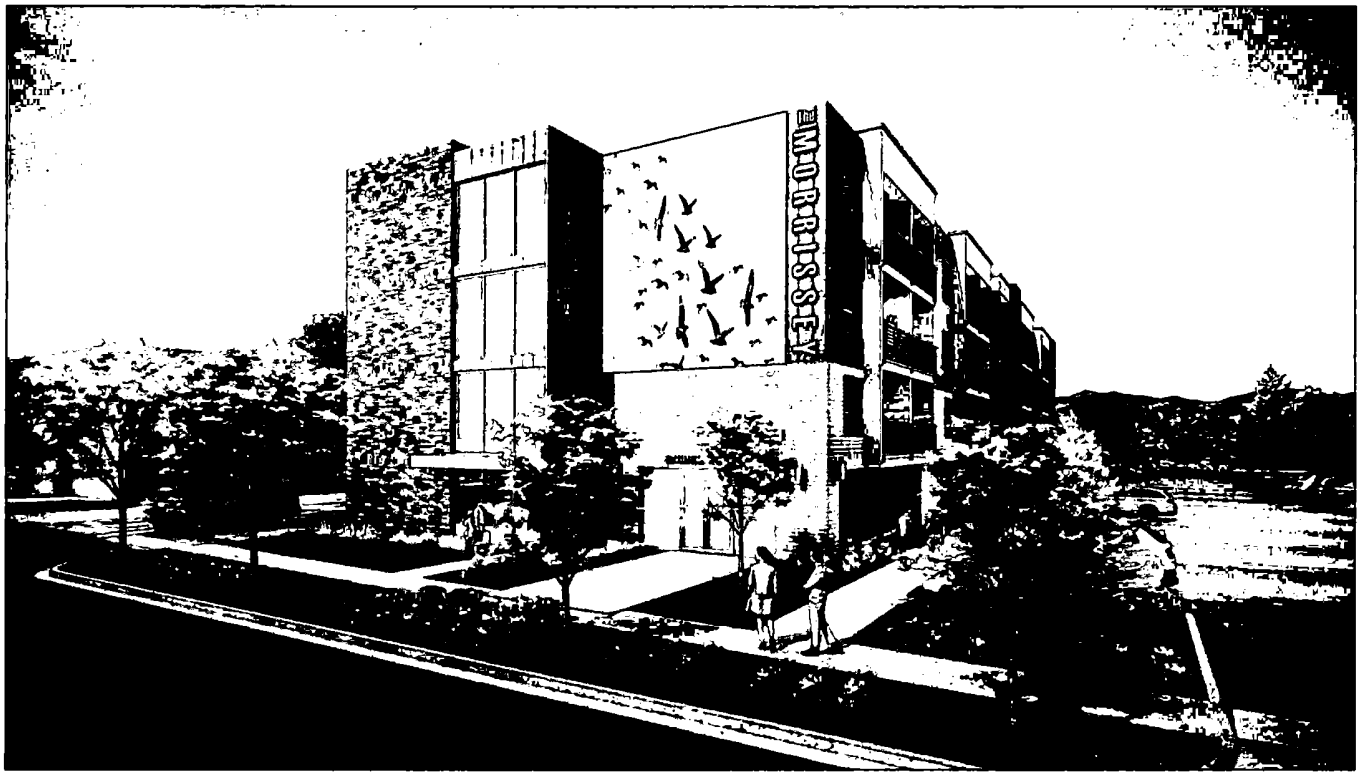
BEG W 709.5 FT M OR L & N 402.6 FT M OR L FR SE COR SEC 36, T1S, R1W, SLM; N 197.34 FT; W 233 FT M OR L TO BDRY LINE OF SLC SUB SAN DIST NO 1; S 197.34 FT; E 233 FT M OR L TO BEG. LESS AND EXCEPT BEG S 41¿32'30" E 50.09 FT & N 00¿51'10" E 1768.92 FT & N 89¿08'50" W 792.11 FT & S 00¿02'23" W 1297.88FT & N 89¿57'37" W 33 FT FR SD SE COR SEC 28; S 00¿02'23" W 42 FT; N 89¿57'30" W 293.2 FT TO E'LY LINE OF UTA TRAX; N 13¿38'04" W 43.23 FT ALG SD E'LY LINE; S 89¿57'30" E 303.41 FT TO BEG. 0.73 AC M OR L. BEING IN LOT 12, BLK 10, 10 AC PLA. 7031-1584 7209-1048 9348-6016,6018,6021 9360-8596 9658-5705

Exhibit B

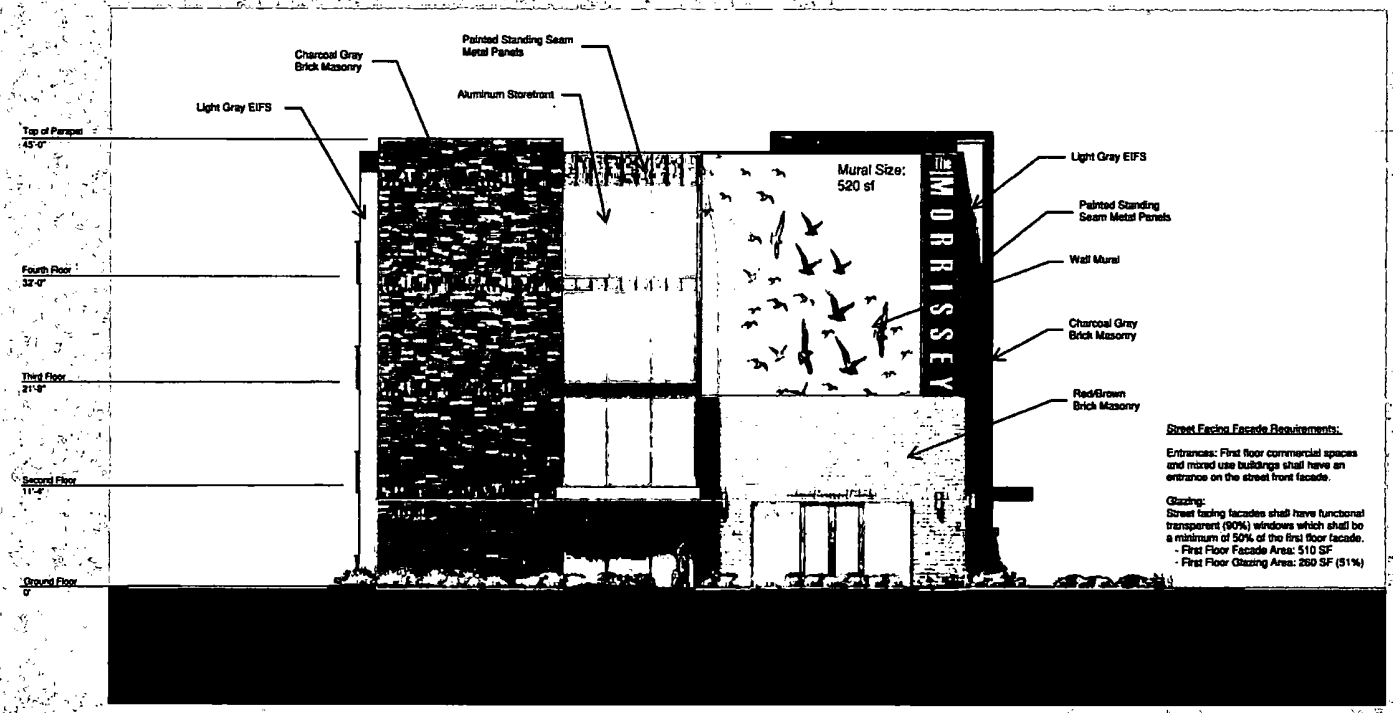
Developer and the City agree that the proposed development will incorporate the following:

1. Use of property is limited to an affordable multi-family senior housing project for low-income seniors that are of 62 years of age or older and fall within a 25% - 55% area median income range. Development and use of property must qualify for affordable senior housing under the requirements set by the U.S Department of Housing and Urban Development.
2. Development shall consist of 64 one-bedroom units.
3. A minimum of 48 parking stalls is required. Total sum of required stalls shall not include the accessible parking spaces required to satisfy the Americans with Disabilities Act and shall be provided in addition to the number of stalls required.
4. Required parking must be provided to residents free of charge. No fees or premiums shall be collected for resident and guest parking.
5. Development shall include an ADA vehicle drop off and vehicle pick-up area that includes an unobstructed path of travel to and from the building.
6. Five parking stalls out of the 48 stalls provided must be identified as guest parking with signage.
7. The approved parking ratio is for one-bedroom units in an affordable senior housing development. If the use changes within the term of the development agreement, the new use must satisfy the then current parking ordinance and parking required for that use.
8. Maximum height of the building is limited to 45 feet measured from original ground surface.
9. Building footprint shall not exceed 12,750 square feet.
10. Exterior building materials of a durable or resilient nature such as brick, stone, prefinished panel, composite materials, or other materials of similar quality, hardiness, and low maintenance characteristics shall be used. No single material is allowed to exceed 50 percent of street-facing facades. Other materials may be considered for soffits, or as an accent or architectural feature. Twenty-five-year guarantee, architectural shingles and/or other longer lasting roof materials are required.
11. Arrangement of the materials and the windows will be substantially the same as indicated on the attached renderings, Exhibit C. All other character defining features such as size, craftmanship and design, including the form and massing of the building shall remain the same as indicated on the attached renderings in Exhibit C.
12. The mural on the east building façade shall be at least 500 square feet in area and be the same scale and quality as depicted in the plans shown in Exhibit C.
13. Developer shall provide 5,000 sf of usable open space that consists of approximately a 3,000-sf outdoor community space and a 2,000-sf community/fitness room with glass frontage. The developer shall include at minimum, three 48 sf raised garden beds as part of the amenities for this development.
14. Each unit shall include a patio or balcony consisting of a minimum fifty square feet and a minimum depth of at least five feet.
15. The developer will install three interior light poles within the parking lot as established on the attached site plan, Exhibit C
16. Landscaping will be provided as provided in the attached landscape plan as established on the attached landscape plan, Exhibit C. Trees and plantings shall include only endemic or waterwise plant species that are appropriate to the region.
17. Developer shall include a minimum of 24 trees, having a minimum caliper of two inches in size consisting of seven conifers and seventeen deciduous trees.
18. Developer shall perform a lot consolidation that is approved by the city and recorded at Salt Lake County Recorder's Office.

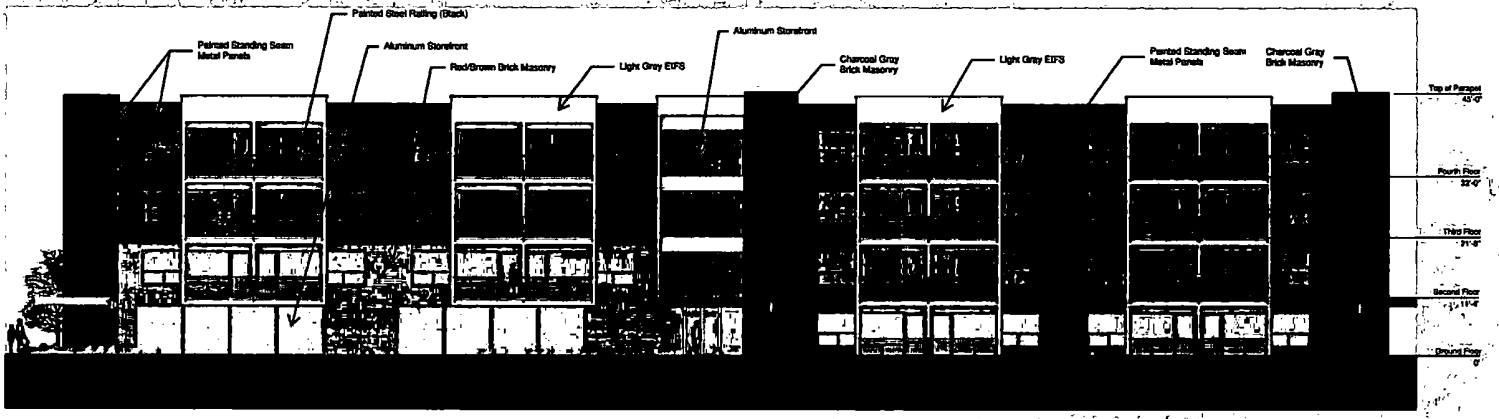
Exhibit C



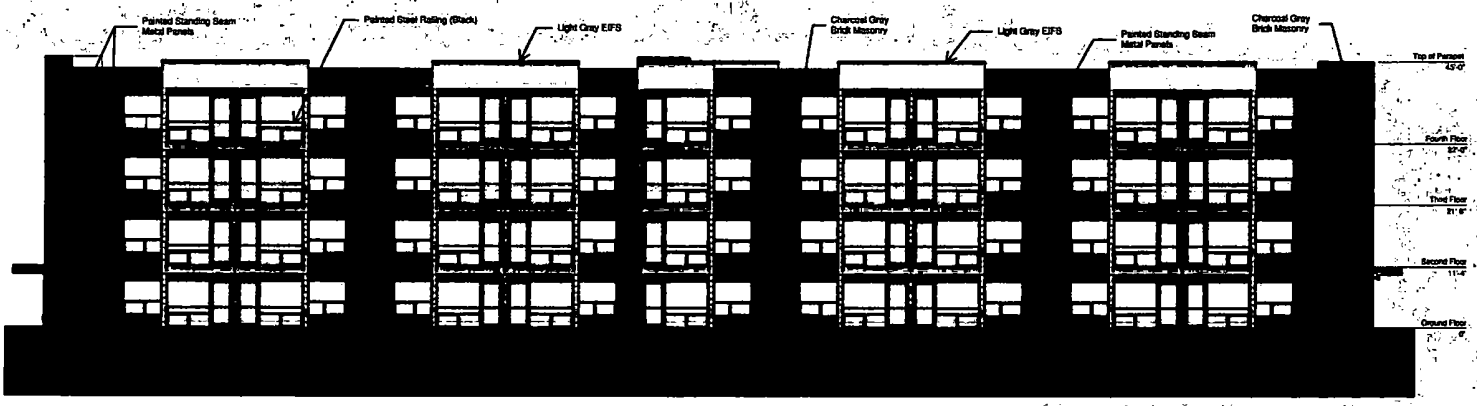




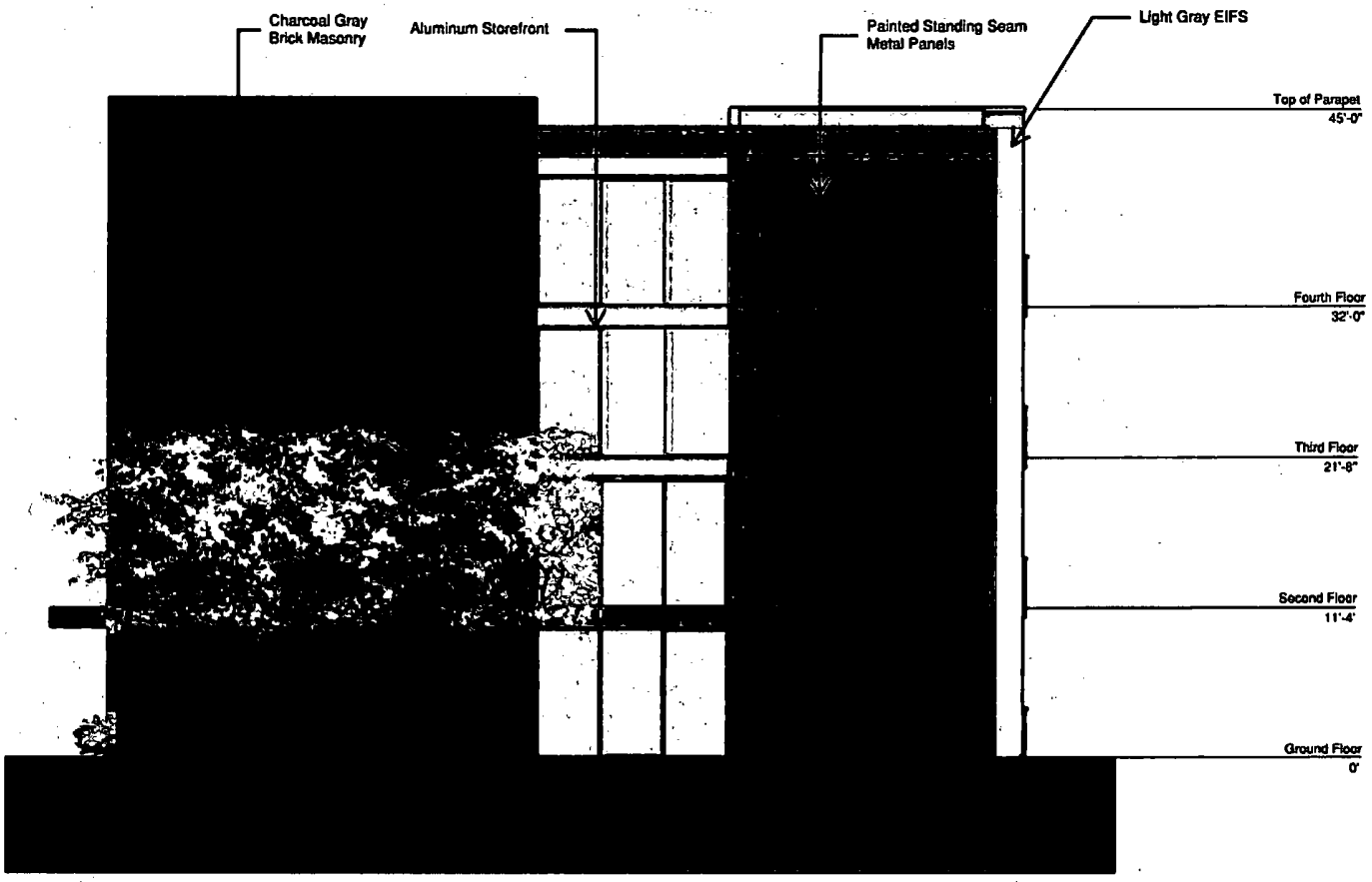
East Elevation



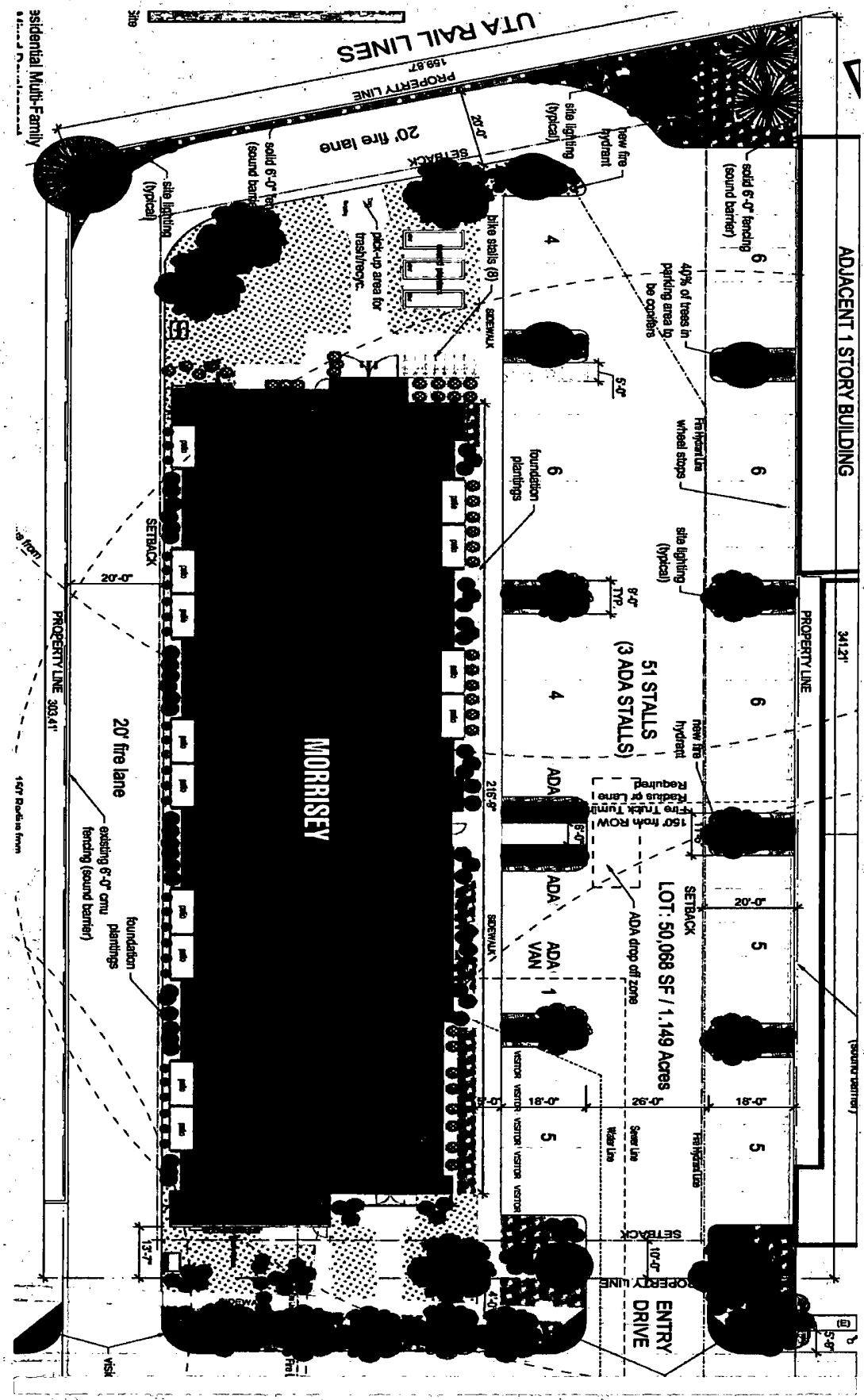
North Elevation



South Elevation



West Elevation


UTA RAIL LINES
PROPERTY LINE
159.87'
20' fire lane
SETBACK
20'-0"
site lighting (typical)
new fire hydrant
solid 6'-0" fencing (sound barrier)
ADJACENT 1 STORY BUILDING
341.21'
PROPERTY LINE
bike stalls (8)
SIDEWALK
trash/recyc.
pick-up area for
40% of trees in parking area to be coniffers
Fire hydrant
wheel stops
foundation plantings
5'-0"
9'-0" TYP.
51 STALLS
(3 ADA STALLS)
MORRISEY
215'-9"
ADA
ADA
ADA VAN
150' Inch ROW Fire Truck Turnaround Radius or Lane Required
ADA drop off zone
LOT: 50,068 SF / 1.149 Acres
SETBACK
20'-0"
VISITOR
18'-0"
26'-0"
Sewer Line
Water Line
Fire Hydrant
SETBACK
10'-0"
PROPERTY LINE
ENTRY DRIVE
PROPERTY LINE 303.41'
20' fire lane
existing 6'-0" cmu fencing (sound barrier)
foundation plantings
13'-7"
SETBACK
20'-0"

Millcreek Planning and Zoning Department
3330 South 1300 East
Millcreek, Utah 84106
Phone: (801) 214-2700

PLANNING COMMISSION STAFF MEMORANDUM

From:	Robert May, LRPM
To:	Millcreek Planning Commission
Meeting Date:	October 20, 2021
RE:	Preliminary approval of a conditional use application for a mixed use project in the City Center Overlay Zone, consisting of 226 residential units and 7,735 sf feet of commercial space
Parcel:	16294770140000, 16283510480000, 16283510490000, 16283510520000
Location:	1306 East 3300 South
Size:	1.76 acres (76,665 sf)
Applicant:	Cottonwood Residential
File No:	CU-21-018

Request

The applicant, Cottonwood Residential, is requesting preliminary approval of a conditional use permit for a mixed-use multi-family project in the city center overlay zone, consisting of 226 residential units and 7,735 sf feet of commercial retail and office space. This project consists of four parcels that collectively amount to approximately 1.76 acres. The project and proposed building, "The Hudson", will be located at the southeast corner of 1300 East and 3300 South and have a dominating corner presence and plaza space within the city center.

The seven-story building has ground-floor commercial retail and office uses resulting in a mixture of co-working office space, a coffee shop and fitness studio that will be available to the public and residents of the building. There will be on-site covered parking using a shared parking concept between commercial and residential uses. The provided parking will be completely off street in an enclosed multi-level parking garage with access at 1300 East and 3300 South. The proposed building will conform by following all the required setbacks and clearances. The building at its highest point will be 75'-0" to the top of the roof deck. A plaza will be provided at the corner of 1300 East and 3300 South. The upper portion of the building, beginning after the first level, will be set back 20'-0" from the right of way per CCOZ.



Per Section 19.80.080 Shared Parking, within the Off-Street Parking Code Chapter 19.80, the total number of off-street parking spaces required for each

Millcreek Planning and Zoning Department
3330 South 1300 East
Millcreek, Utah 84106
Phone: (801) 214-2700

use (see MKZ 19.80.040) may be combined and shared upon approval as provided herein. Conditional use applications which require Planning Commission approval, and for which shared parking is being proposed as part of the application, must have planning commission approval for the shared parking. Click here to view shared parking section of the Millcreek Code.

The applicant wishes to request approval from Planning Commission to utilize the shared parking table and overall parking stall reduction. Furthermore, in addition to the shared parking reduction, the applicant is requesting an additional reduction from the required parking stalls. Prior to application, the city commissioned a parking study from Fehr and Peers to conduct a parking demand review for the commercial and residential uses that are proposed. **** See attached Fehr and Peers Parking Study***

The required parking stalls for the proposed project, per the City Center Overlay Zone (CCOZ) general parking requirements, would require a total of 415 parking stalls. See ***Figure 1*** table below.

STUDIO	41 UNITS X 1	= 41
1 BED	158 UNITS X 1.5	= 237
2 BED	27 UNITS X 1.5	= 41
OFFICE	4,374 SF	=12
RETAIL	3,361 SF	= 9
GUEST	226 X .33	= 75
TOTAL REQUIRED		= 415 PARKING SPACES

Figure 1

In addition to taking advantage of Chapter 19.80.080 Shared Parking Table, the number of off-street parking spaces required for the required combined and shared parking was reduced to 396 (395.05) parking stalls. See ***Figure 2*** to the right

Chapter 19.80 Shared Parking Table 19.80.080(a)

1	For each applicable general land use category, calculate the number of spaces required for a use as if it were the only use (refer to the schedule of minimum off-street parking requirements).
2	Use the figures for each individual land use to calculate the number of spaces required for that use for each time period specified in the table (six time periods per use).
3	For each time period, add the number of spaces required for all applicable land uses to obtain a grand total for each of the six time periods
4	Select the time period with the highest total parking requirement and use that as the total number of parking spaces required for the site on a shared parking basis.

GENERAL LAND USE CATERGORY		WEEKDAYS			WEEKENDS		
		12a.m.– 7a.m.	7a.m.–6p.m.	6p.m.–12a.m.	12a.m.–7a.m.	7a.m.–6p.m.	6p.m.–12a.m.
☐	Office & Industrial	5%	100%	5%	0%	5%	0%
☐	Retail	5%	100%	80%	5%	100%	60%
☐	Restaurant	50%	70%	100%	70%	50%	100%
☐	Hotel	100%	65%	100%	100%	65%	100%
☐	Residential	100%	50%	80%	100%	75%	75%
☐	Theater/entertainment	5%	20%	100%	5%	50%	100%
☐	Place of worship	0%	30%	50%	0%	100%	75%
USE	Required Parking						
LU 1	Office (12 Spaces)	0.6	12	0.6	0	0.6	0
LU 2	Retail (9 spaces)	0.45	9	7.2	0.45	9	5.4
LU 3	Residential (395 spaces)	394	197	315.2	394	295.5	295.5
	Total	395.05	218	323	394.45	305.1	300.9

Figure 2

Based on the data collection and recommendation from the Fehr and Peers parking study, the applicant wishes to provide 359 parking stalls with an additional 8 ADA handicap stalls. By providing 367 stalls for the proposed project, the applicant is requesting Planning Commission to approve a parking reduction of 9.3%. (*13.49% before Shared Parking Table*)

With a final total of 367 parking stalls being provided for the proposed project, the applicant is proposing that more than half of the provided parking stalls (185) will be available for shared parking. See ***Figure 3*** table below.

PARKING PROVIDED:		SHARED PARKING SPACES AVAILABLE
PARKING 1.5	= 94	94
LEVEL 1	= 91	91
BASEMENT 1	= 97	0
BASEMENT 2	= 77	0
TOTAL	= 359 PARKING SPACES (RESIDENTIAL/COMMERCIAL) + 8 PARKING SPACES (ADA)	
TOTAL SPACES PROVIDED	= 367 PARKING SPACES	

Figure 3

Fehr & Peers performed a literature review to summarize parking supply recommendations from various sources. The ITE and ULI parking documents are considered state-of-the-practice guidelines and are often used in every shared parking and parking reduction analysis.

Common users of ITE and ULI include professional developers, planners, public and private agencies, consultants, and engineers.

ITE (***Institute of Transportation Engineers***) is an international association of transportation professionals ranging from transportation engineers, transportation planners, consultants, educators, technologists, and researchers. ITE provides manuals and guides for trip generations, supplemental and shared parking, traffic management and control, and common practice and methods.

ULI (***Urban Land Institute***) is a research and education organization that provides, among many other topics, publications, and research about creative and practical solutions for issues such as downtown redevelopment, shared parking practices, land management, development potential, growth management, community revitalization, brownfields redevelopment, affordable housing, etc.

Click here to review more about ITE. Click here to review more about ULI.

EXISTING LAND USE AND PROPOSE CHANGE

Use of the site has remained relatively unchanged from 2014 up to present time. The majority of the property is mostly vacant and includes a small office and an abandoned dwelling that previously caught fire and has been deemed uninhabitable. The property has also been used as a staging ground for other nearby projects and UDOT.

Historically, the site consisted of single-family residential use from about 1929 until a gas station or automobile service station was constructed on the western portion of the site between 1953 and 1958. An office building was constructed on the eastern portion of the site between 1970 and 1975. The gas station on the western portion of the site appears to have been upgraded or expanded between 1981 and 1987, and was demolished and removed between 2011 and 2014.



Millcreek Planning and Zoning Department
3330 South 1300 East
Millcreek, Utah 84106
Phone: (801) 214-2700

Parcel # 16294770140000, 1306 East 3300 South, 0.79 acres, vacant/undeveloped

Parcel # 16283510480000, 1332 East 3300 South, 0.15 acres, office building

Parcel # 16283510490000, 1348 East 3300 South, 0.11 acres, vacant/undeveloped

Parcel # 16283510520000, 1348-1354 East 3300 South, 0.71 acres, office building

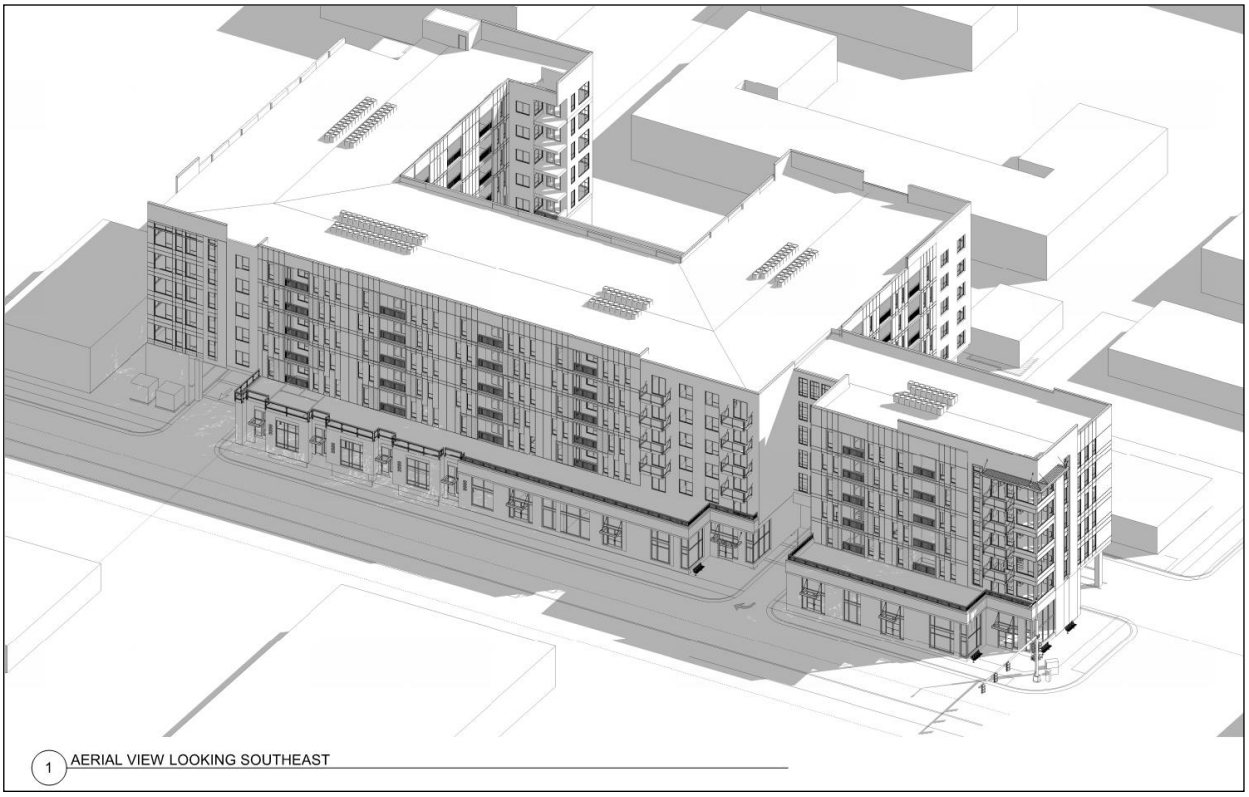


Pedestrian and vehicular access for the project will be served from 3300 South and 1300 East. The project is entered and exited at two separate points. An ingress and egress 3300 South and 1300 East. There is an additional exit only point located on 3300 South. Refer to site plan in the supporting documents for details.

The seven-story podium structure consisting of five levels of wood-framing over two levels of reinforced concrete is planned for the 1.76-acre site. The lowest level of the podium will be established approximately one-level below-grade. Topography at the site slopes gently to the west with approximately nine feet of total relief. The structure will appear to be a 6-story building from existing grade that ranges in height but not to exceed the height maximum of 75 feet. Elevation details can be located in the supporting documents. Building lighting shall be dark-sky compliant and streetlights shall meet the requirements of the Millcreek City Engineer.



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MILLCREEK COMMUNITY COUNCIL

The following is the response to application CU-21-018 from the Millcreek Community Council meeting held October 5, 2021

"Dear members of the Planning Commission, In regard to Cottonwood Development's proposal CU-21-018, the Millcreek Community Council would like you to consider the following:
The Millcreek Community Council has concerns about this development bringing increased use to the City Center area by both residents and visitors patronizing the retail and office spaces but lacking safe and suitable access to them. We recommend that developers explore redesigning the development and working the developers designing on the project across 3300S to the north, create a sky bridge crossing. A safe pedestrian access across 300S is desired by our council. Planning around increased pedestrian activity is imperative for the longevity of this development and the safety of Millcreek residents.
Additionally, the Community Council has concerns that the traffic study data does not accurately represent the degree of population growth that will be coming to the area between 2021 and 2024. The figures used in the traffic study and parking report do not seem accurate for current and future demand.
Finally, we have concerns that there are many residents who will be living in the CCOZ zone who will not have space for emergency supplies in their apartments. We want this and all new developments to include storage space for emergency supplies for residents of the development."

Millcreek Planning and Zoning Department
3330 South 1300 East
Millcreek, Utah 84106
Phone: (801) 214-2700

PLANNING STAFF RECOMMENDATION

Although staff finds the proposed development application CU-21-018 to meet the requirements of the City Center Overlay (CCOZ) Zone, staff is recommending "continuance" of the application this month in order to refine a few minor details and re-evaluate the parking and traffic impacts of the project.

It was noted during the Millcreek Community Council meeting that the traffic and parking analysis prepared by Fehr and Peers may be slightly distorted. The TIS analysis did not fully expand and clarify the context behind the future and planned development volumes and conditions. A question on whether the data collection used was accurate was mentioned in the meeting. Specifically, were the municipalities used for comparison comparable to Millcreek?

While the parking study analysis and data collection appears to be accurate and will most likely not change, staff is requesting an update to the study. Staff has also requested Fehr and Peers to modify the TIS analysis and provide more details and clarification.

SUPPORTING DOCUMENTS

-Applicant Letter
-Architectural Plans
-Civil Plans
-Landscape Plans
-Fehr and Peers Updated Parking Study

THE HUDSON AT MILLCREEK

A COTTONWOOD RESIDENTIAL DEVELOPMENT

PRELIMINARY PROJECT DESCRIPTION

PROJECT SUMMARY

Located on the corner of 1300 East and 3300 South in Millcreek, Utah, the site is currently fragmented with vacant lots, an abandon home, and a small office building. Proposed, is further contribution to the overall revitalization and growth of Millcreek's City Center with a 6-story-226-unit, building, with gathering spaces and walk-up units at street level. These programs will bring people to the street and help create a more safe and enjoyable experience within the city center. The project embraces the city's setbacks by creating spacious terraces for the tenants overlooking 3300 S. on the second level. This terrace will bring eyes to the street and human scale elements such as flowers to 3300 S. enhancing the overall pedestrian experience.

Due to the geography and slope of the project site, the building ranges from 74'-10" on the west property line to 67'-8" on the east property line. 'The Hudson' houses a range of unit sizes from 500sf to 1,300sf in order to accommodate a wide spectrum of incomes and residents. Amenities such as a fitness center, a gear shop, and a pool courtyard are scattered throughout the building to connect residents and promote healthier lifestyles. The project has a sophisticated look with the use of expansive glazing, light-colored stone, charcoal colored corrugated aluminum, and natural wood accents. The use of these nonintrusive and yet contrasting industrial materials allow city life to flow into the residential spaces which creates a harmonious balance of the live/work lifestyles that have become so necessary for today's economy.

This project will be overall beneficial in helping the city reach its goals of building a City Center that is a vibrant, walkable mixed-use area with a range of employment, services, and housing by bringing more residents to the area, making a safer more enjoyable pedestrian experience, and providing street level public gathering areas.

BUILDING AREA SUMMARY DATE: 9/28/2021									
	BUILDING AREAS								
Building Level	B2	B1	1	2	3	4	5	6	7
Building FFE									
Residential (SF)			5,808	3,336	30,900	32,361	32,361	32,361	31,618
Balcony (SF)					1,890	2,047	2,047	2,047	1,983
Corridor (SF)					3,498	3,498	3,498	3,498	3,498
Vertical Circulation (SF)	494	494	664	664	664	664	664	664	664
Utility / Trash / Bldg Storage (SF)			867		397	397	397	397	397
Office			4,374						
Retail			3,361						
Exterior Amenity (SF)					10,229				800
TOTAL SF PER FLOOR			15,074	4,000	37,349	38,967	38,967	38,967	38,160
TOTAL SF PER BUILDING									**211,484**

EFFICIENCY CALCULATIONS	
	TOTAL
Residential (SF)	168,745
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Utility / Bldg Storage (SF)	2,852
Amenity / Leasing Office / Mail (SF)	3,361
Commercial (Gross SF)	7,735
Exterior Amenity (SF)	11,029
Total Building SF	**215,833**
Efficiency % (Residential / Total)	**78.2%**

***ONLY ONE AREA DOES NOT ORIGINATE AT BASEMENT LEVELS, AND IS ONLY CORE INCLUDED IN EFFICIENCY CALCS ***

****EXTERIOR AMENITY AREA NOT INCLUDED IN EFFICIENCY CALCS ****

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BUILDING(S) DESCRIPTION:

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THE RESIDENTIAL COMPONENT OF THE PROJECT WILL CONSIST OF 226 UNITS, WITH A MIX OF STUDIO, 1-BED, AND 2-BED (SEE UNIT MATRIX SUMMARY).

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R-2 (RESIDENTIAL APARTMENTS) WITH A-3 SEPARATED OCCUPANCIES
S-2 (PARKING GARAGE)

CONSTRUCTION TYPE (PER 2018 IBC):
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IA
LEVELS 2-6
IIIA

Chapter 19.80 Shared Parking Table 19.80.080(a)

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3	For each time period, add the number of spaces required for all applicable land uses to obtain a grand total for each of the six time periods
4	Select the time period with the highest total parking requirement and use that as the total number of parking spaces required for the site on a shared parking basis.

GENERAL LAND USE CATERGORY		WEEKDAYS			WEEKENDS		
		12a.m.— 7a.m.	7a.m.—6p.m.	6p.m.—12a.m.	12a.m.—7a.m.	7a.m.—6p.m.	6p.m.—12a.m.
☐	**Office & Industrial**	5%	100%	5%	0%	5%	0%
☐	**Retail**	5%	100%	80%	5%	100%	60%
☐	Restaurant	50%	70%	100%	70%	50%	100%
☐	Hotel	100%	65%	100%	100%	65%	100%
☐	**Residential**	100%	50%	80%	100%	75%	75%
☐	Theater/entertainment	5%	20%	100%	5%	50%	100%
☐	Place of worship	0%	30%	50%	0%	100%	75%
USE	**Required Parking**						
LU 1	Office (12 Spaces)	0.6	12	0.6	0	0.6	0
LU 2	Retail (9 spaces)	0.45	9	7.2	0.45	9	5.4
LU 3	Residential (395 spaces)	394	197	315.2	394	295.5	295.5
	Total	**395.05**	218	323	394.45	305.1	300.9

PARKING SUMMARY

PARKING REQUIRED PER CCOZ CHAPTER 19.73

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1 BED	158 UNITS X 1.5	= 237
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RETAIL	3,361 SF	= 9
GUEST	226 X .33	= 75
TOTAL REQUIRED		= 415 PARKING SPACES

REQUIRED PER SHARED PARKING = 396
SEE SHARED PARKING TABLE 19.80.080(a) PER MILLCREEK OFF-STREET PARKING CODE ABOVE

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= 367 PARKING SPACES

NON-ADA PARKING REDUCTION REQUESTED:
(396-359) = 37 STALLS
(37/396) x 100 = 9.3% REDUCTION

SEE ADDITIONAL PARKING STUDY FOR ANALYSIS AND ACCEPTABILITY OF PROVIDED STALLS

PARKING REDUCTION REQUESTED
BEFORE SHARED PARKING TABLE: 13.49%
AFTER SHARED PARKING TABLE: 9.3%

BICYCLE STORAGE

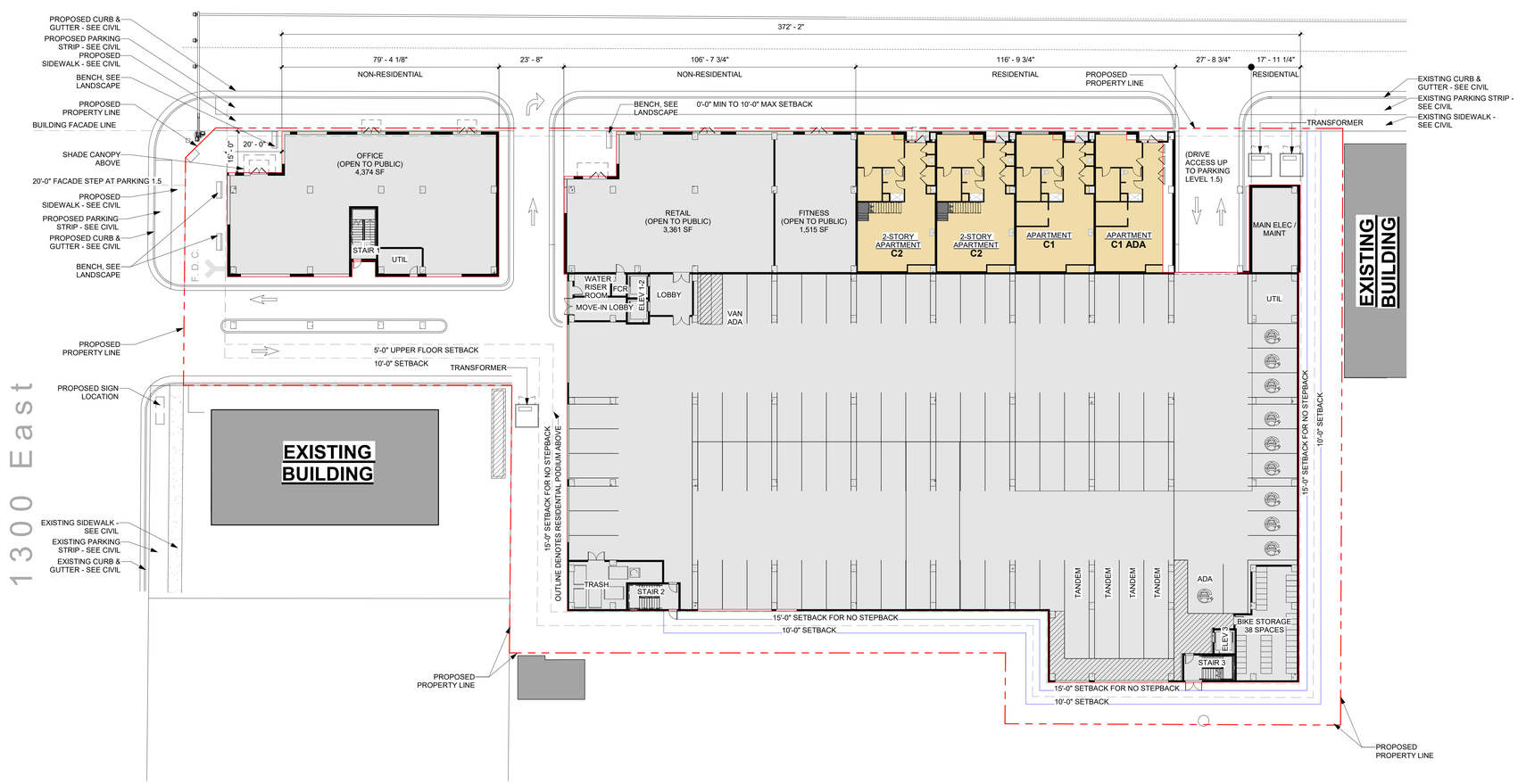
	INTERIOR STORAGE
PARKING 1.5	38
LEVEL 1	38
LEVEL B1	38
LEVEL B2	38
TOTAL BICYCLE STORAGE	**152**

LOT COVERAGE

ALLOWABLE MIN LOT COVERAGE	50%
ALLOWABLE MAX LOT COVERAGE	80%
PROPOSED LOT COVERAGE	79%
OPEN SPACE	21%

3300 S. MIXED USE

TOTAL FRONTAGE	320'-9"
NON-RESIDENTIAL FRONTAGE:	185'-9"
REQUIRED >50% OF TOTAL	>160.4'
PROVIDED (185'-9"/320-9")	**58%**
RESIDENTIAL FRONTAGE:	134'-9"
REQUIRED <50% OF TOTAL	<160.4'
PROVIDED (134'-9"/320-9")	**42%**



1 ARCHITECTURAL SITE PLAN
1" = 20'-0"

dwell design studio
360 WEST 300 SOUTH
SUITE 102
SALT LAKE CITY, UT 84101
PHONE: 385.273.3888
dwelldesignstudio.com

THE HUDSON
1306 EAST 3300 SOUTH
MILLCREEK, UTAH

A DEVELOPMENT FOR:

ISSUE

DATE	DESCRIPTION	INCLUDED
9/2921	SD Submittal	X

REVISION

DATE	DESCRIPTION	REV

SEAL:

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ARCHITECTURAL SITE PLAN

JOB NUMBER: 23 192 01

DRAWN BY: Author
CHECKED BY: Checker

SP-01

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THE HUDSON

1306 EAST 3300 SOUTH
MILLCREEK, UTAH

33rd AND 13th, LLC

TEAM MEMBERS

OWNER
TYLER MORRIS
33rd AND 13th, LLC.
1245 BRICKYARD RD, SUITE 250
SALT LAKE CITY, UT 84106
(801) 826-4946

ARCHITECT
JASON R. SHEPARD
DWELL DESIGN STUDIO, LLC
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SALT LAKE CITY, UT 84101
(385) 273-3888

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ANDERSON WAHLEN & ASSOCIATES
2010 N. REDWOOD ROAD
SALT LAKE CITY, UT 84116
(801) 521-8529

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JORDAN & SKALA ENGINEERS
555 17TH STREET, SUITE 700
DENVER, CO 80202
(303) 586-2375

ELECTRICAL
COREY STENMAN
JORDAN & SKALA ENGINEERS
555 17TH STREET, SUITE 700
DENVER, CO 80202
(303) 586-2375

PLUMBING
COREY STENMAN
JORDAN & SKALA ENGINEERS
555 17TH STREET, SUITE 700
DENVER, CO 80202
(303) 586-2375

STRUCTURAL
DAVID DUNN
DUNN ASSOCIATES, INC.
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SALT LAKE CITY, UT 84101
(801) 575-8877

LANDSCAPE/HARDSCAPE DESIGN
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ARCSITIO DESIGN
1058 EAST 2100 SOUTH
SALT LAKE CITY, UT 84106
(801) 487-4923

INTERIORS
NATALIE SCHLENZ
NADIA GELLER DESIGNS, INC.
3410 BURBANK BLVD.
BUBANK, CA 91505
(818) 840-7095

PROJECT INFORMATION

CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLYING WITH APPLICABLE CODES OR STATUS WHETHER OR NOT SPECIFICALLY REFERENCED IN THE CONSTRUCTION DOCUMENTS

- **BUILDING CODE:** 2018 INTERNATIONAL BUILDING CODE WITH UTAH AMENDMENTS
- **FIRE CODE:** 2018 INTERNATIONAL FIRE CODE, WITH UTAH AMENDMENTS
- **PLUMBING CODE:** 2018 INTERNATIONAL PLUMBING CODE, WITH UTAH AMENDMENTS
- **MECHANICAL CODE:** 2018 INTERNATIONAL MECHANICAL CODE, WITH UTAH AMENDMENTS
- **FUEL AND GAS CODE:** 2018 INTERNATIONAL FUEL AND GAS CODE, WITH UTAH AMENDMENTS
- **ELECTRICAL CODE:** 2020 NATIONAL ELECTRICAL CODE
- **ENERGY CODE:** 2018 INTERNATIONAL ENERGY CONSERVATION CODE, WITH UTAH AND AMENDMENTS
- **LIFE SAFETY CODE:** 2018 NFPA 101 LIFE SAFETY CODE, WITH 2020 STATE AMENDMENTS
- **ACCESSIBILITY CODE/STANDARDS:** 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN
- **ACCESSIBILITY GUIDELINES**: 2003 ANSI A117.1 ACCESSIBILITY GUIDELINES FAIR HOUSING ACT DESIGN MANUAL
- **SWIMMING POOL AND SPA CODE:** 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE WITH UTAH AMENDMENTS

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VICINITY MAP



PROJECT RENDERING



dwell design studio
360 WEST 300 SOUTH
SUITE 102
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PHONE: 385.273.3888
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THE HUDSON
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A DEVELOPMENT FOR:

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SHEET NAME:
COVER SHEET

JOB NUMBER: 23 192 01

DRAWN BY: PJ
CHECKED BY: PJ

CS-01

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☐	Restaurant	50%	70%	100%	70%	50%	100%
☐	Hotel	100%	65%	100%	100%	65%	100%
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AFTER SHARED PARKING TABLE: 9.3%

BICYCLE STORAGE

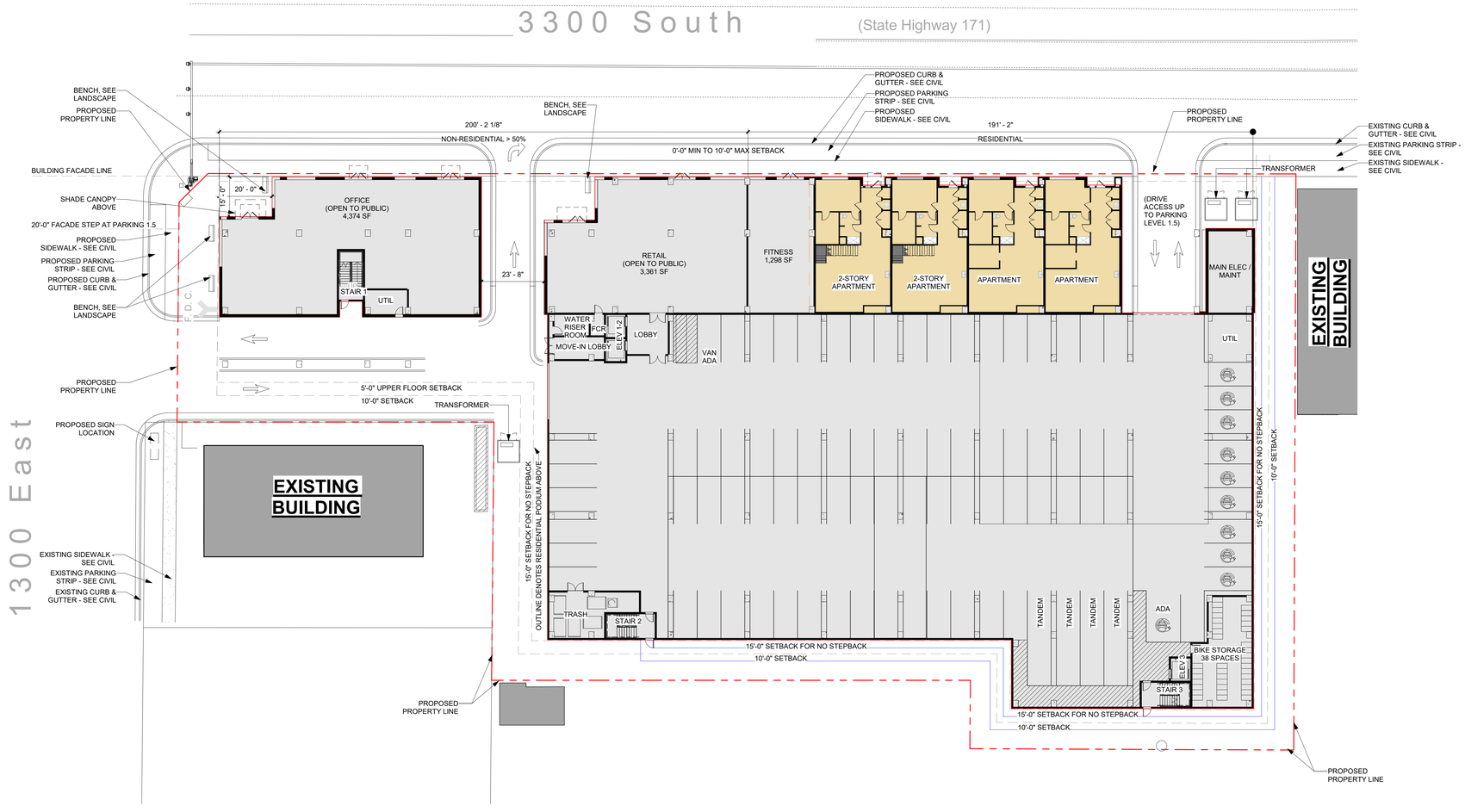
	INTERIOR STORAGE
PARKING 1.5	38
LEVEL 1	38
LEVEL B1	38
LEVEL B2	38
TOTAL BICYCLE STORAGE	**152**

LOT COVERAGE

ALLOWABLE MIN LOT COVERAGE	50%
ALLOWABLE MAX LOT COVERAGE	80%
PROPOSED LOT COVERAGE	79%
OPEN SPACE	21%

3300 S. MIXED USE

REQUIRED NON-RESIDENTIAL FRONTAGE	50%
PROVIDED NON-RESIDENTIAL FRONTAGE	
LENGTH (200'-2 1/8"/391'-4 1/8")	51%
AREA (7,735 SF/14,410 SF)	54%



1 ARCHITECTURAL SITE PLAN
1" = 20'-0"

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ARCHITECTURAL SITE PLAN

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UNIT MIX						BUILDING 1000													TOTAL				9/22/2021
UNIT TYPE	DESCRIPTION	BEDS	AREA			L1	L3	L4	L5	L6	L7	TOTAL UNITS	TOTAL BEDS	BUILDING AREA			UNIT		TOTAL UNITS	TOTAL BEDS	TOTAL AREA		%
			HEATED*	BALCONY	GROSS**									HEATED*		GROSS*					HEATED*	GROSS*	
STUDIO UNITS																							
S1	STUDIO	1	591 SF		587 SF		7	6	6	6	6	31	31	18,321	SF	18,197	SF	S1	31	31	18,321 SF	18197 SF	13.72%
S1a	STUDIO	1	618 SF		614 SF		2	2	2	2	2	10	10	6,180	SF	6,140	SF	S1a	10	10	6,180 SF	6140 SF	4.42%
TOTALS												**41**	**41**	**24,501**		**24,337**			**41**	**41**	**24,501**	**24337**	**18.14%**
1 BEDROOM UNITS																							
A1	1 BEDROOM / 1 BATH	1	712 SF	72 SF	784 SF		6	8	8	8	8	38	38	27,056	SF	29,792	SF	A1	38	38	27,056 SF	29792 SF	16.81%
A2	1 BEDROOM / 1 BATH	1	749 SF	85 SF	834 SF		3	4	4	4	4	19	19	14,231	SF	15,846	SF	A2	19	19	14,231 SF	15846 SF	8.41%
A3	1 BEDROOM / 1 BATH	1	661 SF	66 SF	727 SF		8	8	8	8	8	40	40	26,440	SF	29,080	SF	A3	40	40	26,440 SF	29080 SF	17.70%
A3A	1 BEDROOM / 1 BATH	1	692 SF	66 SF	758 SF		1	1	1	1	1	5	5	3,460	SF	3,790	SF	A3A	5	5	3,460 SF	3790 SF	2.21%
A4	1 BEDROOM / 1 BATH	1	633 SF	0 SF	633 SF		3	3	3	3	3	15	15	9,495	SF	9,495	SF	A4	15	15	9,495 SF	9495 SF	6.64%
A4A	1 BEDROOM / 1 BATH	1	696 SF	0 SF	696 SF		2	2	2	2	2	10	10	6,960	SF	6,960	SF	A4A	10	10	6,960 SF	6960 SF	4.42%
A5	1 BEDROOM / 1 BATH	1	743 SF	64 SF	807 SF		1	1	1	1		4	4	2,972	SF	3,228	SF	A5	4	4	2,972 SF	3228 SF	1.77%
A6	1 BEDROOM / 1 BATH	1	825 SF	0 SF	825 SF		1	1	1	1	1	5	5	4,125	SF	4,125	SF	A6	5	5	4,125 SF	4125 SF	2.21%
A7	1 BEDROOM / 1 BATH	1	836 SF	60 SF	896 SF		3	3	3	3	3	15	15	12,540	SF	13,440	SF	A7	15	15	12,540 SF	13440 SF	6.64%
A8	1 BEDROOM / 1 BATH	1	1,046 SF	87 SF	1,133 SF		1	1	1	1	1	5	5	5,230	SF	5,665	SF	A8	5	5	5,230 SF	5665 SF	2.21%
C1	1 BEDROOM / 1 BATH	1	1,291 SF	0 SF	1,291	2						2	2	2,582	SF	2,582	SF	C1	2	2	2,582 SF	2582 SF	0.88%
TOTALS												**158**	**158**	**115,091**		**124,003**			**158**	**158**	**115,091**	**124003**	**69.91%**
2 BEDROOM UNITS																							
B1	2 BEDROOM / 2 BATH	2	1,134 SF	63 SF	1,127 SF		1	1	1	1	1	5	10	5,670	SF	5,635	SF	B1	5	10	5,670 SF	5635 SF	2.21%
B2	2 BEDROOM / 2 BATH	2	1,153 SF	0 SF	1,153 SF		2	2	2	2	2	10	20	11,530	SF	11,530	SF	B2	10	20	11,530 SF	11530 SF	4.42%
B3	2 BEDROOM / 2 BATH	2	1,207 SF	69 SF	1,276 SF		1	1	1	1	1	5	10	6,035	SF	6,380	SF	B3	5	10	6,035 SF	6380 SF	2.21%
B4	2 BEDROOM / 2 BATH	2	1,200 SF	74 SF	1,274 SF		1	1	1	1	1	5	10	6,000	SF	6,370	SF	B4	5	10	6,000 SF	6370 SF	2.21%
C2	2 BEDROOM / 2 BATH	2	2,038 SF	0 SF	1,291 SF	2						2	4	4,076	SF	2,582	SF	C2	2	4	4,076 SF	2582 SF	0.88%
TOTALS												**27**	**54**	**33,311**		**32,497**			**27**	**54**	**33,311**	**32497**	**11.95%**
TOTAL UNITS						**4**	**43**	**45**	**45**	**45**	**44**	**226**	**253**	**172,903**	**SF**	**180,837**	**SF**		**226**	**253**	**172,903 SF**	**180837 SF**	**100.00%**
																			UNIT AVERAGE		**765 SF**		

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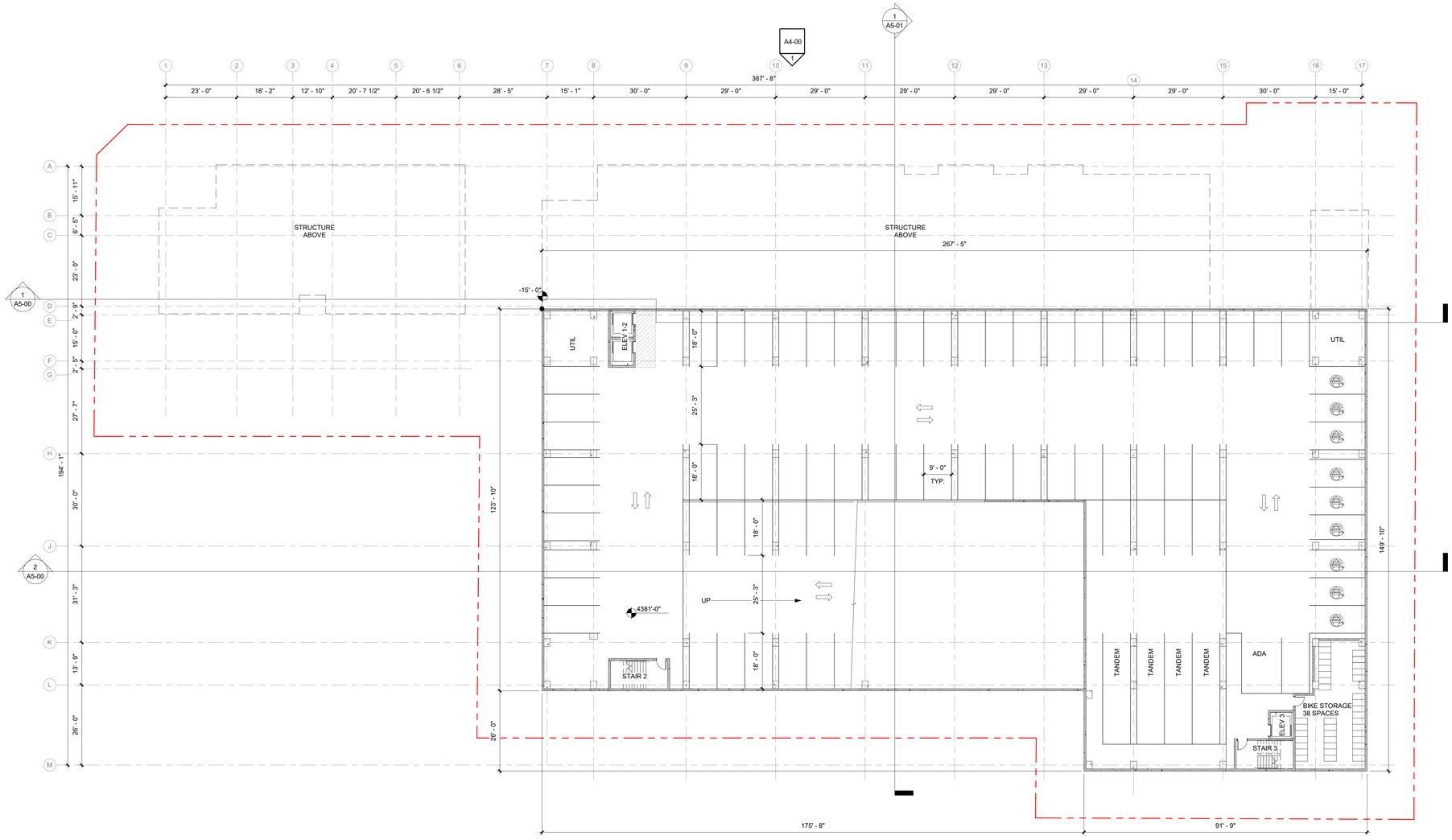
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1 OVERALL BASEMENT 2

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0' 8' - 0" 16' - 0" 32' - 0"

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OVERALL BUILDING PLAN - BASEMENT LEVEL 2

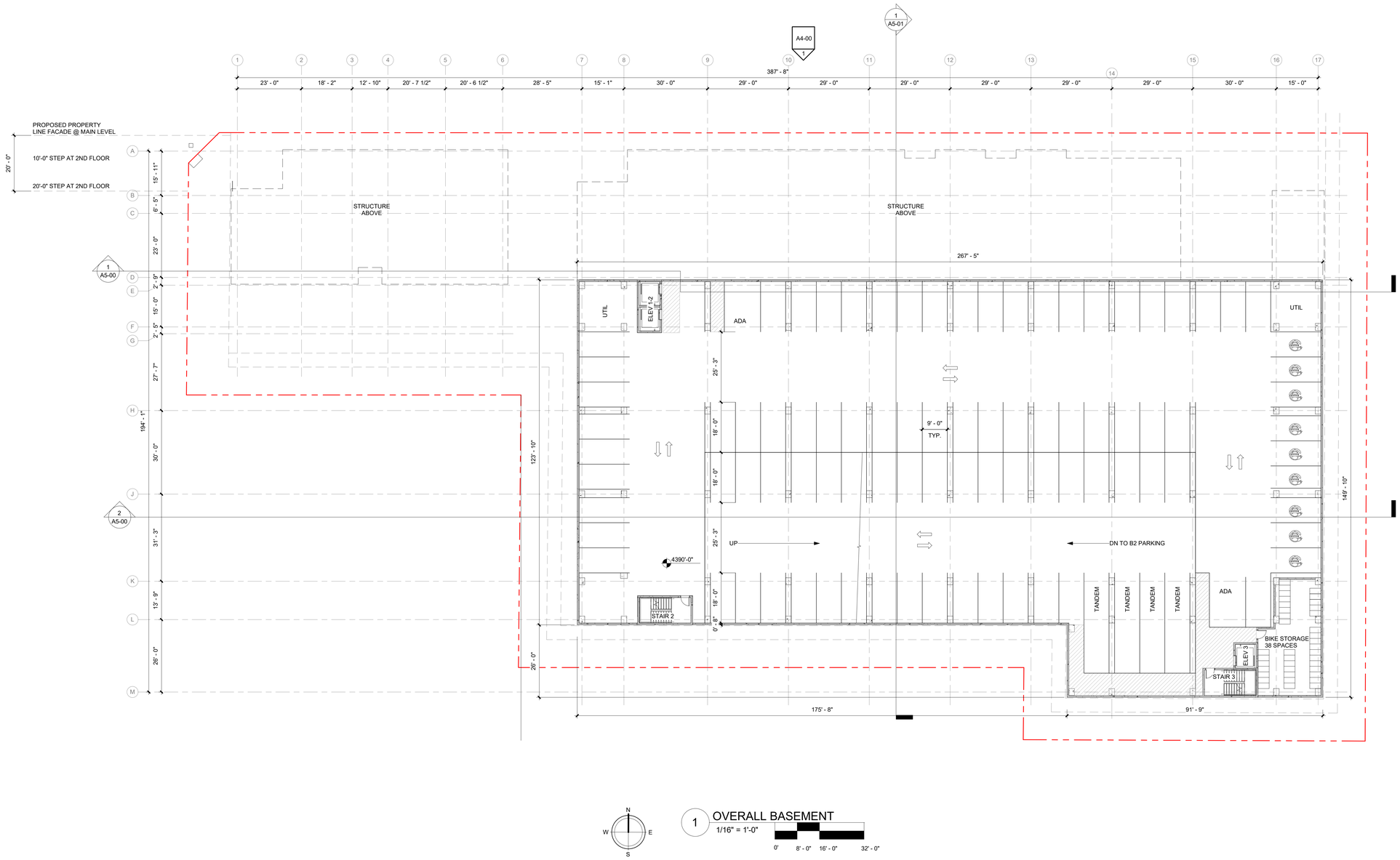
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1 OVERALL BASEMENT
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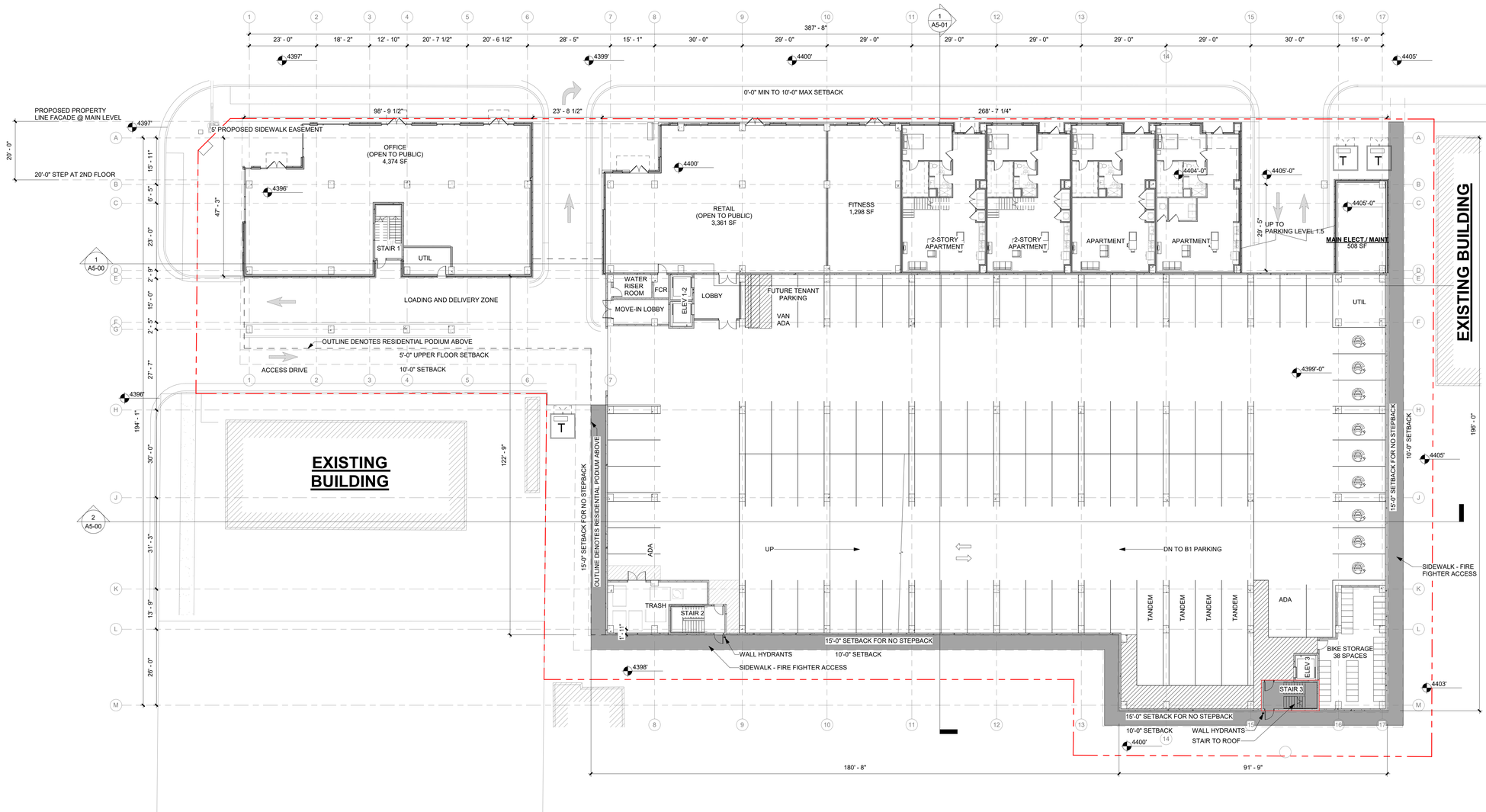
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1 OVERALL LEVEL 1 PLAN

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0' 8' - 0" 16' - 0" 32' - 0"

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OVERALL BUILDING PLAN - LEVEL 1

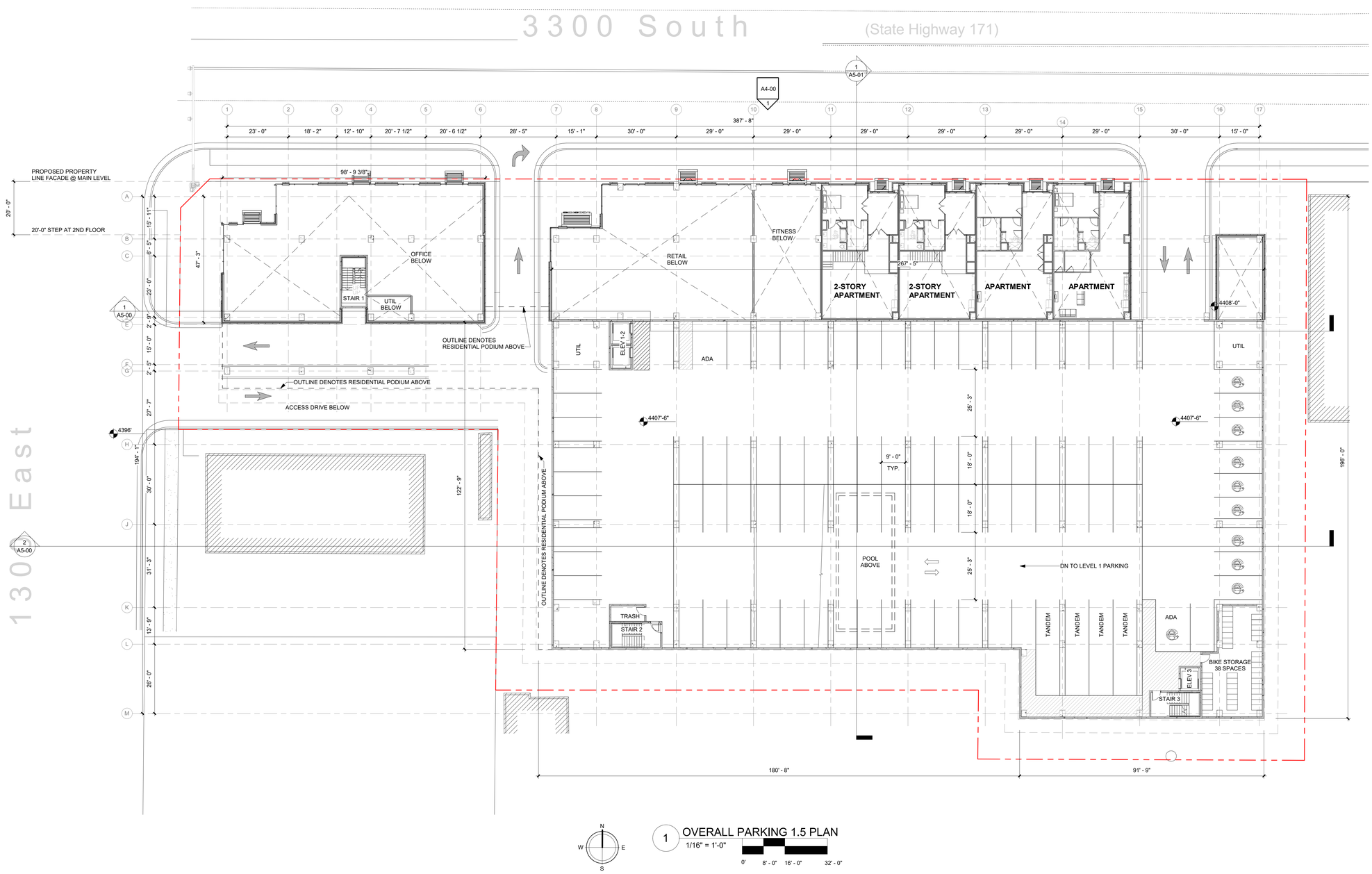
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1 OVERALL PARKING 1.5 PLAN

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OVERALL BUILDING PLAN - PARKING 1.5

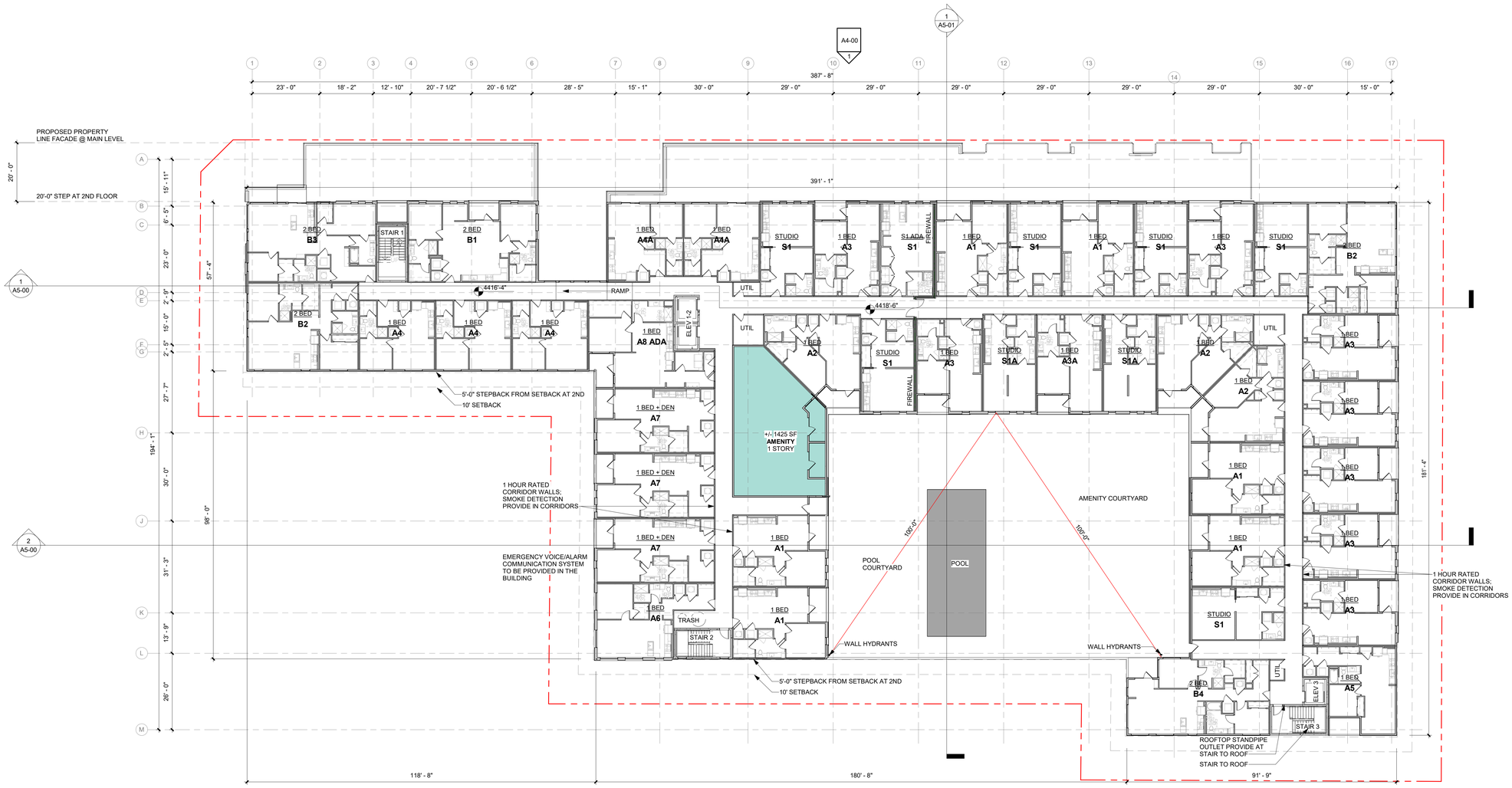
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1 OVERALL LEVEL 2 PLAN

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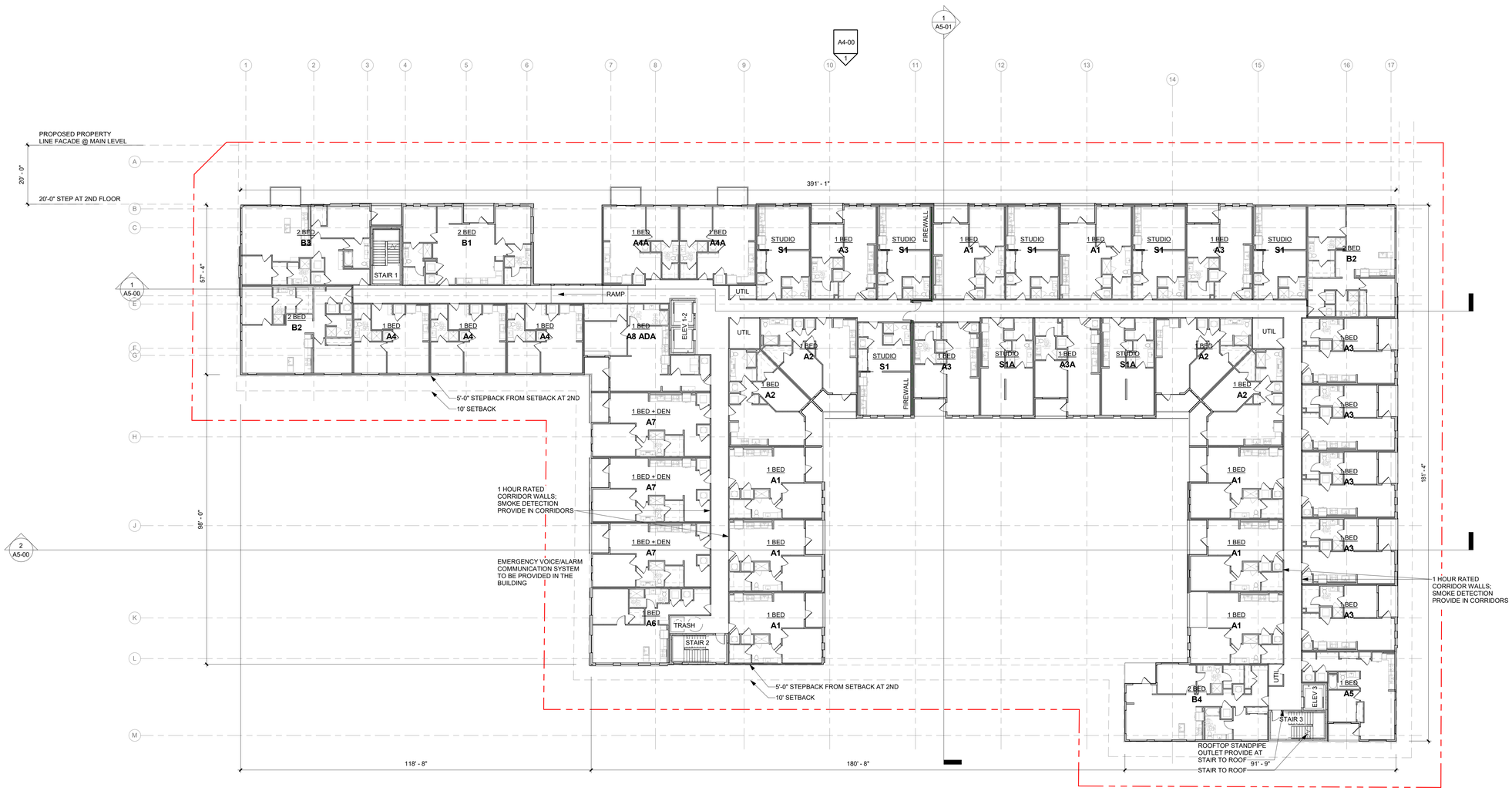
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1 OVERALL LEVEL 3 PLAN

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OVERALL BUILDING PLAN - LEVEL 3

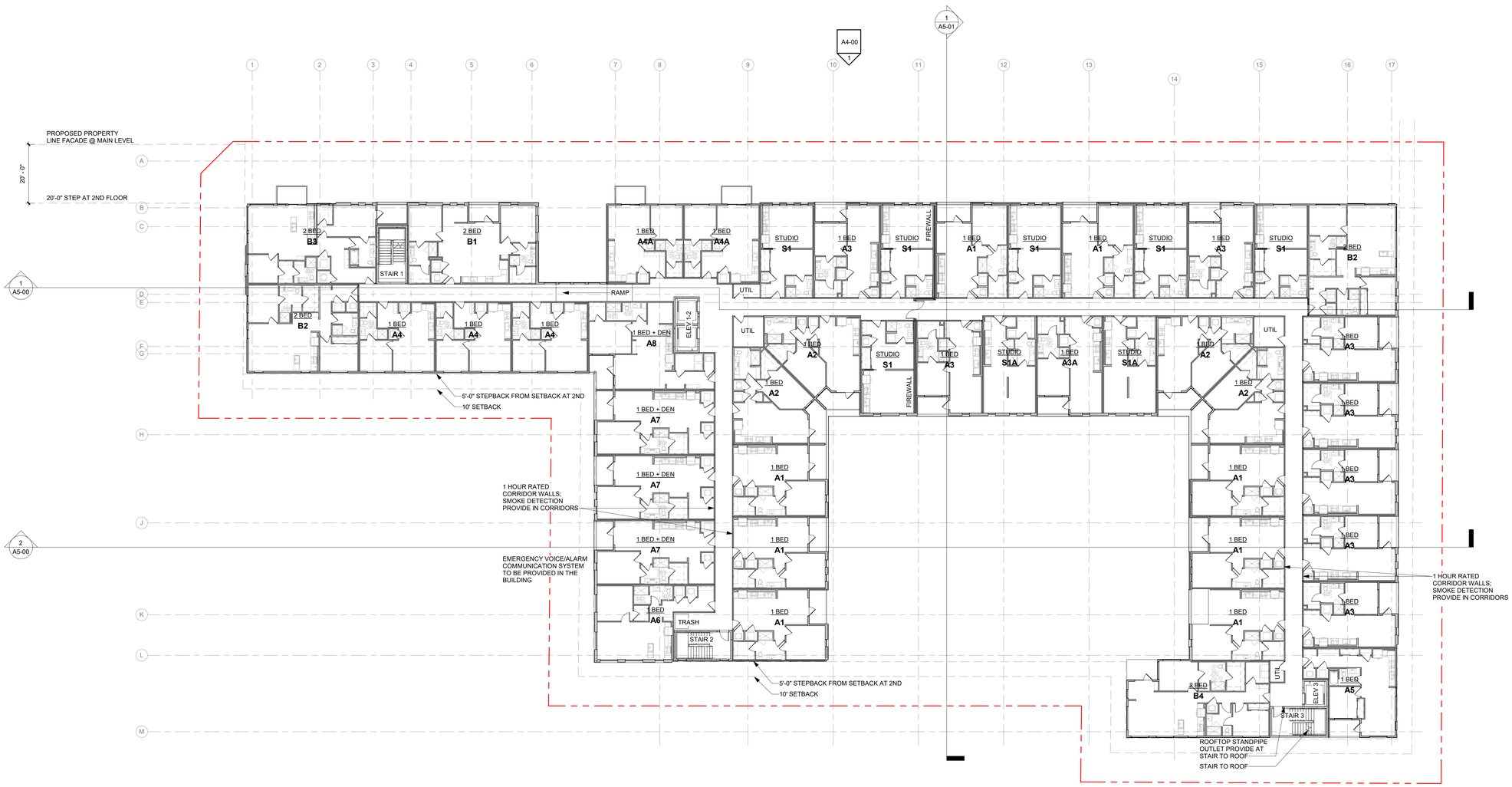
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1 OVERALL LEVEL 4 PLAN

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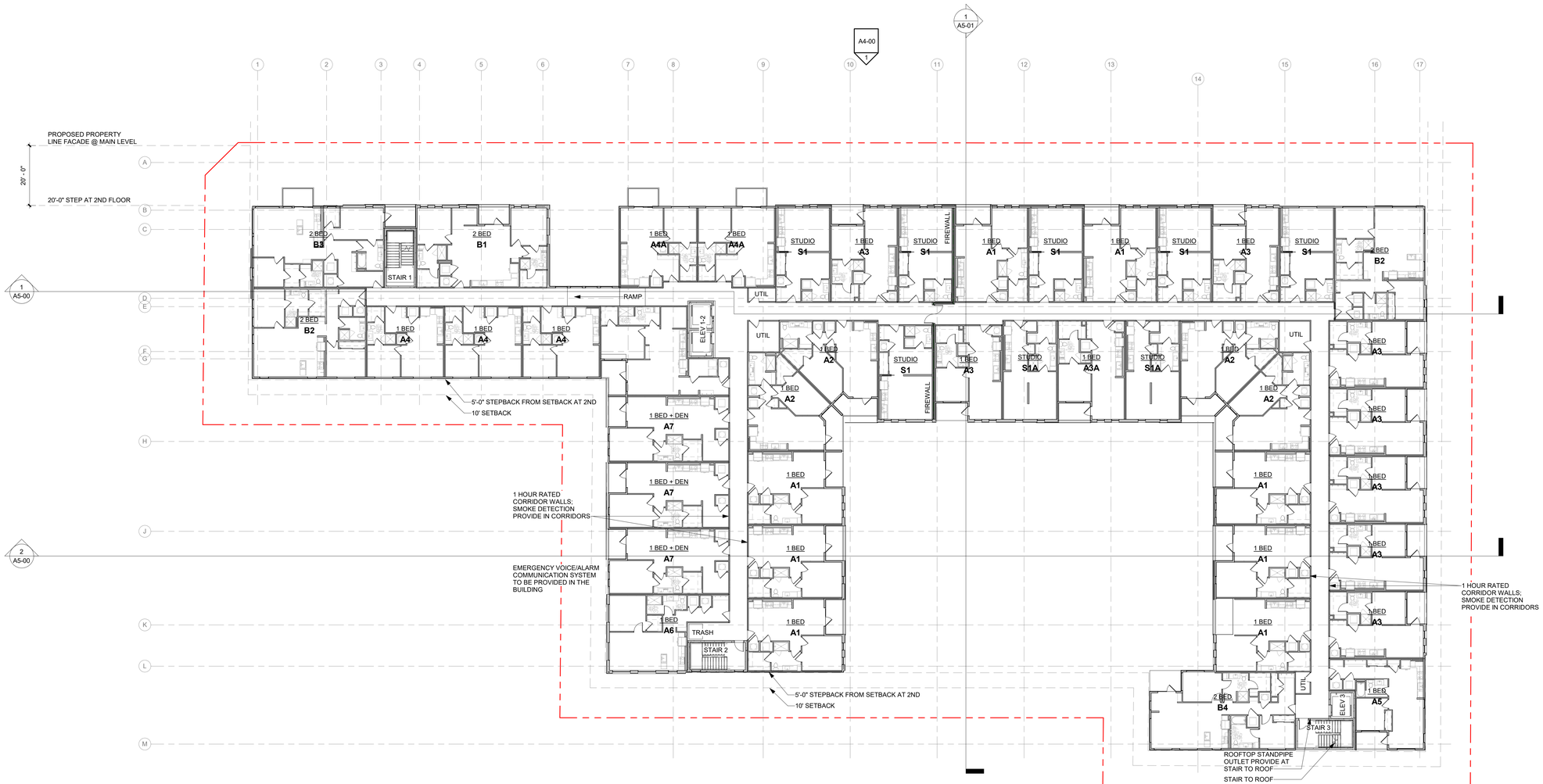
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1 OVERALL LEVEL 5 PLAN

1/16" = 1'-0"

0' 8' - 0" 16' - 0" 32' - 0"

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OVERALL BUILDING PLAN - LEVEL 5

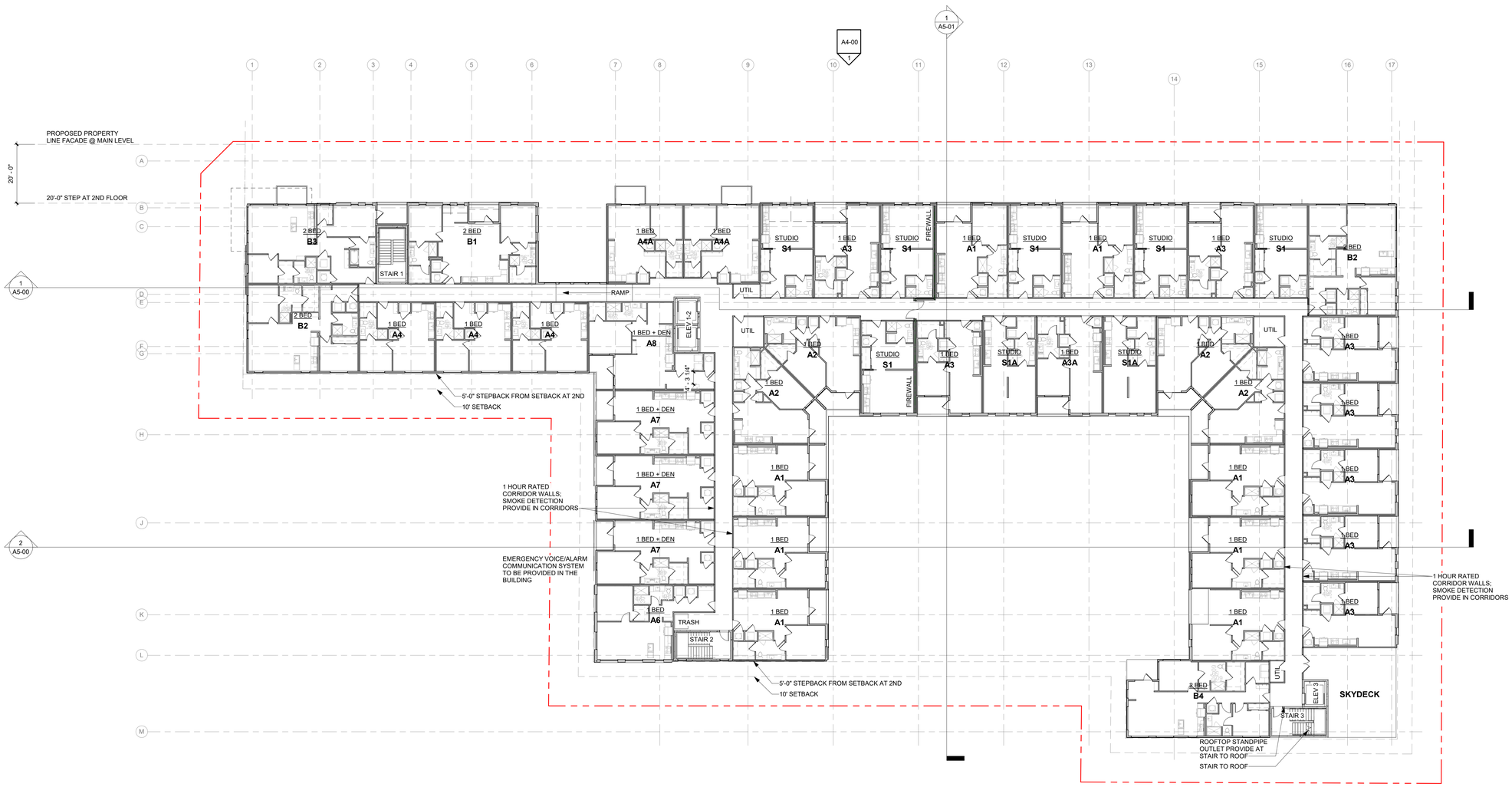
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1 OVERALL LEVEL 6 PLAN

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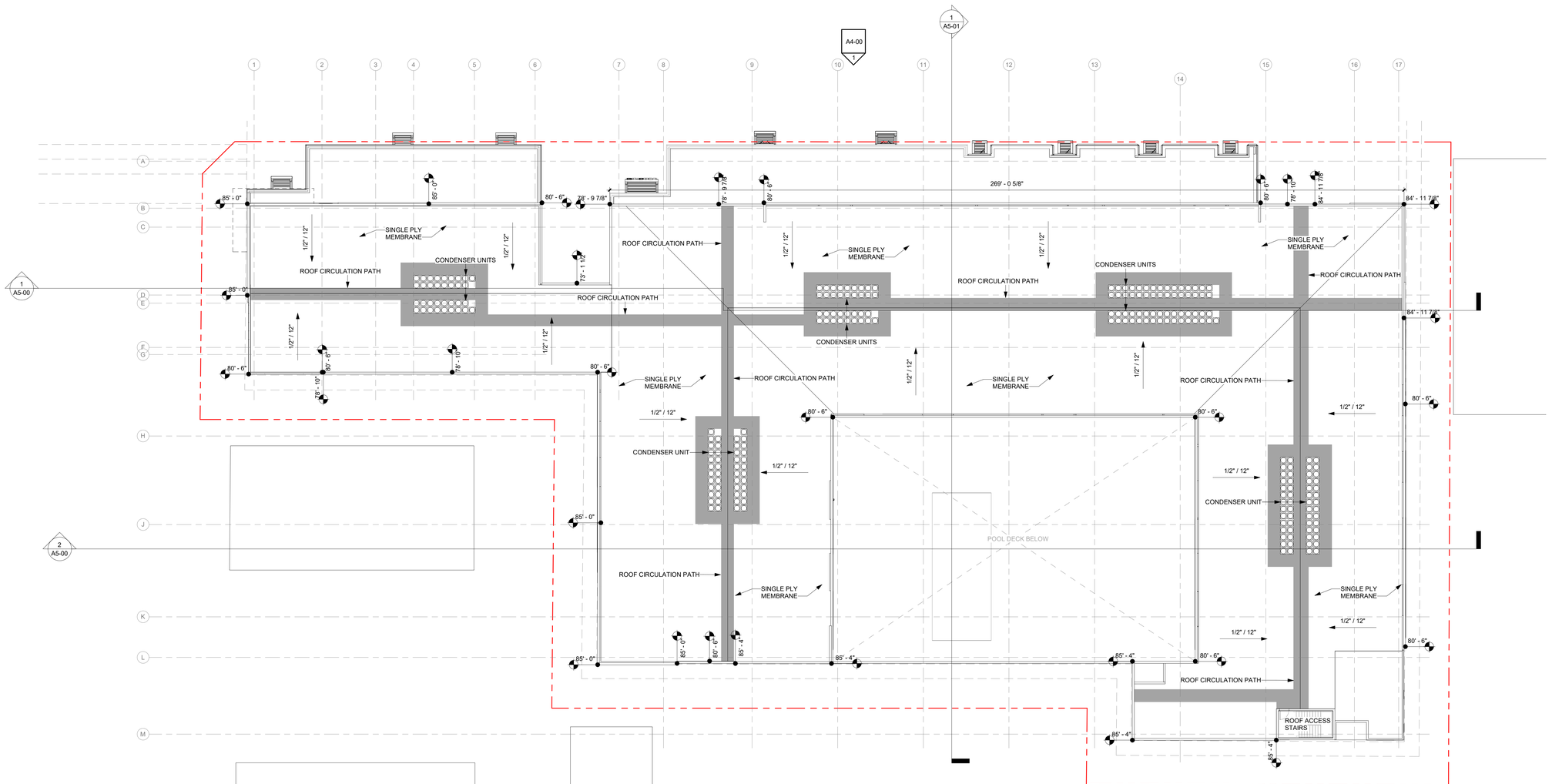
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1 OVERALL ROOF PLAN
1/16" = 1'-0"

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SALT LAKE CITY, UT 84101
PHONE: 385.273.3888
dwelldesignstudio.com

THE HUDSON

1306 EAST 3300 SOUTH
MILLCREEK, UTAH

A DEVELOPMENT FOR:

ISSUE
DATE DESCRIPTION INCLUDED

REVISION
DATE DESCRIPTION REV

SEAL:

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SHEET NAME:
OVERALL BUILDING PLAN - ROOF LEVEL

JOB NUMBER: 23 192 01

DRAWN BY: Author
CHECKED BY: Checker

A0-08

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EXTERIOR FINISH LEGEND	
NO.	**MATERIAL DESCRIPTION**
BR 01	BRICK VENEER- LIGHT GREY
CPL 01	HARDIE REVEL PANEL SYSTEM - LIGHT WHITE
CLS 01	6" LAP CEMENTITIOUS SIDING - LIGHT BROWN
CMP 01	CORRUGATED METAL PANEL - GALVANIZED
WLS 01	WOOD LAP SIDING - HORIZONTAL -
WVS 01	WOOD SIDING - BROWN
MTL 01	METAL CANOPY - DARK BRONZE
STF 01	ALUMINUM STOREFRONT - DARK BRONZE
RL 01	GLASS RAILING - DARK BRONZE
RL 02	ALUMINUM RAILING - DARK BRONZE



1 NORTH ELEVATION
1/16" = 1'-0"

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SHEET NAME:

BUILDING ELEVATIONS

JOB NUMBER: 23 192 01

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A4-00

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2 AERIAL VIEW LOOKING NORTHWEST



1 AERIAL VIEW LOOKING SOUTHEAST

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SHEET NAME:

OVERALL BUILDING AERIAL VIEWS

JOB NUMBER: 23 192 01

DRAWN BY: Author
CHECKED BY: Checker

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SHEET NAME:

RENDERING

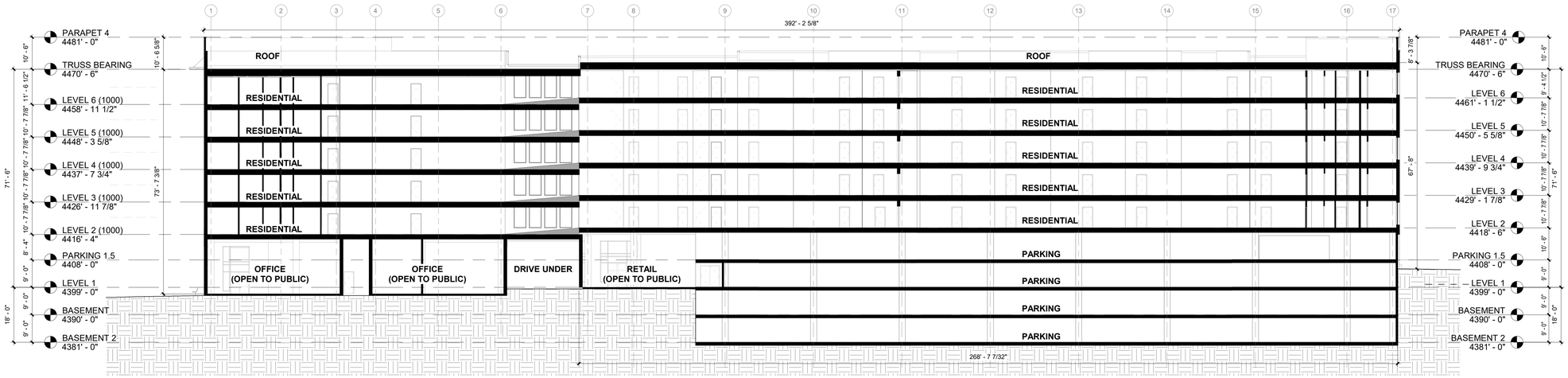
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DRAWN BY	CHECKED BY
Author	Checker

A9-01

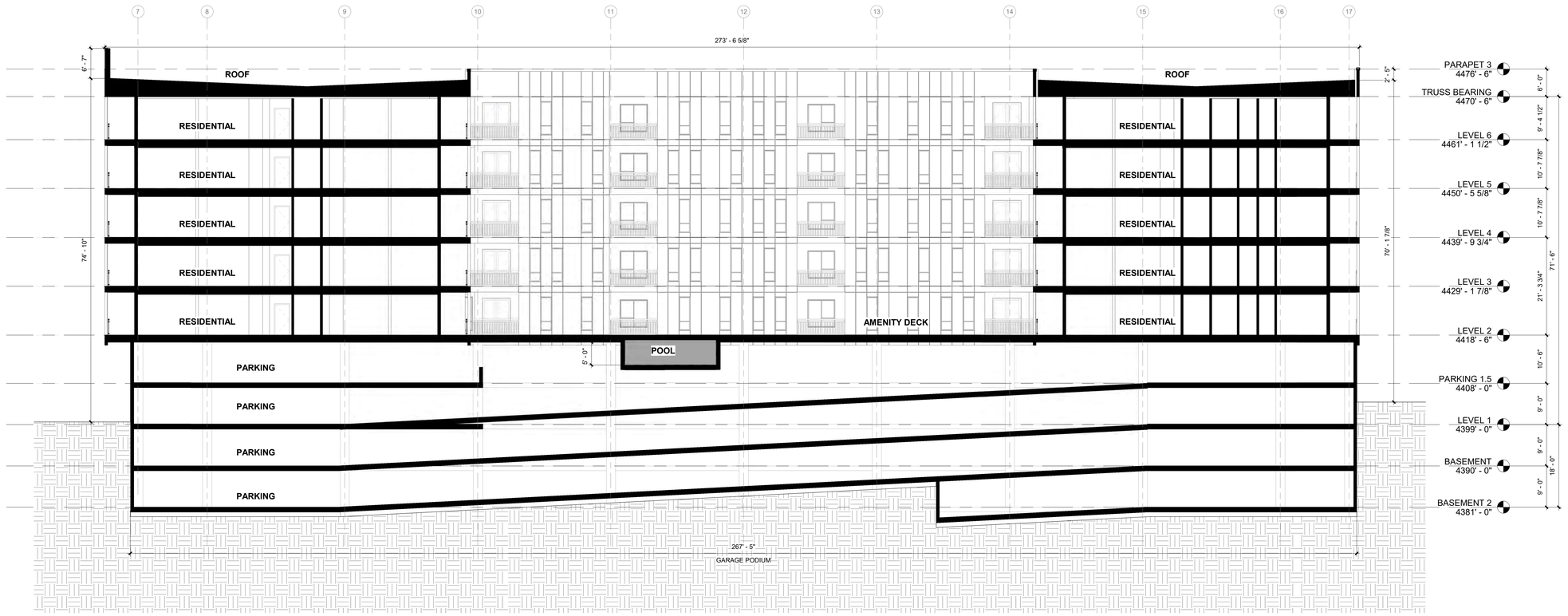
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1 OVERALL BUILDING SECTION A

1/16" = 1'-0"



2 OVERALL BUILDING SECTION B

3/32" = 1'-0"

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SHEET NAME:

BUILDING SECTION

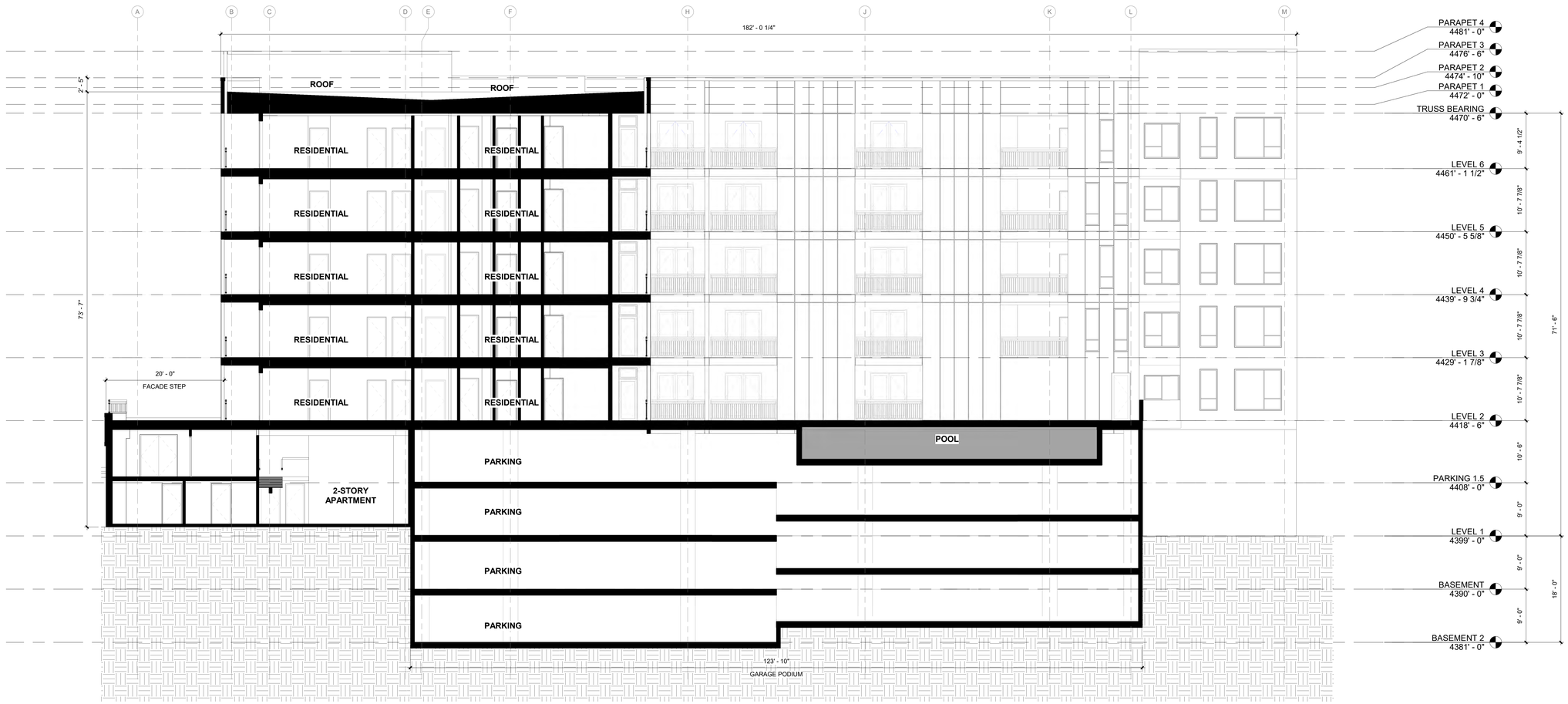
JOB NUMBER: 23 192 01

DRAWN BY	CHECKED BY
FP	Checker

A5-00

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1 OVERALL BUILDING SECTION C
1/8" = 1'-0"

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SHEET NAME:
BUILDING SECTION

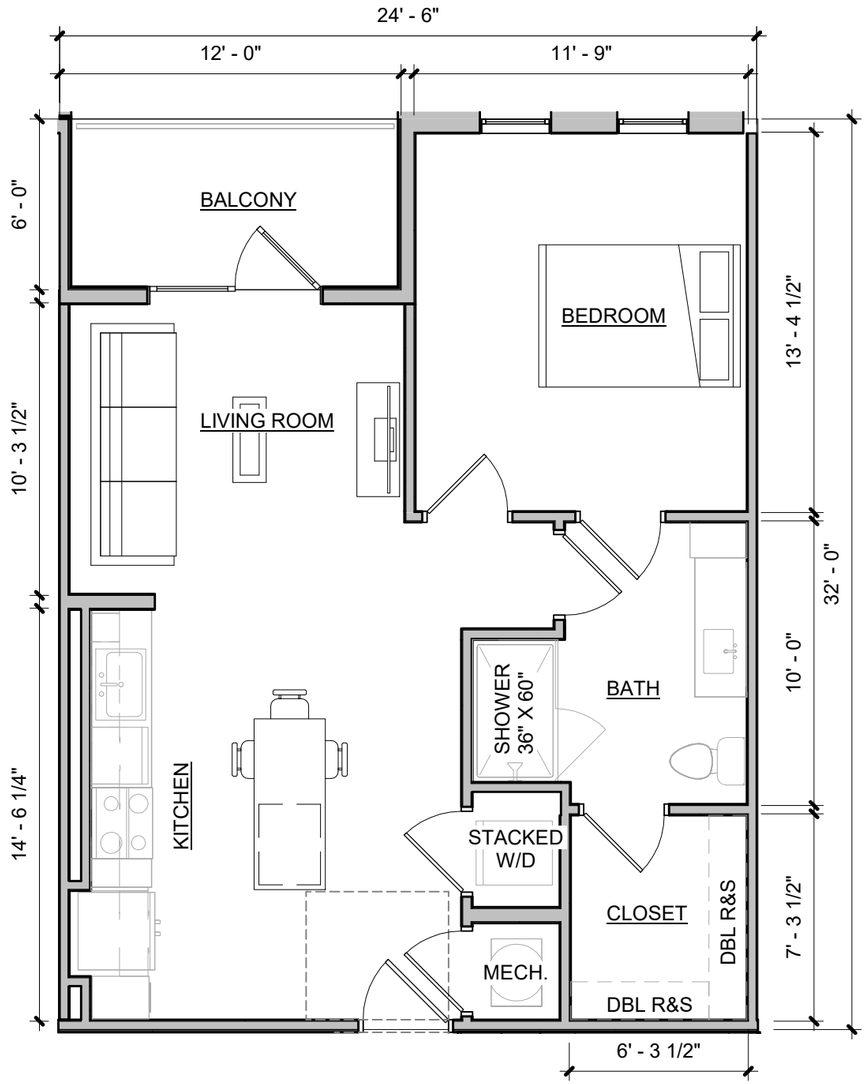
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1 UA-A1

3/16" = 1'-0"

UNIT A1	
NET AREA:	712 SF
GROSS AREA :	784 SF
# OF UNITS:	38

APPROVAL SIGNATURE:

DATE:

ICC A117.1

TYPE A UNIT	No
TYPE B UNIT	Yes

**UNIT AREAS ARE MEASURED FROM OUTSIDE OF PERIMETER STUD.



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MILLCREEK, UTAH

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SHEET NAME:

UNIT A1

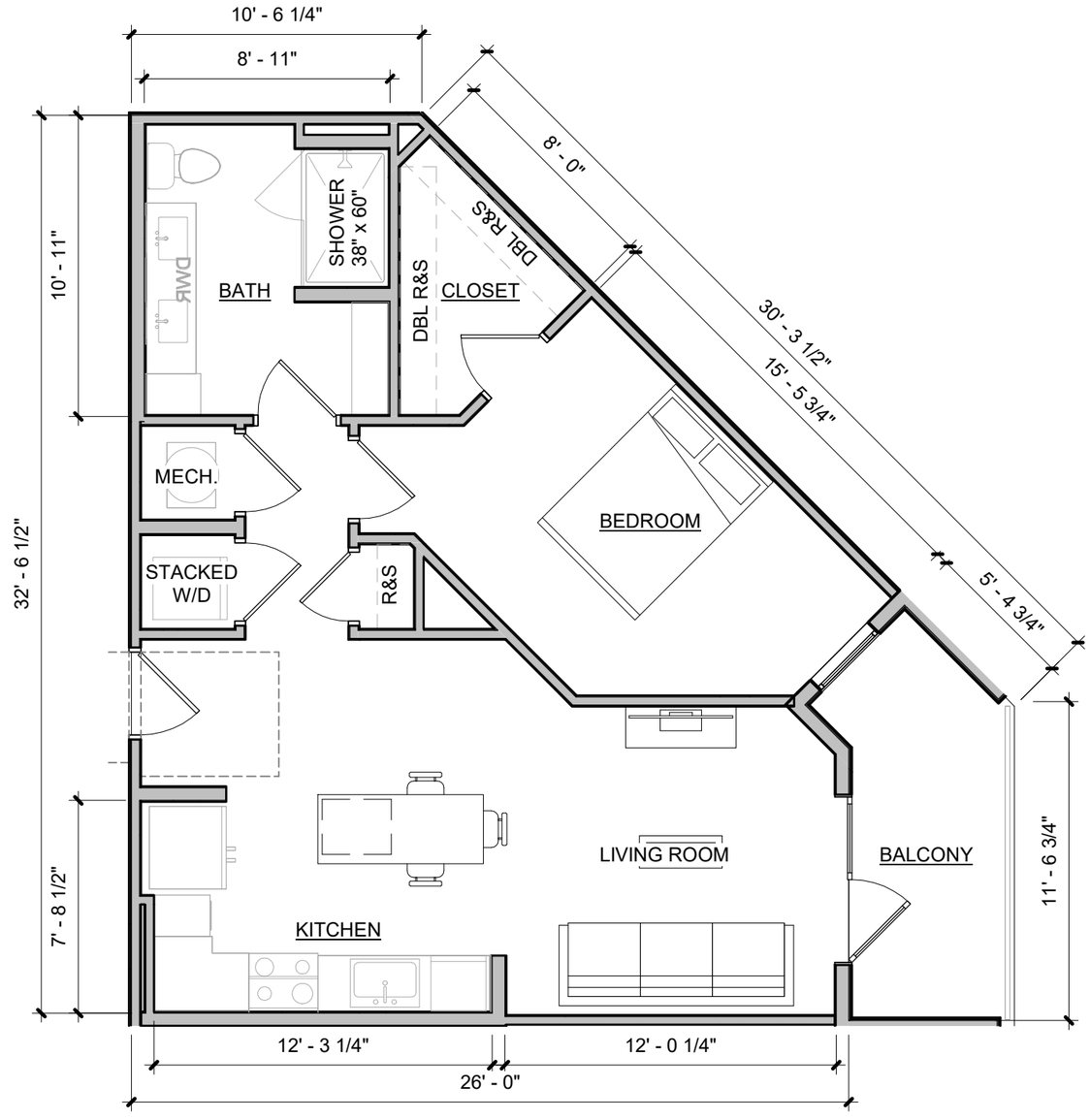
JOB NUMBER:

23 192 01

DRAWN BY	DATE
FP	02/02/21

UA - A1

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1 UA-A2

3/16" = 1'-0"

UNIT A2	
NET AREA:	740 SF
GROSS AREA :	825 SF
# OF UNITS:	19

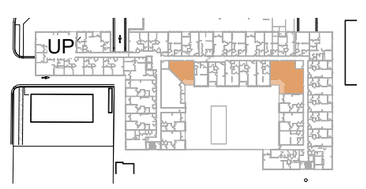
APPROVAL SIGNATURE:

DATE:

ICC A117.1

TYPE A UNIT	No
TYPE B UNIT	Yes

**UNIT AREAS ARE MEASURED FROM OUTSIDE OF PERIMETER STUD.



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SHEET NAME:

UNIT A2

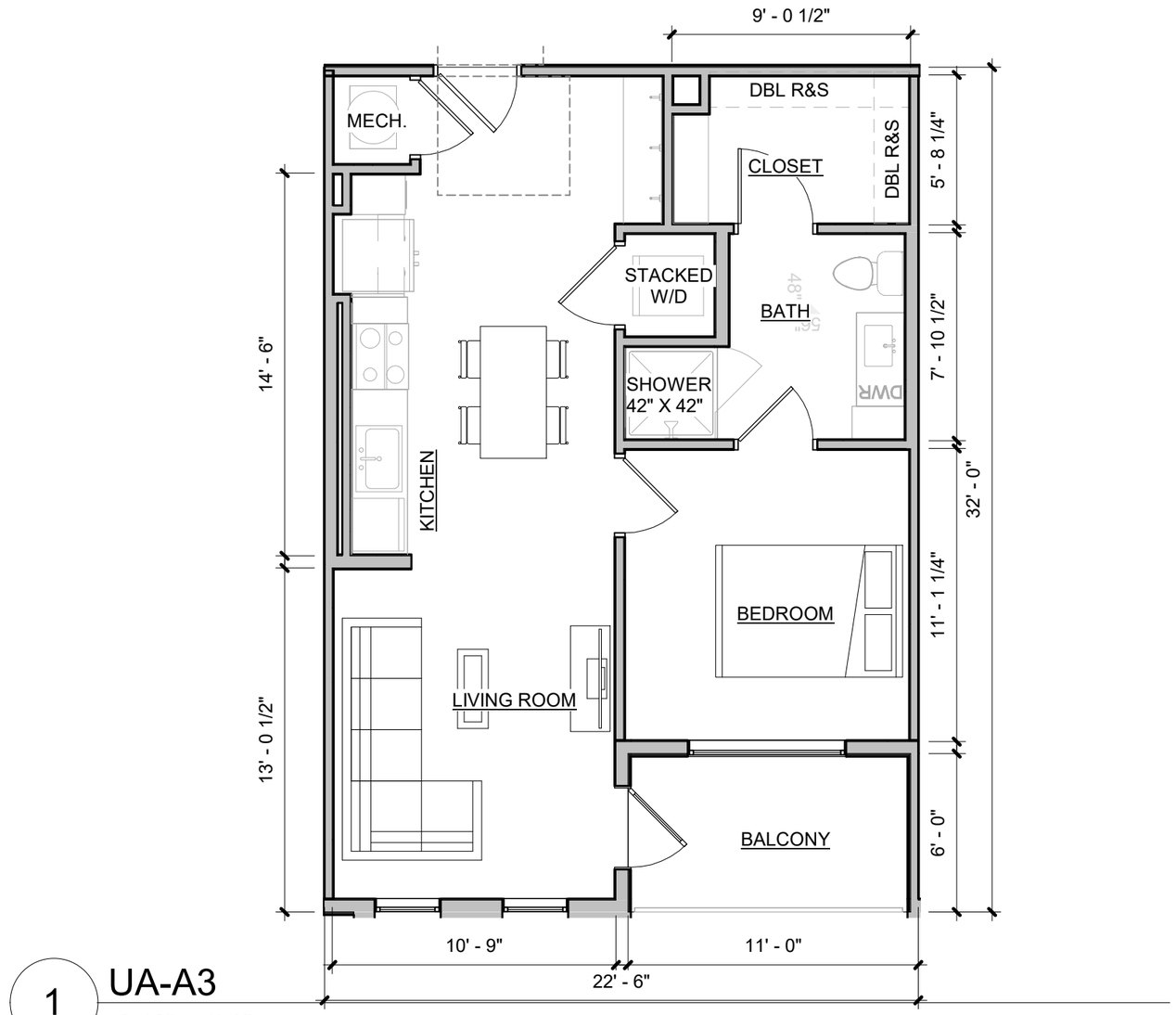
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FP	02/02/21

UA - A2

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1 UA-A3

3/16" = 1'-0"

UNIT A3	
NET AREA:	654 SF
GROSS AREA :	720 SF
# OF UNITS:	40

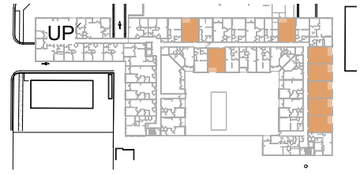
APPROVAL SIGNATURE:

DATE:

ICC A117.1

TYPE A UNIT	No
TYPE B UNIT	Yes

**UNIT AREAS ARE MEASURED FROM OUTSIDE OF PERIMETER STUD.



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SHEET NAME:

UNIT A3

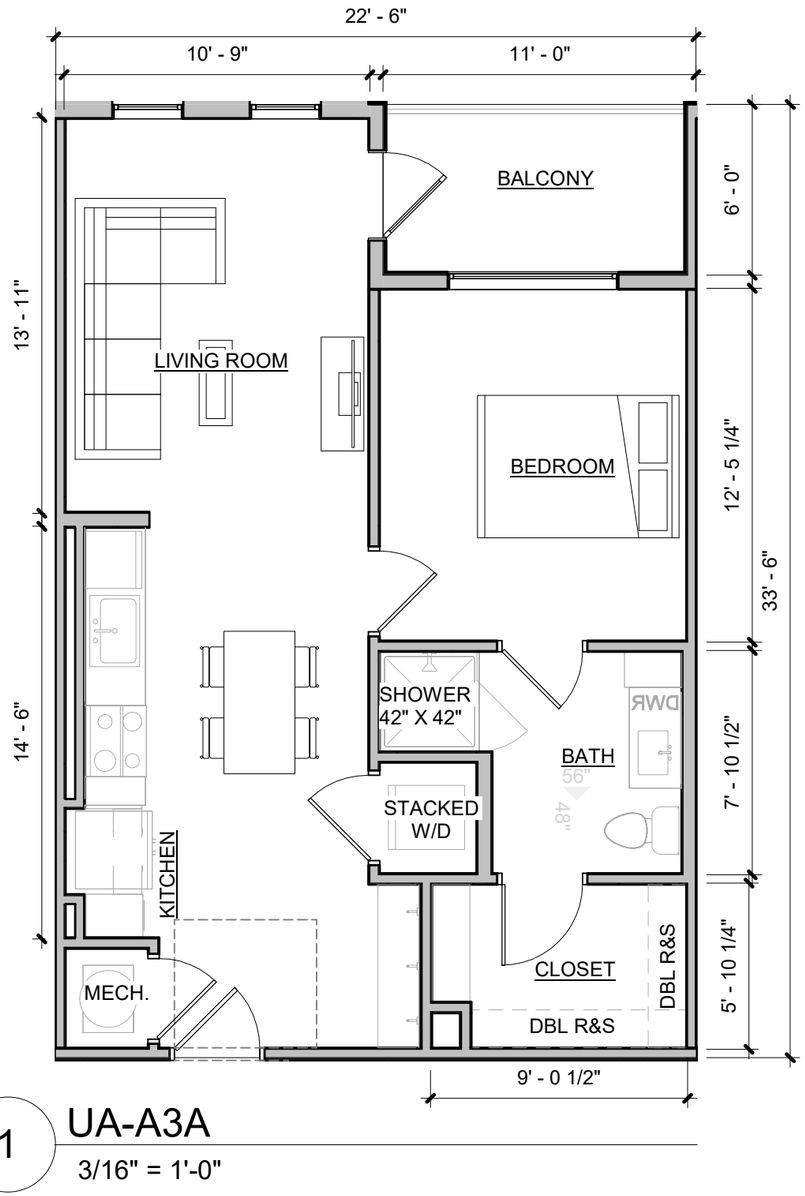
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UA - A3

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1 UA-A3A

3/16" = 1'-0"

UNIT A3-ALT	
NET AREA:	688 SF
GROSS AREA :	754 SF
# OF UNITS:	5

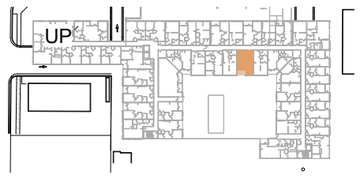
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DATE:

ICC A117.1

TYPE A UNIT	No
TYPE B UNIT	Yes

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SHEET NAME:

UNIT A3A

JOB NUMBER:

23 192 01

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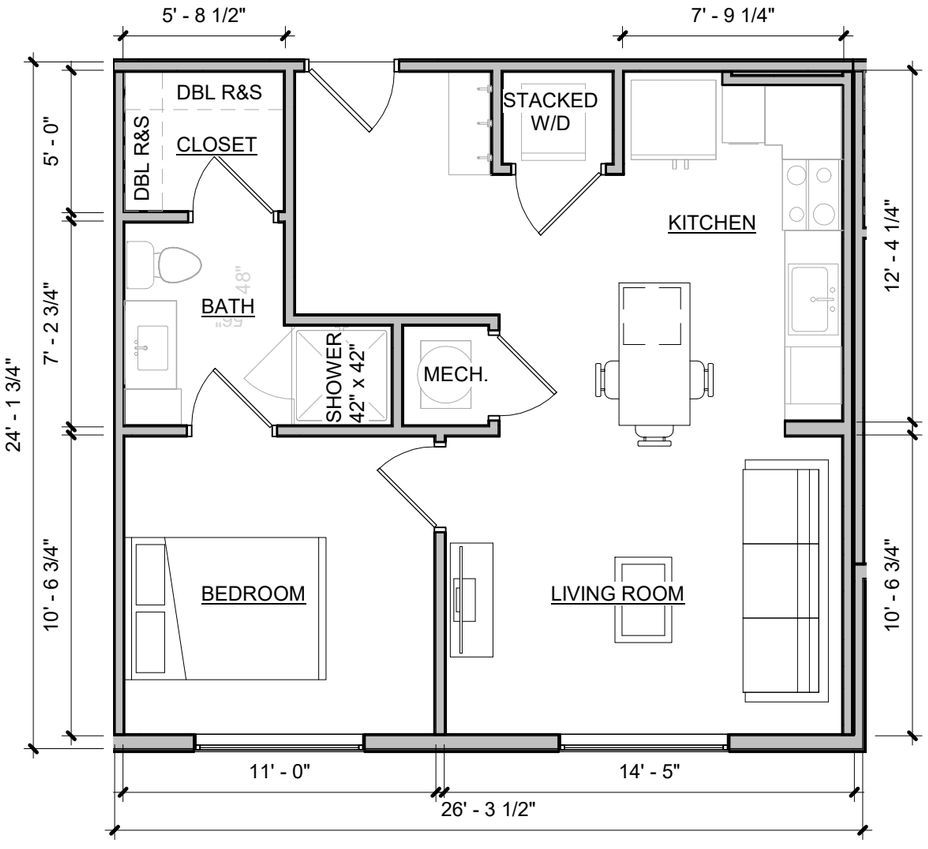
UNIT A4	
NET AREA:	627 SF
GROSS AREA :	627 SF
# OF UNITS:	15

APPROVAL SIGNATURE:

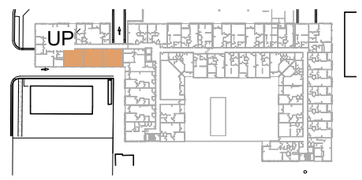
DATE:

ICC A117.1

TYPE A UNIT	No
TYPE B UNIT	Yes



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1 UA-A4

3/16" = 1'-0"

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SHEET NAME:

UNIT A4

JOB NUMBER:

23 192 01

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UA - A4

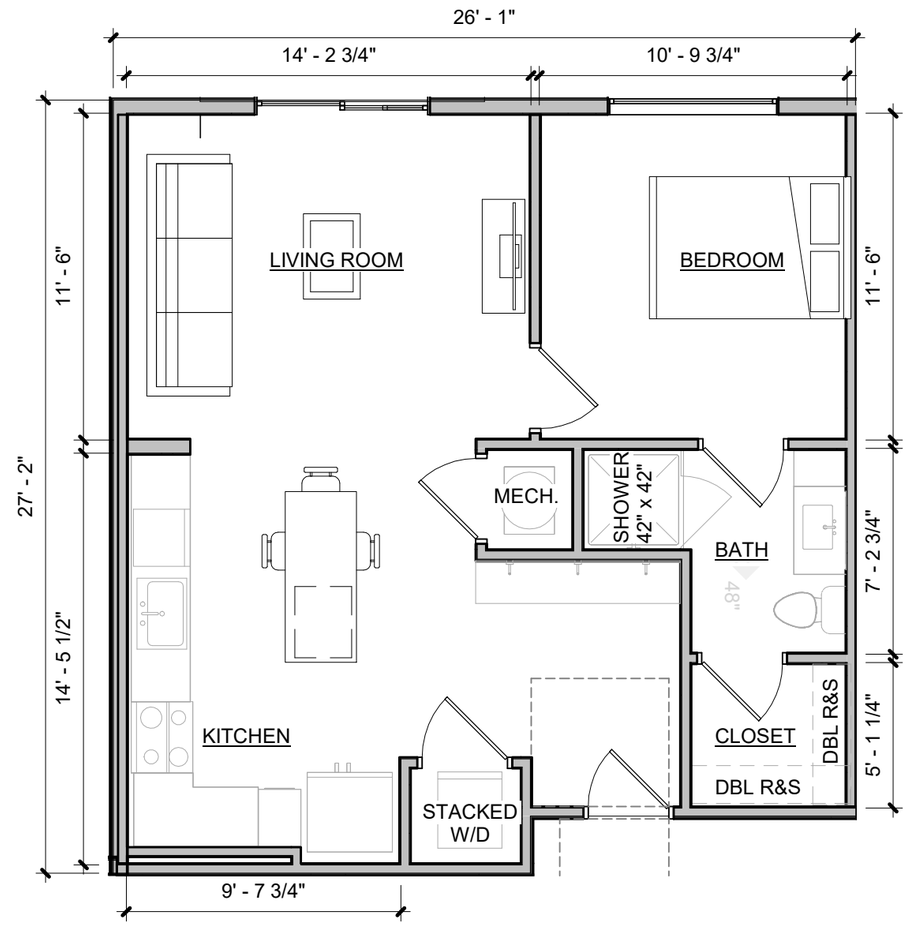
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UNIT A4-ALT	
NET AREA:	682 SF
GROSS AREA :	682 SF
# OF UNITS:	10

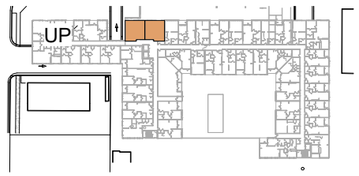
APPROVAL SIGNATURE:

DATE:

ICC A117.1	
TYPE A UNIT	No
TYPE B UNIT	Yes



**UNIT AREAS ARE MEASURED FROM OUTSIDE OF PERIMETER STUD.



1 UA-A4A

3/16" = 1'-0"

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SHEET NAME:

UNIT A4A

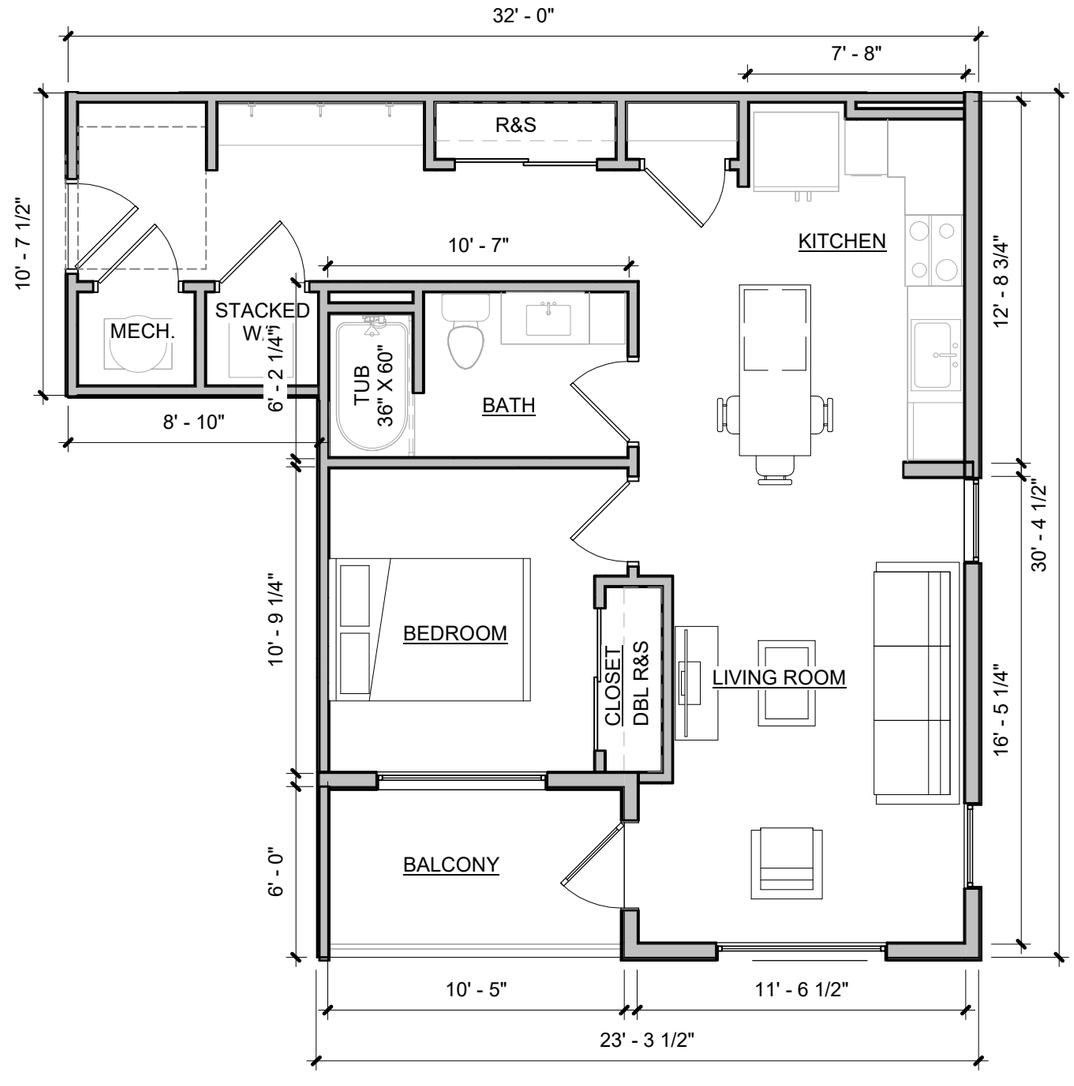
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UA - A4A

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1 UA-A5

3/16" = 1'-0"

UNIT A5	
NET AREA:	733 SF
GROSS AREA :	797 SF
# OF UNITS:	4

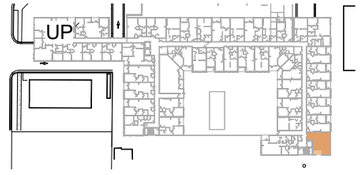
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DATE: _____

ICC A117.1

TYPE A UNIT	No
TYPE B UNIT	Yes

**UNIT AREAS ARE MEASURED FROM OUTSIDE OF PERIMETER STUD.



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SHEET NAME:

UNIT A5

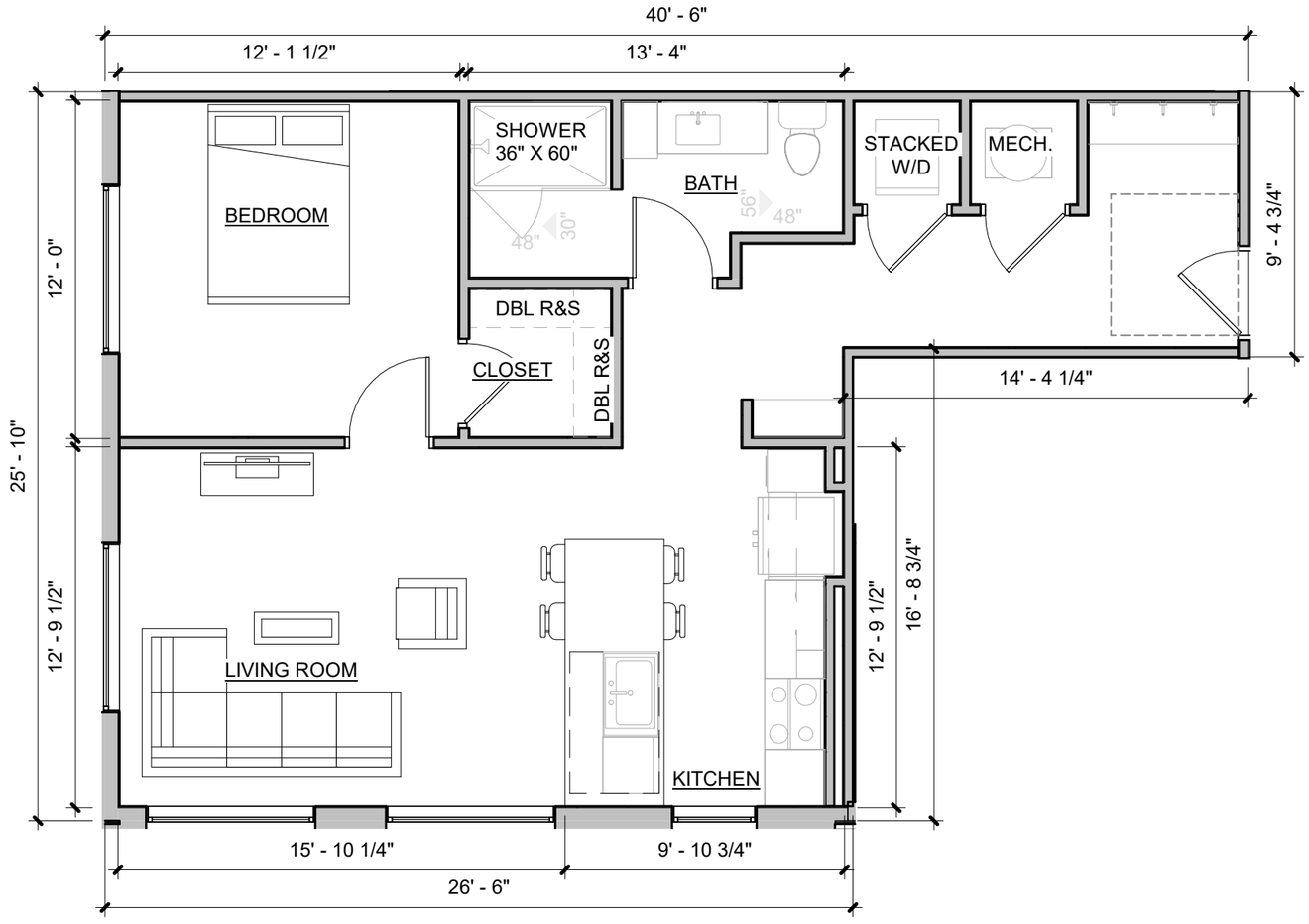
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1 UA-A6

3/16" = 1'-0"

UNIT A6	
NET AREA:	816 SF
GROSS AREA :	816 SF
# OF UNITS:	5

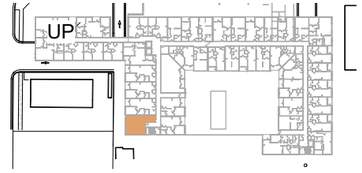
APPROVAL SIGNATURE:

DATE:

ICC A117.1

TYPE A UNIT	No
TYPE B UNIT	Yes

**UNIT AREAS ARE MEASURED FROM OUTSIDE OF PERIMETER STUD.



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SHEET NAME:

UNIT A6

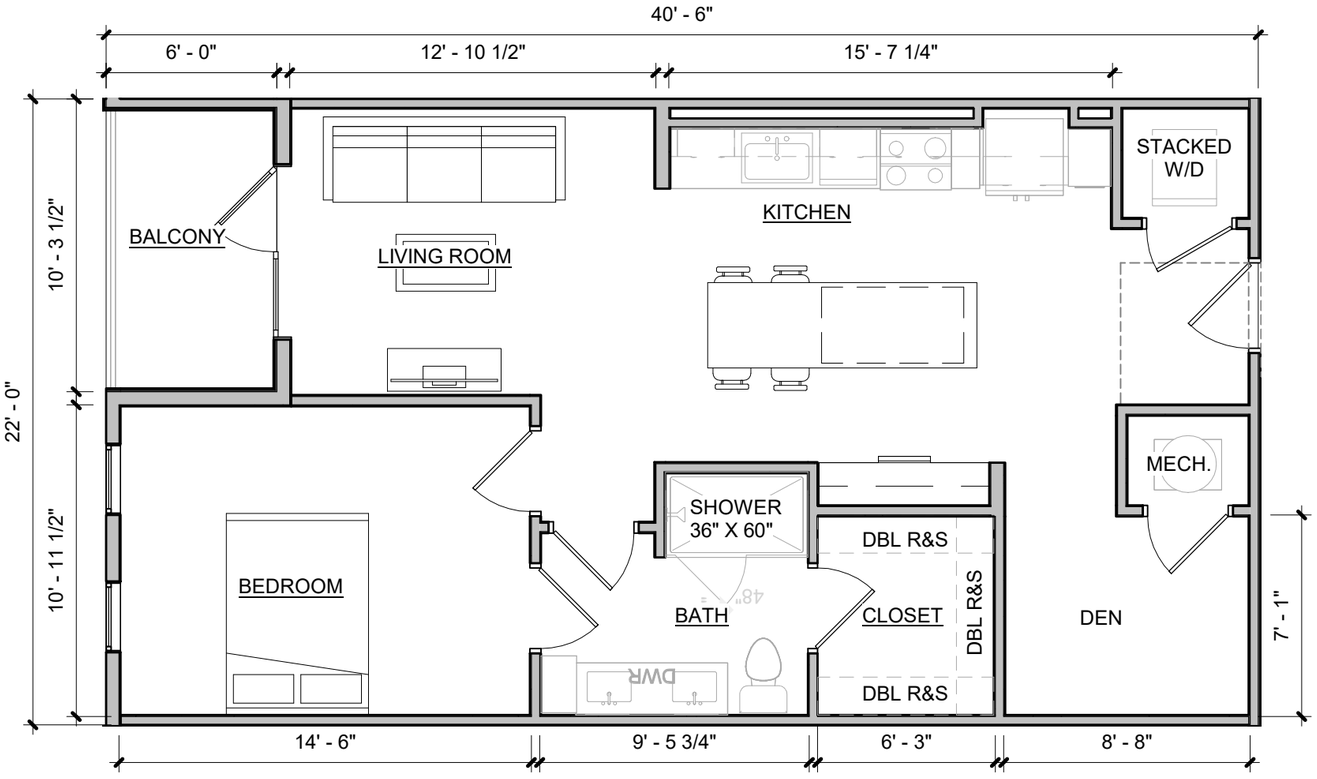
JOB NUMBER:

23 192 01

DRAWN BY	DATE
FP	02/02/21

UA - A6

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1 UA-A7

3/16" = 1'-0"

UNIT A7	
NET AREA:	829 SF
GROSS AREA :	891 SF
# OF UNITS:	15

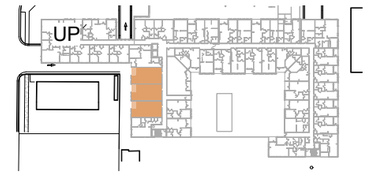
APPROVAL SIGNATURE:

DATE:

ICC A117.1

TYPE A UNIT	No
TYPE B UNIT	Yes

**UNIT AREAS ARE MEASURED FROM OUTSIDE OF PERIMETER STUD.



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SHEET NAME:

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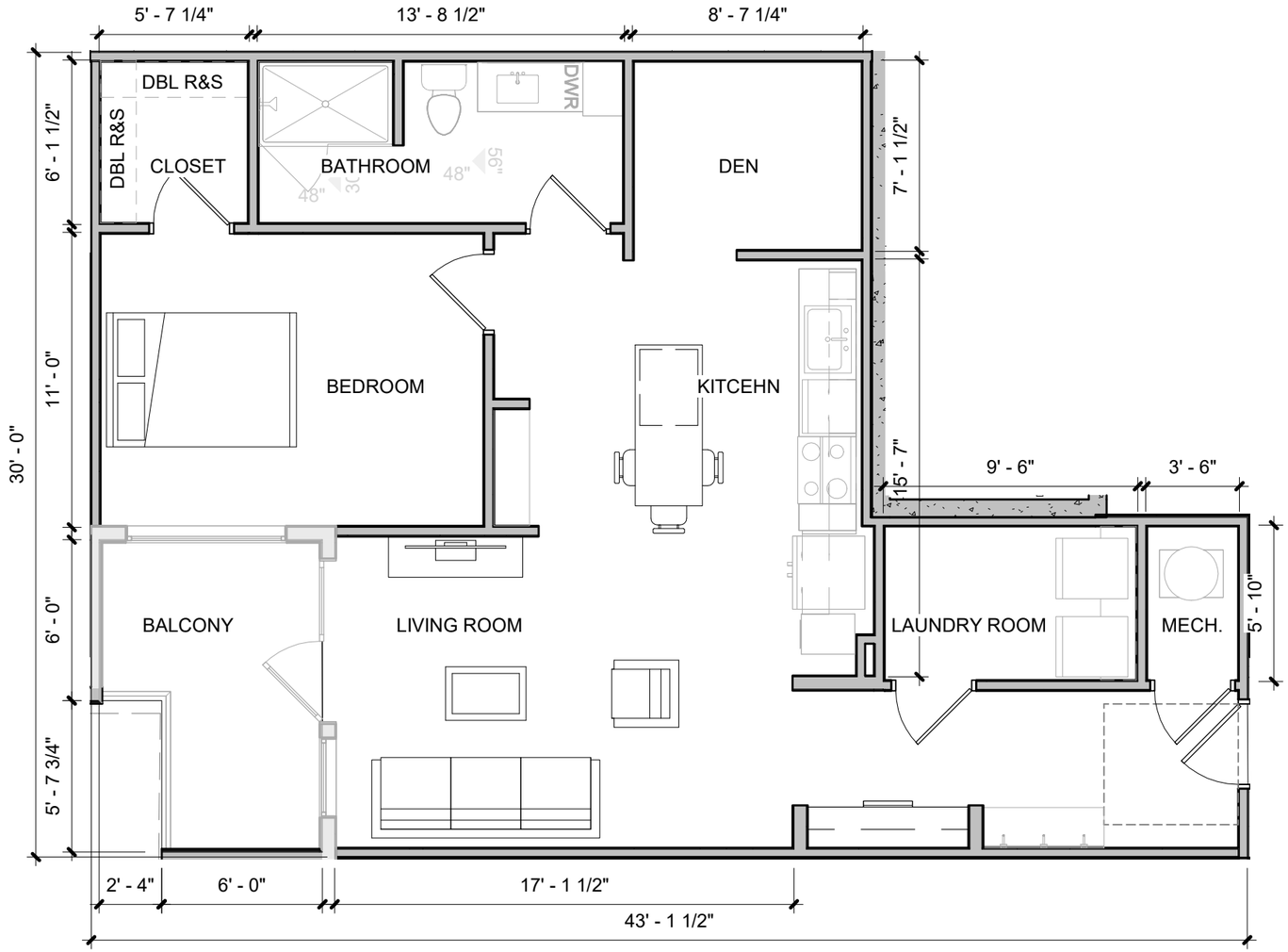
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DRAWN BY	DATE
FP	02/02/21

UA - A7

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1 UA-A8

3/16" = 1'-0"

UNIT A8	
NET AREA:	959 SF
GROSS AREA :	1,046 SF
# OF UNITS:	3

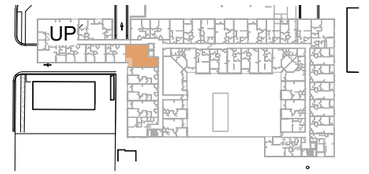
APPROVAL SIGNATURE:

DATE:

ICC A117.1

TYPE A UNIT	No
TYPE B UNIT	Yes

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SHEET NAME:

UNIT A8

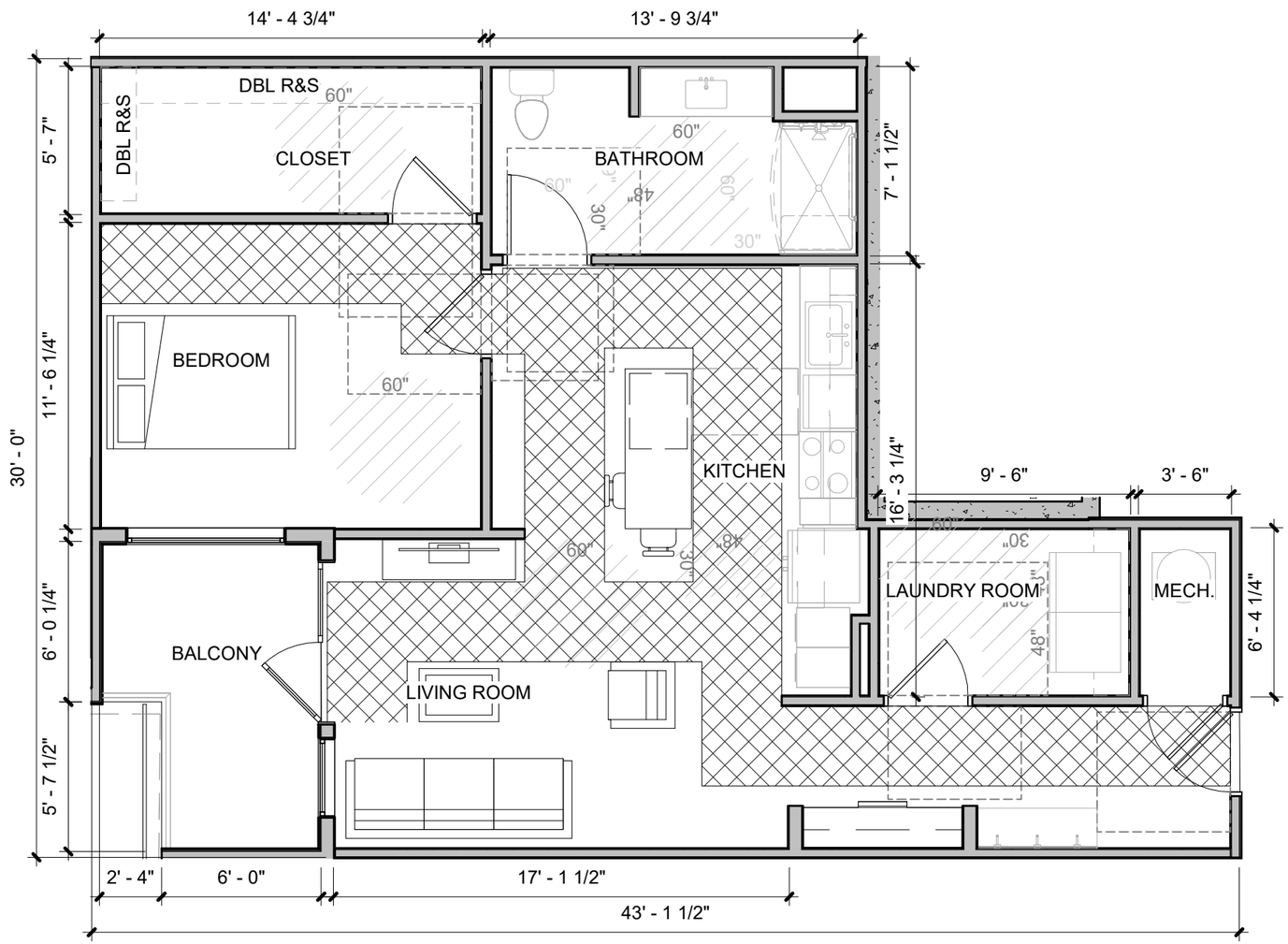
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FP	01/06/21

UA - A8

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1 UA-A8 ADA

3/16" = 1'-0"

UNIT A8 ADA	
NET AREA:	959 SF
GROSS AREA :	1,046 SF
# OF UNITS:	2

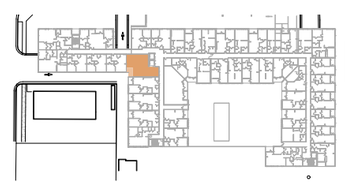
APPROVAL SIGNATURE:

DATE:

ICC A117.1

TYPE A UNIT	Yes
TYPE B UNIT	No

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SHEET NAME:

UNIT A8 ADA

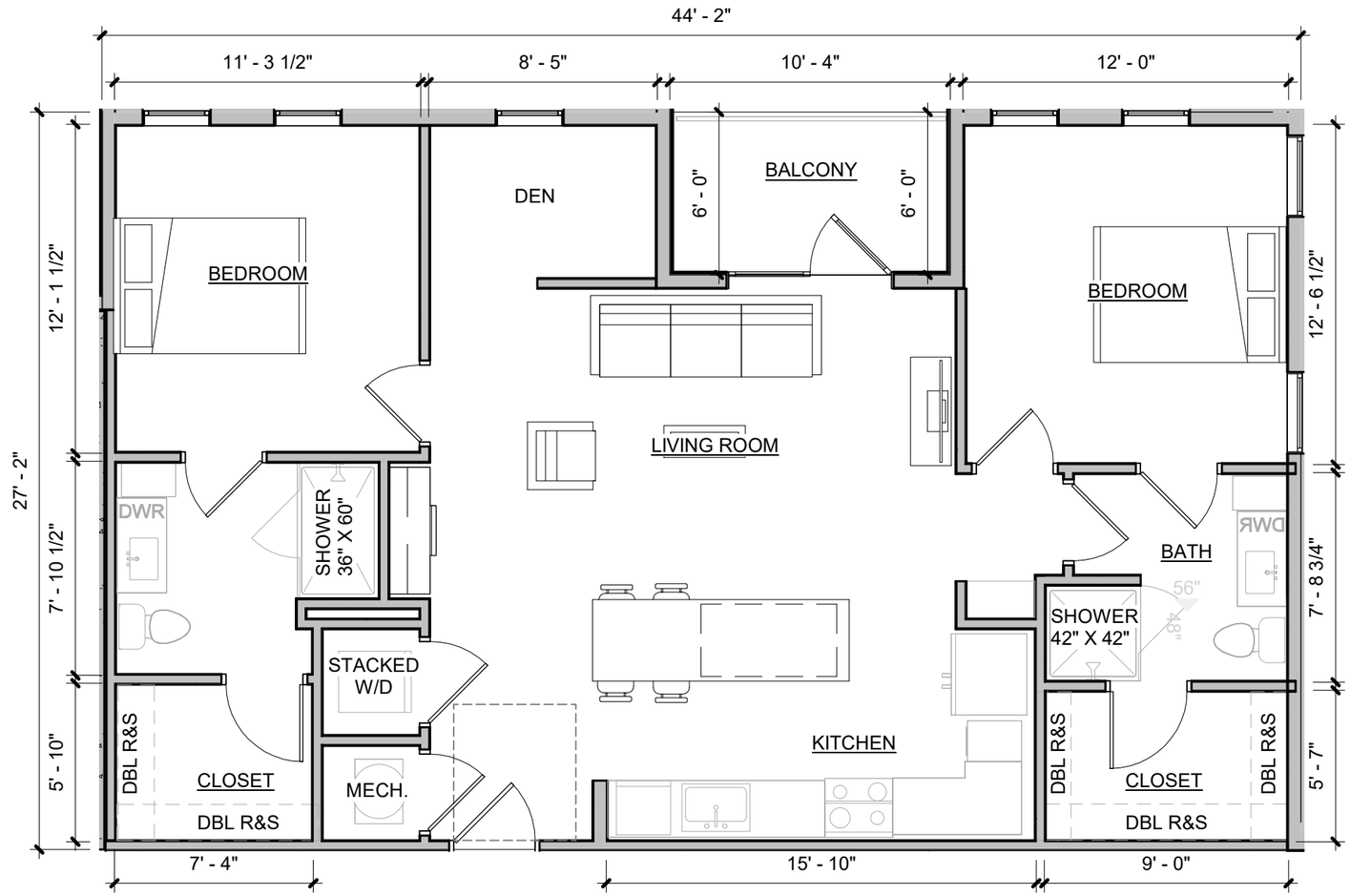
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DRAWN BY	DATE
FP	09/15/21

UA - A8 ADA

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1 UA-B1

3/16" = 1'-0"

UNIT B1	
NET AREA:	1,133 SF
GROSS AREA :	1,195 SF
# OF UNITS:	5

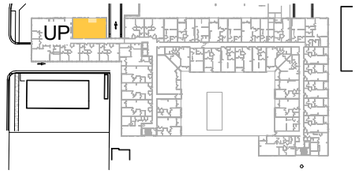
APPROVAL SIGNATURE:

DATE:

ICC A117.1

TYPE A UNIT	No
TYPE B UNIT	Yes

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SHEET NAME:

UNIT B1

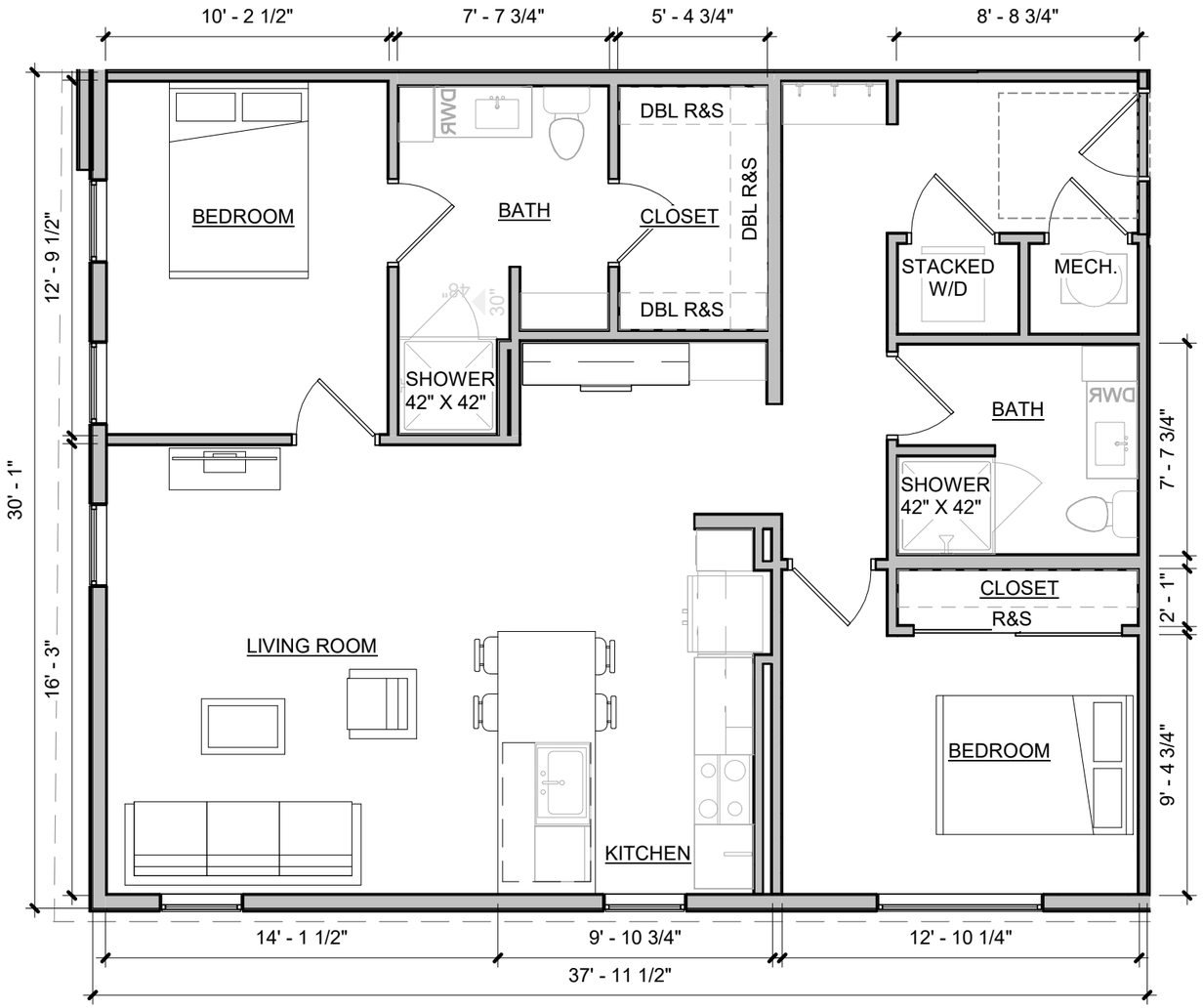
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DRAWN BY	DATE
FP	02/02/21

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1 UA-B2

3/16" = 1'-0"

UNIT B2	
NET AREA:	1,142 SF
GROSS AREA :	1,142 SF
# OF UNITS:	10

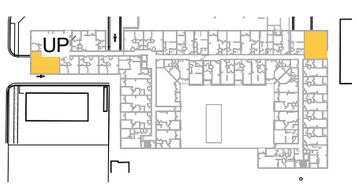
APPROVAL SIGNATURE:

DATE:

ICC A117.1

TYPE A UNIT	No
TYPE B UNIT	Yes

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SHEET NAME:

UNIT B2

JOB NUMBER:

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FP	02/02/21

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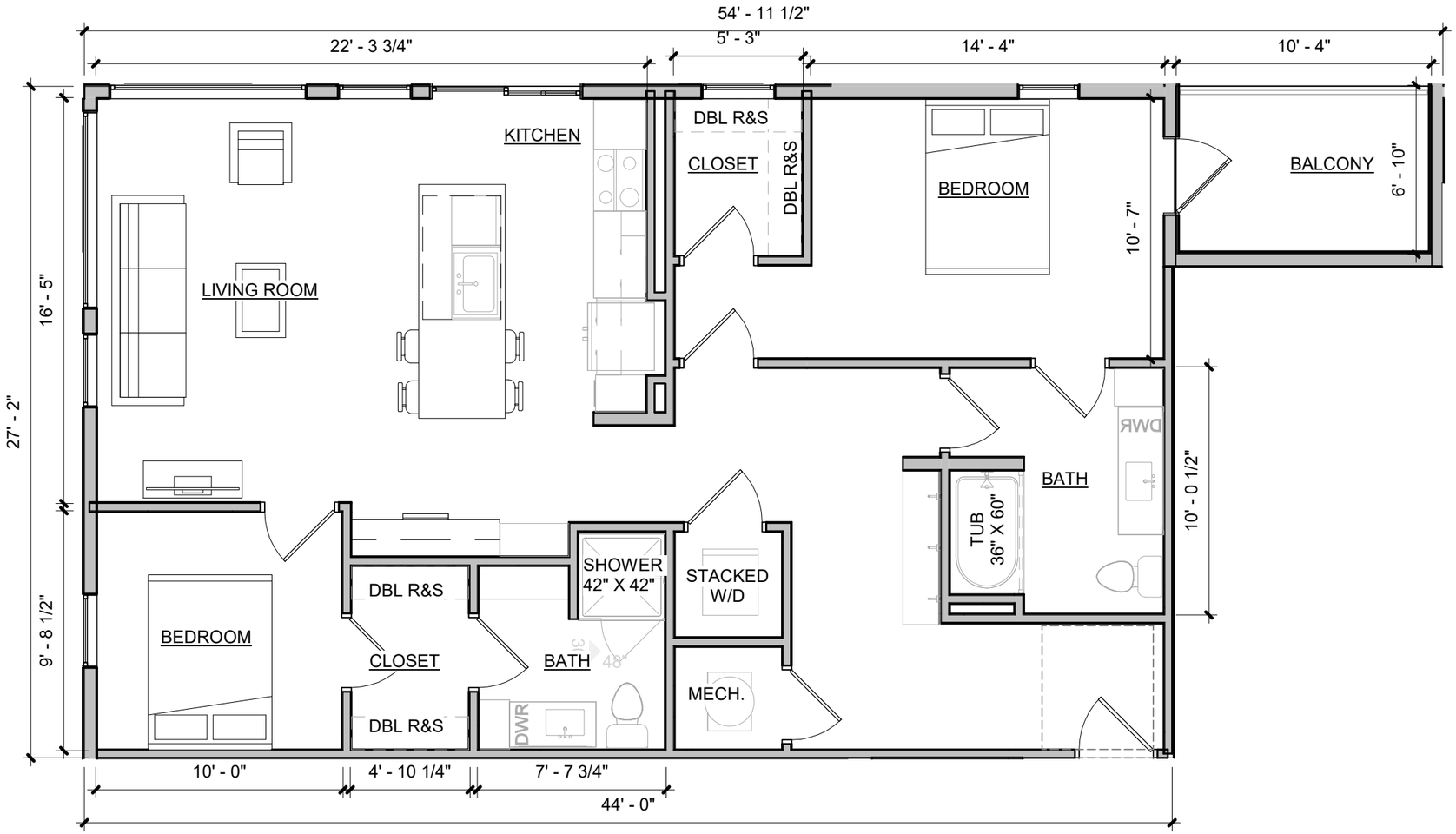
UNIT B3	
NET AREA:	1,197 SF
GROSS AREA :	1,267 SF
# OF UNITS:	5

APPROVAL SIGNATURE:

DATE:

ICC A117.1

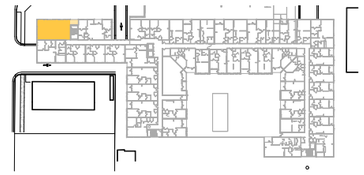
TYPE A UNIT	No
TYPE B UNIT	Yes



1 UA-B3

3/16" = 1'-0"

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SHEET NAME:

UNIT B3

JOB NUMBER:

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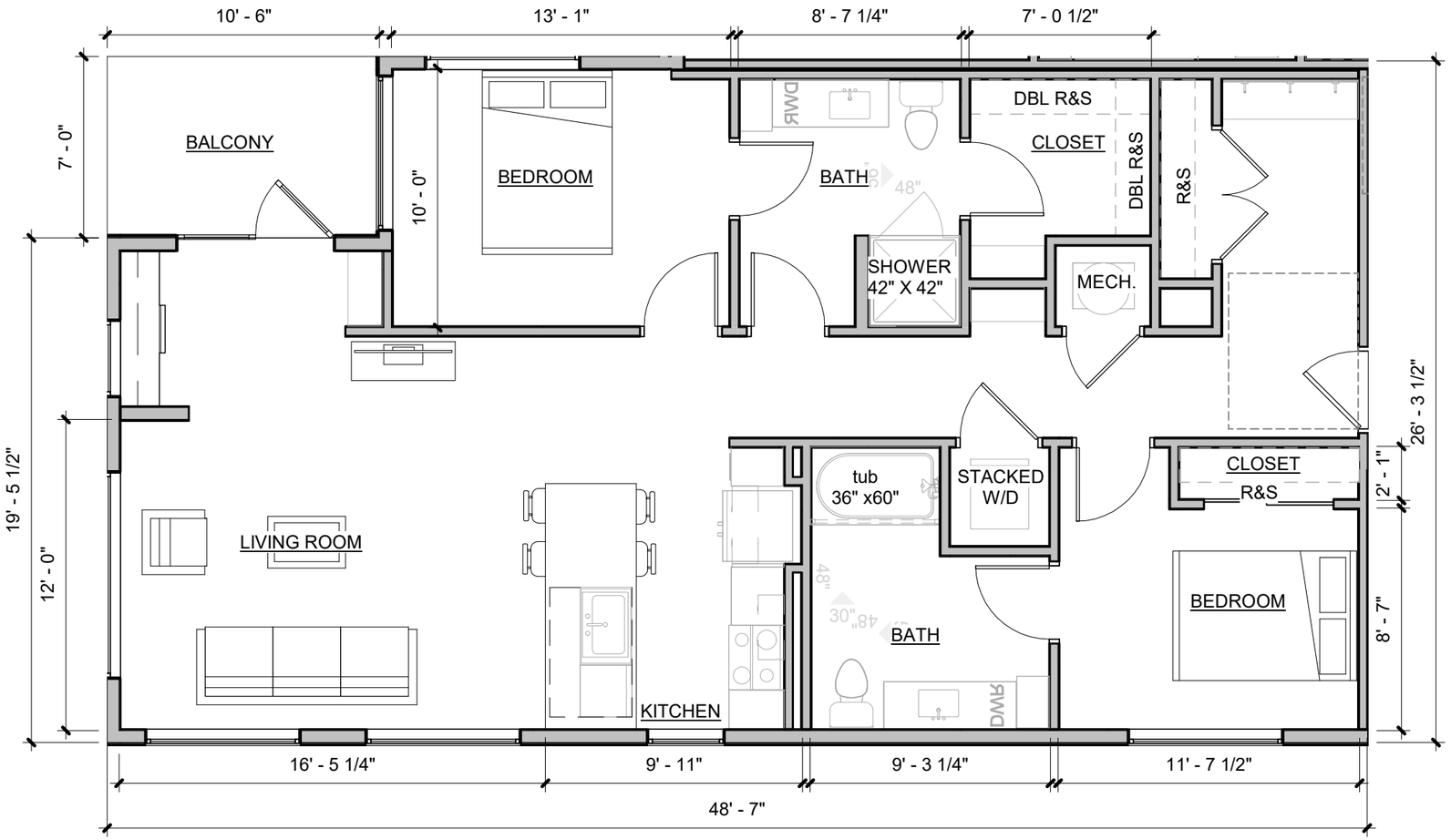
UNIT B4	
NET AREA:	1,198 SF
GROSS AREA :	1,272 SF
# OF UNITS:	3

APPROVAL SIGNATURE:

DATE:

ICC A117.1

TYPE A UNIT	No
TYPE B UNIT	Yes



1 UA-B4

3/16" = 1'-0"

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SHEET NAME:

UNIT B4

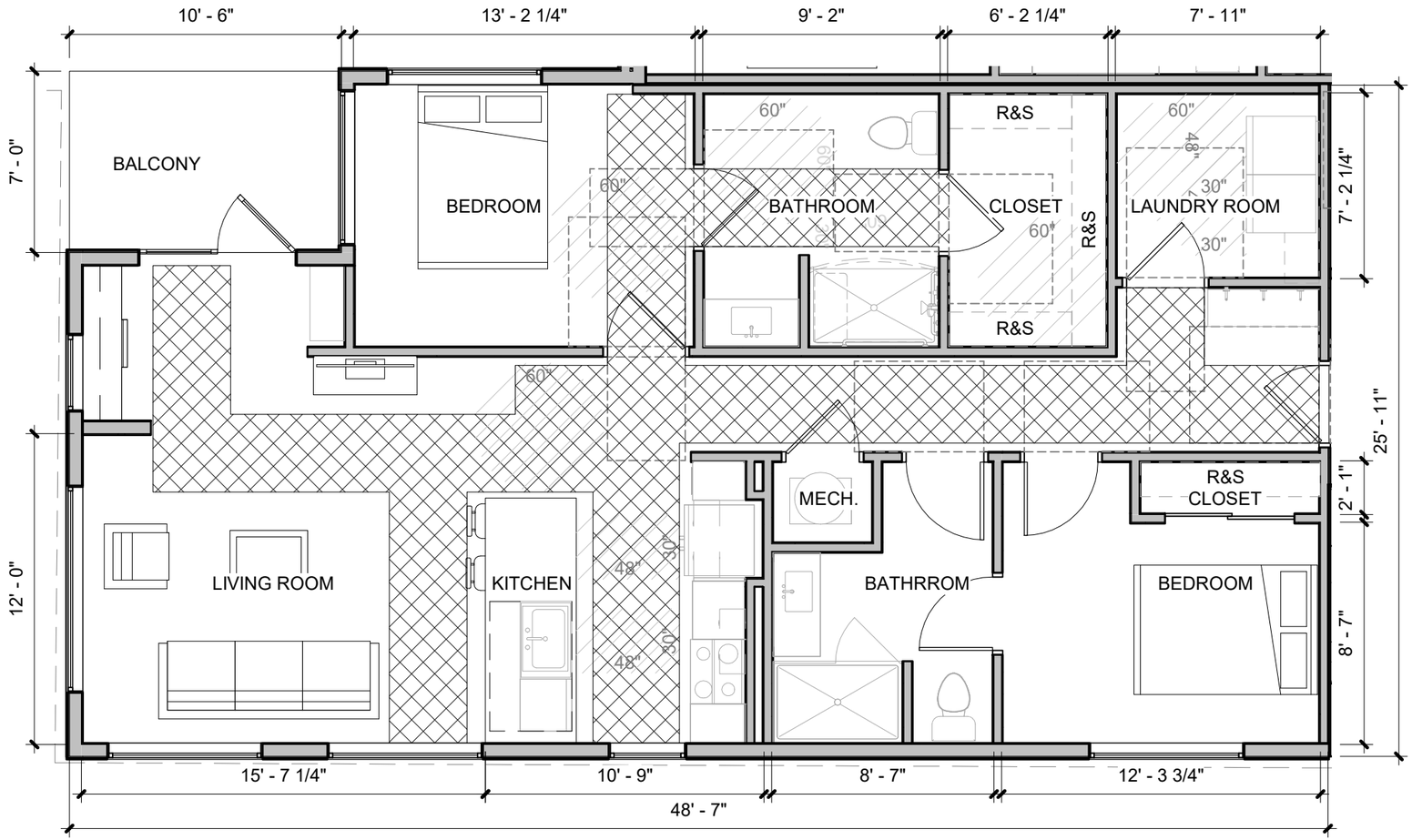
JOB NUMBER:

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FP	09/08/21

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1 UA-B4 ADA

3/16" = 1'-0"

UNIT B4 ADA	
NET AREA:	1,199 SF
GROSS AREA :	1,273 SF
# OF UNITS:	2

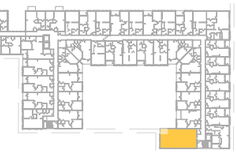
APPROVAL SIGNATURE:

DATE:

ICC A117.1

TYPE A UNIT	Yes
TYPE B UNIT	No

**UNIT AREAS ARE MEASURED FROM OUTSIDE OF PERIMETER STUD.



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SHEET NAME:

UNIT B4 ADA

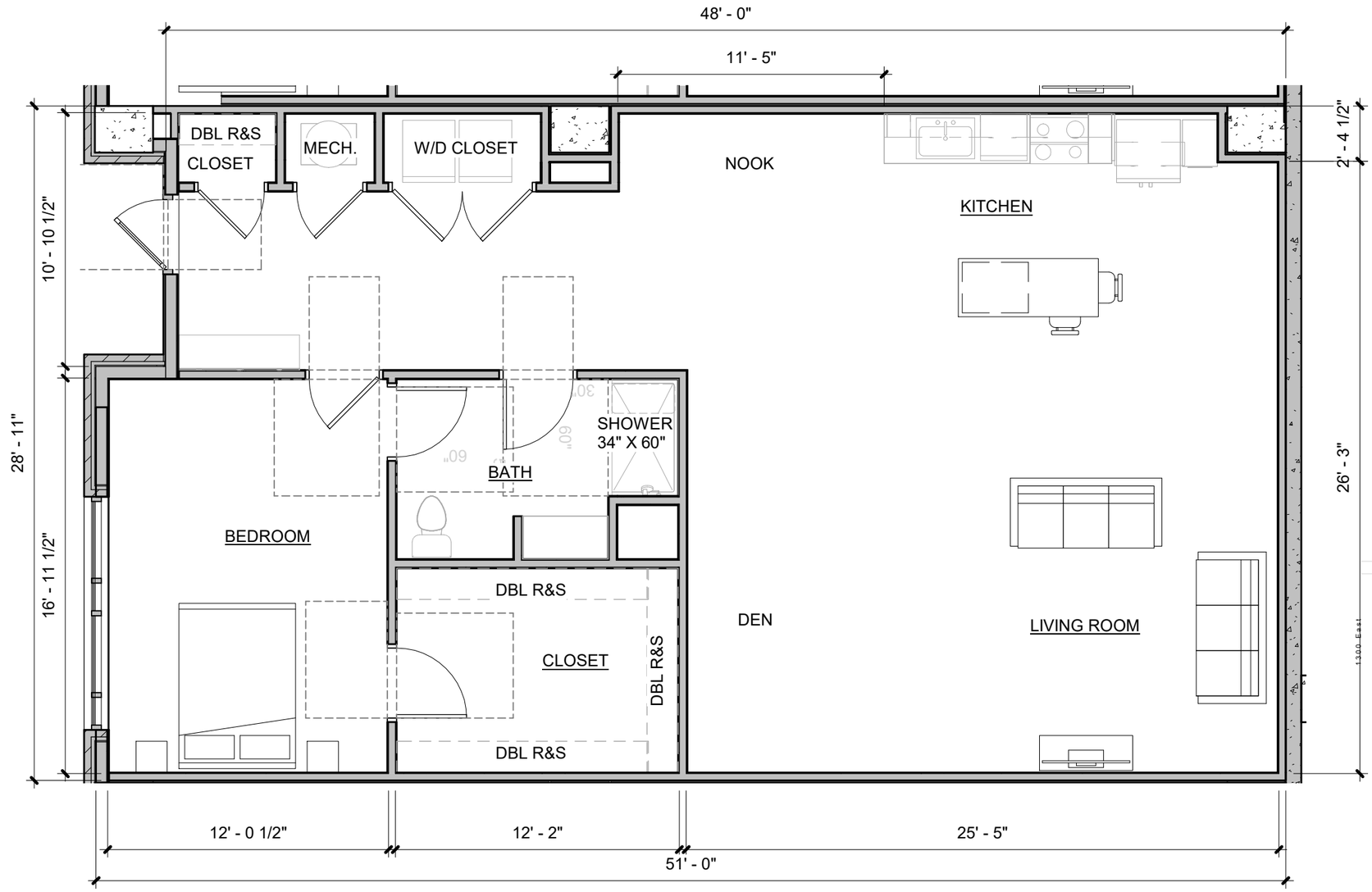
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1 UA-C1

3/16" = 1'-0"

UNIT C1	
NET AREA:	1,431 SF
GROSS AREA :	1,431 SF
# OF UNITS:	1

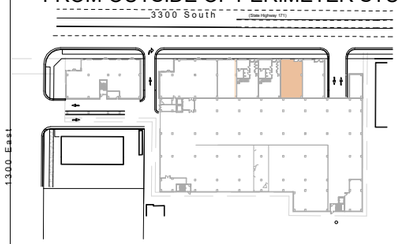
APPROVAL SIGNATURE:

DATE:

ICC A117.1

TYPE A UNIT	No
TYPE B UNIT	Yes

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SHEET NAME:

UNIT C1

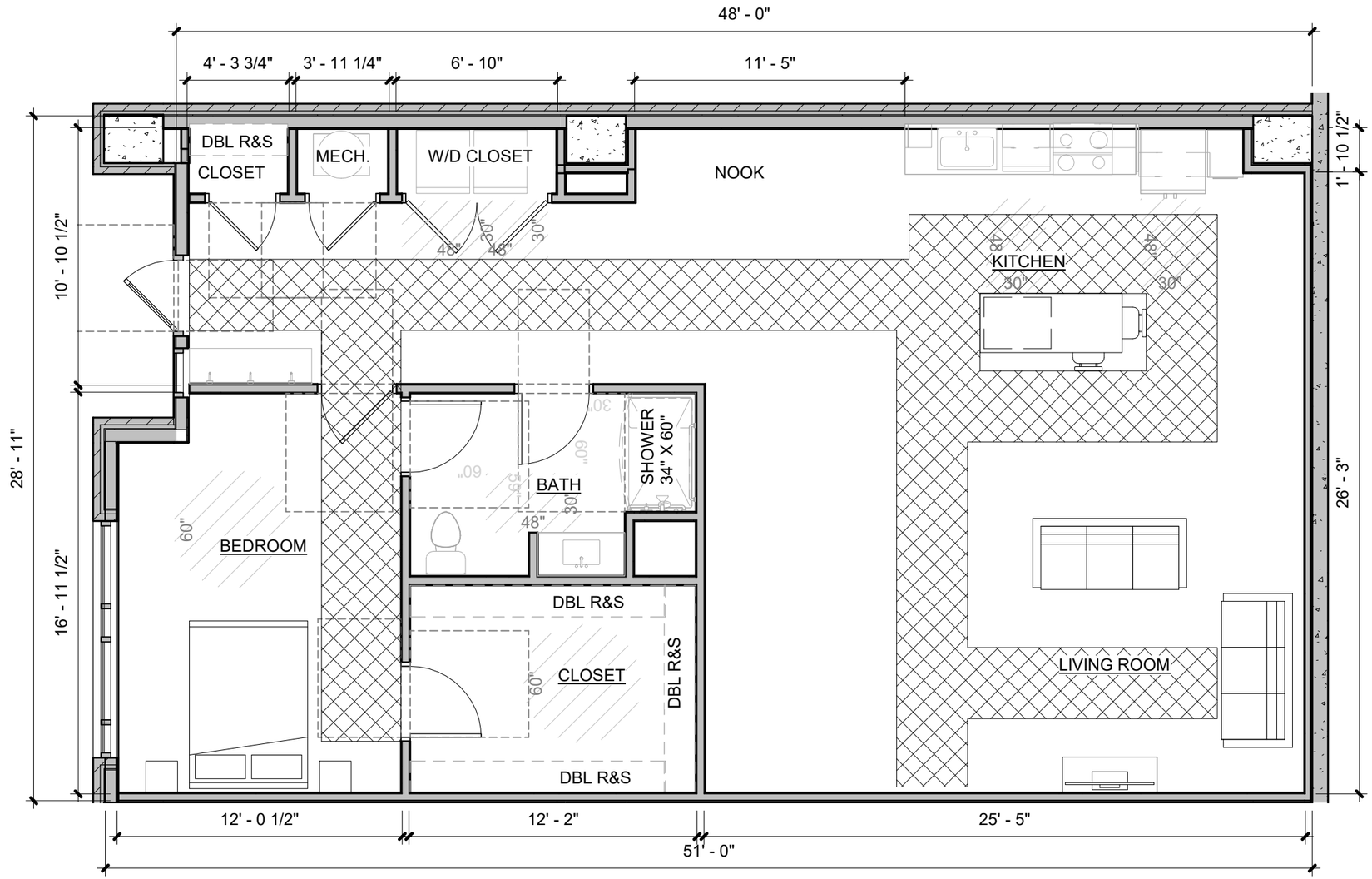
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DRAWN BY	DATE
Author	09/20/21

UA - C1

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UNIT C1 LEVEL 1	
NET AREA:	1,429 SF
GROSS AREA :	1,429 SF
# OF UNITS:	1

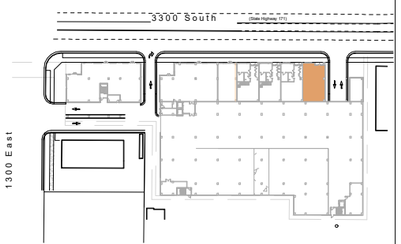
APPROVAL SIGNATURE:

DATE:

ICC A117.1

TYPE A UNIT	Yes
TYPE B UNIT	No

**UNIT AREAS ARE MEASURED FROM OUTSIDE OF PERIMETER STUD.



1 UA-C1 ADA

3/16" = 1'-0"

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SHEET NAME:

UNIT C1 ADA

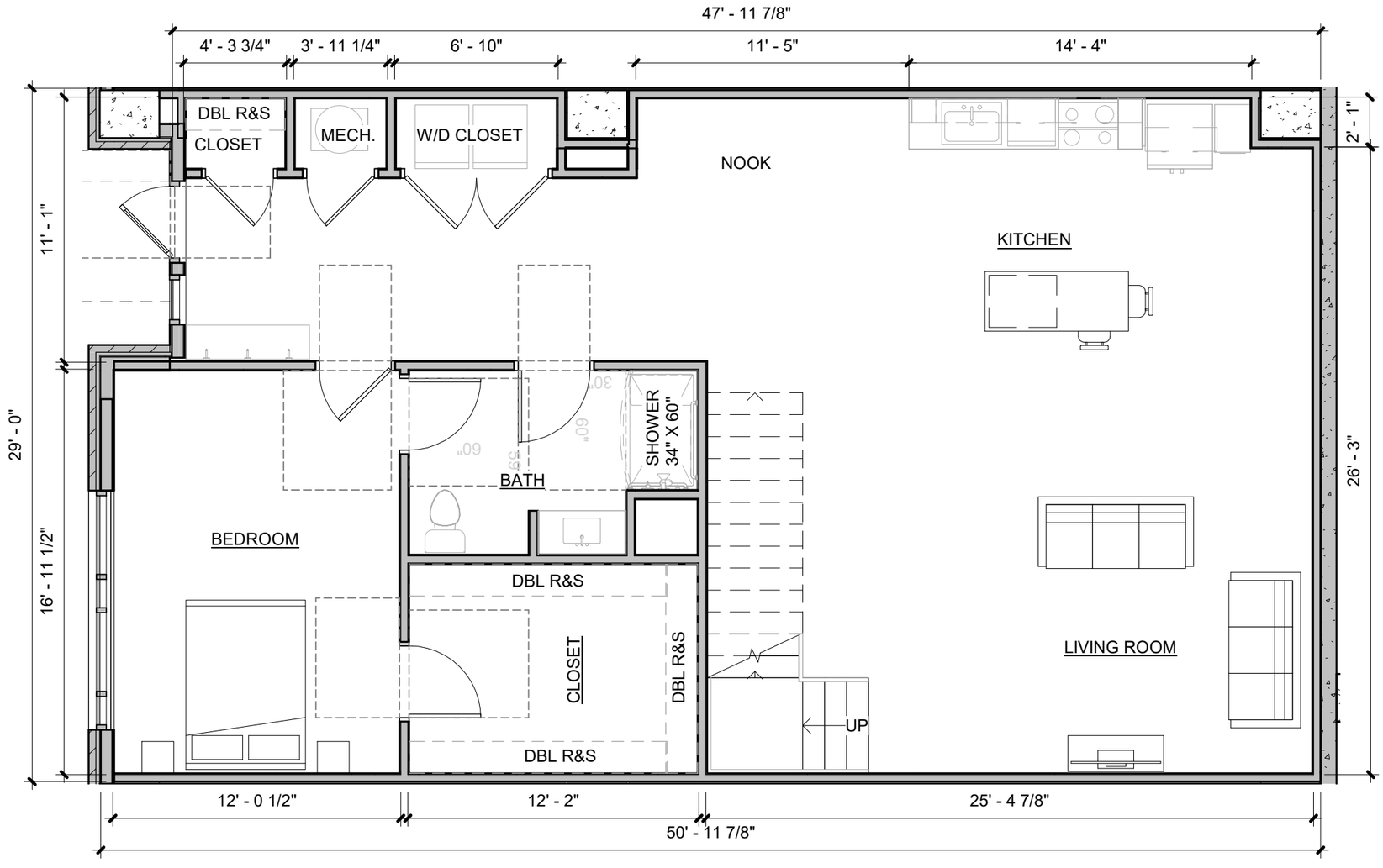
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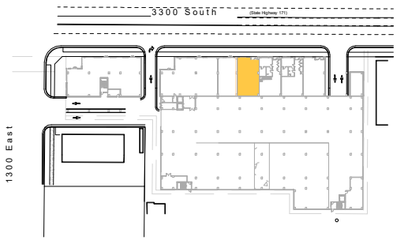
DRAWN BY	DATE
FP	09/14/21

UA - C1 ADA

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**UNIT AREAS ARE MEASURED FROM OUTSIDE OF PERIMETER STUD.



2 UA-C2.1 LEVEL 1

3/16" = 1'-0"

UNIT C2.1 LEVEL 1	
NET AREA:	1,431 SF
GROSS AREA :	1,431 SF
# OF UNITS:	1

APPROVAL SIGNATURE:

DATE:

ICC A117.1

TYPE A UNIT	No
TYPE B UNIT	Yes

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SHEET NAME:

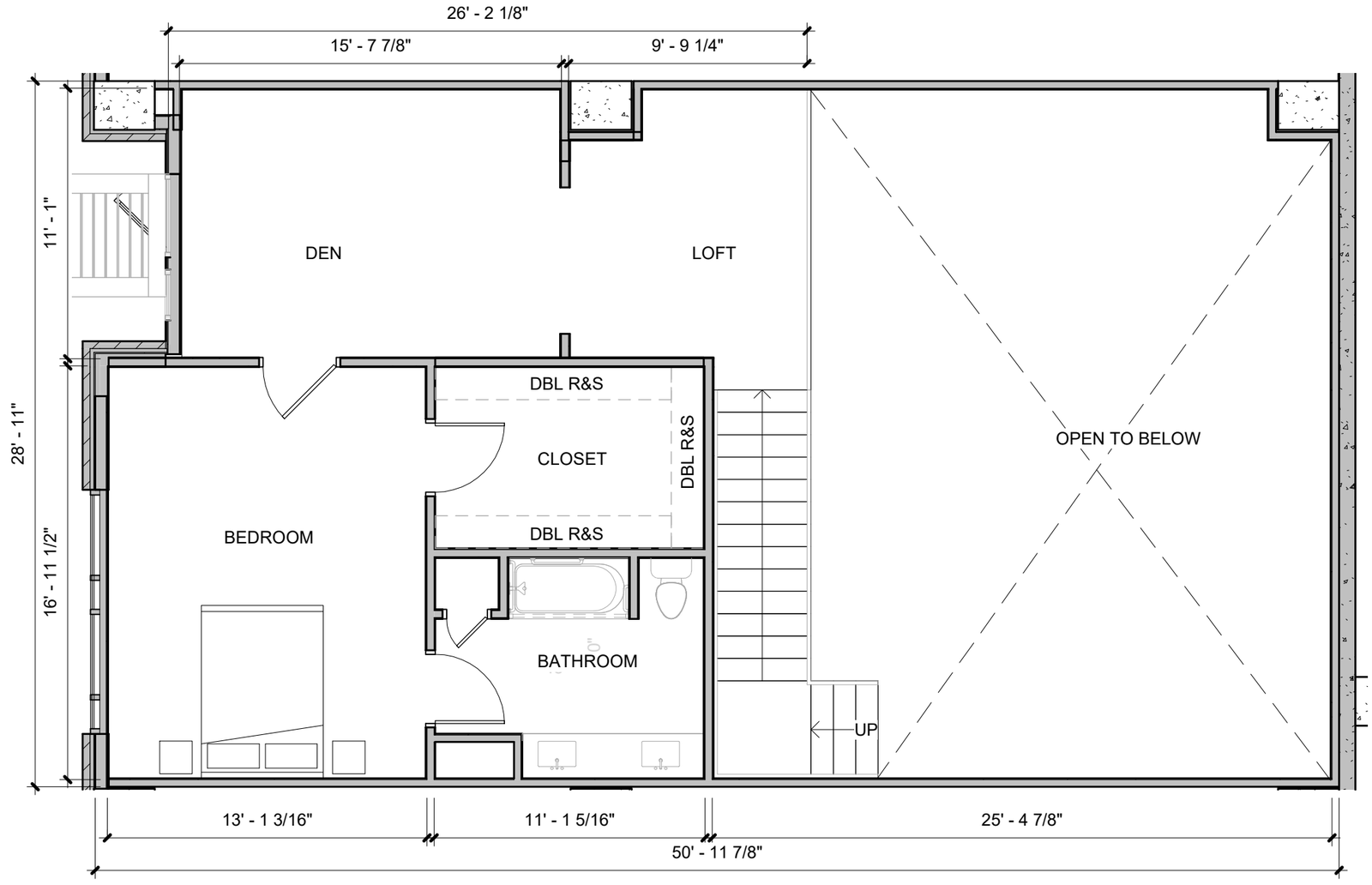
UNIT C2.1 LEVEL 1

JOB NUMBER:
23 192 01

DRAWN BY	DATE
Author	09/21/21

UA - C2.1
LEVEL 1

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2 UA-C2.1 LEVEL 2

3/16" = 1'-0"

UNIT C2.1 LEVEL 2	
NET AREA:	766 SF
GROSS AREA :	766 SF
# OF UNITS:	1

APPROVAL SIGNATURE:

DATE:

ICC A117.1

TYPE A UNIT	No
TYPE B UNIT	Yes

**UNIT AREAS ARE MEASURED FROM OUTSIDE OF PERIMETER STUD.



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SHEET NAME:

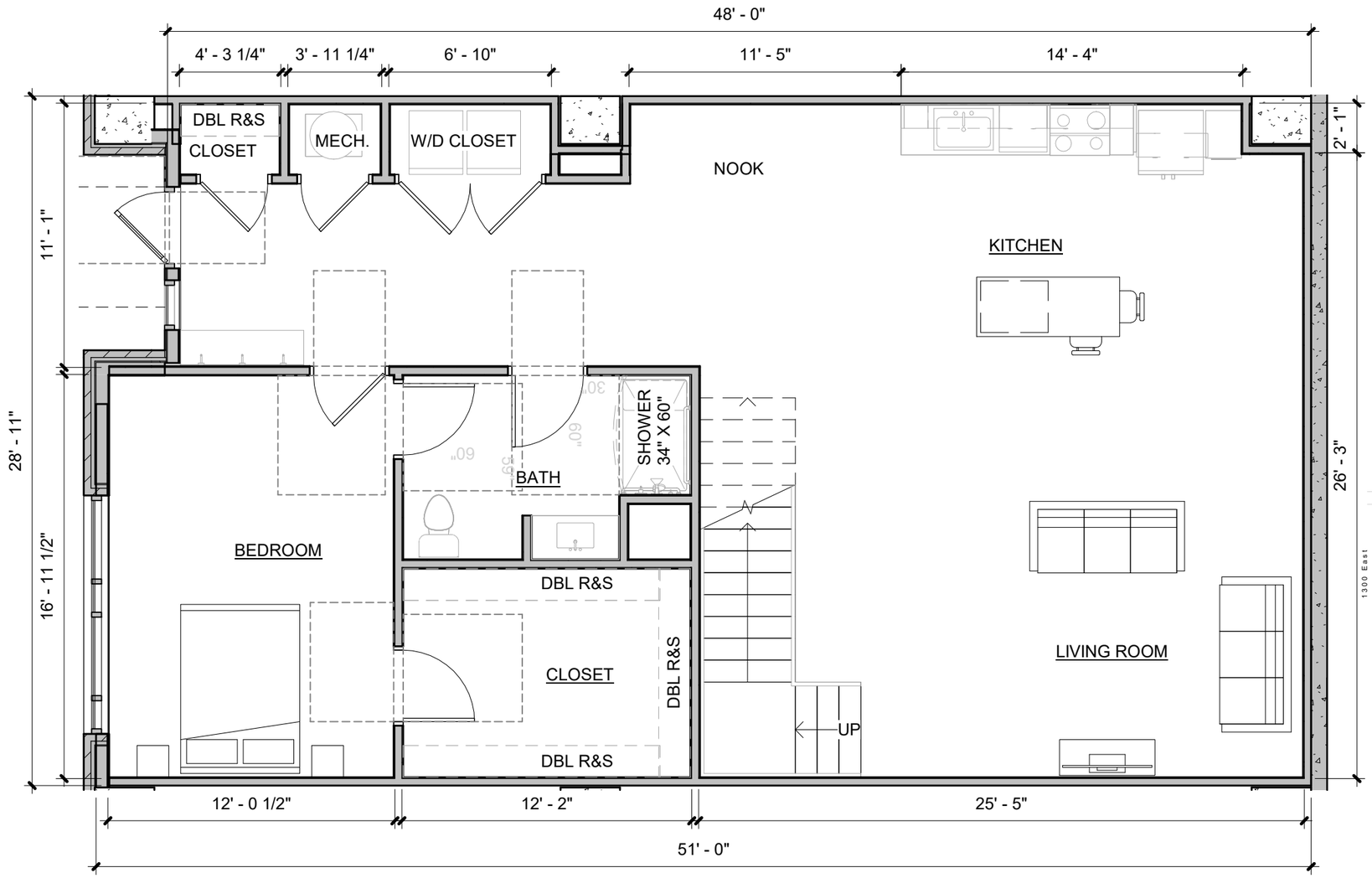
UNIT C2.1 LEVEL 2

JOB NUMBER:
23 192 01

DRAWN BY	DATE
Author	09/21/21

UA - C2.1
LEVEL 2

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1 UA-C2 LEVEL 1

3/16" = 1'-0"

UNIT C2 LEVEL 1	
NET AREA:	1,431 SF
GROSS AREA :	1,431 SF
# OF UNITS:	1

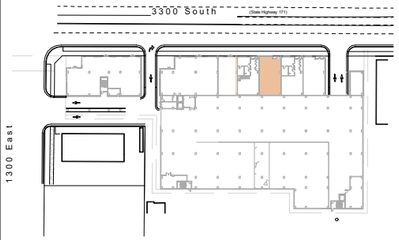
APPROVAL SIGNATURE:

DATE:

ICC A117.1

TYPE A UNIT	No
TYPE B UNIT	Yes

**UNIT AREAS ARE MEASURED FROM OUTSIDE OF PERIMETER STUD.



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ATLANTA, GA 30350
PHONE: 770.864.1035
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THE HUDSON

1306 EAST 3300 SOUTH
MILLCREEK, UTAH

CLIENT LOGO:

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SHEET NAME:

UNIT C2 LEVEL 1

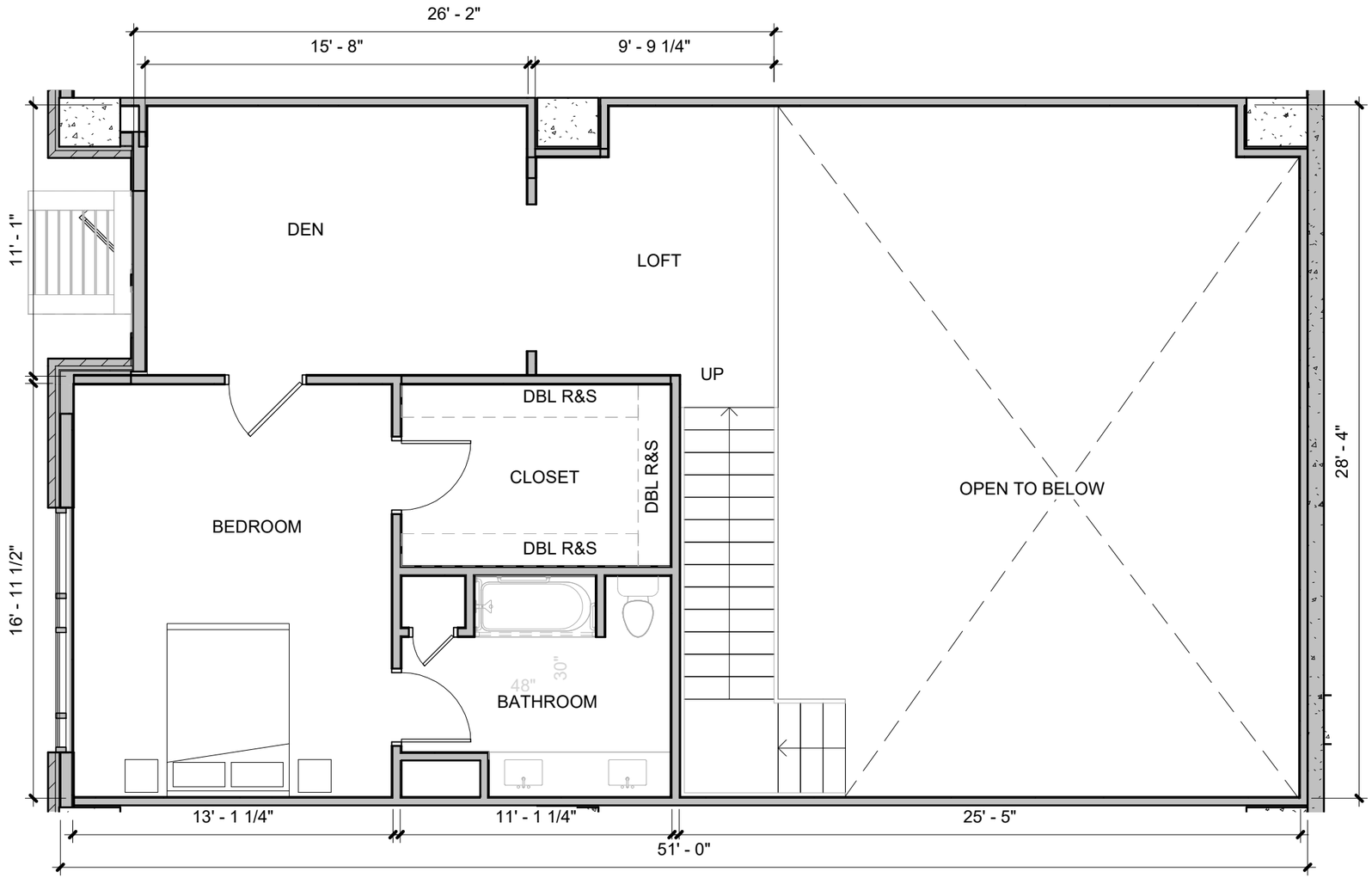
JOB NUMBER:

23 192 01

DRAWN BY	DATE
Author	09/20/21

UA - C2 LEVEL 1

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1 UA-C2 LEVEL 2

3/16" = 1'-0"

UNIT C2 LEVEL 2	
NET AREA:	766 SF
GROSS AREA :	766 SF
# OF UNITS:	1

APPROVAL SIGNATURE:

DATE:

ICC A117.1

TYPE A UNIT	No
TYPE B UNIT	Yes

**UNIT AREAS ARE MEASURED FROM OUTSIDE OF PERIMETER STUD.



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SHEET NAME:

UNIT C2 LEVEL 2

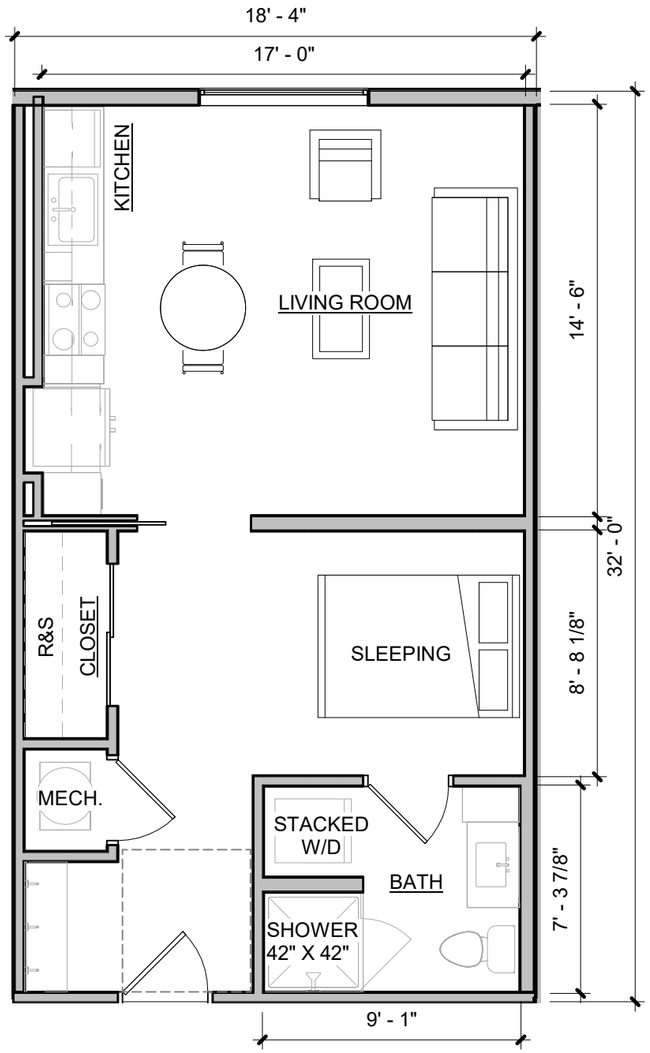
JOB NUMBER:

23 192 01

DRAWN BY	DATE
FP	09/15/21

UA - C2
LEVEL 2

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1 UA-S1

3/16" = 1'-0"

UNIT S1	
NET AREA:	584 SF
GROSS AREA :	584 SF
# OF UNITS:	29

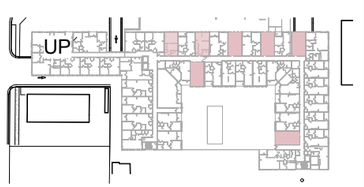
APPROVAL SIGNATURE:

DATE:

ICC A117.1

TYPE A UNIT	No
TYPE B UNIT	Yes

**UNIT AREAS ARE MEASURED FROM OUTSIDE OF PERIMETER STUD.



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SHEET NAME:

UNIT S1

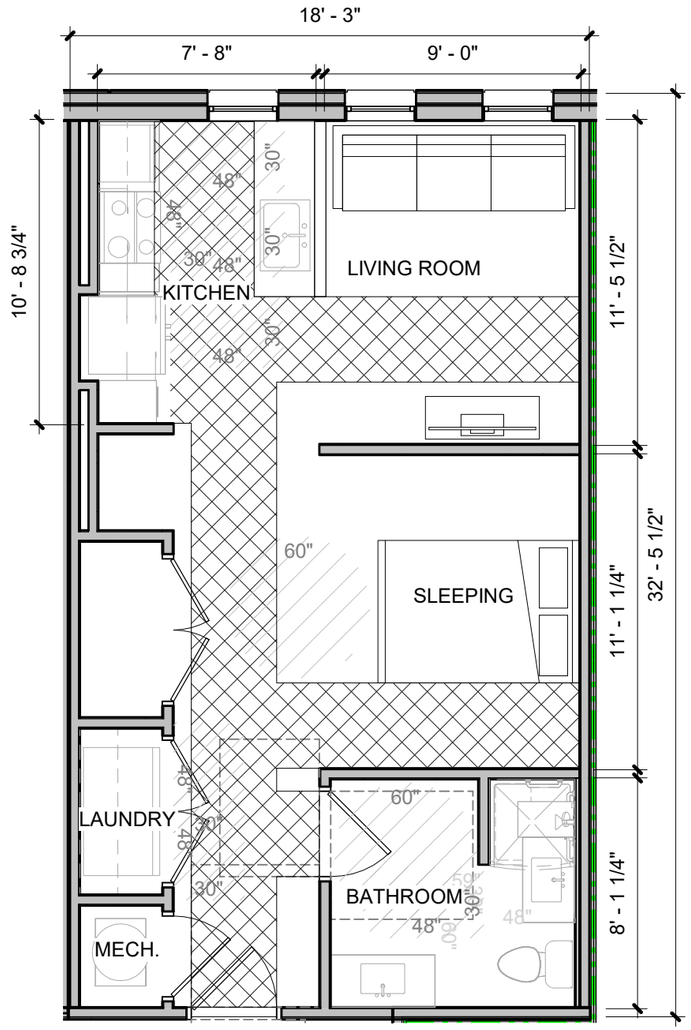
JOB NUMBER:

23 192 01

DRAWN BY	DATE
FP	02/02/21

UA - S1

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1 UA-S1 ADA

3/16" = 1'-0"

UNIT S1 ADA	
NET AREA:	597 SF
GROSS AREA :	597 SF
# OF UNITS:	1

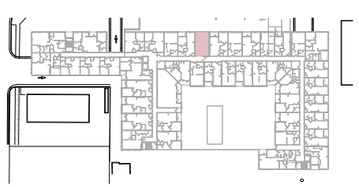
APPROVAL SIGNATURE:

DATE:

ICC A117.1

TYPE A UNIT	Yes
TYPE B UNIT	No

**UNIT AREAS ARE MEASURED FROM OUTSIDE OF PERIMETER STUD.



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SHEET NAME:

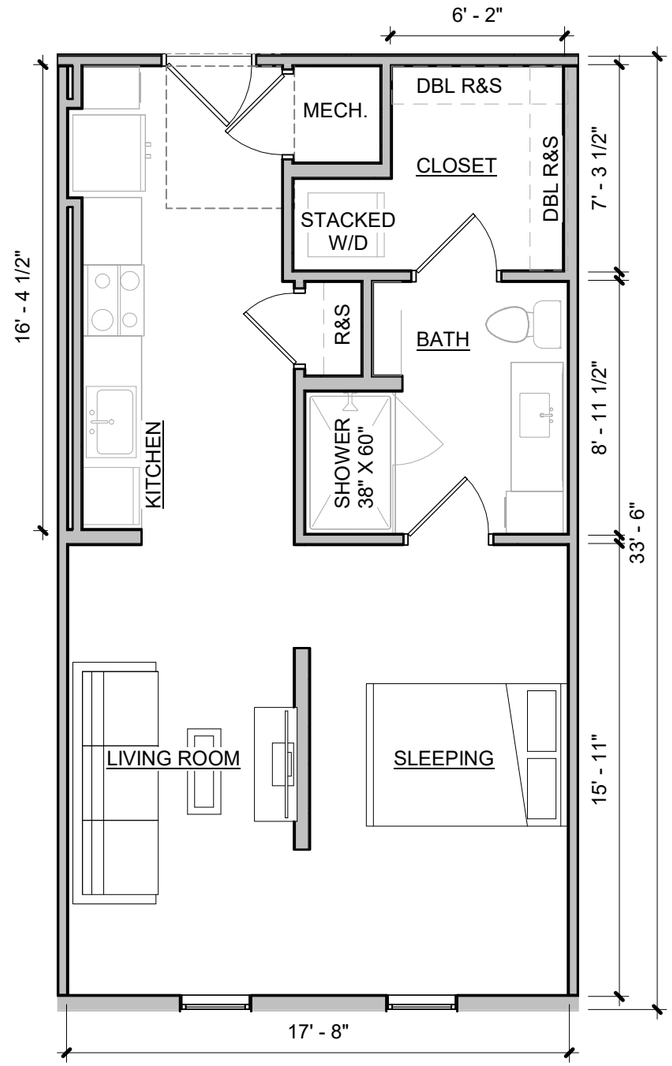
UNIT S1 ADA

JOB NUMBER:
23 192 01

DRAWN BY	DATE
FP	09/15/21

UA - S1
ADA

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1 UA-S1A

3/16" = 1'-0"

UNIT S1-ALT	
NET AREA:	611 SF
GROSS AREA :	611 SF
# OF UNITS:	10

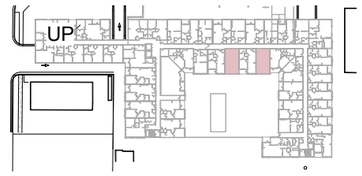
APPROVAL SIGNATURE:

DATE:

ICC A117.1

TYPE A UNIT	No
TYPE B UNIT	Yes

**UNIT AREAS ARE MEASURED
FROM OUTSIDE OF PERIMETER STUD.



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SHEET NAME:

UNIT S1A

JOB NUMBER:

23 192 01

DRAWN BY	DATE
FP	02/02/21

UA - S1A

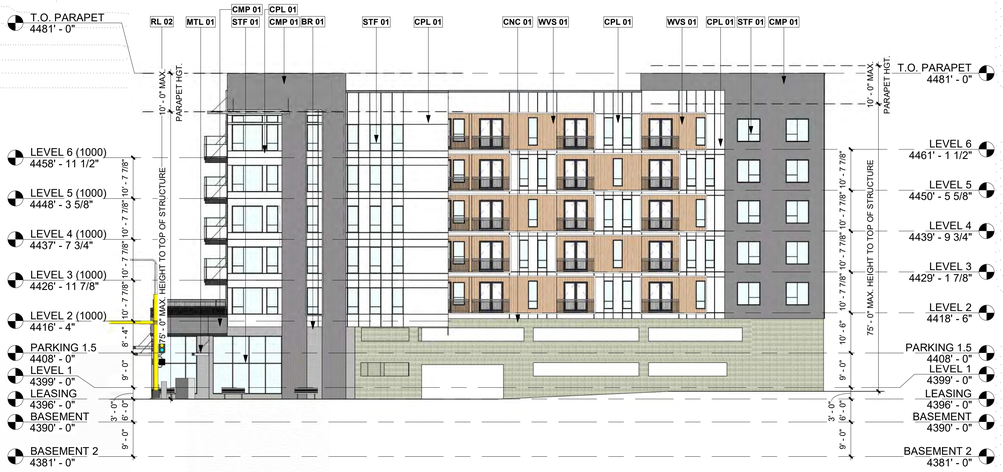
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4 SOUTH ELEVATION
1/16" = 1'-0"

EXTERIOR FINISH LEGEND	
NO.	MATERIAL DESCRIPTION
ALU 01	EXTERIOR ALUMINUM
BR 01	BRICK VENEER- LIGHT GREY
CPL 01	HARDIE REVEL PANEL SYSTEM - LIGHT WHITE
CPL 02	HARDIE REVEL PANEL SYSTEM - DARK GREY
CLS 01	6" LAP CEMENTITIOUS SIDING - LIGHT BROWN
CMP 01	CORRUGATED METAL PANEL - GALVANIZED
CNC 01	CAST IN PLACE CONCRETE
WLS 01	WOOD LAP SIDING - HORIZONTAL -
WVS 01	WOOD SIDING - BROWN
MTL 01	METAL CANOPY - DARK BRONZE
STF 01	ALUMINUM STOREFRONT - DARK BRONZE
RL 01	GLASS RAILING - DARK BRONZE
RL 02	ALUMINUM RAILING - DARK BRONZE

EXTERIOR FINISHES - SOUTH	
NO.	MATERIAL COVERAGE (35,371 SF)
ALU 01	112 SF (1%)
BR 01	1,104 SF (3%)
CPL 01	8,938 SF (25%)
CPL 02	782 SF (2%)
CLS 01	4,462 SF (13%)
CMP 01	3,481 SF (10%)
CNC 01	9,501 SF (27%)
WVS 01	1,546 SF (4%)
STF 01	5,445 SF (15%)



3 WEST ELEVATION
1/16" = 1'-0"

EXTERIOR FINISHES - WEST	
NO.	MATERIAL COVERAGE (12,437 SF)
BR 01	260 SF (3%)
CPL 01	4,055 SF (33%)
CMP 01	2,783 SF (22%)
CNC 01	1,666 SF (13%)
WVS 01	814 SF (6%)
STF 01	2,859 SF (23%)



2 EAST ELEVATION
1/16" = 1'-0"

EXTERIOR FINISHES - EAST	
NO.	MATERIAL COVERAGE (13,011 SF)
BR 01	567 SF (5%)
CPL 01	5,475 SF (42%)
CMP 01	499 SF (5%)
CNC 01	1,440 SF (12%)
WVS 01	1,556 SF (9%)
STF 01	2,308 SF (17%)
CLS 01	1,166 SF (10%)

EXTERIOR FINISHES - NORTH	
NO.	MATERIAL COVERAGE (30,111 SF)
ALU 01	291 SF (1%)
BR 01	2,729 SF (10%)
CPL 01	8,989 SF (29%)
CPL 02	503 SF (2%)
CLS 01	2,371 SF (8%)
CMP 01	2,459 SF (8%)
WVS 01	4,085 SF (14%)
STF 01	8,684 SF (28%)



1 NORTH ELEVATION
1/16" = 1'-0"

dwell design studio
360 WEST 300 SOUTH
SUITE 102
SALT LAKE CITY, UT 84101
PHONE: 385.273.3888
dwelldesignstudio.com

THE HUDSON
1306 EAST 3300 SOUTH
MILLCREEK, UTAH
A DEVELOPMENT FOR:

ISSUE

DATE	DESCRIPTION	INCLUDED
9/29/21	SD Submittal	X

REVISION

DATE	DESCRIPTION	REV

SEAL:

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SHEET NAME:
OVERALL BUILDING ELEVATIONS

JOB NUMBER: 23 192 01

DRAWN BY: Author
CHECKED BY: Checker

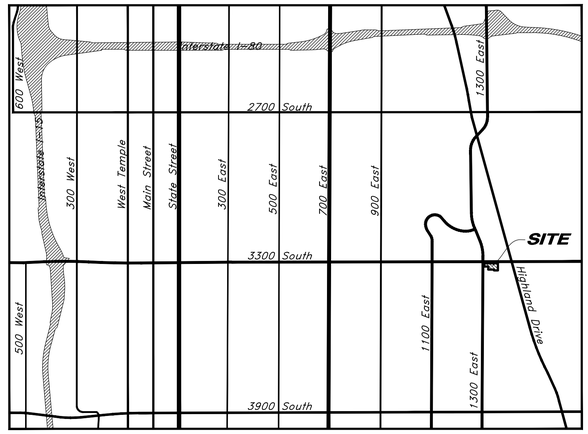
A4-00

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9/30/2021 3:48:42 PM C:\Users\Fparatz\Documents\Revit\Cottonwood Hudson\v20_fparatzKBAVR.rvt

Hudson Millcreek

1306 East 3300 South
Millcreek, Utah



Vicinity Map
Not to Scale

Zoning Information

Zone = C-2 (Community Commercial)

Flood Zone

This property lies entirely within Flood Zone X as designated on FEMA Flood Insurance Rate Map for Salt Lake County, Utah and Incorporated Areas Map Number 49035C0330G dated 25 September, 2009. Flood Zone X is defined as "Areas determined to be outside the 0.2% annual chance floodplain."

Basis of Bearings

A line between the monument found marking the intersection of 3300 South Street and 1300 East Street and the monument found marking the intersection of 3300 South Street and Highland Drive was assigned the VRS bearing of South 89°58'39" East as the Basis of Bearings to place the survey on the State Plane Datum.

Benchmark

Street Monument in intersection of 3300 South Street and 1300 East Street
Assigned Elevation = 4394.59 feet
Observed 25 Jul, 2017

Legal Description

Parcel 1:

Beginning at a point on the South Line of 3300 South Street, said point being North 89°48'00" East 50.00 feet along the Monument Line and South 00°18'43" West 40.00 feet from a Salt Lake County Monument on the intersection of 3300 South Street and 1300 East Street, said point also being North 89°48'00" East 17.00 feet and South 00°18'43" West 7.00 feet from the Northwest Corner of Lot 9, Block 23, Ten Acre Plat "A", Big Field Survey, and running thence North 89°48'00" East 225.01 feet along said South Line; thence South 00°18'50" West 199.01 feet; thence South 89°48'00" West 110.00 feet; thence North 00°18'50" East 97.76 feet; thence South 89°48'00" West 125.01 feet to a point on the East Line of 1300 East Street; thence North 00°18'50" East 91.25 feet along said East Line; thence North 45°03'25" East 14.21 feet to the point of beginning.

Parcel 2:

Beginning at a point on the South line of 3300 South Street at a point 1115.4 feet North and 198.5 feet East from the Southwest Corner of Section 28, Township 1 South, Range 1 East, Salt Lake Base and Meridian, said point being the Northwest Corner of the property described in the Deed to Bayway Blind and Drapery, Inc., recorded February 14, 1969 as Entry No. 2277151 in Book 2730 at Page 291 of Official Records; and running thence South 89°48'36" West 132.5 feet, more or less, along the South line of 3300 South Street to the Northeast Corner of the property described in the Deed to Gordon H. Christensen, recorded July 11, 1973 in Book 3370 at Page 162 of Official Records; thence South 0°18'43" West 206.00 feet along the East line of said Christensen property; thence North 89°48'36" East 16.30 feet; thence South 0°18'43" West 25.83 feet; thence East 1.19 feet, more or less, to a point due South from the point of beginning; thence North 232.24 feet to the point of beginning.

Excepting therefrom the North 7 feet of the West 82.5 feet of said property.

Also, Less and Excepting therefrom that portion described in that certain Quit-Claim Deed to Salt Lake County, for the purpose of widening 33rd South Street, recorded June 8, 1971, as Entry No. 2390209, in Book 2966 at Page 1000 of Official Records, described as follows:

The North seven (7) feet of the following tract:

Beginning at a point on the South line of a 4 rod Street known as 33rd South Street, at a point North 89°45' East 18 rods from the Northwest corner of Lot 9, Block 23, Ten Acre Plat "A", Big Field Survey and running thence South 14' West 16 rods; thence North 89°45' East 5 rods; thence North 14' East 16 rods to the South line of said Street; thence South 89°45' West, along the South line of said Street, 5 rods to the point of beginning. Part of the Southwest 1/4 of the Southwest 1/4 of Section 28, Township 1 South, Range 1 East, Salt Lake Meridian.

Parcel 3:

Commencing North 89°45' East 242 feet from the Northwest Corner of Lot 9, Block 23, Ten Acre Plat "A", Big Field Survey; thence South 0°14' West 206 feet, more or less; thence North 89°45' East 55 feet; thence North 0°14' East 206 feet, more or less; thence South 89°45' West 55 feet to beginning.

Less and excepting the following:

Beginning at a point on the South Right-of-Way line of 3300 South, said point being North 89°45' East along said South Right-of-Way line 242.00 feet from the Northwest Corner of Lot 9, Block 23, Ten Acre Plat "A", Big Field Survey; and running thence North 89°45' East along said South line 55.00 feet; thence South 0°14'00" West 120.28 feet to a fence line; thence South 89°45'54" West along said fence 55.00 feet; thence North 0°14'00" East 120.27 feet to the point of beginning.

Parcel 4:

Beginning at a point on the South Right of Way Line of 3300 South Street, said point being North 89°45' East along said South Right of Way Line 242.00 feet from the Northwest Corner of Lot 9, Block 23, Ten Acre Plat "A", Big Field Survey; and running thence North 89°45' East along said South Line 55.00 feet; thence South 0°14'00" West 120.28 feet to a fence Line; thence South 89°45'54" West along said fence 55.00 feet; thence North 0°14'00" East 120.27 feet to the point of beginning.

Less and Excepting therefrom that portion conveyed to Salt Lake County by that Certain Warranty Deed recorded February 02, 1999 as Entry No. 7242525 in Book 8245 at Page 6042 and more particularly described as follows:

Beginning at a point on the South Right of Way Line of 3300 South Street, said point being North 89°45' East along said South Right of Way Line 242.00 feet from the Northwest Corner of Lot 9, Block 23, Ten Acre Plat A, Big Field Survey, and running thence North 89°45' East along said South Line 55.00 feet; thence South 0°14'00" West 7.00 feet; thence South 89°45' West 55.00 feet; thence North 0°14'00" East 7.00 feet to the point of beginning.

Abbreviations

BCR	Begin Curb Return	PT	Point of Tangency
BOL	Bollard	PVC	Polyvinyl Chloride
BRW	Finish Grade – Bottom of Retaining Wall	PVI	Point of Vertical Intersection
CATV	Cable Television Box	RCP	Reinforced Concrete Pipe
CB	Catch Basin	RD	Roof Drain
CMP	Corrugated Metal Pipe	SB	Signal Box
COB	Cleanout Box	SD	Storm Drain
COTG	Cleanout to Grade	SDMH	Storm Drain Manhole
EA	Edge of Asphalt	SMH	Sewer Manhole
EB	Electrical Box	SP	Signal Pole
EC	End of Curve	SS	Sanitary Sewer
ECR	End Curb Return	SVZ	Sight Visibility Zone
GB	Grade Break	SW	Secondary Water
GM	Gas Meter	TA	Top of Asphalt
HB	Hose Bib	TB	Telephone Box
HP	High Point	TBC	Top Back of Curb
I	Irrigation Line	TG	Top of Grade
ICB	Irrigation Control Box	TMH	Telephone Manhole
Lip	Lip of Gutter	TP	Top of Concrete
LP	Light Pole	TRW	Finish Grade – Top of Retaining Wall
MH	Manhole	TW	Top of Walk
Mon	Monument	VC	Vertical Curve
PC	Point of Curvature	VPC	Vertical Point of Curve
PCC	Point of Compound Curvature	VPT	Vertical Point of Tangency
PI	Point of Intersection	WL	Waterline
PM	Power Meter	WP	Working Point
PP	Power Pole	WV	Water Valve

Legend

Proposed Curb & Gutter		Existing Improvements	
Proposed Open Face C & G		Existing Asphalt	
Proposed Asphalt		Existing Concrete	
Proposed Concrete		Existing Inlet Box	
Proposed Truncated Domes		Existing Catch Basin	
Proposed Inlet Box		Existing Manhole	
Proposed Catch Basin		Existing Fire Hydrant	FH
Proposed Manhole		Existing Water Valve	WV
Proposed Transformer	T	Existing Overhead Power Line	
Proposed Meter Box		Existing Water	-W-
Proposed Water Meter		Existing Secondary Water	-SW-
Proposed Combo Box		Existing Sewer	-S-
Proposed Fire Hydrant		Existing Storm Drain	-SD-
Proposed Water Valve		Existing Gas	-G-
Proposed Water Line	-W-	Existing Power	-P-
Proposed Sanitary Sewer	-S-	Existing Telephone	-T-
Proposed Storm Drain		Existing Fence	-X-
Proposed Conduit Line	-C-	Flowline	
Proposed Power Line	-P-	Centerline	
Proposed Gas Line	-G-	Existing Contour	78
Proposed Fire Line	-F-	Existing Spot	78.00TA
Proposed Secondary Water Line	-SW-	Existing Light Pole	
Proposed Roof Drain	-RD-	Existing Street Light	
Proposed Fence	-X-	Existing Building	
Ridge line	-R-	Existing Telephone Box	TB
Grade Break	-GB-	Existing Power Meter	PM
Proposed Contour	78	Existing Electrical Box	EB
Direction of Drainage		Existing Electrical Cabinet	ECAB
Proposed Spot	78.00TA	Existing Gas Meter	GM
ADA Accessible Route		Existing Water Meter	WM
Property Line		Existing Irrig. Control Box	ICB
Sawcut Line		Existing Bollard	BOL
Proposed Light Pole		Existing Hose Bib	HB
Proposed Street Light		Working Point	
Proposed Building		Existing Deciduous Tree	
Existing Power Pole		Existing Coniferous Tree	
Existing Power Pole w/ Guy			
Existing Utility Marker		Detail Number	XX
Existing Post		Sheet Number	XX

Civil Sheet Index

C0.0	Cover Sheet
	ALTA Survey/Subdivision Plat
C0.1	Demolition Plan
C1.1	Site Plan
C2.1	Grading Plan
C3.1	Utility Plan

REV	DATE	DESCRIPTION

Designed by: Name
Drafted by: Name
Client Name:
Client
21-126 CV

ANDERSON WAHLEN & ASSOCIATES
2010 North Redwood Road, Salt Lake City, Utah 84116
(801) 521-8529 – AWengineering.net

Cover Sheet
Millcreek Hudson
1306 East 3300 South
Salt Lake City, Utah

07 Aug, 2021

SHEET NO.
C0.0

Title Information

This survey was completed using Title Report File No. 136482-CAB dated November 2, 2020 from Cottonwood Title Insurance Agency issued by Old Republic National Title Insurance Company:

The following survey related items circled (Solid) from Schedule B - Part II of the title report are plotted on the survey:

The following survey related items circled (Dashed) from Schedule B - Part II of the title report blanket all or a portion of this site but contain nothing to plot:

The following survey related items not circled from Schedule B - Part II of the title report could not be plotted:

16 Easement to Utah Power Company recorded October 23, 1912 as Entry No. 301265 in Book 9-L of Deeds at Page 106 of Official Records mentions electrical transmission lines moving through Sections 28 and 29 but contains nothing to plot.

(17) Bill of Sale for pipeline to City Water Service of Salt Lake City, Utah recorded January 19, 1949 as Entry No. 1146085 in Book 657 at Page 575 of Official Records describes a waterline but no easement is mentioned in document.

(18) Sewer easements to Salt Lake City Suburban Sanitary District by Right-of-Way Agreement recorded May 9, 1966 as Entry No. 2154810 in Book 2457 at Page 78 of Official Records.

19 20 foot Right-of-Way disclosed in Quit-Claim Deed recorded October 28, 1971 as Entry No. 2418036 in Book 3011 at Page 218 of Official Records exact location not disclosed.

20 Easement to Salt Lake City Suburban Sanitary District by Right-of-Way Agreement recorded January 21, 1972 as Entry No. 2433133 in Book 2457 at Page 78 of Official Records exact location not disclosed.

(21) Hold Harmless Agreement recorded October 3, 1975 as Entry No. 2748257 in Book 3988 at Page 94 of Official records pertains to the event of a building being built over a sewer line. No location is given for sewer line or building, but the Surveyor notes that utility provider maps show a sewer line under a building shown hereon.

(22) Right-of-Way for garbage collection contained in Warranty Deed recorded March 21, 1978 as Entry No. 3080808 in Book 4642 at Page 352 of Official Records. Contains nothing to plot but mentions Right-of-Way for ingress and egress crossing Parcel 2.

(23) Right-of-Way for garbage collection contained in Warranty Deed recorded March 21, 1978 as Entry No. 3080809 in Book 4642 at Page 353 of Official Records does not affect this site. Contains nothing to plot but mentions Right-of-Way for ingress and egress crossing Parcel 2.

(24) Abstract of Decision recorded April 14, 1989 as Entry No. 4758898 in Book 6118 at Page 640 of Official Records pertains to a zone 2-C variance for rear yard setback reduction, describes old flag lot configuration with the rear line being the South line of Parcel 1.

(25) Easement to Pacificorp recorded November 1, 2011 as Entry No. 11272091 in Book 9963 at Page 3604 of Official Records.

(26) Easement to Pacificorp recorded December 6, 2011 as Entry No. 11292286 in Book 9972 at Page 3833 of Official Records approximate location from exhibit.

(27) Easement to Pacificorp recorded December 6, 2011 as Entry No. 11292287 in Book 9972 at Page 3836 of Official Records Official Records approximate location from exhibit.

(28) 10 foot Right-of-Way easement to Utah Power and Light Company recorded August 21, 2013 as Entry No. 11709646 in Book 10171 at Page 30 of Official Records approximate location from exhibit.

(29) A perpetual easement to UDOT recorded June 20, 2018 as Entry No. 12794651 in Book 10685 at Page 7122 of Official Records.

(30) Environmental Covenant recorded October 2, 2018 as Entry No. 12860485 in Book 10718 at Page 3252 of Official Records affects Parcels 1 & 4 of this survey with the right of access to the property permanently granted to Utah Department of Environmental Quality and mentions monitoring wells on site.

(31) Ordinance 19-12 Adopting and Official Plan for the Millcreek Center Community Reinvestment Project Area recorded May 3, 2019 as Entry No. 12981249 in Book 10777 at Page 929 blankets this site along with all of Millcreek, reveals nothing relevant to the site to plot.

(32) Memorandum of Option and Building and Rooftop Easement recorded November 13, 2012 as Entry No. 11513517 in Book 10076 at Page 8934 of Official Records and Assignment of Easement recorded August 21, 2013 as Entry No. 11709578 in Book 10170 at Page 9599 of Official Records. Shows easement covering entire roof of the main building on Parcel 2 for communication facilities, also shows lease area which is shown with an approximate location from exhibit (more lease areas on roof).

* Exception No.'s 1-15 and 37-39 are general and/or standard Exceptions and are not matters of survey.

** Exceptions No.'s 33-36 describe and affect all or a portion of this site but are not matters of survey.

Notes

The location and/or elevation of existing utilities shown on these plans is based on records of the various utility companies and, where possible, measurements taken in the field. No underground explorations were performed.

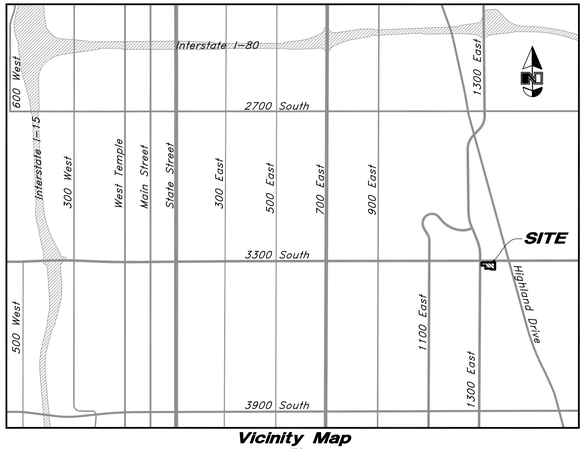
According to ALTA standards, the surveyor cannot certify a survey based upon an interpretation. The surveyor is not authorized to interpret zoning codes, nor can the surveyor determine whether certain improvements are burdening or actually benefiting the property.

Pertaining to ALTA Table A Item No. 6: No zoning information was supplied for review-information provided was found on the Millcreek City Zoning Website.

ALTA requirements do not mention trees or vegetation. The Surveyor has shown significant observation of trees under Table A Item Number 8. Trees from Adjoining Parcels may canopy over the property which may not show on this survey.

Pertaining to ALTA Table A Item No. 8:There were no observed areas of substantial refuse on the site.

Pertaining to ALTA Table A Item No. 9: There are 33 parking stalls on this site, of which 1 is designated for disabled parking and access. There is parking available in the rear area of Parcel 3 but is not delineated by any striping.



Vicinity Map

NTS

Flood Plain Data

This property lies entirely within Flood Zone X as designated on FEMA Flood Insurance Rate Map for Salt Lake County, Utah and Incorporated Areas Map Number 49035C0303G dated 25 September, 2009. Flood Zone X is defined as "Areas determined to be outside the 0.2% annual chance floodplain."

Zoning Information

Zone	=	C-2 (Community Commercial)
Building Setback Requirements		
Front yard	=	20'
Back yard	=	none (25' against residential)
Side yard	=	10' (25' against residential)
		20' (corner)
Height Restrictions	=	45'
Bulk Restrictions	=	80%

Benchmark

Street Monument in intersection of 3300 South Street and 1300 East Street
Assigned Elevation = 4394.59 feet
Observed 25 Jul, 2017

Narrative

This Survey update was requested by Crescent Communities prerequisite to the development of this property.

This Survey retraces and honors a 2014 Survey performed by Benchmark Engineering and a 1998 ALTA Survey by JTS, INC Professional Surveyors and is an update to a 2019 ALTA Survey by AWA.

A line between the monument found marking the intersection of 3300 South Street and 1300 East Street and the monument found marking the intersection of 3300 South Street and Highland Drive was assigned the VRS bearing of South 89°58'39" East as the Basis of Bearings to place the survey on the State Plane Datum.

Various rotations have been applied to record descriptions due to having different basis of bearings. The exhibited parcels 1-4 have minor overlaps and gaps between them within the overall boundary exhibited hereon, not exceeding ALTA tolerances, due to the aforementioned inconsistent record rotations.

Both the record descriptions for Parcel 2 and the Athabasca Parcel to the East have point of beginning tie errors that place the Parcels too far North and must be interpreted back South onto the Street Right-of-Way, and the corrected common line between the parcels was established with the 1998 survey.

No Property Corners were placed with this Survey.

Record Descriptions

Parcel 1:

Beginning at a point on the South Line of 3300 South Street, said point being North 89°48'00" East 50.00 feet along the Monument Line and South 00°18'43" West 40.00 feet from a Salt Lake County Monument on the intersection of 3300 South Street and 1300 East Street, said point also being North 89°48'00" East 17.00 feet and South 00°18'43" West 7.00 feet from the Northwest Corner of Lot 9, Block 23, Ten Acre Plat "A", Big Field Survey, and running thence North 89°48'00" East 225.01 feet along said South Line; thence South 00°18'50" West 199.01 feet; thence South 89°48'00" West 110.00 feet; thence North 00°18'50" East 97.76 feet; thence South 89°48'00" West 125.01 feet to a point on the East Line of 1300 East Street; thence North 00°18'50" East 91.25 feet along said East Line; thence North 45°03'25" East 14.21 feet to the point of beginning.

Parcel 2:

Beginning at a point on the South line of 3300 South Street at a point 1115.4 feet North and 198.5 feet East from the Southwest Corner of Section 28, Township 1 South, Range 1 East, Salt Lake Base and Meridian, said point being the Northwest Corner of the property described in the Deed to Bayway Blind and Drapery, Inc., recorded February 14, 1969 as Entry No. 2277151 in Book 2730 at Page 291 of Official Records; and running thence South 89°48'36" West 132.5 feet, more or less, along the South line of 3300 South Street to the Northeast Corner of the property described in the Deed to Gordon H. Christensen, recorded July 11, 1973 in Book 3370 at Page 162 of Official Records; thence South 0°18'43" West 206.00 feet along the East line of said Christensen property; thence North 89°48'36" East 16.30 feet; thence South 0°18'43" West 25.83 feet; thence East 119 feet, more or less, to a point due South from the point of beginning; thence North 232.24 feet to the point of beginning.

Excepting therefrom the North 7 feet of the West 82.5 feet of said property.

Also, Less and Excepting therefrom that portion described in that certain Quit-Claim Deed to Salt Lake County, for the purpose of widening 33rd South Street, recorded June 8, 1971, as Entry No. 2390209, in Book 2966 at Page 1000 of Official Records, described as follows:

The North seven (7) feet of the following tract:

Beginning at a point on the South line of a 4 rod Street known as 33rd South Street, at a point North 89°45' East 18 rods from the Northwest corner of Lot 9, Block 23, Ten Acre Plat "A", Big Field Survey and running thence South 14' West 16 rods; thence North 89°45' East 5 rods; thence North 14' East 16 rods to the South line of said Street; thence South 89°45' West, along the South line of said Street, 5 rods to the point of beginning. Part of the Southwest 1/4 of the Southwest 1/4 of Section 28, Township 1 South, Range 1 East, Salt Lake Meridian.

Parcel 3:

Commencing North 89°45' East 242 feet from the Northwest Corner of Lot 9, Block 23, Ten Acre Plat "A", Big Field Survey; thence South 0°14' West 206 feet, more or less; thence North 89°45' East 55 feet; thence North 0°14' East 206 feet, more or less; thence South 89°45' West 55 feet to beginning.

Less and excepting the following:

Beginning at a point on the South Right-of-Way line of 3300 South, said point being North 89°45' East along said South Right-of-Way line 242.00 feet from the Northwest Corner of Lot 9, Block 23, Ten Acre Plat "A", Big Field Survey; and running thence North 89°45' East along said South line 55.00 feet; thence South 0°14'00" West 120.28 feet to a tence line; thence South 89°45'54" West along said fence 55.00 feet; thence North 0°14'00" East 120.27 feet to the point of beginning.

Parcel 4:

Beginning at a point on the South Right of Way Line of 3300 South Street, said point being North 89°45' East along said South Right of Way Line 242.00 feet from the Northwest Corner of Lot 9, Block 23, Ten Acre Plat "A", Big Field Survey; and running thence North 89°45' East along said South Line 55.00 feet; thence South 0°14"00" West 120.28 feet to a fence Line; thence South 89°45'54" West along said fence 55.00 feet; thence North 0°14'00" East 120.27 feet to the point of beginning.

Less and Excepting therefrom that portion conveyed to Salt Lake County by that Certain Warranty Deed recorded February 02, 1999 as Entry No. 7242525 in Book 8245 at Page 6042 and more particularly described as follows:

Beginning at a point on the South Right of Way Line of 3300 South Street, said point being North 89°45' East along said South Right of Way Line 242.00 feet from the Northwest Corner of Lot 9, Block 23, Ten Acre Plat A, Big Field Survey, and running thence North 89°45' East along said South Line 55.00 feet; thence South 0°14'00" West 7.00 feet; thence South 89°45' West 55.00 feet; thence North 0°14'00" East 7.00 feet to the point of beginning.

Certification

To Crescent Acquisitions, LLC, 33rd and 13th, LLC, a Delaware limited liability company, Cottonwood Title Insurance Agency, Inc and Old Republic National Title Insurance Company::

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 2, 3, 4, 5, 6(a), 8, 9 and 11 of Table A thereof. The field work was completed on 30 November, 2020.

Date: _____

PROFESSIONAL LAND SURVEYOR 8707113 KEN B. HAWKES STATE OF UTAH

Ken B. Hawkes
Utah PLS No. 8707113

REV	DATE	DESCRIPTION
1	3 Dec, 2020	Update per title report

Designed by:
Drafted by: DC, DH, AR
Client Name:
Crescent Communities
20-203as

ANDERSON WAHLEN & ASSOCIATES
2010 North Redwood Road, Salt Lake City, Utah 84116
801 521-8529 - AWAengineering.net

ALTA / NSPS Land Title Survey

Crescent 13th & 33rd

1306-1354 East 3300 South
Millcreek City, Salt Lake County, Utah

A part of Lot 9, Block 23, Ten Acre Plat "A", Big Field Survey
A part of the SW 1/4 of Section 28 and the SE 1/4 of Section 29, T1S, R1E, SLB&M, U.S. Survey

3 Dec, 2020

SHEET NO.
1
of 2

Scale: 1" = 20'

20' 0 20' 40'

East Quarter Corner Section 29, T1S, R1E, SLB&M, U.S. Survey (not located, record position from ARP)

3300 South Street
(State Highway 171)
(Paved Public Highway)

1300 East Street
(Paved Public Street)

Street Monument marking the intersection of 3300 South Street and 1300 South Street EL= 4394.59 (found monument)

Street Monument marking the intersection of 3300 South Street and Highland Drive (found monument)

Northwest Corner Lot 9, Block 23, Ten Acre Plat "A" Big Field Survey

S 89°58'39" E VRS (Basis of Bearings)

50.00'

905.06'

S 14°43'08" E 16.16'

S 0°32'04" W 40.00'

14.21' N 45°16'46" E

S 89°58'39" E 242.00'

S 89°58'39" E 225.01'

POB, Parcel 1

POB, Parcels 3 & 4

POB, Parcel 2

S 89°58'39" E 55.20'

(132.5')

Fence is 1.7' West

232.25'

91.25'

Concrete sidewalk

concrete curb and gutter

Approximate location of water pipeline

(North 1324.88' calc.)

Exception Parcel

55.00'

362.50'

N 0°32'04" E 7.00'

(5 rods rec.)

Junc Box Top 1.26 FLe 4399.57 FLw 4397.52

Junction Box Top 2.93

CB TG 96.41 MH FL 93.86 RIM 96.88

CB TG 95.90 FL 93.45

MHD RIM 96.39 FLs 92.61 FLw 91.79

MHS RIM 4.09 FLs 94.29 FLe/w 95.69

Existing Driveway

Parcel 1 (30)

Parcel 2 (22) (23)

Parcel 3 (20)

Parcel 4 (30)

Total Area Contains:
76,537 sq. ft.
or 1.757 acres

un-improved ground

Existing Building

Existing Building Canopy

Existing Carport

asphalt parking lot

overhead parking canopy

Ramp

Rooftop Easement

Lease Area

Concrete Parking area not striped

Building 2.4' East

Building 0.9' clear

Building 1.3' clear

Original Deed line location

Adjoining Deed line location

1998 Survey line

Parcels match along 1998 Survey line

Chain link Fence follows 1998 survey line

Top-back of curb is 1.6' North

Top-back of curb is 1.8' North

Sidewalk is 1.0' North

Sidewalk is 1.1' North

Sign

CB TG 2.24 full of dirt/water

CB TG 99.56 Sump

MHS RIM 95.50 Full of dirt

MHD RIM 95.39 Full of dirt

MHG

MHS RIM 94.07 FLe 92.92 FLn 92.74 FLs 92.72

Wood Fence 1.1' North

Wood Fence 1.5' North

Deed Line Matches 2016 Survey

Building 1.1' South

Found rebar and cap stamped Mcneil 0.1' East and 0.2' North

Building 2.1' West

Chain link Fence 97.76'

Chain link Fence 0.8' West

Deed Line Matches 2016 Survey

Fence 0.8' South

Found fence post labeled as property corner 0.5' East and 0.8' South

Sewerline location per utility map

Osprey Nest Holdings, LLC
2016 Survey
16-29-477-004

Osprey Nest Holdings, LLC
2016 Survey
16-29-477-005

N 89°58'39" W 125.01

N 89°58'39" W 110.00'

N 0°32'11" E

S 0°32'11" W

N 0°32'04" E 181.29'

N 0°32'04" E 25.82'

(25.83')

0.32' overlap with Apartments Boundary

0.65' calculated gap to Apartments Boundary

0.6' Gap to apartment boundary

Chain link Fence Is 0.7' East

Chain link Fence Is 0.7' South

Chain link Fence Is 0.8' East

Fence is 0.3' South

Fence is 0.7' South

Fence is 0.7' West

Chain link Fence 0.8' South

Chain link Fence 0.8' South

Chain link Fence Is 0.7' South

Chain link Fence Is 0.8' South

0.06' Calculated gap to Apartments Boundary

N 89°57'45" W 55.00'

S 0°30'21" W (206.00')

N 89°46'39" W Concrete Wall

(East 119')

122.67'

S 0°13'21" W (North 232.242')

Southeast Corner Section 29, T1S, R1E, SLB&M, U.S. Survey (not located, record position from ARP)

Jeans Tree Apartments, LLC
16-28-351-047

Athelsee Land Company LC
16-28-351-048

Bar Vlly Investments LLC
16-28-351-049

16-28-351-053

Legend

- MH Manhole
- CB Catch Basin
- FH Fire Hydrant
- WV Water Valve
- GM Gas Meter
- WM Water Meter
- S Sanitary Sewer Line
- W Culinary Water Line
- SD Storm Drain Line
- G Gas Line
- OHP Overhead Power
- E Buried Electric
- T Telephone Line
- PP Power Pole
- GUY Guy Wire
- Sign
- X Fence Line
- LP Light Pole
- TB Telephone Box
- EBOX Electrical Box
- ECAB Electrical Cabinet
- ICB Irrigation Control Box
- CO Cleanout
- Coniferous Tree
- Deciduous Tree
- Asphalt
- Concrete

REV	DATE	DESCRIPTION
2	6 Jan, 2021	Well Abandonment Report dated Dec 2, 2020 by Antea USA, Inc.
1	3 Dec, 2020	Update per title report

Designed by:
Drafted by: DC, DH, AR
Client Name:
Crescent Communities
20-203os

ANDERSON WAHLEN & ASSOCIATES
2010 North Redwood Road, Salt Lake City, Utah 84116
801 521-8529 – AWAengineering.net

ALTA / NSPS Land Title Survey

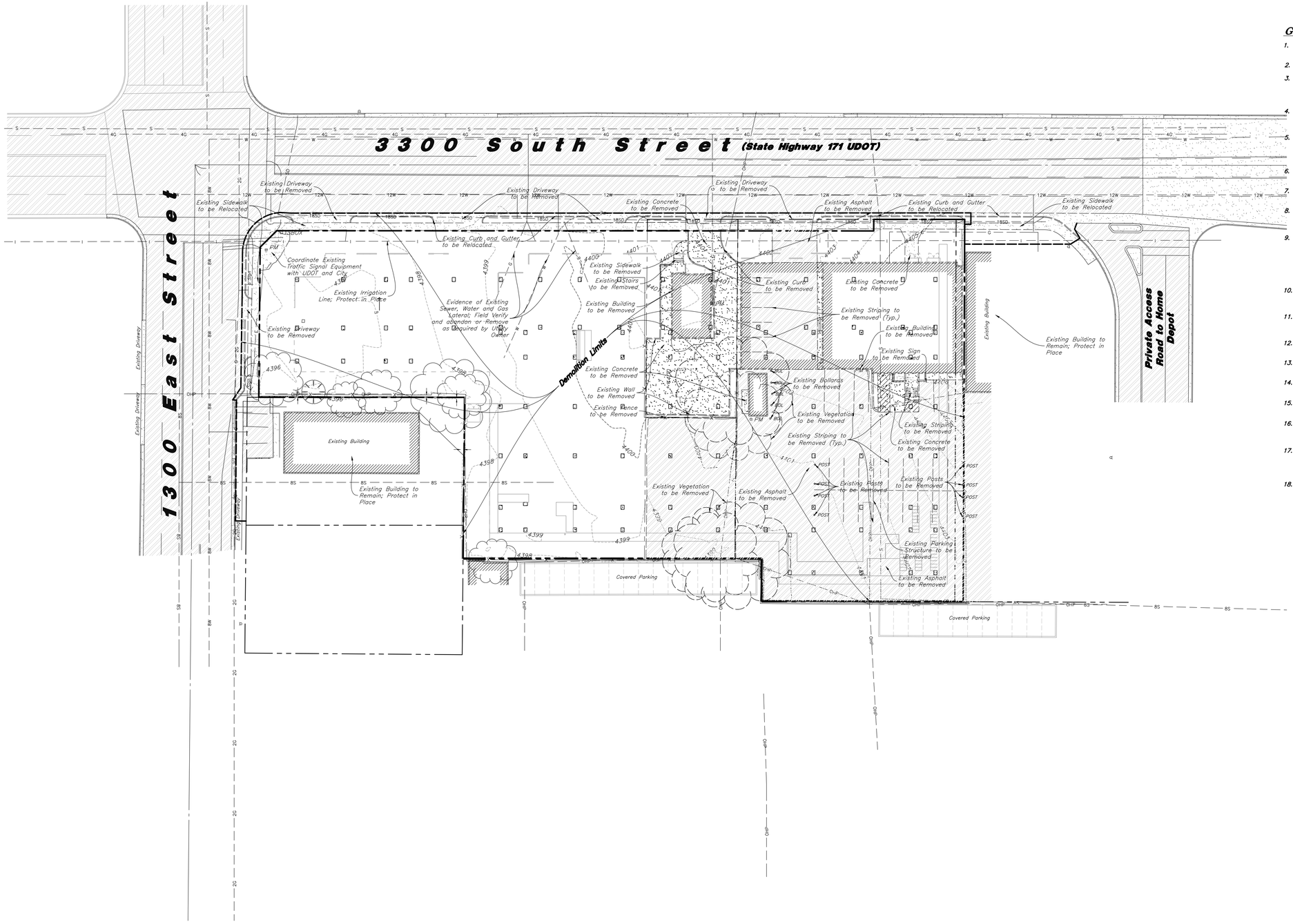
Crescent 13th & 33rd

1306-1354 East 3300 South
Millcreek City, Salt Lake County, Utah

A part of Lot 9, Block 23, Ten Acre Plat "A" Big Field Survey
A part of the SW ¼ of Section 28 and the SE ¼ of Section 29, T1S, R1E, SLB&M, U.S. Survey

3 Dec, 2020

SHEET NO.
2
of 2



Scale: 1" = 30'

30' 0 30' 60'

General Demolition Notes:

1. Demolition and site clearing for this contract are to include all areas shown within demolition limits or by note.
2. Refer to site improvement plans for more details on limits of removal.
3. All curbs, gutters, walks, slabs, walls, fences, flatwork, asphalt, waterlines and meters, gas lines, sewer lines, light poles, buried cables, storm drain piping and structures to be cleared from site unless otherwise shown.
4. All utilities, sewer, water, gas, telephone and electrical services to be disconnected and capped according to city, county and utility company requirements, unless otherwise shown.
5. Excavated areas to be backfilled with clean granular material compacted to 95% of maximum lab density as determined by ASTM D 1557-78. (Test results to be given to owner) Excavated areas should be backfilled per the geotechnical report prepared for the project.
6. Clear and grub trees, shrubs, and vegetation within construction limits, disposal to be off-site except where noted otherwise.
7. DO NOT interrupt any services or disrupt the operation of any businesses shown outside the demolition limits.
8. Remove debris, rubbish, and other materials resulting from the demolition and site clearing operations from the site and dispose of in a legal manner.
9. The location and/or elevation of existing utilities as shown on these plans is based on records of the various utility companies and, where possible, measurements taken in the field. The information is not to be relied upon as being exact or complete. Contractor shall contact authorities having jurisdiction for field locations. Contractor shall be responsible for protection of in place and relocated utilities during construction.
10. Stockpiles shall be graded to maintain slopes not greater than 3 horizontal to 1 vertical. Provide erosion control as needed to prevent sediment transport to adjacent drainage ways.
11. Contractor shall be responsible for disposal of all waste material. Disposal shall be at an approved site for such material. Burning onsite is not permitted.
12. Contractor shall verify with city any street removal, curb cuts, and any restoration required for utility line removal.
13. Install traffic warning devices as needed in accordance with local standards.
14. Contractor shall obtain all permits necessary for demolition from City, County, State or Federal Agencies as required.
15. Demolish existing buildings and clear from site. (Including removal of all footings and foundations.)
16. If ASBESTOS is found in existing structures, the Asbestos must be removed in a legal manner by a contractor licensed to handle asbestos materials. (Not a part of contract)
17. If Contractor observes evidence of hazardous materials or contaminated soils he shall immediately contact the project engineer to provide notification and obtain direction before proceeding with disturbance of said materials or contaminated soil.
18. Limits of demolition/disturbed areas shown on the plans may not be an exact depiction. It is the contractor's responsibility to determine the means and methods of how the work will be completed. The contractor shall determine the area of construction impact. The contractor is responsible to restore all impacted areas and all restoration shall be part of the contract bid.

CAUTION :

The location and/or elevation of existing utilities as shown on these plans is based on records of the various utility companies and, where possible, measurements taken in the field. The information is not to be relied on as being exact or complete.

Know what's below. Call 811 before you dig.
BLUE STAKES OF UTAH
UTILITY NOTIFICATION CENTER, INC.
www.bluestakes.org
1-800-662-4111

REV	DATE	DESCRIPTION

Designed by: Name
Drafted by: Name
Client Name:
Client
21-126dm

ANDERSON WAHLEN & ASSOCIATES
2010 North Redwood Road, Salt Lake City, Utah 84116
(801) 521-8529 - AWengineering.net

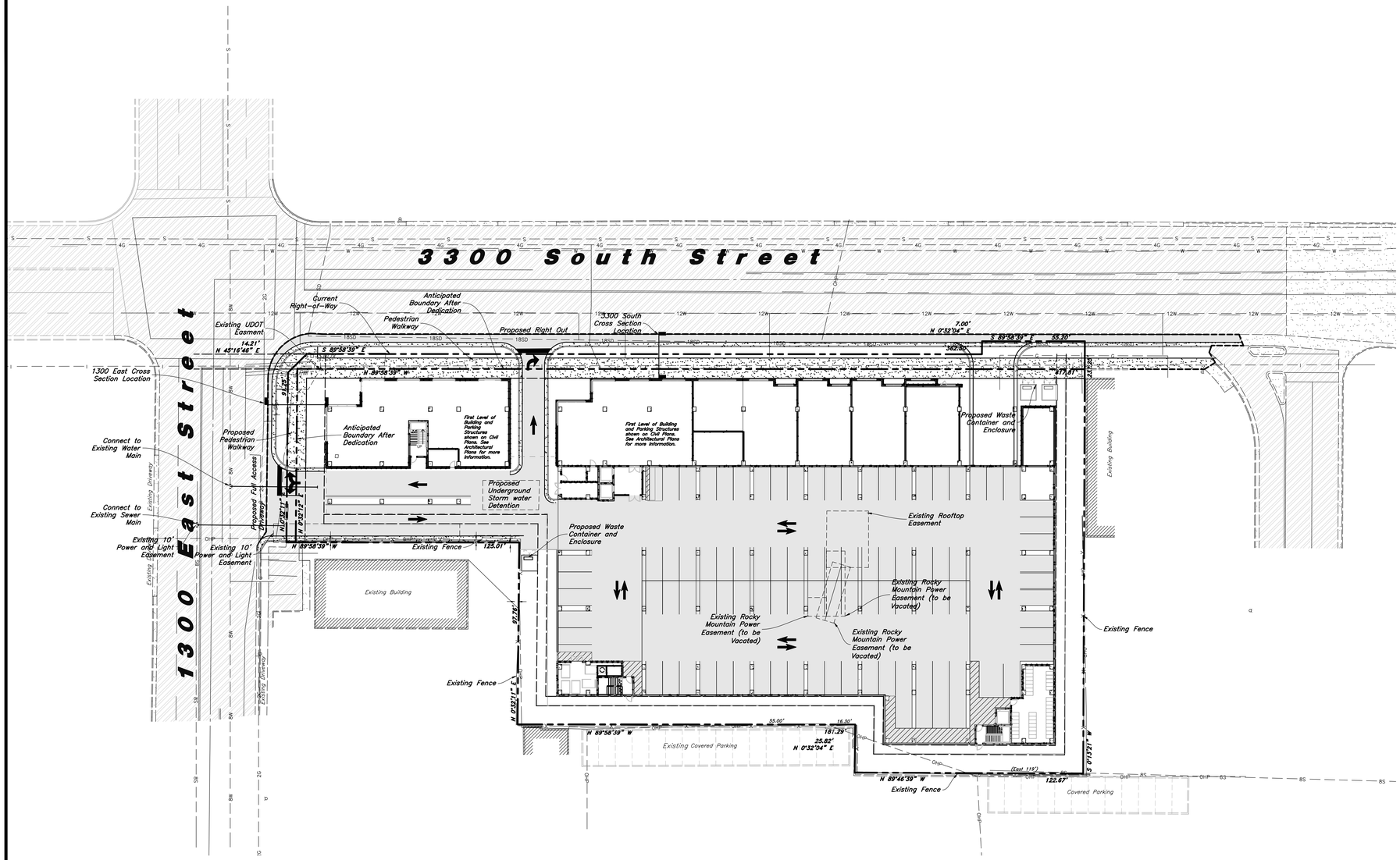
Demolition Plan

Millcreek Hudson

1306 East 3300 South
Salt Lake City, Utah

07 Aug, 2021

SHEET NO.
C0.1



Scale: 1" = 30'

30' 0 30' 60'

Site Data

Zoning: C-2

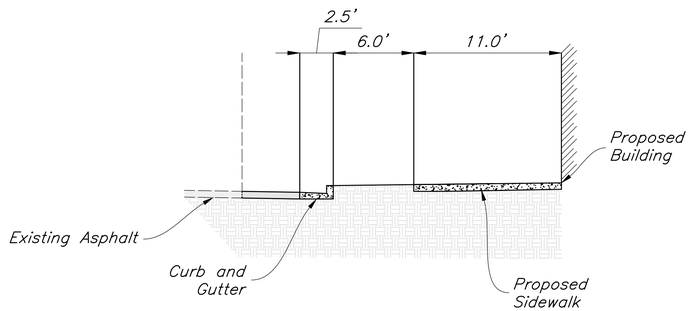
Current Use: Vacant Parcel

General Site Notes:

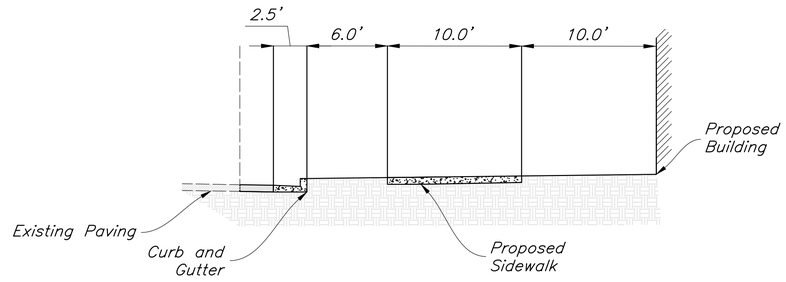
1. All dimensions are to back of curb unless otherwise noted.
2. Fire lane markings and signs to be installed as directed by the Fire Marshal.
3. Aisle markings, directional arrows and stop bars will be painted at each driveway as shown on the plans.
4. Const. curb transition at all points where curb abuts sidewalk, see detail.
5. Contractor shall place asphalt paving in the direction of vehicle travel where possible.
6. Limits of demolition/disturbed areas shown on the plans may not be an exact depiction. It is the contractor's responsibility to determine the means and methods of how the work will be completed. The contractor shall determine the area of construction impact. The contractor is responsible to restore all impacted areas and all restoration shall be part of the contract bid.

Construction Survey Note:

The Construction Survey Layout for this project will be provided by Anderson Wahlen & Associates. The Layout Proposal and Professional Services Agreement will be provided to the General Contractor(s) for inclusion in base bids. The Survey Layout proposal has been broken out into Building Costs and Site Costs for use in the Site Work Bid Form.



3300 South Street



1300 East Street

PRIVATE ENGINEER'S NOTICE TO CONTRACTORS

The Contractor agrees that he shall assume sole and complete responsibility for job site conditions during the course of construction of this project, including safety of all persons and property; that this requirement shall apply continuously and not be limited to normal working hours; and that the contractor shall defend, indemnify, and hold the owner and the engineer harmless from any and all liability, real or alleged, in connection with the performance of work on this project, excepting for liability arising from the sole negligence of the owner or the engineer.

REV	DATE	DESCRIPTION

Designed by: Name
Drafted by: Name
Client Name: Client
21-126 SP

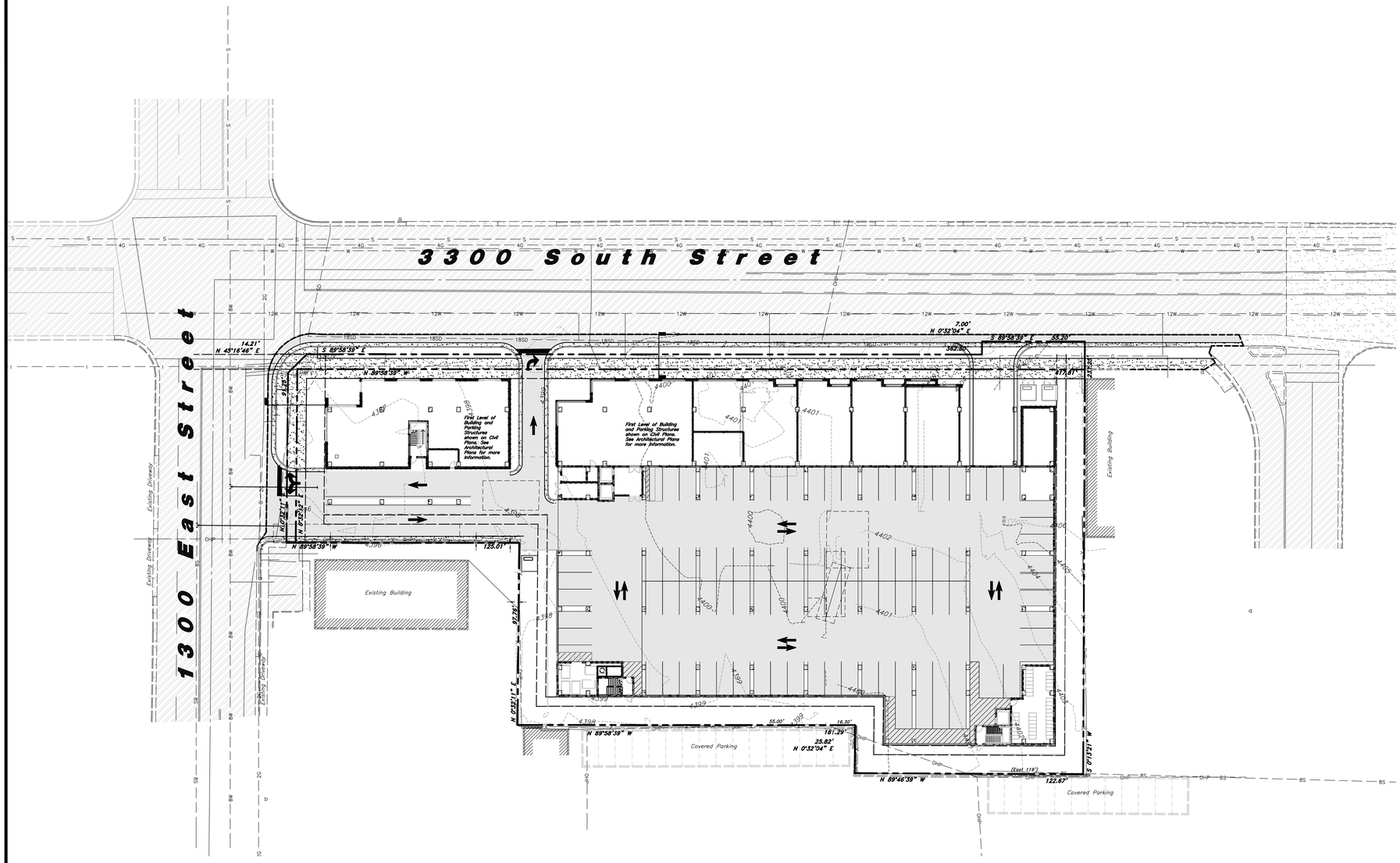
ANDERSON WAHLEN & ASSOCIATES
2010 North Redwood Road, Salt Lake City, Utah 84116
(801) 521-8529 – AWengineering.net

Site Plan

Millcreek Hudson
1306 East 3300 South
Salt Lake City, Utah

07 Aug, 2021

SHEET NO.
C1.1



Scale: 1" = 30'

30' 0 30' 60'

Site Data

Zoning: C-2

Current Use: Vacant Parcel

General Site Notes:

1. *All dimensions are to back of curb unless otherwise noted.*
2. *Fire lane markings and signs to be installed as directed by the Fire Marshal.*
3. *Aisle markings, directional arrows and stop bars will be painted at each driveway as shown on the plans.*
4. *Const. curb transition at all points where curb abuts sidewalk, see detail.*
5. *Contractor shall place asphalt paving in the direction of vehicle travel where possible.*
6. *Limits of demolition/disturbed areas shown on the plans may not be an exact depiction. It is the contractor's responsibility to determine the means and methods of how the work will be completed. The contractor shall determine the area of construction impact. The contractor is responsible to restore all impacted areas and all restoration shall be part of the contract bid.*

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The Contractor agrees that he shall assume sole and complete responsibility for job site conditions during the course of construction of this project, including safety of all persons and property; that this requirement shall apply continuously and not be limited to normal working hours; and that the contractor shall defend, indemnify, and hold the owner and the engineer harmless from any and all liability, real or alleged, in connection with the performance of work on this project, excepting for liability arising from the sole negligence of the owner or the engineer.

REV	DATE	DESCRIPTION

Designed by: Name
Drafted by: Name
Client Name:
Client
21-126 GR

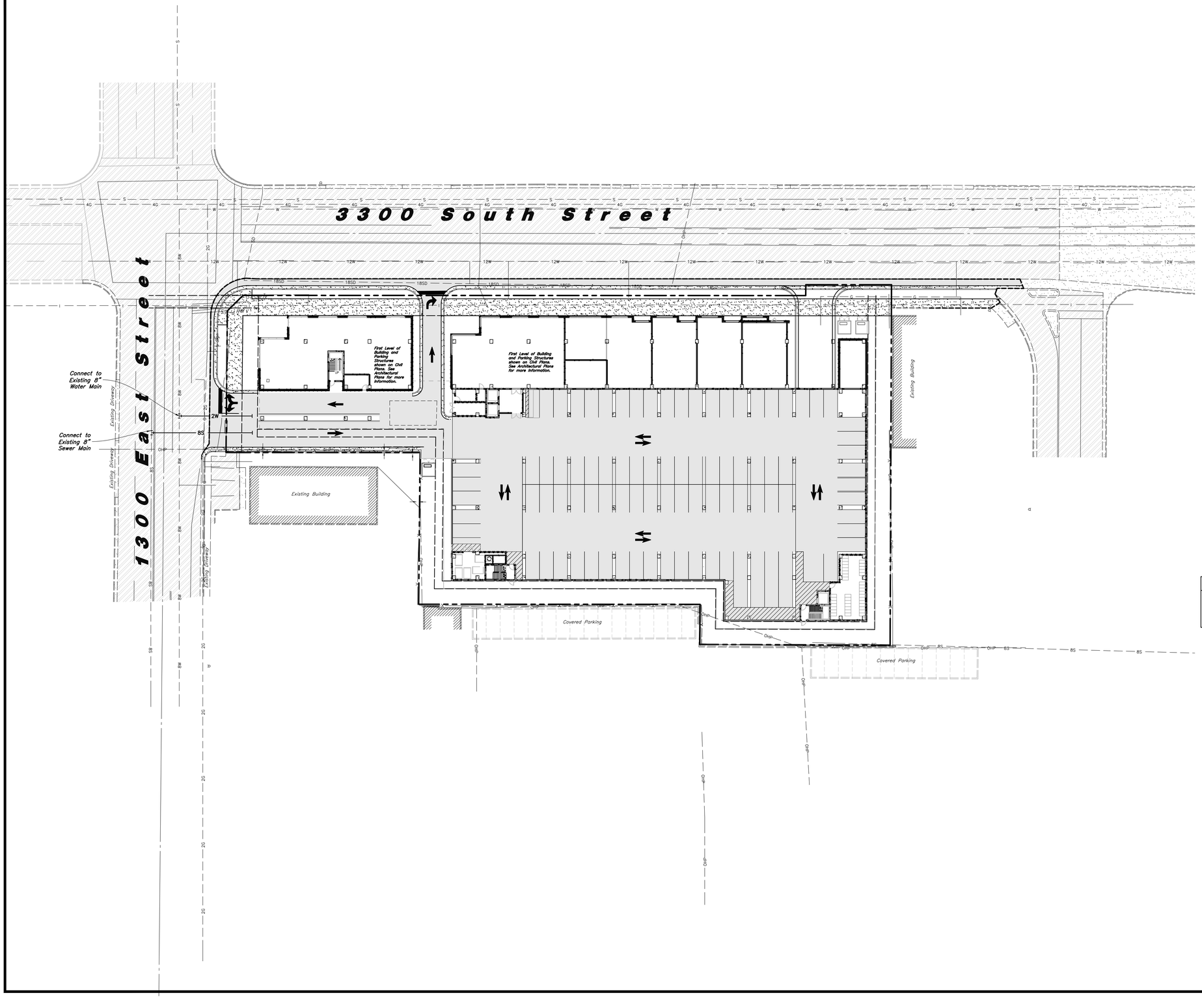
ANDERSON WAHLEN & ASSOCIATES
2010 North Redwood Road, Salt Lake City, Utah 84116
(801) 521-8529 – AWengineering.net

Grading Plan

Millcreek Hudson
1306 East 3300 South
Salt Lake City, Utah

07 Aug, 2021

SHEET NO.
C2.1



Scale: 1" = 20'

20' 0 20' 40'

General Utility Notes:

1. All sewer and water facilities shall be constructed per local jurisdiction standards and specifications. Contractor is responsible to obtain standards and specifications.
2. Coordinate all utility connections to building with plumbing plans and building contractor.
3. Verify depth and location of all existing utilities prior to constructing any new utility lines. Notify Civil Engineer of any discrepancies or conflicts prior to any connections being made.
4. All catch basin and inlet box grates are to be bicycle proof.
5. Refer to the site electrical plan for details and locations of electrical lines, transformers and light poles.
6. Gas lines, telephone lines, and cable TV lines are not a part of these plans.
7. Water meters are to be installed per city standards and specifications. It will be the contractor's responsibility to install all items required.
8. Water lines, valves, fire hydrants, fittings etc. are to be constructed as shown. Contractor is responsible, at no cost to the owner, to construct any vertical adjustments necessary to clear sewer, storm drain, or other utilities as necessary including valve boxes and hydrant spools to proper grade.
9. Contractor shall install a 12" concrete collar around all manholes, valves, catch basins, cleanouts & any other structures located within the asphalt.

Utility Piping Materials:

All piping materials shall be per local agency standards or the specifications below at a minimum. All utility piping shall be installed per manufacturers recommendations. Refer to project specifications for more detailed information regarding materials, installation, etc.

Culinary Service Laterals

1. Polyethylene (PE) Water Pipe (Up to 3 inches diameter), AWWA C901, PE 3408, SDR 9 (200 psi)
2. Copper Pipe (Up to 3 inches diameter): Type 'K.'

Water Main Lines and Fire Lines

1. Polyvinyl Chloride (PVC) (4 inches to 12 inches diameter): AWWA C900, Class 200

Sanitary Sewer Lines

1. All sewer piping to be Polyvinyl Chloride (PVC) sewer pipe, ASTM D3034, Type PSM, SDR 35

Storm Drain Lines

1. 12" pipes or smaller – Polyvinyl Chloride (PVC) sewer pipe, ASTM D3034, Type PSM, SDR 35
2. 15" pipes or larger – Reinforced Concrete Pipe, ASTM C76, Class III

Building Data	
Type:	x
Square Footage:	x
Fire Sprinkled:	x
Building Height:	x
Fire Flow Required:	x

CAUTION :

The locations and/or elevations of existing utilities as shown on these plans are based on records of the various utility companies and, where possible, measurements taken in the field. The information is not to be relied on as being exact or complete.

Storm Drain & Sanitary Sewer Note:

All Storm Drainage & Sanitary Sewer Pipe Lengths and Slopes are from Center of Structure to Center of Structure

Onsite Utility Connection Notes:

1. Contractor shall field verify all utility connection elevations prior to any utility construction has begun.
2. Contractor shall construct utility lines into site prior to any onsite utility construction. Gravity lines are to be constructed starting at the lowest point and be installed prior to any waterline installation
3. Construction of any onsite utilities prior to the offsite connection will be done at the contractors risk.

Know what's below. 811 Call 811 before you dig. BLUE STAKES OF UTAH UTILITY NOTIFICATION CENTER, INC. www.bluestakes.org 1-800-662-4111

REV	DATE	DESCRIPTION

Designed by: Name
Drafted by: Name
Client Name: Client
21-126 UT

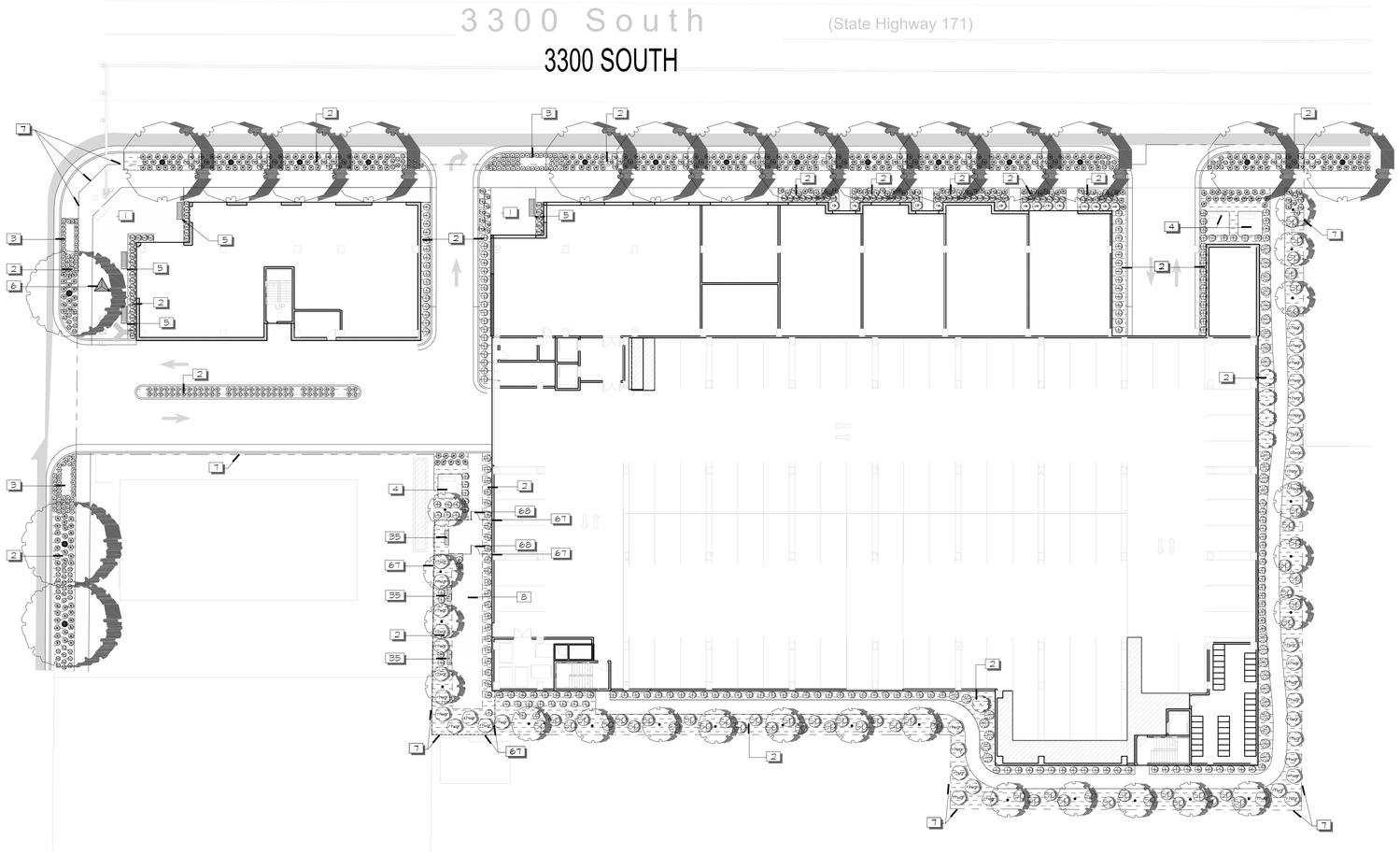
ANDERSON WAHLEN & ASSOCIATES
2010 North Redwood Road, Salt Lake City, Utah 84116
(801) 521-8529 – AWEngineering.net

Utility Plan

Millcreek Hudson
1306 East 3300 South
Salt Lake City, Utah

07 Aug, 2021

SHEET NO.
C3.1



PLANT SCHEDULE

TREES	BOTANICAL NAME	COMMON NAME	CONT	CAL	QTY
CB	Carpinus betulus 'Columnaris'	Columnar European Hornbeam	B & B	2"	5
MSS	Malus x 'Spring Snow'	Spring Snow Crab Apple	B & B	2"	22
PA	Platanus x acerifolia	London Plane Tree	B & B	3"	3
ZSVG	Zelkova serrata 'Village Green'	Sawleaf Zelkova	B & B	3"	14
SHRUBS	**BOTANICAL NAME**	**COMMON NAME**	**SIZE**		
BW	Buxus x 'Green Mountain'	Boxwood	5 gal		76
RAG	Rhus aromatica 'Gro-Low'	Gro-Low Fragrant Sumac	5 gal		34
RA	Ribes alpinum	Alpine Currant	5 gal		13
SA	Symphoricarpos albus	Common White Snowberry	5 gal		53
GRASSES	**BOTANICAL NAME**	**COMMON NAME**	**SIZE**		
CAO	Calamagrostis acutifolia 'Overdam'	Overdam Reed Grass	1 gal		203
FM	Festuca mairei	Atlas Fescue	1 gal		324
MSG	Miscanthus sinensis 'Gracillimus'	Maiden Grass	1 gal		30
PERENNIALS	**BOTANICAL NAME**	**COMMON NAME**	**SIZE**		
HHR	Hemerocallis hybrid 'Happy Returns'	Happy Returns Daylily	1 gal		140
H	Hosta x 'Blue Mountains'	Blue Mountains Plantain Lily	1 gal		66
IP	Iris pallida 'Aureo Variegata'	Variegated Yellow Blade Iris	1 gal		133
TC	Teucrium chamaedrys	Germander	1 gal		64

* QUANTITY INFORMATION PROVIDED FOR REFERENCE ONLY. CONTRACTOR RESPONSIBLE TO VERIFY ALL QUANTITIES.

PLANT SCHEDULE — A

SEE DTL A SHT L-1502 FOR PLANT SCHEDULE

PLANTING NOTES — B

1. CONTRACTOR SHALL BE RESPONSIBLE FOR MAKING HIMSELF FAMILIAR WITH ALL UNDERGROUND UTILITIES, PIPES AND STRUCTURES. CONTRACTOR SHALL TAKE SOLE RESPONSIBILITY FOR ANY COSTS INCURRED DUE TO DAMAGE OF SAID UTILITIES.
2. CONTRACTOR SHALL NOT WILLFULLY PROCEED WITH CONSTRUCTION AS DESIGNED WHEN IT IS OBVIOUS THAT OBSTRUCTIONS AND/OR GRADE DIFFERENCES EXIST THAT MAY NOT HAVE BEEN KNOWN DURING DESIGN. SUCH CONDITIONS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE OWNERS REP. THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ALL NECESSARY REVISIONS DUE TO FAILURE TO GIVE SUCH NOTIFICATION.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY COORDINATION WITH SUBCONTRACTORS AS REQUIRED TO ACCOMPLISH THE LANDSCAPE CONSTRUCTION FOR THIS PROJECT.
4. ALL PLANT MATERIAL SHALL BE APPROVED BY THE OWNER'S REPRESENTATIVE UPON DELIVERY TO THE SITE, AND PRIOR TO INSTALLATION. ANY PROPOSED SUBSTITUTIONS OF PLANT SPECIES SHALL BE MADE WITH PLANTS OF EQUIVALENT OVERALL FORM, HEIGHT, BRANCHING HABIT, FLOWER, LEAF, COLOR, FRUIT AND CULTURE ONLY AS APPROVED BY THE OWNER'S REPRESENTATIVE.
5. THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIAL IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTING SHOWN ON THE DRAWINGS. IF DISCREPANCIES ARISE BETWEEN ACTUAL PLANTING AREA SIZES IN THE FIELD AND THOSE SHOWN ON THE PLANS, CONTRACTOR SHALL CONTACT THE OWNER'S REPRESENTATIVE FOR RESOLUTION. FAILURE TO MAKE SUCH CONFLICTS KNOWN WILL RESULT IN CONTRACTOR'S LIABILITY FOR MATERIALS RELOCATION.
6. FINAL LOCATIONS OF ALL PLANT MATERIALS SHALL BE SUBJECT TO APPROVAL OF THE OWNER'S REPRESENTATIVE. TREES SHALL NOT BE PLANTED LESS THAN 5'-0" FROM CURBS OR HARD SURFACE AREAS UNLESS A ROOT BARRIER IS INSTALLED.
7. CONTRACTOR SHALL PROVIDE SOIL ANALYSIS AND AMMEND SOIL AS RECOMMENDED. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR THE LAST 7 INCHES OF GRADE IN TURF SOD AREAS (6 INCHES OF TOPSOIL AND 1 INCH FOR SOD) AND 15 INCHES IN SHRUB BED AREAS (3 INCHES OF BARK MULCH AND 12" OF AMENDED TOPSOIL). IF NECESSARY DIG SUBGRADE IN SHRUB BEDS AND TURF AREAS DOWN AS SPECIFIED BEFORE PLACING AMENDED TOPSOIL. THE PLANTING ISLANDS IN THE PARKING LOTS SHALL HAVE ALL ROAD BASE REMOVED PRIOR TO PLACEMENT OF TOPSOIL. REFER TO GRADING PLAN FOR FINISH GRADE AND DRAINAGE.

REFERENCE SCHEDULE NOTES — C

SYMBOL	DESCRIPTION	QTY
1	PEDESTRIAN PAVER, TYP.	2,090 sf
2	3" DEEP SOIL PEP CONDITIONER, TYP	12,151 sf
3	PROPOSED SIGN LOCATION, SEE ARCHITECTURAL PLANS FOR DETAIL	
4	TRANSFORMER, SEE ELECTRICAL PLANS	
5	BACKED BENCH, TYP.	4
6	ART	1
7	PROPERTY LINE, SEE CIVIL PLANS	
8	DOG RUN, 3" DEEP CRUSHER FINES, TYP.	804 sf
35	BACKED BENCH, TYP.	3
67	6FT HIGH FENCE, TYP.	
68	MAN GATE	

* QUANTITY INFORMATION PROVIDED FOR REFERENCE ONLY. CONTRACTOR RESPONSIBLE TO VERIFY ALL QUANTITIES.

SCALE & NORTH ARROW — D

NORTH SCALE: 1" = 20'-0" (0, 10, 20, 40)

360 WEST 300 SOUTH
SUITE 102
SALT LAKE CITY, UT. 84101
PHONE: 385.273.3888
dwelldesignstudio.com

ArcSitio Design, Inc
Landscape Architecture & Architectural Site Design
1058 East 2100 South
Salt Lake City, Utah 84106
office 801 . 487 . 4923

THE HUDSON

1306 EAST 3300 SOUTH
MILLCREEK, UTAH

A DEVELOPMENT FOR:

ISSUE
DATE DESCRIPTION INCLUDES

REVISION
DATE DESCRIPTION REV

SEAL:
LICENSED LANDSCAPE ARCHITECT
Richard L. Gilbert
No. 5734299
SEP. 20, 2021
STATE OF UTAH

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SHEET NAME:

OVERALL LANDSCAPE PLAN

JOB NUMBER: ASD 21095

DRAWN BY: SG
CHECKED BY: RG

L-00

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FEHR PEERS

The Hudson, Millcreek, Mixed-Use Development Parking Study Update

MEMORANDUM

Date: October 7, 2021

To: Ryan Heath, Cottonwood Residential
Tyler Morris, Cottonwood Residential
Francis Lilly, Millcreek Planning
Robert May, Millcreek Planning

From: Christopher Bender, PE, Fehr & Peers
Preston Stinger, PTP, LEED GA, Fehr & Peers

Subject: The Hudson, 1306 East 3300 South, Millcreek, Mixed-Use Development Parking Study

UT21-2295

EXECUTIVE SUMMARY

The purpose of this memorandum is to document the parking analysis performed for the Hudson mixed-use development that is proposed to be located at 1306 East 3300 South Millcreek, Utah. The proposed site includes residential, office, and retail space, with 359 standard parking stalls (and eight additional ADA stalls). According to the site layout shown in the **Appendix**, only 174 of those parking stalls are reserved for residential use; the other 185 are shared and available for use by any of the land uses at the development.

Fehr & Peers performed a literature review to summarize parking supply recommendations from various sources. The ITE and ULI parking documents are considered state-of-the-practice guidelines (based on national empirical data), and both indicate that the proposed 359 parking spaces would be sufficient to support the land uses at the Hudson development. Salt Lake City parking guidelines also indicate that the parking supply would be sufficient. West Valley City and Sandy were the only two nearby communities reviewed in this study that would require more parking supply than is currently proposed at Hudson development.

Following the literature review, Fehr & Peers analyzed the development's parking supply according to Millcreek Code Chapter 19.80: *Off-Street Parking Requirements* which specifies minimum parking standards and provisions for shared-use parking reduction. While the site does not currently meet the base parking requirements in the Millcreek code of 419 parking stalls, according to Millcreek

Code 19.80.080: *Shared Parking*, "the number of off-street parking spaces required for each use may be combined and shared," pending approval from the Millcreek Planning Commission. **Table 4** of this report (page 7) showed that with the reductions outlined in Millcreek City Code, the peak parking demand at the development was forecasted to reach approximately 329 stalls on weekday nights; the analysis showed that the proposed 359 spaces will be sufficient to meet the parking requirements for all periods.

Fehr & Peers also performed a shared parking analysis using the methodology outlined in the Urban Land Institute's (ULI) *Shared Parking, Third Edition* manual. The methods outlined in *Shared Parking* are considered national state-of-the-practice for determining shared parking reductions. It provides instruction for reducing parking requirements for mixed use developments. The analysis showed that the Hudson's peak parking period is likely to occur at 7PM on weekends in December and that the peak parking demand is projected to be 249 spaces. Therefore, according to the results of the ULI *Shared Parking* analysis, the proposed 359 parking spaces at the Hudson development would be sufficient to support the proposed land uses.

In addition to the shared parking reduction exemptions, Millcreek Code allows for a quantitative analysis by a traffic engineer to determine whether further reductions to on-site parking are appropriate. Off-street parking counts were collected for a previous version of this parking study at the following three similar developments selected by Millcreek City staff:

- Brixton Apartments: 660 Wilmington Ave, Salt Lake City, UT 84106
- Vue at Sugar House: 2120 Highland Dr, Salt Lake City, UT 84106
- 600 Lofts: 90 E 600 S, Salt Lake City, UT 84111

Those counts indicated that, on average, each studied occupied apartment unit would require approximately 1.14 parking spaces per occupied unit, including both resident and guest parking. Even after accounting for parking dedicated to the office and retail land uses planned to be included in the project, the Hudson development is proposed to provide 1.48 spaces per unit (regardless of whether the units are occupied or not), which is approximately 30% more than the occupied units at the observed sites were using. The observed parking rates showed that the likely demand would be less than the proposed supply. It should also be noted that the parking counts were collected while a statewide stay-at-home directive was in effect due to the COVID-19 pandemic which likely increased residential parking demand and reduced retail parking demand at each of the observed sites. Assuming patrons to the Hudson development occupy the parking lots at a rate like the rates observed during data collection, our review of the site shows that the proposed parking lots will adequately serve the proposed residential and retail land uses and that the current Millcreek Code

requirements (before accounting for shared parking reductions) would result in excess parking spaces that would likely not be needed.

In summary, the literature review, shared parking analyses (both Millcreek and ULI), and quantitative data collection of nearby similar developments all indicate that the Hudson development is proposed to provide sufficient parking for its planned land uses. Therefore, Fehr & Peers recommends that the Millcreek Planning Commission allow for parking to be combined and shared at the development, and to approve that the proposed 359 parking spaces will be sufficient to meet the parking requirements of the Hudson development.

INTRODUCTION

Fehr & Peers conducted a parking demand review for the land uses that are proposed to fill the vacancies in the Hudson development located at 1306 East 3300 South in Millcreek, Utah. The Hudson development is proposed to be a mixed-use housing development with a first-floor office space and a retail space. The Hudson development is proposed to include 41 studio apartments, 158 one-bedroom apartments, 27 two-bedroom apartments, a 4,374 sq ft office space, and a 3,361 sq ft retail space. The Hudson development provides 359 standard parking stalls (and eight additional ADA stalls). According to the site layout shown in the **Appendix**, only 174 of those standard parking stalls are reserved for residential use; the other 185 are shared and available for use by any of the land uses at the development.

LITERATURE REVIEW

Using the characteristics described in the introduction, Fehr & Peers evaluated and compared parking rates from the following sources to calculate the required number of parking spaces for the project site:

- Institute of Transportation Engineers (ITE) *Parking Generation Manual, 5th Edition*
- Urban Land Institute (ULI) *Shared Parking, 3rd Edition*
- West Valley City Municipal Code
- Salt Lake City Municipal Code
- Millcreek Municipal Code
- Sandy Municipal Code

The municipal codes from nearby cities were reviewed to compare Millcreek's parking requirements with those found in the surrounding area. This provides context to understand what parking demands may be like in nearby similar developments.

The ITE and ULI manuals were also reviewed to provide national-level context:

- The most recent edition of ITE's *Parking Generation Manual* recommends standardized parking generation rates for 121 different land uses and differentiates the levels of parking demand observed at rural, general urban/suburban, dense multi-use urban, and center city core sites. The data in *Parking Generation Manual* is based on nation-wide data collected between 1980 and 2017.
- ULI collaborated with the National Parking Association (NPA), and the International Council of Shopping Centers (ICSC) to publish *Shared Parking*, which contains national guidelines for estimating, planning, and implementing parking for mixed-use developments. The most recent *Shared Parking* edition was published in 2020 and provides parking reduction recommendations for 32 different land uses in mixed-use developments. The manual also includes expert recommendations for determining parking reductions based on noncaptive (parking at a single space for multiple purposes) and mode shift (drivers shifting to walk/bike/transit) factors.

Due to the large, consistently updated body of data in both ITE's *Parking Generation Manual* and in ULI's *Shared Parking*, both documents are considered national state-of-the-practice resources when performing parking studies and were reviewed to provide additional insight into the potential parking demands of the development.

Table 1 shows the parking requirement rates from each source listed above for the proposed future land uses.

Table 1 Parking Requirement Rates

Source	Land Use	Units	Average Parking Demand	
			Weekday	Saturday
ITE[1]	Studio	Dwelling Unit	0.9	0.85
	1 Bedroom	Dwelling Unit	0.9	0.85
	2 Bedroom	Dwelling Unit	0.9	0.85
	Office	1,000 sq ft	2.56	-
	Retail	1,000 sq ft	1.95	2.91
ULI[2]	Studio	Dwelling Unit	0.95	1
	1 Bedroom	Dwelling Unit	1	1.05
	2 Bedroom	Dwelling Unit	1.75	1.8
	Office	1,000 sq ft	3.8	0.38
	Retail	1,000 sq ft	3.6	4
West Valley City[3]	Studio	Dwelling Unit	1.3	-
	1 Bedroom	Dwelling Unit	1.5	-
	2 Bedroom	Dwelling Unit	1.75	-
	Office	1,000 sq ft	4	-
	Retail	1,000 sq ft	4	-
Salt Lake City[4]	Studio	Dwelling Unit	0.5	-
	1 Bedroom	Dwelling Unit	1	-
	2 Bedroom	Dwelling Unit	2	-
	Office	1,000 sq ft	2	-
	Retail	1,000 sq ft	2	-
Millcreek[5]	Studio	Dwelling Unit	1 + 0.33 guest	-
	1 Bedroom	Dwelling Unit	1.5 + 0.33 guest	-
	2 Bedroom	Dwelling Unit	1.5 + 0.33 guest	-
	Office	1,000 sq ft	3	-
	Retail	1,000 sq ft	3	-
Sandy[6]	Studio	Dwelling Unit	1.75	-
	1 Bedroom	Dwelling Unit	1.75	-
	2 Bedroom	Dwelling Unit	2.25	-
	Office	1,000 sq ft	4	-
	Retail	1,000 sq ft	5	-

1. ITE Parking rates from the *ITE Parking Generation, 5th Edition, 2019*, for multifamily housing (mid-rise) (land use 221), small office building (land use 712), and shopping center (land use 820).
2. ULI parking rates from *Shared Parking, 3rd Edition,* 2020, for residential (studio efficiency, 1 bedroom, and 2 bedrooms), office (<25,000 sq ft), and retail (<400,000 sq ft).
3. Parking ratio requirements from West Valley City Code Chapter 7-9-104: *Computation of Off-Street Parking Spaces*.
4. Parking ratio requirements from Salt Lake City Code Chapter 21A.44.030: *Number of Off-Street Parking Spaces Required* (neighborhood center context assumed).
5. Parking ratio requirements from Millcreek Municipal Code Chapter 19.73.070: *City Center Overlay Zone Design Standards*.
6. Parking ratio requirements from Sandy Municipal Code Chapter 15A-24-09(B): *Parking Requirements by Land Use Category*.

The required number of parking stalls for the existing and proposed land uses was calculated using parking rates displayed in **Table 1**. The calculated required parking spaces for the different sources are shown in **Table 2**.

Table 2 Required Parking Spaces

Source	Land Use	Units	Required Parking Spaces	
			Weekday	Saturday
ITE	Studio	Dwelling Unit	37	35
	1 Bedroom	Dwelling Unit	142	134
	2 Bedroom	Dwelling Unit	24	23
	Office	1,000 sq ft	11	-
	Retail	1,000 sq ft	7	10
	Total		221	202
ULI	Studio	Dwelling Unit	39	41
	1 Bedroom	Dwelling Unit	158	166
	2 Bedroom	Dwelling Unit	47	49
	Office	1,000 sq ft	17	2
	Retail	1,000 sq ft	12	13
	Total		273	271
West Valley City	Studio	Dwelling Unit	53	-
	1 Bedroom	Dwelling Unit	237	-
	2 Bedroom	Dwelling Unit	47	-
	Office	1,000 sq ft	17	-
	Retail	1,000 sq ft	13	-
	Total		368	N/A
Salt Lake City	Studio	Dwelling Unit	21	-
	1 Bedroom	Dwelling Unit	158	-
	2 Bedroom	Dwelling Unit	54	-
	Office	1,000 sq ft	9	-
	Retail	1,000 sq ft	7	-
	Total		248	N/A
Millcreek	Studio	Dwelling Unit	55	-
	1 Bedroom	Dwelling Unit	289	-
	2 Bedroom	Dwelling Unit	50	-
	Office	1,000 sq ft	14	-
	Retail	1,000 sq ft	11	-
	Total		419	N/A
Sandy	Studio	Dwelling Unit	72	-
	1 Bedroom	Dwelling Unit	277	-
	2 Bedroom	Dwelling Unit	61	-
	Office	1,000 sq ft	17	-
	Retail	1,000 sq ft	17	-
	Total		443	N/A

This literature review was performed to summarize parking supply recommendations from various sources. The above sources show that the national ITE and ULI guidelines both indicate that the proposed 359 parking spaces would be sufficient to support the land uses at the Hudson development.

MILLCREEK SHARED PARKING

The Millcreek Code 19.80.080 specifies provisions for parking requirement reductions for mixed land use developments. More specifically, the land uses present at the Hudson development are permitted to be reduced by the percentages shown in **Table 3**.

Table 3 Millcreek Shared Parking Ratios

Use	Weekday			Weekend		
	12AM-7AM	7AM-6PM	6PM-12AM	12AM-7AM	7AM-6PM	6PM-12AM
Studio	100%	50%	80%	100%	75%	75%
1 Bedroom	100%	50%	80%	100%	75%	75%
2 Bedroom	100%	50%	80%	100%	75%	75%
Guest	10%[1]	50%	80%	10%[1]	75%	75%
Office	5%	100%	5%	0%	5%	0%
Retail	5%	100%	80%	5%	100%	60%

Source: Millcreek Code Chapter 19.80.080: *Shared Parking*

Using the parking generation shown in **Table 2** and the shared parking ratios shown in **Table 3**, the shared parking worksheet in **Table 4** details that, without shared parking, 419 total parking stalls would be required (319 residential, 75 guest, 14 office, and 11 retail). After shared parking is accounted for, only 329 spaces would be required so the proposed 359 spaces are sufficient to meet the parking requirements for all peak periods.

[1] Guest parking during the nighttime peak period is set at 100% in the Millcreek Code. However, based on discussions with Millcreek engineering and planning staff on March 8, 2021, this has been reduced to 10% to reflect decreased rates of overnight guest parking at multifamily residential developments.

Table 4 Millcreek Shared Parking Worksheet

Tenant	Use	Quantity	Requirement Ratio	Weekday			Weekend		
				12^{AM}- 7^{AM}	7^{AM}- 6^{PM}	6^{PM}- 12^{AM}	12^{AM}- 7^{AM}	7^{AM}- 6^{PM}	6^{PM}- 12^{AM}
Studio	Residential	41	1	41	21	33	41	31	31
1 Bedroom	Residential	158	1.5	237	119	190	237	178	178
2 Bedroom	Residential	27	1.5	41	21	33	41	31	31
Guest	Residential Guest	226	0.33	8	38	60	8	56	56
Small Office	Office & Industrial	4.374	3	1	14	1	0	1	0
Retail	Retail	3.361	3	1	11	9	1	11	7
			Totals	**329**	224	326	**328**	308	303

Base parking requirements based on City Center Overlay Zone requirements - Amended 12 March 2018

Shared parking reductions based on Millcreek Code Chapter 19.80.080: *Shared Parking*

As shown in **Table 4**, The highest periods occur during the nighttime peak periods from midnight to 7 AM. The peak period parking demand shown during the analysis was 329 spaces. After accounting for Millcreek's shared parking reductions, the proposed 359 spaces at the Hudson development would be sufficient to meet parking demand.

ULI SHARED PARKING

Fehr & Peers also performed a shared parking analysis using the methodology outlined in the Urban Land Institute's (ULI) *Shared Parking, Third Edition* manual. As outlined previously in the Literature Review section of this memo, *Shared Parking* contains national guidelines for estimating, planning, and implementing parking for mixed-use developments.

The ULI methodology is considered the national state-of-the-practice for determining shared parking reductions because it, "provides a systematic way to apply appropriate adjustments to parking ratios for each use in a mixed-use development" (ULI, 2020) based on nationally collected data. The shared parking analysis accounts for the following factors:

- the unit count of each proposed land use,
- traffic shifting to walk/bike/transit modes,
- trips captured internally to the development site,
- changing parking patterns by time of day,
- changing parking patterns by month of the year,
- differing patterns between employees, visitors, and residents.

Table 5 shows the results of the ULI shared parking analysis. As shown in the table, the peak parking period was found to occur at 7PM on weekends in December. The peak parking demand was found to be 249 spaces. Therefore, according to the results of the ULI *Shared Parking* analysis, the proposed 359 parking spaces at the Hudson development would be sufficient to support the proposed land uses.

Table 5 ULI *Shared Parking* Summary

Shared Parking Demand Summary																		
Peak Month: DECEMBER -- Peak Period: 9 PM, WEEKEND																		
Land Use	Project Data		Weekday					Weekend					Weekday			Weekend		
	Quantity	Unit	Base Ratio	Driving Adj	Non-Captive Ratio	Project Ratio	Unit For Ratio	Base Ratio	Driving Adj	Non-Captive Ratio	Project Ratio	Unit For Ratio	Peak Hr Adj 8 PM	Peak Mo Adj December	Estimated Parking Demand	Peak Hr Adj 9 PM	Peak Mo Adj December	Estimated Parking Demand
Retail																		
Retail (<400 ksf)	3,361	sf GLA	2.90	95%	90%	2.47	ksf GLA	3.20	95%	88%	2.67	ksf GLA	85%	100%	7	50%	100%	5
Employee			0.70	95%	74%	0.49		0.80	95%	63%	0.48		90%	100%	2	65%	100%	1
Food and Beverage																		
Entertainment and Institutions																		
Hotel and Residential																		
Residential, Suburban																0%		
Studio Efficiency	41	units	0.14	95%	100%	0.14	unit	0.14	95%	100%	0.14	unit	80%	100%	5	86%	100%	5
1 Bedroom	158	units	0.15	95%	100%	0.14	unit	0.15	95%	100%	0.14	unit	80%	100%	19	86%	100%	20
2 Bedrooms	27	units	0.28	95%	100%	0.27	unit	0.28	95%	100%	0.27	unit	80%	100%	6	86%	100%	7
3+ Bedrooms		units	0.43	95%	100%	0.40	unit	0.43	95%	100%	0.40	unit	80%	100%	-	86%	100%	-
Reserved	83%	res spaces	0.81	95%	100%	0.77	unit	0.81	95%	100%	0.77	unit	100%	100%	174	100%	100%	174
Visitor	226	units	0.10	95%	100%	0.09	unit	0.15	95%	100%	0.14	unit	100%	100%	22	100%	100%	32
Office																		
Office <25 ksf	4,374	sf GFA	0.30	95%	100%	0.28	ksf GFA	0.03	95%	100%	0.03	ksf GFA	1%	100%	-	0%	100%	-
Reserved		empl	0.00	95%	100%	0.00		0.00	95%	100%	0.00		100%	100%	-	100%	100%	-
Employee			3.50	95%	70%	2.30		0.35	95%	70%	0.23		5%	100%	1	0%	100%	-
Additional Land Uses																		
													Customer/Visitor		29	Customer		37
													Employee/Resident		32	Employee/Resident		33
													Reserved		174	Reserved		174
													Total		235	Total		244
													Shared Parking Reduction		15%			11%

DATA COLLECTION

Off-street parking occupancy counts were performed at three similar residential developments (selected with input from Millcreek City) in the Salt Lake City: the Brixton Apartments, the Vue at Sugar House, and the 600 Lofts. Management from each location shared the number of studio, one-bedroom, two-bedroom, and three-bedroom apartments at their respective sites. The number of occupied units by size was also shared. **Table 6** shows the total number of units as well as the number of occupied units at each study location.

Table 6 Residential Unit Mix
(Total Units / Occupied Units)

Complex	Studio Bedroom	One Bedroom	Two Bedroom	Three Bedroom	Total
Brixton Apartments	15 / 7	51 / 37	31 / 21	-	97 / 65
Vue at Sugar House	23 / 22	134 / 122	48 / 44	6 / 6	188 / 172
600 Lofts	16 / 14	178 / 174	70 / 69	10 / 10	274 / 267

Source: Fehr & Peers, 2020

To evaluate typical weekday demand, parking occupancy was counted at three times during a typical weekday on Wednesday, April 1st: noon, 6PM, and midnight. The counts are shown below in **Table 7**. The residential garages at all three developments were locked and inaccessible during the nighttime parking period. However, the nighttime period is typically when peak parking demand occurs for residential uses. For the purposes of this analysis, we employed a conservative approach and assumed that 100% of reserved residential spaces were occupied overnight. All counts performed at these study locations also include on-street guest parking.

Table 7 Residential Parking Occupancy Counts

Parking Lot	Supply	Weekday Noon	Weekday Evening	Weekday Nighttime	Max Parking / Occupied Unit
Brixton Apartments	86[a]	51	58	72	1.11 stalls/unit
Vue at Sugar House	279	146	177	206	1.20 stalls/unit
600 Lofts	311[a]	184	223	296	1.11 stalls/unit
				Average	1.14 stalls/unit

a. Brixton Apartments and 600 Lofts do not provide any guest parking; all guests must park on the street. On-street parking was counted and assumed to be guest parking.

Source: Fehr & Peers, 2020

As shown in **Table 6** and **Table 7**, at the three study locations, the average ratio of parked vehicles to occupied units was approximately 1.14 stalls/unit. In other words, an average of 1.14 vehicles were observed to park for each occupied residential unit. The Hudson development is proposed to provide a total parking supply of 359 spaces. Before any reductions for shared parking, the retail

and office components would require 25 total spaces (as shown in **Table 2**) which would leave 334 spaces for the residential units. A supply of 334 spaces for 226 residential units would result in approximately 1.48 parking stalls per unit, which is approximately 30% higher than the demand that was observed in the study locations.

It should also be noted, that the 1.14 parking stalls/unit rate at the observed sites reflects the parking per *occupied* unit, whereas the 1.48 parking stalls/unit rate at the Hudson is for the parking per *available* unit. Therefore, it is possible that the parking rate at the Hudson may be even more generous if the Hudson is not 100% occupied. Therefore, the observed parking rates showed that the likely demand would be less than the proposed supply.

It should also be noted that the parking counts were collected while a statewide stay-at-home directive was in effect due to the COVID-19 pandemic which likely increased residential parking demand and reduced retail parking demand at each of the observed sites.

Based on the data collected during the study and the shared parking generation analysis, Fehr & Peers recommends that the proposed off-street parking supply of 359 stalls at the Hudson development is sufficient to support the proposed land uses.

CONCLUSION

The proposed Hudson mixed-use development is planned to be located at 1306 East 3300 South and includes residential, office, and retail space, with 359 standard parking stalls (and eight additional ADA stalls). According to the site layout shown in the **Appendix**, only 174 of those standard parking stalls are reserved for residential use; the other 185 are shared and available for use by any of the land uses at the development.

Fehr & Peers performed a literature review to summarize parking supply recommendations from various sources. The ITE and ULI parking documents are considered state-of-the-practice guidelines (based on national empirical data), and both indicate that the proposed 359 parking spaces would be sufficient to support the land uses at the Hudson development. Salt Lake City parking guidelines also indicate that the parking supply would be sufficient. West Valley City and Sandy were the only two nearby communities reviewed in this study that would require more parking supply than is currently proposed at Hudson development.

Following the literature review, Fehr & Peers analyzed the development's parking supply according to Millcreek Code Chapter 19.80: *Off-Street Parking Requirements* which specifies minimum parking standards and provisions for shared-use parking reduction. While the site does not currently meet

the base parking requirements in the Millcreek code of 419 parking stalls, according to Millcreek Code 19.80.080: *Shared Parking*, "the number of off-street parking spaces required for each use may be combined and shared," pending approval from the Millcreek Planning Commission. **Table 4** of this report (page 7) showed that with the reductions outlined in Millcreek City Code, the peak parking demand at the development was forecasted to reach approximately 329 stalls on weekday nights; the analysis showed that the proposed 359 spaces will be sufficient to meet the parking requirements for all periods.

Fehr & Peers also performed a shared parking analysis using the methodology outlined in the Urban Land Institute's (ULI) *Shared Parking, Third Edition* manual. The methods outlined in *Shared Parking* are considered national state-of-the-practice for determining shared parking reductions. It provides instruction for reducing parking requirements for mixed use developments. The analysis showed that the Hudson's peak parking period is likely to occur at 7PM on weekends in December and that the peak parking demand is projected to be 249 spaces. Therefore, according to the results of the ULI *Shared Parking* analysis, the proposed 359 parking spaces at the Hudson development would be sufficient to support the proposed land uses.

In addition to the shared parking reduction exemptions, Millcreek Code allows for a quantitative analysis by a traffic engineer to determine whether further reductions to on-site parking are appropriate. Off-street parking counts were collected for a previous version of this parking study at the following three similar developments selected by Millcreek City staff:

- Brixton Apartments: 660 Wilmington Ave, Salt Lake City, UT 84106
- Vue at Sugar House: 2120 Highland Dr, Salt Lake City, UT 84106
- 600 Lofts: 90 E 600 S, Salt Lake City, UT 84111

Those counts indicated that, on average, each studied occupied apartment unit would require approximately 1.14 parking spaces per occupied unit, including both resident and guest parking. Even after accounting for parking dedicated to the office and retail land uses planned to be included in the project, the Hudson development is proposed to provide 1.48 spaces per unit (regardless of whether the units are occupied or not), which is approximately 30% more than the occupied units at the observed sites were using. The observed parking rates showed that the likely demand would be less than the proposed supply. It should also be noted that the parking counts were collected while a statewide stay-at-home directive was in effect due to the COVID-19 pandemic which likely increased residential parking demand and reduced retail parking demand at each of the observed sites. Assuming patrons to the Hudson development occupy the parking lots at a rate like the rates observed during data collection, our review of the site shows that the proposed parking lots will

adequately serve the proposed residential and retail land uses and that the current Millcreek Code requirements (before accounting for shared parking reductions) would result in excess parking spaces that would likely not be needed.

In summary, the literature review, shared parking analyses (both Millcreek and ULI), and quantitative data collection of nearby similar developments all indicate that the Hudson development is proposed to provide sufficient parking for its planned land uses. Therefore, Fehr & Peers recommends that the Millcreek Planning Commission allow for parking to be combined and shared at the development, and to approve that the proposed 359 parking spaces will be sufficient to meet the parking requirements of the Hudson development.

APPENDIX – SITE PLAN

BUILDING AREA SUMMARY DATE: 9/28/2021									
	BUILDING AREAS								
Building Level	B2	B1	1	2	3	4	5	6	7
Building FFE									
Residential (SF)			5,808	3,336	30,900	32,361	32,361	32,361	31,618
Balcony (SF)					1,890	2,047	2,047	2,047	1,983
Corridor (SF)					3,498	3,498	3,498	3,498	3,498
Vertical Circulation (SF)	494	494	664	664	664	664	664	664	664
Utility / Trash / Bldg Storage (SF)			867		397	397	397	397	397
Office			4,374						
Retail			3,361						
Exterior Amenity (SF)					10,229				800
TOTAL SF PER FLOOR			15,074	4,000	37,349	38,967	38,967	38,967	38,160
TOTAL SF PER BUILDING									**211,484**

EFFICIENCY CALCULATIONS	
	TOTAL
Residential (SF)	168,745
Balcony (SF)	10,014
Corridor (SF)	17,490
Vertical Circulation (SF)	5,636
Utility / Bldg Storage (SF)	2,852
Amenity / Leasing Office / Mail (SF)	3,361
Commercial (Gross SF)	7,735
Exterior Amenity (SF)	11,029
Total Building SF	**215,833**
Efficiency % (Residential / Total)	**78.2%**

***ONLY ONE AREA DOES NOT ORIGINATE AT BASEMENT LEVELS, AND IS ONLY CORE INCLUDED IN EFFICIENCY CALCS ***

****EXTERIOR AMENITY AREA NOT INCLUDED IN EFFICIENCY CALCS ****

BUILDING SUMMARY

BUILDING(S) DESCRIPTION:

PROPOSED PROJECT IS A FIVE-STORY MULTI-FAMILY RESIDENTIAL, OVER 2-STORY PARKING STRUCTURE AND AMENITY. ACCESS TO PARKING GARAGE FROM 1300 E. AND 3300 S.

THE RESIDENTIAL COMPONENT OF THE PROJECT WILL CONSIST OF 226 UNITS, WITH A MIX OF STUDIO, 1-BED, AND 2-BED (SEE UNIT MATRIX SUMMARY).

CONSTRUCTION AND OCCUPANCY SUMMARY:

OCCUPANCY TYPE (PER 2018 IBC):
R-2 (RESIDENTIAL APARTMENTS) WITH A-3 SEPARATED OCCUPANCIES
S-2 (PARKING GARAGE)

CONSTRUCTION TYPE (PER 2018 IBC):
LEVELS 1-PARKING 1.5 AND BASEMENTS
IA
LEVELS 2-6
IIIA

Chapter 19.80 Shared Parking Table 19.80.080(a)

1	For each applicable general land use category, calculate the number of spaces required for a use as if it were the only use (refer to the schedule of minimum off-street parking requirements).
2	Use the figures for each individual land use to calculate the number of spaces required for that use for each time period specified in the table (six time periods per use).
3	For each time period, add the number of spaces required for all applicable land uses to obtain a grand total for each of the six time periods
4	Select the time period with the highest total parking requirement and use that as the total number of parking spaces required for the site on a shared parking basis.

GENERAL LAND USE CATERGORY		WEEKDAYS			WEEKENDS		
		12a.m.— 7a.m.	7a.m.—6p.m.	6p.m.—12a.m.	12a.m.—7a.m.	7a.m.—6p.m.	6p.m.—12a.m.
☐	**Office & Industrial**	5%	100%	5%	0%	5%	0%
☐	**Retail**	5%	100%	80%	5%	100%	60%
☐	Restaurant	50%	70%	100%	70%	50%	100%
☐	Hotel	100%	65%	100%	100%	65%	100%
☐	**Residential**	100%	50%	80%	100%	75%	75%
☐	Theater/entertainment	5%	20%	100%	5%	50%	100%
☐	Place of worship	0%	30%	50%	0%	100%	75%
USE	**Required Parking**						
LU 1	Office (12 Spaces)	0.6	12	0.6	0	0.6	0
LU 2	Retail (9 spaces)	0.45	9	7.2	0.45	9	5.4
LU 3	Residential (395 spaces)	394	197	315.2	394	295.5	295.5
	Total	**395.05**	218	323	394.45	305.1	300.9

PARKING SUMMARY

PARKING REQUIRED PER CCOZ CHAPTER 19.73

STUDIO	= 1 SPACE / UNIT
1 BED	= 1.5 SPACE / UNIT
2 BED	= 1.5 SPACE / UNIT
OFFICE	= 3 SPACES / 1000 SF
RETAIL	= 3 SPACES / 1000 SF
GUEST	= .33 SPACES / UNIT
ADA	= 8 SPACES (REQUIRED PER CHAPTER 19.80 OFFSTREET PARKING CODE. NOT INCLUDED IN SHARED PARKING ANALYSIS)

STUDIO	41 UNITS X 1	= 41
1 BED	158 UNITS X 1.5	= 237
2 BED	27 UNITS X 1.5	= 41
OFFICE	4,374 SF	=12
RETAIL	3,361 SF	= 9
GUEST	226 X .33	= 75
TOTAL REQUIRED		= 415 PARKING SPACES

REQUIRED PER SHARED PARKING = 396
SEE SHARED PARKING TABLE 19.80.080(a) PER MILLCREEK OFF-STREET PARKING CODE ABOVE

PARKING PROVIDED:	SHARED PARKING SPACES AVAILABLE
PARKING 1.5 = 94	94
LEVEL 1 = 91	91
BASEMENT 1 = 97	0
BASEMENT 2 = 77	0
TOTAL = 359 PARKING SPACES (RESIDENTIAL/COMMERCIAL) + 8 PARKING SPACES (ADA)	
TOTAL SPACES PROVIDED = 367 PARKING SPACES	

NON-ADA PARKING REDUCTION REQUESTED:
(396-359) = 37 STALLS
(37/396) x 100 = 9.3% REDUCTION

SEE ADDITIONAL PARKING STUDY FOR ANALYSIS AND ACCEPTABILITY OF PROVIDED STALLS

PARKING REDUCTION REQUESTED
BEFORE SHARED PARKING TABLE: 13.49%
AFTER SHARED PARKING TABLE: 9.3%

BICYCLE STORAGE

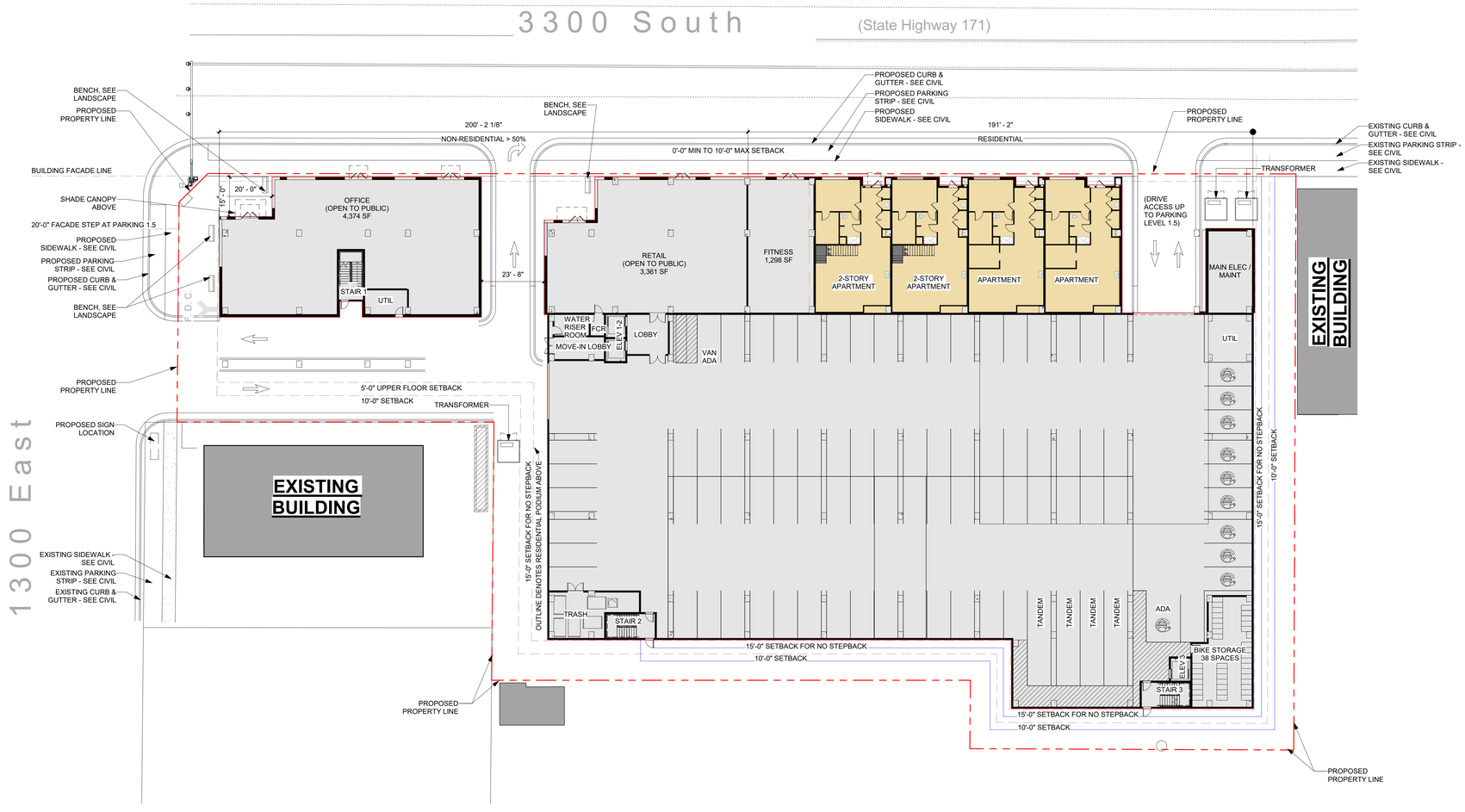
	INTERIOR STORAGE
PARKING 1.5	38
LEVEL 1	38
LEVEL B1	38
LEVEL B2	38
TOTAL BICYCLE STORAGE	**152**

LOT COVERAGE

ALLOWABLE MIN LOT COVERAGE	50%
ALLOWABLE MAX LOT COVERAGE	80%
PROPOSED LOT COVERAGE	79%
OPEN SPACE	21%

3300 S. MIXED USE

REQUIRED NON-RESIDENTIAL FRONTAGE	50%
PROVIDED NON-RESIDENTIAL FRONTAGE	
LENGTH (200'-2 1/8"/391'-4 1/8")	51%
AREA (7,735 SF/14,410 SF)	54%



1 ARCHITECTURAL SITE PLAN
1" = 20'-0"

dwell design studio
360 WEST 300 SOUTH
SUITE 102
SALT LAKE CITY, UT 84101
PHONE: 385.273.3888
dwelldesignstudio.com

THE HUDSON
1306 EAST 3300 SOUTH
MILLCREEK, UTAH

A DEVELOPMENT FOR:

ISSUE

DATE	DESCRIPTION	INCLUDED
		X

REVISION

DATE	DESCRIPTION	REV

SEAL:

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SHEET NAME:

ARCHITECTURAL SITE PLAN

JOB NUMBER: 23 192 01

DRAWN BY: Author
CHECKED BY: Checker

SP-01

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Minutes of the
Millcreek Planning Commission
September 15, 2021
5:00 p.m.
Regular Meeting

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, September 15, 2021 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was conducted electronically and live streamed via the City's website with an option for online public comment.

PRESENT:

Commissioners
Shawn LaMar, Chair
Victoria Reid, Vice Chair
David Allen
Scott Claerhout (electronic)
Skye Sieber
Tom Stephens
Ian Wright
Christian Larsen
Aryel Cianflone

City Staff
John Brems, City Attorney
Elyse Sullivan, City Recorder
Francis Lilly, Planning and Zoning Director
Robert May, Planner
Kurt Hansen, Facilities Director
Naba Faizi, Planner (electronic)
Frederick Lutze, Deputy City Engineer
Jen Smith, Staff Engineer
Mike Winder, Assistant City Manager
Aimee McConkie, City Events Director

Attendees: Richard Hansen, Madison Gygi, Marv Poulson, Angel Vice, Bev Boyce, Mitchell Vice, Thom DeSirant, Erik Groszyk, David Carlson, Jenn Hathaway, Kate Scribner, Cy Waldron, Lynette LaMar, Jared Johnson, Tyler Green, and Russ Sorenson.

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 SD-21-007, 2-Lot Subdivision of an Existing Duplex Location: 1956-1958 Gregson Avenue Applicant: Tag Gygi

Naba Faizi said the applicant was requesting preliminary plat approval for a 2-lot subdivision, each half of the duplex would be sold individually. There would be no new development on the lot. The original subdivision was the East Millcreek Cove Plat. The subject parcels are in the R-2-8 zone and face 3080 S. (Gregson Avenue). The property is on 0.2 acres and appears to have been zoned under R-2-8 since the 1970s. The location for the proposed subdivision is surrounded by primarily R-1 residential zones with some A-1 Agricultural and R-2 Medium Density zones. The Future Land Use Map in the General Plan

has the property designated as "Neighborhood 1," primarily for low density residential with single-family homes. The subject property was built during the 1980's. Millcreek code 19.32.090 says, "The division of ground is subject to the requirements of the City Subdivision Ordinance. The subdivision plat shall specifically note that the purpose of the subdivision is to accommodate the division of a two-family dwelling." The East Millcreek Cove Plat included a large storm water detention basin. Millcreek reviewed this easement with Salt Lake County Flood Control, and they indicated to staff that the storm water easement was intended to be temporary while development was occurring on the platted land. Salt Lake County Flood Control determined that the easement was no longer necessary, and so it would not be included on the applicant's amended plat. Salt Lake County Flood Control will be required to sign the plat.

Faizi said staff found that the proposed subdivision can meet the requirements of Title 18 of the Millcreek Subdivision Code and the requirements of subdividing a lot in an R-2-8 zone to accommodate the subdivision of an existing two-family dwelling. Staff found that the proposed subdivision is in harmony with the Millcreek General Plan/ Future Land Use Map and the character of the surrounding neighborhood. Furthermore, the proposed amendment does not create a zoning violation or conflict with the Residential Compatibility Overlay Zone standards. She recommended approval of the proposed subdivision with the following staff conditions:

1. *Each lot will consist of a one, one-family dwelling, to be sold individually.*
2. *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.*
3. *The development shall meet all requirements of Low Impact Development (LID) approaches. This approach includes long-term stormwater best management practices (BMPs) that allow stormwater to infiltrate, evapotranspiration or harvest and reduces runoff from the site and protects water quality (MS4 permit 4.2.5.1.3). If a LID approach is infeasible, an alternative rationale must be provided and documented showing that infiltration, evapotranspiration, and harvesting methods were used to the maximum extent feasible. Reasons for infeasibility may include the following: high ground water, drinking water source protection areas, soil conditions, slopes, accessibility, excessive costs, or others (MS4 permit 4.2.5.1.5).*
4. *Accessory structures will require separate building permits and staff review for zoning/land use compliance.*
5. *Applicant shall work with Salt Lake County Flood Control regarding any public utilities and easements.*
6. *Applicant shall comply with all the requirements of the City's Geologic Hazards Ordinance, if found applicable.*
7. *The applicant will comply with all requirements established through the subdivision technical review process prior to receiving final plat approval.*
8. *All requirements found in Title 18 (Millcreek Subdivision Code) shall be met, including all applicable fees and bonding, including addressing and surveying fees.*
9. *All accrued final technical review fees must be paid in full prior to recordation.*
10. *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.*
11. *The applicant will comply with all requirements of the Unified Fire Code, subject to approval by the Fire Marshal.*

DRAFT

12. *The applicant shall obtain a complete review for an approved building permit and shall continually comply with the requirements of Millcreek City, Salt Lake City Department of Public Utilities, and the Mount Olympus Improvement District.*
13. *All items of the Staff Report.*

Commissioner Cianflone asked if the duplex would be torn down. Faizi said the application would allow the units to be sold separately.

Randy Krantz, applicant's representative, said the home was built as a twin home then changed to a duplex since family members lived there. He said there would not be any modifications required on the building.

Chair LaMar opened the public hearing.

There were no comments.

Chair LaMar closed the public hearing.

Commissioner Allen asked if a duplex was two units owned by one person. Faizi confirmed, the twin home would allow for two owners. Chair LaMar asked what happened when shared parts of the building needed maintenance. Lilly said the owners had to cooperate for that. Commissioner Larsen said he liked the application because it increased owner-occupancy and the city should foster that.

Commissioner Larsen moved to approve SD-21-007, 2-Lot Subdivision of an Existing Duplex at 1956-1958 Gregson Avenue with all the conditions of the staff report. Commissioner Sieber seconded. Chair LaMar called for the vote. All Commissioners present voted yes. The motion passed unanimously.

1.2 Consideration of GP-21-001/ZT-21-007, Amendments to the City Center Master Plan Regarding District Signs/Amendment to Chapter 19.82 of the Millcreek Zoning Ordinance Regarding Billboards and District Signs

Mike Winder said three digital entry signs had always been part of the plan for a successful Millcreek Common. There needs to be digital signs at Millcreek Common to support small, local entrepreneurs on the Common that cannot afford tv/radio/print ads, pop up markets in the public market which will be changing weekly, dozens of weekly activities on the Common, and public service announcements. He said public organizations were increasingly using digital signage for their effectiveness and clean look. Winder showed pictures of digital signs in the community. Commissioner Stephens said the Sandy sign was about 10' x 10' and noted that on-premises digital signs were substantially smaller than what staff was proposing. Winder said experts on event districts, retail centers, and more agree that significant district signs were needed for success and that communities around the country were incorporating digital billboards to facilitate their district signs. Millcreek is faced with three challenges: 1) three marquees at $250,000 each would cost $750,000; 2) the billboard at 3300 S. needs to be bought out for Millcreek Common with an anticipated cost of $1-1.3 million; 3) Reagan Outdoor Advertising ("Reagan") holds a right of first refusal on the adjacent property needed for the new City Hall site; and 4) the City Center is cluttered with too many billboards and the General Plan directs that the City look for ways to reduce them.

Commissioner Allen asked if the billboard on 3300 S. had been appraised. Winder said to appraise it was part of the condemnation process, and that would not start until good faith negotiations had failed. He said there were not a lot of comparables for billboard appraisals, but one in Holladay that was removed (which included land adjacent to it) cost over $1 million. Commissioner Allen noted that that Holladay billboard was valued at $400,000. Commissioner Reid asked if the appraisal would be made public. Winder said staff was not proposing to do an appraisal. Millcreek staff approached Reagan to start negotiations. The proposed solution was framed into a memorandum of understanding (MOU) between Millcreek staff and Reagan that had been negotiated for over six months. The items he would present were not in force until the City Council formally acted and a formal contract was created and executed by Millcreek and Reagan.

Winder then reviewed the points in the MOU. He said the three new double-face digital signs would be at 3205 S. 1300 E, 3205 S. Highland Drive, and 1350 E. 3300 S. which would replace ten signs located at: a) 1333 East 3300 South (2 faces, 10'5" x 22'8", total sf 472, height 33.5'); b) 1235 East 3300 South (2 faces, 10'6" x 36', total sf 721, height 35'); c) 3155 S Highland Drive (4 faces, 10'5" x 22'8", total sf 944, height 48'); and d) 3155 S Highland Drive (2 faces, 5' x 11', total sf 110, height 24'). He then showed the Commission pictures of those signs and what the area would look like without them. He noted that Millcreek was working with Rocky Mountain Power to remove power lines between Richmond and Highland Drive to improve the visual landscape. Commissioner Stephens pointed out that the slideshow represented removal of the billboards, but not the addition of the digital boards. Winder said the square footage from the signs described would not go into the billboard bank. Upon completion and becoming operational (going live) of all three digital signs, Reagan would also surrender its credits for the existing 924 square feet of billboard square footage currently in Millcreek's "billboard bank" with a total net reduction of 1,443 sf of billboard space in the city. Winder described that the Planning Commission's recent letter to the City Council helped staff with the negotiations, so the square footage of the removed signs described would not go into the billboard bank.

Winder showed depictions of the size and look of the proposed digital signs. He said the base height would be 26.5 feet and the sign face would be 12' x 24' all of which would be built and installed at Reagan's expense. The new sign at 1350 E. 3300 S. (as part of the grand entry into Millcreek Common) would not exceed 26'6." The new sign at 3205 S. 1300 E. would not exceed 30' if Millcreek locates it in the traffic island of Chambers Avenue (3205 S). If it is located on either side of Chambers Avenue, the sign cannot exceed a height of 35'. This needs to be taller because the sight was blocked by the T-Mobile store. The new sign at 3205 S. Highland Drive would not exceed 26'6" if Millcreek locates it in the traffic island of Chambers Avenue (3205 S). If it is located on either side of Chambers Avenue, the sign cannot exceed a height of 35'. These were the shortest sign options that accommodated sight line and would avoid vandalism. Reagan would be responsible for the maintenance and utility costs of these signs for the duration of their leases. Millcreek is responsible for all costs associated with initial installation of electrical service to the signs. Each digital screen costs $65k and must be replaced every 5-7 years. The signs would be built on city owned property and would be leased to Reagan for advertising consideration at $1 per year for 40 years from the date each sign begins operation. At the conclusion, Reagan will remove the

screens; the sign poles and cabinets are the property of Millcreek. By 2062 there would be a total reduction of 3,171 sf of billboard space.

Commissioner Allen said the billboards were either essential as Winder indicated or not, then asked why there would be a 40-year time limit if they were essential. Winder said the Council at that time could decide if they were essential to Millcreek Common or not. For the 40 years, Millcreek would have 4 out of every 10 digital turns (8 seconds each) on each digital sign face, during each 80 second rotation. The parties would cooperate concerning allowing some of Millcreek's turns to run consecutively, when possible. Millcreek would be prohibited from selling their turns to others. Commissioner Allen pointed out that these signs were supposed to be a benefit to small businesses, but small businesses were not allowed to use them. Winder said they could buy the space with Reagan's turns. Commissioner Allen noted there was no guarantee that Reagan would lease space to the local small businesses. Winder confirmed and said the Canyon Rim Citizens Association (CRCA) had asked that Millcreek businesses get a discount on advertising space. Winder said staff would talk to Reagan about that. Reagan would have 6 out of every 10, 8 second turns, throughout each 80 second rotation, on each digital sign face and would be prohibited from advertising political candidates or political issue ads as they could imply the endorsement of the city. Specific brands of alcohol or any sexually oriented businesses and products would also be prohibited on these signs. Commissioner Allen asked about specific brands of alcohol. Winder said the intent was not to prohibit all alcohol in case there was a beer festival in Millcreek Common.

Winder said Reagan agreed to remove the existing billboard at 1333 East 3300 South by November 1, 2021, to enable Millcreek Common construction. The signs located at 3155 S. Highland Drive would be removed by Reagan within 30 days of the digital sign at 3205 S. Highland Drive beginning operation and the sign located at 1235 E. 3300 S. would be removed by Reagan within 30 days of the digital sign at 3205 S. 1300 E. beginning operation. Upon receipt of all necessary permits to allow the construction and use of the three digital signs, Reagan would execute a waiver of their right of first refusal to purchase the property at 1333 East 3300 South. He said the property title needed to be clean to facilitate the property trades required to obtain the proposed City Hall parcel from Cottonwood Residential. Commissioner Stephens asked for the exact address of the billboard on 3300 S. Winder said the billboard was on 1333 E., but it was tied to 1335 with the right of first refusal. Commissioner Stephens asked when the City bought the property. Winder said 12-18 months ago. Commissioner Stephens asked if Reagan did not exercise the right of first refusal when the City bought those properties. Winder confirmed.

Winder said the digital signs at 1350 E. 3300 S. and 3205 S. 1300 E. would be allowed to operate 24 hours per day 7 days per week, but the digital sign on Highland Drive must be turned off each night between midnight and 5:00 AM. All signs must have brightness reduced to an illuminance level of not more than 0.3-foot candles above ambient light (when measured from a point 170 feet away and perpendicular to the sign) each night between 10:00 PM and 6:00 AM. Commissioner Allen asked if the city code standard was based on hours or darkness because winter and summer had differences. Francis Lilly said he would work it out in the licensing agreement. Chair LaMar said it is in chapter 19.82. Jared Johnson, Media Resources, said the brightness of the electronic displays are set at the time of installation and controlled through the computer using input from the photocells on the signs.

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Regardless of the time, the sign is calibrated to change illuminance based on how much light there is, not the time of day.

Winder said siteline or displays with equivalent technology would be included in the initial installation of all three signs and shall include physical light-blocking louvers to provide for light-protected areas and use down-angled LED diodes for the control of blue wavelength light. Winder showed the Commission an example of a regular billboard section and a redirected one. Johnson said there is a need to direct light from digital signs to the appropriate area and away from residential areas. The developed product he demonstrated to the Commission cut the lights at 38 degrees from the perpendicular sign face. Chair LaMar asked if the sign light would go 175 feet forward as depicted in the presentation. Johnson said that is how far they would measure for impact of the light which is the point at which the light is added to the ambient light already there. He said there was a specific electronic diode which controlled downlighting and a precise face to control side lighting.

Commissioner Allen asked what the public notice was for this application. Francis Lilly said text amendments to a General Plan and zone text amendments do not typically get mailed notices. Lilly offered a correction, that one of the signs at 3155 S. Highland Drive is 25 feet tall, so the total net reduction of billboard square footage is 1,443. He said State code 10-9a-512 states that a municipality may only require termination of a billboard and associated rights through gift, purchase, agreement, exchange, or eminent domain. A termination requires the voluntary consent of the billboard owner. He said the city would have to address the billboard and the bundle of rights that go with it. There are four options Millcreek has under state law with the billboard at 1325 E. 3300 S.: gift or purchase of the sign, Millcreek does nothing, Millcreek condemns the sign, Millcreek signs an agreement with Reagan to exchange static billboards for digital district signs. He said with the first option, Reagan could voluntarily remove the sign and the square footage credits would go into the billboard bank or they could say no, and the city would pay for the billboard removal, pay of the new digital signs, 1-3 new two-sided billboards could be added, and the existing billboards in the City Center would remain. If the city did nothing in option two, Millcreek would pay for the new digital signs, the static billboards would remain intact, 1-2 new two-sided billboards could be added, and construction on Millcreek Common West, City Hall, and shared parking would be delayed or radically changed in scope. In the third option, Millcreek pays to condemn the sign and pay for its own signage in the Common, the billboard inventory would be reduced by 427 sf, 1-2 new two-sided billboard could be added, and the other billboards in the City Center would remain. In the fourth option, the billboard bank balance zeros out, Millcreek pays nothing, funds that would have been used for condemnation or digital signs can be used for other projects, four existing signs would be removed from Millcreek, no additional billboards would be added, and there would be three digital signs in the Common.

Commissioner Stephens said the billboard bank allowed the billboard company to bank signs removed. He said if the billboard owner consented to the removal and banks the square footage, the option does not offer a reduction. Lilly confirmed and said that there was already 924 square feet in the bank so added square footage to the bank could be combined for a large sign. He said with the second option, the city would still have to deal with the right of first refusal. Lilly said if the city tried to get the billboard appraised, Reagan would likely not give up proprietary information of value in the market without the threat of condemnation. Commissioner Allen said there should be general market data. He said lease rates were

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available but there was no knowing the actual billboard value. Lilly said Holladay paid $400,000 for the billboard but the closest comparable was $1.3 million to pay for the billboard and right of first of refusal. Commissioner Allen felt the numbers were misleading since Millcreek already owned the property. Lilly said condemning a billboard was a fiscal decision made by the City Council. He said staff was exploring all the options. Commissioner Stephens said the Planning Commission and public did not know anything about the termination provisions of the lease. Winder said the lease runs with the property owner and can be perpetually renewed forever by Reagan. Commissioner Stephens said that information should be made available to the Commission.

Lilly said it is the policy of Millcreek to reduce the number and combined square footage of billboards where feasible. Millcreek can only force a billboard down through eminent domain if there is a public purpose to initiate such as for parks and open space, city facilities, utility relocations, road widening, or a blight study associated with a community reinvestment area. The city could not condemn a billboard on behalf of a private developer. Lilly said the first contemplation of condemnation of a billboard from Holladay was 6 years before the city took possession of it. He said who owns the sign matters. Millcreek must pay fair market value, not just for the sign itself, but for its contribution to an advertising market area. The condemnation process is designed to keep the signs up, not take the signs down. Lilly said Lynn Pace, an experienced professional with billboards, did not recommend that a city attempt to condemn a billboard every time one is encountered. The point is that the condemnation process is expensive, and it often results in a negotiated solution that does not involve condemnation.

Lilly gave an example of his experience in South Salt Lake when that city contemplated condemnation. The city threatened condemnation but did not start the process. The billboard in question was in a blight study/CRA area. In the end, South Salt Lake agreed to move the sign and pay relocation expenses totaling $170,000. The new sign is taller than the one it replaced. A subsidiary of Reagan owned the property on which the new sign was located. Reagan recorded an easement on the property then sold the property. The property is undevelopable per the City's Downtown Master Plan because of the easement. Commissioner Allen said it seemed that South Salt Lake made an educated decision based on numbers. Lilly noted the billboard was not appraised and relocating the sign only moved the problem from one location to another. The easement in South Salt Lake prohibits the property owner from changing the zoning which would prohibit or impose restrictions on the use of the property or the sign for advertising purposes. He said Millcreek could escape that problem by removing signs from private property in the City Center. He posed how much value a digital sign had, what it was worth. As staff, Lilly would be leery of any process that created a digitization scheme unless dealing with the just compensation provision in state code. The last thing he wanted to do was to create a situation wherein removing a sign was hard enough and wondered how much harder it would be to remove a digital one. With the proposed MOU, the ownership and just compensation problem would go away. He said this was the only way he could think of to get rid of billboard space and signs, fulfilling the intent of the ordinance, without creating the just compensation down the road. Commissioner Stephens noted that the discussion was not about the conversion of static signs to digital ones, just the condemnation of a static sign. Lilly said he was trying to convey why ownership mattered.

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Winder said the Commission did not get to decide the financial policy decisions the Council did. He asked that they focus on the General Plan considerations. Lilly pointed out the General Plan goal to "consider techniques to remove or alter billboards such as purchase, amortization, or other techniques." Lilly felt the proposal was a rational basis to consider this. Commissioner Allen asked why if the General Plan says to reduce signs and it is a good thing, the city does not allow this all over the city instead of just at the City Center. Lilly said he would not promote the digitization of a sign elsewhere because the city would not own the sign or the property. He did not think any other cities have had this much success in getting rid of signs. Chair LaMar read from Millcreek code 19.05.010, "…the intent of this Ordinance that a Planning Commission be created which will represent the concerns of diverse citizen groups, as well as the broad interests of the community as a whole…" He said if the Commission is being asked to evaluate changing sign ordinance, zone, and master plan, they need to ask questions to be able to broadly represent the welfare of Millcreek. Lilly emphasized that staff was trying to explore all options.

Lilly went over other General Plan considerations, strategy 3.9 in Goal GC-3 to reduce the number, size, and height of billboards along all City streets, and strategies 9.3 and 9.5 from Goal GP-9. Lilly said staff was trying to explore all options under the General Plan. While the General Plan is clear that removing billboards is a worthy goal, the City Center Master Plan is more nuanced. It contemplated district signs, but not large digital ones; calls for unique built environments, including context-sensitive signage; and calls for a civic center and public amenity, not just a commercial center. If this were an outdoor shopping mall, the situation may be different. The City Center Master Plan talks about future signage, an urban design framework, existing signage, and how the City Center should emphasize culture, art, ideas, and interaction between citizens. The Plan acknowledges that billboards are a problem to be solved. Staff think an amendment to the City Center Master Plan is required, to specify that digital signs are consistent with the vision of the City Center Master Plan. If the City Council approves an agreement with Reagan, staff requests a change to the City Center Master Plan that says:

> *In keeping with the General Plan goal to reduce the number, size, and height of billboards along all City streets, and in order to facilitate the removal of billboards in the City Center that may serve as a development impediment, district signage is encouraged at the edges of the City Center to promote city events and events on the Millcreek Common. That signage may be electronic, and should be incorporated into the design of the public spaces. The City should own the signs as a public amenity, but such signage can be operated by a third party under a license agreement with the City.*

The potential ordinance amendment would be to create a content neutral definition of billboard, create a definition for district sign (must be city owned), and allow up to 3 district signs in the City Center only.

Commissioner Stephens recommended a definition for "district billboards" instead of "district signs." He said if it looks and feels like a billboard, it should be called one. Commissioner Allen asked who would get access to the sign for event advertising somewhere in the city other than in the City Center. Winder said all events in the city could be advertised. Lilly said he did not want the digital district sign to be regulated under state billboard code which is why "billboard" would not be included in the definition. Commissioner Stephens said the issue was digital billboards in the Common, not digital signage. Lilly said these signs would only be allowed in the City Center.

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Lilly went over the community council recommendations. A majority of the CRCA voted to support the MOU and the proposed general plan amendment and text change by a vote of four members in support to two opposed, with one abstention. The motion in support included a recommendation that the City include a provision in the license agreement that Millcreek businesses could purchase advertising time on the proposed district signs at a preferential rate. The proposed MOU, General Plan amendment, and text change received a unanimous vote of recommendation among the East Mill Creek Community Council members present at the meeting. The Millcreek Community Council discussed three motions. A motion to continue failed on a vote of 2 in support to 8 opposed. A motion to recommend the proposed MOU, General Plan amendment, and text change failed on a vote of 5 in support and 5 opposed. After subsequent discussion, the Millcreek Community Council recommended approval of the proposed MOU, General Plan amendment, and text change by a vote of 7 members in support to 3 opposed, provided that the agreement as presented to the City Council does not change from the agreement as presented to the Millcreek Community Council. The Mount Olympus Community Council recommended approval of the proposed MOU, General Plan amendment, and text change on a vote of 8 in support to 3 opposed. The Mount Olympus Community Council included in their motion that the city revise the MOU to prohibit Reagan from using the sign to advertise products known to be harmful to children, including but not limited to tobacco and vape products, cannabis, firearms, fireworks, pharmaceuticals, opioids, and nutritional supplements.

Lilly offered the following questions for the Commission's consideration at the conclusion of his presentation:

- Does the proposed change implement the policy to reduce the number and combined square footage of billboards where feasible?
- After accounting for the details in the MOU, including ownership of the sign and the City's ability to control 40 percent of the advertising time, are large digital signs appropriate in the City Center?
- What is in the best interest of the Millcreek taxpayer?
- Knowing that the new signs will be digital, is the elimination of a net 1,443 square feet of sign area worth it to the city?

Commissioner Allen clarified that the size of the digital signs had not always been a part of the City Center Master Plan. The Plan contemplated small ones. He said most digital signs in the community, for the schools, were smaller and sufficient. Commissioner Wright asked if the size of smaller signs as to those proposed in the Plan would not be adequate to support the businesses in the City Center. Winder said even if there was not a billboard issue, there would still be a need for large digital signs in the City Center. Commissioner Wright suggested the design fault may then be with the City Center and not the signs. Winder noted that other centers' success was in part due to the size of signs. Commissioner Allen said if it was a contemplation of struggling retail then digital signs should be contemplated at other retail centers, if it was about advertising city activities then a broad-based discussion should be had on how to advertise them because activities at other locations were well attended without the use of digital signs. If the only way the City Center is successful is with three digital billboards, then it should be reevaluated.

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Commissioner Reid said the signs would not be to the benefit of local businesses if Millcreek did not have control over what Reagan was advertising. Winder said it was indirect with the success of the City Center. Commissioner Reid noted that Rapid City, South Dakota did not have digital signs even though it was used as a model for Millcreek Common. Winder said Rapid City and Lenexa, Kansas were the models and Lenexa had them. He said some of the dynamics of the locations were different. Lilly said staff would include a preferential arrangement for advertising rates for Millcreek businesses. Commissioner Allen said if Millcreek needed the signs, a request for proposals should be sent out. He asked if other input from other sign companies had been given. Winder said there were financial constraints. There had not been an official process but conversations with other companies were had, and they did not compare to this deal. Commissioner Allen said Reagan knew the appraised value of the signs, but Millcreek did not. Public expenditures should have values and appraisals. He said the plans and codes did not allow for the agreement. Winder noted that there were qualitative issues that a dollar amount could not be put on.

Chair LaMar asked for community council input.

Kate Scribner, CRCA, said from her perspective, the conversation at the community council meeting was rushed and late at night during. She appreciated the power balance in the conversation at the Commission meeting. She felt billboards would not be city-owned if there was no control over more than half the advertising, when the ads get displayed, and that the screens would go back to Reagan after 40 years. She said there was a conflict of interest with the Mayor and the process. She said Winder stated that because of the City's relationship with Reagan was why the agreement was a good deal. She appreciated the city trying to get rid of billboards but felt the trade was not a good enough deal.

Chair LaMar opened the public hearing.

Marv Poulson, 3631 S. 1020 E., said only one option had been presented. He said it was strange to contrive six (three signs, each face) public nuisances. He said accepting less than half of the rotations was not smart. He noted that electronic billboards used 10 times the energy of an average American house a year. Each billboard created e-waste when disposed.

Angel Vice, 3610 Carolyn Street, said she raised concerns about safety at the community council meeting. She said digital billboards could cause traffic accidents, especially for those driving under the influence. She said another location had market data suggesting that digital billboards caused 35% more accidents. She said flashing lights were different than static billboards.

Lynette LaMar, 3621 S. 1200 E., said the Millcreek residents did not know what their best interests were without knowing all the details of the backroom, secret deals made by people with conflicts of interest. She felt there was an abuse of power without being honest to the residents. The best interest of the taxpayers would be the City giving honest, true, and fair information by looking at other options and by giving financial information from people without conflict of interest.

Aimee McConkie, 3373 Oakwood Street, said she joined the Canyon Rim Citizens Association in 2004. At that time, billboards were a hot issue, and the County was not

managing them well, so the solution was the billboard bank. She realized why the city should incorporate over time because Millcreek did not have a voice or know where taxpayer money was going. One of the goals of incorporation was to take billboards down. The city was formed, and in 4 years city officials have worked to create a plan to reduce billboards. There is no other plan out there to reduce billboards and she was proud of the plan. She said Millcreek would not pay any money, get existing billboards down, and get signs to help with the Common. She rhetorically asked residents if they would rather spend millions on billboard removal or infrastructure improvement. She felt there was a political slant to this instead of contemplating the best interests of all. She has hope for these signs. There will be 280 small grassroots events for the public in the Common all year and it was not comparable to several large events at other locations by advertising means.

Mitchell Vice, 3610 S. Carolyn Street, said he was the chair of the Millcreek Arts Council and a marketing director. He explained that a billboard was the most unimaginative way to promote business. The challenge with billboards is there is no attribution. It was hard to understand the engagement and impact of display advertising in the sky. There was near field technology that was more effective and cost efficient for advertising. He said he wanted the city center to succeed and did not see that happening with advertising in the sky. He offered his consultant services to the city. He understood the desire to get rid of billboards and the excitement of getting something for free but felt the benefit of the signs were overblown with the success of the City Center.

Jenn Hathaway, 1601 E. 3045 S., said she had heard that the for-profit signs would benefit the community and there was a sense of fear about what Reagan could do with signs in the future. She felt strongly that community could be created without billboards. She said her neighborhood was already dealing with a lot of traffic and adding a digital billboard would add to that. She asked the Commission to think about what is best for the community.

Eric Groszyk, 1595 Evergreen Way, felt there were gaps and inconsistencies in the numbers. He expressed concern about light pollution and if Reagan would commit to reducing it.

Jared Johnson, Media Resources, said each of the displays would operate on a circuit and the combination of them would not approach the power used by one single family home for one year, let alone ten. The displays that would be used are 98% recyclable. The frame can be reused. The internal electronics would be the only thing replaced. He can document that as displays come out of service they have been recycled by third-party certified electronic recyclers. Existing billboards with printed vinyl get changed almost every month and thousands of pounds of used material is thrown away. He has been involved in digital signage traffic safety research for 15 years. In 2005, 2006, and 2009 studies were conducted in three states with years of traffic accident data prior to and after installation of digital billboards which found that digital billboards had zero negligible effect on traffic accidents. He had not seen the 35% accident assertion made by the public in any study over the last ten years. The Federal Highways did a study on billboards being a distraction to drivers. There was first a study about distractions by cellphones in a car and an eye glance away from the road for more than 2 seconds was dangerous. The longest eye glance in the study for digital signage was 1.7 seconds, so there was no demonstrable traffic safety eye distraction caused by digital signage. He was happy to submit the data to the city.

Angel Vice said the study she referenced was from the Federal Highways Administration System.

Thom DeSirant, 718 Nibley View Court, was pleased that billboards would be removed. He was not happy with the deal but felt it was better than the status quo. There would be a net reduction in billboards. He expressed concern with allowing some digital billboards which may then proliferate throughout the city but that was remedied by calling them district signs. His main concern over the next 5-10 years was the 2020 legislation that the outdoor industry lobbied for in the legislative session that would allow any static billboard to be converted into a digital billboard without any oversight. The outdoor industry lobbied hard and failed by a single vote in the Utah Legislature. He expected the bill to come back and pass soon. The MOU was not a perfect option, but a compromise with the best possible options.

Chair LaMar and the Recorder read public comments that had been emailed into the record (see attached) from Dave Rasmussen, Kathy Blake, Kelly Smith, Nancy von Allmen, Diane Angus, Nancy Trouse, Jonny Murdock, Kate Kopishcke, Matt Gardner, Kathleen Johnson, the Millcreek Arts Council, and Bruce Parker.

The Recorder read into the record comments that had been received online via the City's website:

Jamie Allen, 2197 E. Keller Lane - *"I appreciate the work staff has done on this issue. Speaking only to the aesthetic aspect of digital signs on the Common, I would request that the Planning Commission not recommend approval of the staff recommendation to alter Millcreek code to allow them. We are so bombarded with visual clutter in our daily lives; the placement of these signs will only add to that, the protections provided in the MOU and removal of the static signs notwithstanding. There has to be a better way to advertise events, and promote the Common. We need to do better than this."*

Jacob Hathaway, 1601 E. 3045 S., *"I see no reason to increase size of signs. Nor to install large electric signs all so close to each other. We should just accept the cost and pay over time to remove as much signage as possible. It seems like we are trying to be a for profit company not a city. Let's be a community and do what's best for everyone not just Reagan. You can't tell me this isn't great for them."*

Elyse Sullivan noted that some comments were directed to the City Council. Chair LaMar said they did not need to be read. Sullivan read from an email received from staff, "*I would like to place a formal objection to the removal of the Reagan Signs on our property and subsequently our loss of income. We ask for compensation for our loss because Millcreek has chosen to make the agreement with Reagan Sign. The owners of the property are all seniors and this will impose a financial hardship. Thank You, Sharlene Hansen, Sherelyn Kettley, Evelyn Callister property owners 3155 Highland Drive."*

Chair LaMar closed the public hearing.

Commissioner Larsen said the comments raised doubt about the city's ability to be able to remove the billboards after 40 years. Winder said it would by the City Council's discretion at that time per the agreement. Commissioner Claerhout asked how 40 years was decided.

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Winder said Reagan wanted the billboards up forever and through back-and-forth discussion 40 years was settled on. Commissioner Sieber asked about the Mt. Olympus Community Council adding not allowing advertising harmful to children and asked if that could be considered in the MOU. Winder said it would be discussed with Reagan. Chair LaMar cautioned that prohibitions of content advertising could be subjective. He recommended a citizen committee decide the content. Commissioner Stephens said the city could not regulate content in code but wondered if they could through an agreement. Winder said other cities do regulate content of advertising on city-owned property. Chair LaMar asked about the City's fair advertising while the sign is down, for example loss of power. Winder noted that the interests were aligned in maintaining signs as soon as possible. He offered that any MOU clarification suggestions be sent to him. Commissioner Cianflone asked when the billboard would become profitable. Winder said Reagan had those numbers. Commissioner Cianflone noted that city-owned and installed signs could potentially make the money to pay for themselves and buy out billboards. Winder asked if the city wanted to be in the business of selling advertising space.

Commissioner Reid said she attended the American Planning Association Utah Conference and there was a session on billboards. Utah caters to the billboard industry more than any other state in the mountain west though Utahns overwhelming disapprove of billboards. Cities can deny billboard requests if it violates ordinance. The Commission is being asked to change ordinance because the proposal does not comply. The law does not support changing the ordinance, so she did not agree that having digital billboards was part of the plan all along. She said Lynn Pace, Sandy City Attorney, pointed to the importance of getting an independent appraisal of a billboard. His experience in Salt Lake was that the city never paid to remove a sign, every time the city offered to buy a sign the billboard company backed down.

Commissioner Stephens said the importance with an appraisal is to decide if it is a good idea to buy with taxpayer money. He noted the termination of the lease information was something the city had access to. He said staff represented the cost to remove the billboard as $1-1.3 million but the only comparable was from Holladay which was less than half of what was represented. Reagan could invoke right of refuse and buy the property or decline to invoke the right and the city sells it to another party. He said if real estate deals were not pending, there would not be urgency. He felt the proposal was premature until eminent domain was investigated. Commissioner Allen said this proposal was not a generic request, but a specific request for a deal to happen so the Commission needed to understand the deal.

Chair LaMar said some respect needed to be given to the planning documents, otherwise what was the point of having them. He was in favor of removing billboard square footage but wanted to know the process of selecting which billboards to come down. He noted that the owners of one of the billboards did not want the billboard on their property to come down. He felt the MOU was in the early stages and the Plans should not be changed without more information. Commissioner Larsen said he was first opposed to the deal a couple months prior, but after studying the staff report, he came ready to support it. However, some issues raised in the meeting swayed him against it again; lack of information, potential harm to public safety, the perception that the City is acting out of fear and haste, and the overwhelming public comment against it. He respected the constituency of the city above all.

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Commissioner Wright felt the billboards were unnecessary since signs were built into the City Center itself. He did not like that this would require the Commission to go against the City's ordinances. He did not feel the large billboards were necessary for the City Center to succeed. He was against the proposal. Commissioner Cianflone felt staff had the right intentions. She said the public made it clear how they felt about the issue, against, and she agreed so she was against the proposal. Commissioner Claerhout said this was a collaborative effort to get the City Center done with good intentions. He could see the economic benefits and residents wanted to remove billboards. He said he was 60% against the proposal and 40% for it. He asked the Commission if they were not concerned about the fiscal implications and only the planning/ordinances, how they would feel about the proposal. Commissioner Cianflone said the City Center Overlay Zone (CCOZ) and City Center Master Plan answered that. Commissioner Reid said the potential positive is the financials and they do not have that information to evaluate.

Commissioner Allen expressed concerns about notices and public input since there was a lot of effort put into developing the city plans. He felt that some property owners would be benefited with billboard removal and not others. He had never seen a city push a Planning Commission to amend three different things and have one meeting to discuss it. He said any other application would be given more consideration. He wanted conflict counsel, an independent attorney, to advise the Commission since the City Attorney had been part of negotiating the MOU. Commissioner Wright said a lot of the public input was against the proposal and wondered if it should be given any more consideration. Commissioner Stephens said there was not enough information, and the city should be given the opportunity to provide it. Chair LaMar said the MOU may change. He wanted the time to look at everything fully. He agreed that conflict counsel would be wise.

Winder asked Chair LaMar if he wanted clarification on the issues raised by the Commission. Chair LaMar said no. Commissioner Claerhout asked if the process of approval was delayed, what impacts it would have on the City Center. Winder said if the billboard on 3300 S. and adjacent right of first refusal could not be removed, it would curb the trade for property where the new City Hall is going to go, and the Cottonwood Residential project known as Millcreek Common West. If projects are delayed, the income stream to pay the $20 million bond with tax increment is delayed and bond payments would be made from the General Fund. It would further complicate the timeline for city hall and the city must be out of its current location by summer of 2023 so there would be another temporary city hall. Staff had pushed the MOU with Reagan for 6 months already and the opportunity could go away. He noted the city was the applicant and state law required a prudent response from the Commission. Commissioner Allen said the Commission had never been asked to make a decision in one night, so the city as the applicant should not change the rules. He felt the condemnation process should have already started. Commissioner Stephens said there was no plan by the Commission to drag this out, only to be responsible with the process.

Commissioner Stephens moved to continue these applications to the next Planning Commission meeting in October for the reasons stated by the Planning Commission: process issues, notice issues, evaluation, and documentation issues. There was a myriad of issues for the Commission to absorb and it could not be done in one meeting. Commissioner Allen offered an amendment to the motion to say the next available meeting or at a later date

selected by staff. **Commissioner Stephens amended the motion to say to the next public meeting as determined by the Chair and staff. Commissioner Allen seconded.** Commissioner Sieber said if Reagan was not involved with these signs, the vision for the City Center would look different. She wanted to see the City's vision if Reagan was not involved. **Commissioner Stephens amended the motion to include the request as one of the rationales. Commissioner Allen seconded the amendment. Chair LaMar called for the vote. Commissioners Stephens, Allen, Reid, Sieber, Larsen, Wright, Cianflone, and LaMar voted yes. Commissioner Claerhout voted no. The motion passed.**

Chair LaMar raised the idea of having outside legal counsel because there was a conflict of interest for the Millcreek City Attorney to advise the Commission since he was part of the negotiations of the MOU. He said timeliness was not defined for consideration of the application. Commissioner Allen said timeliness would be what was customary for this type of application. Commissioner Reid said no vote would be considered as a "no" vote per the staff report and wondered if it was legal because it meant that whatever the Commission decided did not matter.

Commissioner Allen moved to request the city administration appoint independent legal counsel to advise the Planning Commission on questions and concerns we have about the process and applications. Commissioner Cianflone seconded. Commissioners Allen, Cianflone, Stephens, Reid, Sieber, Larsen, Wright, and LaMar voted yes. Commissioner Claerhout voted no. The motion passed.

The Commission took a break from 8:55-9:06 p.m.

2. Continuing Application

2.1 Consideration of CU-21-014, Preliminary Approval of a Conditional Use Permit for a Mixed-Use Project Consisting of 119 Condominium Units with Office and Retail in the City Center Overlay Zone Location: 3330 S. Highland Drive Applicant: Russ Sorenson

Robert May said the application was continued from the August meeting. At that meeting, there was discussion of mitigation methods for traffic impacts that was left unresolved and the question of the shared parking being available for all uses. The Planning Commission motioned to "continue this item to a future date for reasons because we need to understand more on the mitigation for the traffic for what has been proposed to us and make sure that will feel like it is acceptable for the standards of approval which include the traffic and street surface levels and also additional details for the parking and how that would work would be nice to see and that would help eliminate any heartburn of shared parking, that it be looked at." Planning staff recommended approval of the conditional use permit CU-21-014 with the conditions located in the staff report, including the recommendations provided by Millcreek Engineering and that staff and the applicant explore solutions through technical review to make all parking stalls available for shared parking.

Tyler Green, on behalf of the developer, asked the Commission if the project met the CCOZ ordinance. Chair LaMar wanted to address the shared parking and traffic mitigation for egress. Commissioner Wright brought up additional height. Green said CCOZ allowed additional height. Green said 82 commercial parking stalls were being provided with ingress and egress on both entrances. The surface level and subterranean (referred to as north and south from the points of ingress/egress) parking lots do not connect. There are 119 dedicated

residential parking stalls. Commissioner Allen said the numbers were based on shared parking ratios, but the Commission was concerned that the gate created non-shared parking. Green said the gate would be controlled by 24-hour on-site management so it could be kept open. He said he did not want to shut people out of the property. Programming in the city and on-site dictated that administration. The spaces designated stalls for shared parking would be shared. Commissioner Allen said a person administering the gate for shared parking was a new concept. He asked if a condition in the Commission's motion stated that the gate should remain open during business hours if they would be okay with that. Green confirmed and said it was not an issue. Chair LaMar asked for clarification on the number of stalls in each garage; 58 in the north and 119 in south. Russ Sorenson, applicant, said the 58 stalls on the surface level would always be open during the day, only residents' guests could park overnight. In the dedicated parking was residential and business employees. He said the businesses Aqua Vie Day Spa and Fine Arts Inn would own their buildings, so they get gated, dedicated parking. Chair LaMar appreciated the number breakdown. May noted that any development over 50 units required a 24-maintenance person per the CCOZ. It was decided that business hours would be defined by the business uses on site, not specific hours.

Chair LaMar asked about traffic mitigations. Green suggested limiting left turns during peak traffic hours on the south access and add a curbed median on the north access to prevent left turns. Frederick Lutze said the curb would extend to 3300 S. Green noted that there may be a second phase of the project with a potential connection to the public section of Luck Lane. Commissioner Cianflone said 80% of traffic wanted to go north on Highland Drive and wondered how they would do that. Lutze said they could turn around on Luck Lane or go around the block. He said staff explored options: alternatives to doing U-turns in the fire turn around on the south leg of Luck Lane, a U-turn at Luck Lane at the cemetery, and a roundabout at Luck Lane which pushed traffic failures south. He said if there was a viable solution with one of those due to additional traffic concerns, the developer would be expected to financially participate. Commissioner Allen asked if the applicant would participate in the future if need be. Sorenson said he would if it was proved that their project created the failure through the traffic study, but if they created the connection to Luck Lane through phase II, that obligation would go away. John Brems suggested the condition say, "it is reasonably related to mitigate the anticipated detrimental effects of the proposed use."

May reviewed the conditions the Commission discussed: 1) residential stalls will be available for shared parking during business hours; 2) design building to accommodate a phase II access connecting to Luck Lane creating an additional access; and 3) require the applicant to construct the raised median pass on the north access to their development and also allow left turn movements from the south access with restrictions during certain hours and if there are any detrimental effects that it will be reviewed during the technical review process. Chair LaMar noted bearing the financial cost unless phase II was constructed.

Commissioner Cianflone asked if traffic traveling north had to only use the south entrance. Lutze confirmed. Chair LaMar appreciated the shared parking clarification and felt it was imperative that phase II happened for traffic mitigation. He did not feel the traffic mitigation was sufficient otherwise. Mike Winder said Economic Development staff was actively working on redeveloping the bowling alley property. Francis Lilly recommended a condition to the effect of, the applicant will design phase I so that it can have access to Luck Lane if the applicant controls what could become a future phase of the project; or the applicant will

make best efforts with whoever does control that property to facilitate an easement or cross access.

Chair LaMar wondered about coordination of the traffic lights to create a traffic break. Lutze said it could be investigated. Commissioner Cianflone asked Lutze if the mitigation was safe. Lutze said the residents living there needed to learn the traffic movement and the mitigation was the safest that could be provided. Commissioner Cianflone asked if the residents could be informed about the traffic movement. Sorenson said the CC&Rs could have disclosure language added. Lutze said the second phase solved the problems, but the decision could not be based on it happening. Chair LaMar asked if accident counts in that section of 3300 S. and Luck Lane on Highland Drive could be tracked. Lutze said Unified Police Department tracked that information. Commissioner Allen said consequences of failures on the conditions were hard to regulate. Lilly said there could be a monitoring regime structured in the business license.

Commissioner Allen moved to approve the conditional use permit CU-21-014 with the conditions in the staff report including the recommendations provided by the Millcreek Engineering and the additional conditions we've added today including the one related to parking, the one related to access connection to phase II if we're able to do that or best efforts if they're not controlling that, and the applicant will participate in any reasonable improvements per the language of John Brems, and the concept that if a phase II connection happens that the applicant would not be responsible for any Highland Drive related. Commissioner Reid seconded.

The conditions in the staff report were:

1. **Applicant shall restrict left turns out of the north project access or incorporate another means of traffic mitigation subject to approval by the City Engineer.**
2. **Prior to receiving final subdivision plat approval, applicant shall bond for all required street improvements, including curb, gutter, sidewalk, street trees and required irrigation, required setback landscaping, streetlights, and any other improvement required by the City. Applicant shall incorporate travel demand management strategies for the project, including but not limited to subsidizing the cost of transit passes for commercial and residential uses, providing safe, secure, and convenient bicycle storage beyond what is required by Millcreek code, and installing showers and locker rooms for use by commercial tenants.**
4. **The applicant shall include a travel demand management plan in recorded covenants, codes, and restrictions to be recorded as part of the condominium plat, or in tenant lease agreements.**
5. **The applicant will ensure that every residential unit has at least one dedicated parking space.**
6. **Applicant shall provide service availability letters from all utility providers prior to receiving final conditional use approval.**
7. **Applicant shall verify that the building will exceed the current energy code (2015 IECC, ASHRAE 90.1-2013) performance by at least 5 percent, prior to being issued a building permit.**
8. **Applicant shall verify with engineering staff through appropriate studies as required by the City's Geological Hazards ordinance that the soils are suitable for development prior to receiving final conditional use approval.**
9. **Applicant shall install dark-sky compliant lighting, and submit a lighting plan, including for signage, for review by planning staff prior to receiving final conditional use approval.**
10. **Applicant shall comply with the materials palette presented in the application. No stucco or EIFS will be permitted on any building façade.**

DRAFT

11. **Within one year of receiving preliminary conditional use approval, applicant shall record a commercial condominium plat consisting of at least 25,793 square feet of commercial uses. Commercial uses shall not include leasing offices or amenities space for the residential use.**
12. **The applicant shall obtain preliminary plan approval from the Fire Marshal prior to receiving final conditional use approval.**
13. **The applicant shall provide to the City daytime and evening peak time parking counts obtained at quarterly intervals at least once annually, from the date of issuance of the final certificate of occupancy, for at least five years.**
14. **Prior to receiving a certificate of occupancy, applicant shall apply an anti-graffiti material or coating on the north, west, and south building facades, and on any fencing the applicant installs on the project.**
15. **The design of the site and building shall comply with all applicable development standards, including but not limited to the City's Recreational Facility and Open Space Standards, Medium and High Density Residential Development Standards, the Millcreek Urban Forestry Standards, and any site development standard required by the City Engineer and Fire Marshal.**
16. **Prior to receiving final conditional use approval, the applicant shall certify that existing utility services have the capacity to accommodate additional demand.**
17. **The applicant shall obtain final approval from the Millcreek City Engineer that all anticipated traffic impacts or concerns of the proposed development have been mitigated.**
18. **Signs and accessory structures will require separate building permits and staff review for zoning/land use compliance.**
19. **The applicant shall provide sufficient parking-lot light illumination. No light source (light bulb, fluorescent tube, or other direct source of light used to illuminate a parking area) shall be visible beyond the property line including the alley (ROW) of any off-street parking area as required by Section 19.80.030 of the zoning ordinance.**
20. **Any modifications to these approved plans must be approved by the Planning Department, in writing, prior to the changes being implemented in the field.**
21. **Landscaping shall be installed in compliance with Chapter 19.77 Water Efficient Landscape Design and Development Standards and as required by the City Center overlay Zone. Any revisions to the landscape plan package shall be reviewed and approved in writing by the director or designee prior to commencement of construction. Re-certification of compliance with the requirements of the landscaping ordinance shall be provided by the qualified professionals who prepared and submitted the plan revisions.**
22. **The applicant will comply with all requirements established through the technical review process prior to receiving final conditional use approval.**
23. **All items of the staff report.**

Chair LaMar called for the vote. Commissioners Allen, Reid, Sieber, Larsen, Stephens, and Claerhout voted yes. Commissioners Cianflone, Wright, and LaMar voted no. The motion passed.

Winder reminded the Commission of a joint special work meeting with the City Council the following evening, September 16, to tour the Millcreek Common.

3. Commission Business Continued

3.1 Approval of August 18, 2021 Meeting Minutes

Commissioner Stephens moved to approve the August 18, 2021 minutes. Commissioner Sieber seconded. Chair LaMar called for the vote. All Commissioners present voted yes. The motion passed unanimously.

DRAFT

3.2 Updates from the Planning and Zoning Director
There were no updates.

3.3 Training Regarding Conditional Use Approvals and Planning Commission Procedures
There was no training.

4. Calendar of Upcoming Meetings

- City Council Mtg., 9/27/21, 5:00 p.m. at City Hall
- Mt. Olympus Community Council Mtg., 10/5/21, 6:00 p.m. TBD
- Millcreek Community Council Mtg., 10/5/21, 6:30 p.m. TBD
- Canyon Rim Citizens Association Mtg., 10/6/21, 7:00 p.m. TBD
- East Mill Creek Community Council Mtg., 10/7/21, 6:30 p.m. TBD
- City Council Mtg., 10/11/21, 5:00 p.m. at City Hall
- Planning Commission Mtg., 10/20/21, 5:00 p.m. at City Hall

ADJOURNED: Commissioner Stephens moved to adjourn the meeting at 10:16 p.m. Chair LaMar seconded. Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.

APPROVED: _____ Date
Shawn LaMar, Chair

_____
Attest: Elyse Sullivan, City Recorder

DRAFT

From: Elyse Sullivan
Sent: Monday, September 13, 2021 11:03 AM
To: Planning Commission
Cc: Francis Lilly
Subject: FW: Vote NO to digital billboards

-----Original Message-----
From: [redacted]
Sent: Monday, September 13, 2021 10:49 AM
To: Elyse Sullivan <esullivan@millcreek.us>; Bev Uipi <buipi@millcreek.us>
Subject: Vote NO to digital billboards

Dear Council Member Uipi -

I am a resident of Millcreek and love our community.

It would be absurd to allow the requested digital billboards to be installed as they are designed, as they are contrary to our City Plan. Please consider alternative options that are not as obnoxious and blatantly increasing light pollution, and are also at a more appropriate scale.

Please allow my comments to be read at the meeting on Wednesday, as I will be unable to attend in person.

Thank you for your service, and I hope you will serve the residents of our community by Voting No to this amendment.

Sincerely,

Dave Rasmussen
3416 E Bernada Dr
Millcreek, Ut 84124

From: Kathy Blake [redacted]
Sent: Tuesday, September 14, 2021 1:44 PM
To: Cheri Jackson <cjackson@millcreek.us>
Subject: Please oppose the digital billboard proposal

I live in a Millcreek neighborhood across the street from the proposed site for a new, large, bright digital billboard. I am opposed to this. I don't want digital billboards in my neighborhood. I'm frustrated that Millcreek City is going against their own nature-connected ordinances to try and get this deal through. It seems rushed. I don't think anybody has made an official inquiry into how much it would cost to buy out the existing billboard that has to be moved for the new city center development. I think there are enough close ties between city government officials and Reagan outdoor advertising that it appears we've made cozy deal rather than one that was rigorously worked out. That is not a good look.

If you are going to represent my interests for a city council vote, I'm asking you to vote AGAINST the digital billboard proposal and [.for FOR aore] for deliberative evaluation of the situation and other viable options. It sounds like we've just thrown up our hands and agree to whatever Reagan outdoor advertising wants. Please don't rush this and take some time to figure out what is really best for Millcreek.

Thanks
Kathy Blake
1481 Woodland Ave

Get Outlook for Android

From: Kelly Smith
Sent: Monday, September 13, 2021 11:37 AM
To: Dwight Marchant; Shawn LaMar; Victoria Reid
Subject: billboards comment

Kelly Smith
1134 E. 3300 S #316

I am writing to express my disapproval of the billboard tradeoff being discussed on Wednesday. Please forward this email appropriately if necessary.

1. Dark sky (a). The presentation dated 7/16/21 https://millcreek.us/DocumentCenter/View/2415/7-16-21_Electronic-Marquee-Sponsorship-for-Millcreek-Common?bidId= mentions the International Dark Sky Association (IDA) says electronic billboards may help reduce overall light pollution. However, those guidelines say the signs should be "switched off completely after 2300h/11pm (or 30 minutes after the close of business for on-premises signs, whichever is later), and remain off until one hour before sunrise." https://www.darksky.org/wp-content/uploads/2019/10/EMC-Guidelines-IDA2019-1.1.pdf The memorandum of agreement found here https://millcreek.us/AgendaCenter/ViewFile/Item/332?fileID=11519 says only one of three billboards is going to be turned off at night. Not mentioning this in the presentation is deliberately misleading and if Millcreek isn't going to follow the IDA guidelines, they aren't creating dark skies or reducing light pollution.
2. Dark sky (b). The guidelines linked above say "IDA disagrees with the 2016 recommendation … that EMC compliance measurements should use illuminance (foot-candles or lux) instead of luminance (candela per square meter)." It further states, "footcandle or lux meters, can also be used to derive an approximate measurement of luminance, yet are prone to bias from other sources of light" and "will subsequently require that the EMC owner/vendor be contacted to set a pure white screen for proper measurement." Yet the memorandum of agreement with Reagan says the illuminance level is measured in foot candles, which at best means they are using a less accurate method of measurement and at worst is continuing to ignore the guidelines they infer are being followed.
3. Static signs. The commons would be better served by static signs that list a webpage. I can't imagine very many people standing around staring at the billboard, waiting for all the ads to cycle through, when they could just type a current events webpage into their phones in less time and could check it in the future from home.
4. Light pollution. The signs might not currently be shining into anyone's homes, but with the constant development in the area, plus the long lease on these signs, it seems pretty likely these lights will eventually reduce the livability of someone's home or business. Not to mention drivers and pedestrians in the area being distracted by the flashing lights.



I realize in reality minds are already made up on this and no amount of public comment will help. So I would like to submit for consideration the following:

1. All three signs should be turned off at night per the IDA guidelines and measure luminance per their guidelines.
2. If Millcreek really is dedicated to making the city center a walkable area, change the signs to smaller ones that target pedestrians, such as these in use at the U. https://attheu.utah.edu/facultystaff/digtital-signs-for-campus-alerts/

Thank you for your consideration,
Kelly Smith
1134 E 3300 S #316

From: Elyse Sullivan
Sent: Tuesday, September 14, 2021 9:38 AM
To: Planning Commission
Cc: Francis Lilly
Subject: FW: Millcreek Commons Billboards

Nancy Von Allmen
Chair, CRCA Parks Committee

From: Nancy von allmen <[redacted]>
Sent: Tuesday, September 14, 2021 9:30 AM
To: Cheri Jackson <cjackson@millcreek.us>; Elyse Sullivan <esullivan@millcreek.us>
Subject: Millcreek Commons Billboards

Needing to be out of town on an emergency family medical situation on Sep 15, I submit these comments to The City Recorder.

Having spent much of my youth in Vermont, where scenery is spectacular and billboards are illegal, I arrived in Utah confused by the plethora of ugly billboards cluttering and blocking spectacular Western scenery. In the years I've been in this beautiful state, I'm disgusted and dismayed by the increasing numbers of billboards and digital billboards. Our spectacular scenery is blocked by selling selling selling.

It was difficult to learn that three digital highway sized billboards are proposed for the Millcreek Commons. This area was to be uncluttered open space, where citizens can convene and relax among benches and fountains with our spectacular Mt Olympus in the background. It was meant to be a place for our community to connect to nature and to each other.

Recently, I've heard people say that three digital billboards was part of the original city center plans. Having seen the plans from the beginning, this is not completely true. Who always planned three huge digital billboards in the city center? This was not part of the community's early discussions around this city center's vision nor was it part of our agreed upon city plan. To state that it was part of our original plan- is manipulative marketing.

In regards to our Canyon Rim community meeting (CRCA, held on September 1st). I was appalled at the intense approach taken by the city's presentation essentially representing the Reagan digital billboard agenda.

Cheri Jackson, Francis Lilly, Mike Winder, and Aimee Mckonkie sat on the call the entire meeting. Mayor Silverstrini sat silently, intensely watching. While it's typical for the city representatives to join our community calls, it's not typical that all of them to stay for the entire call. The presentation felt overwhelming and intimidating.

It was frustrating that our concerns and ideas were dismissed. I was frustrated that our community council was given no time whatsoever to privately discuss the material nor absorb the presentation outlined for us. We voted near 10pm, influenced by the late hour and the

persuasive sales pitch. Since we were asked to vote on a 40 year commitment, there definitely should have been more time for discussion.

In my opinion, this vote does not represent my CRCA's usual nuanced approach. This vote does not represent the entirety of our group. Our Parks Committee was unanimous in opposing huge digital billboards at Millcreek Commons, in agreement with the current Billboard Ordinance disallowing billboards in the City Center. Our needs and concerns for lower impact/monumental signs were swept under the carpet to appease Reagan demands for huge (too big and too high and too obtrusive) signs. That's despicable.

If we were allowed 2 years to discuss the ADU situation, why were we allowed only 45 MINUTES to discuss this situation which will impact the city for FORTY years?

The pace at which the city is making this quick decision is alarming. Why the urgency? Are you truly wanting the community's thoughts on this? Or has a decision already been made and this is all just a performance?

Please. Take a deep breath and see if- right now- you are also feeling rushed or pressured on this issue. We don't have to react to the pressure. We have time. We have resources. Our community loves this city. We have invested time and resources in protecting our city. Working with Reagan is not our only solution.

With hopes that open uncluttered Mt Olympus views can be valued by installing smaller digital monument signage, I submit best wishes.

Nancy von Allmen
Chair, CRCA Parks Committee

Sent from my iPad

From: Elyse Sullivan
Sent: Tuesday, September 14, 2021 3:37 PM
To: Planning Commission
Cc: Francis Lilly
Subject: FW: Billboards in the City Center/ I ask this be read at the Planning Commission meeting.

From: dangusmail <[redacted]>
Sent: Tuesday, September 14, 2021 3:05 PM
To: Elyse Sullivan <esullivan@millcreek.us>
Cc: Jeff Silvestrini <jsilvestrini@millcreek.us>; Silvia Catten <scatten@millcreek.us>; Dwight Marchant <dmarchant@millcreek.us>; Cheri Jackson <cjackson@millcreek.us>; Bev Uipi <buipi@millcreek.us>
Subject: Billboards in the City Center/ I ask this be read at the Planning Commission meeting.

Dear Mayor, City Council and Planning Commission,

The billboard on the Southwest corner of 2700 South and 900 East. Is the perfect example of unchecked commercialism and poor planning. Even though this is not in our city boundaries. We already have numerous billboards spread through out our city that are poorly placed.

This is an opportunity we have to mold our new city center into the vision, that the master plan and the ordinances we adopted.

The vision for our new city center was to promote a slice of outdoor living. To invite residents from Millcreek and surrounding cities to come live, recreate and enjoy movie nights and activities in Millcreek City.

To place digital billboards into an area of our city that is contrary to the vision we want to portray. Will take away from our goal.

I am grateful for this opportunity to give my concerns to our city leaders.

I hope we can come up with a solution we can all live with.

Thank you for your consideration,

Diane Angus
Millcreek Community Council Member.

From: Nancy Trouse
Sent: Monday, September 13, 2021 7:26 PM
To: Elyse Sullivan; Cheri Jackson; Aryel Cianflone; Christian Larsen; Ian Wright; Scott Claerhout; Skye Sieber; Tom Stephens; Shawn LaMar; Victoria Reid; Silvia Catten; Bev Uipi; Jeff Silvestrini; Dwight Marchant
Subject: OUR Millcreek Common re: Billboards

Millcreek City Council, Planning Commission and ALL concerned-

I cannot express how strongly I am opposed to digital billboards anywhere in our city! It seems that our council is rushing to a decision about this possibility when indeed there are many options yet to be explored. I stand with the opinion of the planning commission that rushing through the process is not necessary and more public input needs to be allowed. Changing our guiding documents and ordinances also seems to be a step (or more) backwards and costly.

I am seriously concerned about the direction the council is heading as regards the billboards in the Commons. According to attorney Gary Sackett, Mayor Silvestrini and his wife have clear conflicts of interest regarding these billboards. Anyone on the council, or in the administration, who has a relationship with Reagan Outdoor Advertising should recuse themselves from any type of dispute, vote or negotiation that involves dealings with said company. This is a no brainer in my opinion. I would like our council to consult with independent legal expert to discover a fair market value of the billboard(s) in question.

In conclusion: Placing the equivalent of six giant digital flashing advertising billboards in our new Millcreek Commons is not my idea of CONNECTING TO NATURE. Perhaps we should change our motto to "Connecting SOME to Dollars".

Please read this out loud at the September 15, 2021 meeting.

Sincerely,
Your constituent and neighbor,
Nancy Trouse

From: Elyse Sullivan
Sent: Tuesday, September 14, 2021 8:26 AM
To: Planning Commission
Cc: Francis Lilly
Subject: FW: 9/12/21 Email to CRCA Regarding Digital Billboards

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From: Jonny Murdock <[redacted]
Sent: Monday, September 13, 2021 6:42 PM
To: Elyse Sullivan <esullivan@millcreek.us>
Subject: 9/12/21 Email to CRCA Regarding Digital Billboards

Hi Elyse,

I am a member of the CRCA and in an email discussion with that group regarding our approval of digital billboards in the city center, I wrote the following and was asked by a fellow member to submit it to you and request it be read aloud at Wednesday's meeting. Here is the message:

"I stand by my vote to have these digital billboards installed and maintained by Reagan for the duration of the agreement term, though I felt the same as Kate and had a couple of things come to mind the day following our meeting that I'd love to see or have more clarity on; namely, I'd like a chance to review the final draft of the agreement between the City of Millcreek and Reagan, and I'd like to see the exact proposed amendment to city code wherein digital billboards may be approved near the city center but only if they are owned or licensed by the city and only if they are placed on city owned property and used in part to highlight and advertise things the city chooses, etc.

Upon first finding out about this proposal I felt an immediate opposition toward it due to my assumptions of how everything would shake out, but after hearing all the dynamics and constraints due to property ownership and existing binding contracts, my mind was changed and I now see these digital billboards as a figurative flood channel we are choosing to carve out to direct the flood of advertising that will continue to increase in its scope and aggressiveness in our city as it continues to become a denser population base. I see these digital billboards eliminating nearly a dozen static billboards in the area that are taller, bigger, much much uglier than the ones being proposed, and 100% unused by the city, while simultaneously removing the immediate barrier to construction of the city center without incurring a substantial expense that has no upside other than the completion of the city center itself.

The concerns I still have with our approval are as follows:

1. That the agreement with Reagan may not be quite as described to us in the meeting or there is more to it that did not come up and items could go into effect that we were unaware of and would have been opposed to.



2. That the amendment to our city's code to allow these digital billboards could end up with items in it that then allow for more digital advertising near the city center than we were made to understand would be the case in our meeting.

If in reading these two items I found something different from what was verbally expressed in our meeting, then I would be happy to revisit the vote on this approval, otherwise I stand by my vote.

I hate being bombarded by advertising everywhere I turn, I want to see a lot less of it and from the people I mingle with in our community, most Millcreek residents feel the same. It is from this place and feeling that I voted to approve these digital billboards, believing as I still do that it will ultimately reduce "noise" and clutter, while streamlining advertising in the area with efficient high tech lower impact billboards with a clear benefit to the city which can use 40% of their capacity to really draw people in to a city center we are investing a massive amount into and counting on to be a hub for gatherings, community involvement, and robust commerce. Furthermore, rental rates for businesses occupying space in the city center will be massive, they will need a high volume of customers coming through their doors and I see these billboards assisting greatly with that, especially if we can ensure that local businesses receive better advertising rates than others and that the city utilizes some of its 40% capacity to rotate through highlighting the businesses taking the risk to set up in the new and expensive development.

Sorry for the novel, I wanted to get most of my thoughts on the matter out on paper for everyone to know where I stand and why.

Best,
Jonny Murdock"

Thank you!

Scenic UTAH

"Center of Scenic America"

Date: September 7, 2021

To: Mt. Olympus Community Council

Subject: Millcreek Common Digital Billboards Proposal

Dear Mt. Olympus Community Council Members,

I'm writing to express Scenic Utah's concern about Millcreek City's proposal and draft MOU to place three multi-faced digital billboards (six total) in the new Millcreek Common development.

Scenic Utah is a 501c3 organization committed to preserving and enhancing our state's natural beauty, and to reducing visual pollution in our communities and countryside. While we are not opposed to outdoor advertising as a medium, and we support the right of businesses to advertise their goods and services, we feel strongly that such signage should be consistent with Millcreek's values and with the aesthetic standards its communities have adopted.

The digital sign proposal for Millcreek Common is wholly inconsistent with those values and standards, and with the General Plan and zoning ordinances approved by residents in 2019. In working through those ordinances, Millcreek fought hard to limit billboard proliferation in the newly established municipality. Although the City's proposal would result in removal of several static billboards, the net effect of this scheme will be a massive and unnecessary visual impact to your beautiful new city center.

The City's description of these digital billboards as 'district signs' or 'marquees' are misnomers. Instead, they more closely resemble full-sized digital billboards, dramatically increasing the number of flashing lights and commercial advertisements that pedestrians and drivers will be subjected to.

Several other points worth considering:

- Millcreek's General Plan includes a goal of "promoting compatibility of signs with pedestrian-oriented development in all areas, and particularly in designated mixed-use centers and residential areas." The proposed billboards – while somewhat shorter than those they intend to replace – contradict this goal. They are far larger in scale than is appropriate for pedestrian-oriented development, and far larger than necessary for informing and advertising to people. In addition, the proposed 'twirl' time of 8 seconds per minute is a standard established for automobiles moving at 60 mph or faster, rather than pedestrians moving at 3 to 4 mph.
- Two years ago, Millcreek approved an ordinance prohibiting digital billboards. Changing it to allow the proposed digital signs in Millcreek Common would open the door to full digitization of all 50+ billboards in Millcreek City.

- Billboard owners have lobbied hard to pass laws making it difficult for cities to remove billboards – even when moving them is in a city's best economic or aesthetic interest. In fact, as this issue is underscoring, our billboard-friendly laws allow for vague valuations of signs and cause cities to assume that eminent domain processes are too costly for the public to bear. However, some cities are learning that saying "no" and initiating a buy-out process is less expensive than billboard owners threaten, and that this is often a better alternative than allowing billboards to relocate. (Holladay City, for example, purchased a billboard for well below $1 million in pursuing a similar redevelopment agenda.) Millcreek City has adept legal expertise at the highest level of local government and within its independent citizenry who could navigate a valuation and potential condemnation process in accordance with state statutes.
- The removal of 10 **static** billboards with 6 **digital** billboards of similar size does little to reduce the visual impact of billboards in Millcreek City. Indeed, 6 digital signs, with advertisements flashing every 8 seconds equals ~7 flashes per minute on each sign. The net result for Reagan Outdoor Advertising, and for Millcreek residents and visitors, is a total of 336 impressions per minute throughout the Common, over a period of 40 years – or for the rest of many residents' lives! This is a great deal for ROA, and a rotten deal for Millcreek City.

We encourage Millcreek's Community Councils, the Millcreek City Council, and the City Administration to reconsider this proposal, and allow a broader discussion about its true impacts. We also recommend the following:

- Further and significantly reducing the size of the proposed billboards so they are truly compatible with the new, pedestrian-oriented Millcreek Common development. (See some examples below of digital signage in pedestrian developments.)
- Limit any ordinance change allowing digital signage in Millcreek City to allow digital signage *only* in the Millcreek Common development. (Residents' wish to prohibit digital billboards should be respected.)
- Allow more time for Community Councils and residents to better understand and debate the impacts of the proposed MOU before bringing the issue before the City Council.
- Retain the services of an experienced, independent appraiser and/or an independent legal expert with experience in eminent domain proceedings to provide a second opinion on the value of the billboard at 1333 East 3300 South. Simultaneously, require Reagan Outdoor Advertising to produce information verifying the income generated by that billboard, and/or any other valuation information that will allow the city to determine its true value.

Thank you for taking time to read and consider our perspective and ideas. I'd be happy to discuss this in further detail with your council members.

Sincerely,

Kate Kopischke

Kate Kopischke, Director

From: Matthew Gardner <[redacted]>
Sent: Wednesday, September 15, 2021 11:39 AM
To: Elyse Sullivan <esullivan@millcreek.us>
Subject: Comment for Planning Commission Meeting

Hello Erin,

I understand that I should send any comments I have for the planning commission to you for this upcoming meeting. I will be unable to attend the meeting, so I want to make sure my thoughts are shared. Please share the following:

My name is Matt Gardner and I am on the board of the Canyon Rim Citizens Association. A strong majority of our board agreed to recommend moving forward with the narrow amendment allowing these signs in the city center. I would like to articulate my reasons for voting in the affirmative so they can be on record during the commission meeting:

1. This plan removes multiple unsightly billboards from the city, which because of the unfair advantage that sign companies have in our state, would remain there in perpetuity.
2. This plan adds 3 signs (6 if you count front and back) which would remain in the control of Reagan for 40 years.
    1. While 40 years sounds like a long time, it is far less than a timeframe with no conceivable end.
    2. After 40 years, we can completely get rid of the signs if we want, which is a much better option than having ugly signs around forever.
3. During the 40 years Reagan has control of the signs, Millcreek City events will take up 40% of the signs, thus making it so we can advertise community events - making it a win for Millcreek and decreasing unsightly advertising.
4. We (CRCA) recommended Millcreek businesses receive an advertising discount, which would further increase the local feel of the city center.
5. This agreement will free up money for the city to work on other projects because we will not be spending more than $1 million getting rid of 1 billboard when we could get rid of almost a dozen billboards without cost.

In summary, what we have now is no end in sight for several unsightly billboards that we can't possibly get rid of under current state law. This agreement will remove almost a dozen of these while providing benefit to our city.

Thank you,
Matt Gardner

3431 S Crestwood Dr
Millcreek, Utah 84109

Elyse Sullivan
City Recorder

Kathleen Johnson
3431 Crestwood DR.

September 14, 2021

Dear Ms Sullivan,

Re: Proposal for Digital Billboards at Millcreek Commons

I am writing to express some concerns regarding the digital billboards at the Commons, and about the process involved in reviewing the proposal with the various community councils. I would appreciate it if you would make my comments part of the record and read them aloud at the upcoming planning commissions.

1. I certainly found the city's staff to be well prepared for the community council meeting. However, I found the meeting to be largely dominated by the presentations, and little time was left for any real discussion of issues related to the billboards. As an example, at the conclusion of the lengthy presentations, the audience was allowed to ask questions, but there was no real discussion or opportunity for such. Generally, I found the meeting to be structured to emphasize the presentations and the city's own conclusions on the merits, and minimize opportunities for public or council engagement.
2. A major argument for making this decision with some haste is the idea that the existing billboard is in the way of construction and must be condemned by November 1 so as to not impede the process of developing the Commons. In my opinion, this is an obvious issue that could and should have been anticipated two years ago or more. If there is haste now, it's either because someone at the city who should have anticipated this didn't, or (more likely) it's a convenient argument that allows the city to pressure councils to approve the MOA with Reagan.
3. The city developed the plans for the Millcreek Commons with considerable input from the public, yet this process excludes those same people from participating in modifications to the original plan. This is a disenfranchisement of those people who contributed their own time and energy to develop a common area they could be proud of.
4. The digital billboards are touted as a way to promote events at the commons yet will be largely invisible to the majority of city residents. When asked, the city's representative said that they would continue outreach to other Millcreek residents through such things as "newsletters". If the city is investing time and money into this proposal (the commons as well as the billboards), then the outcome should be one that benefits Millcreek residents in general, not just the few who may drive past the commons area occasionally.

I appreciate this opportunity to put my comments on the records, thank you.

Sincerely,

Kathleen E Johnson

09.07.21
Millcreek Arts Council

The Millcreek Arts Council voted unanimously on July 13th, 2021 to take a stance against the City's proposal to have three digital billboards installed (via an agreement with Reagan Outdoor Advertising, "ROA") at the Millcreek City Center..

Digital billboards are not in alignment with our current City plan nor are they part of our City's motto 'Connected by Nature'. As such, we do not believe that digital billboards will follow the desired culture and aesthetic our community agreed upon in 2019. In fact, we worry that digital billboards will be distracting, intrusive, and will take away from the culture and charm of our City.
In addition to our concerns with the digital component of these signs- the size of these proposed billboards and the suggested number of signs placed, is excessive and out of scale for the design of our City Center.

The argument has been made that these large digital billboards are required for events held at the new Millcreek City Center to be successful. The Millcreek Arts Council would like to work with Millcreek City to support our community's events and arts and has multiple alternatives at the ready to advertise the community's events without the blight of massive digital billboards.

The Millcreek Arts Council agrees with the Millcreek Planning Commission that it would be in the City's best interest to slow down this process and find alternative solutions to decrease the City's billboard square footage without needing to use excess taxpayer dollars and without needing to make a 40-year agreement to have three unsightly digital billboards housed in our City. We do not agree with the city attempting to change ordinances in order to make this deal with Reagan Outdoor Advertising happen. The effort to change the ordinance should be redirected into finding alternative solutions that would fit the long term goals of the City and provide an enjoyable community center for all.

We ask that the City find an alternative solution to moving forward with the city center whilst navigating the billboard on 3300- hopefully find a solution that aligns with the City's values.

Minutes of the
Millcreek City Council & Planning Commission
September 16, 2021
5:30 p.m.
Special Meeting

The City Council and Planning Commission of Millcreek, Utah, met in a special public meeting on September 16, 2021 at Millcreek Common, approximately 1324 East Chambers Avenue, Millcreek, UT 84106.

PRESENT:

Council Members
Jeff Silvestrini, Mayor (excused)
Silvia Catten, District 1
Dwight Marchant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4

Commissioners
Shawn LaMar, Chair (excused)
Victoria Reid, Vice Chair
David Allen (excused)
Scott Claerhout (excused)
Skye Sieber
Tom Stephens
Ian Wright
Christian Larsen
Aryel Cianflone (excused)

City Staff
Mike Winder, Assistant City Manager
Alexander Wendt, Deputy City Recorder
Francis Lilly, Planning & Zoning Director
Kurt Hansen, Facilities Director
Rita Lund, Communications Director
Josie Showalter, Asst. to Econ. Dev. Director
Aimee McConkie, Director of Millcreek Common

Attendees: Reece Stein, Rachel Stein, Marianne Stein, Dan Strean, Wayne Johnson, Marv Poulsen, Lynda Bagley, Carol Elliot, Ginny Bostron, Jeremiah Clark, Andrea Clark, Robert May, Ryan Heath, and Ben Dean.

Minutes by Alexander Wendt.

WORK MEETING – 5:30 p.m.
TIME COMMENCED – 5:30 p.m.

1. Millcreek Common Site Tour and Discussion
The Council and Commission toured the open space and construction of Millcreek Common. Mike Winder, Assistant City Manager and Economic Development Director, explained how Millcreek Common will be a town-square, open-space, and city center for Utah's newest city. Mr. Winder explained that the ice rink and ice ribbon can be used when the weather is 60

degrees Fahrenheit and cooler. In the summer, people will be able to roller skate on the concrete. The ice rink and ribbon are 500 square feet larger than the Herriman rink. There will be lights coloring the ice and music playing. Construction has begun on the stage for Millcreek Common, as well as the adventure hub for skate rentals and restrooms.

The ground floor for the new Millcreek City Hall will house a public market like in Lenexa, Kansas. There will be a banquet hall and ballroom on the top floor. The middle floors will be occupied by city offices and the Unified Police Department Millcreek Precinct. City Hall will also have an outdoor climbing wall. Power lines between 3300 S. and 1300 E. will be buried.

Mr. Winder described how the water feature and splash pad will work. The water feature will be lit at night with colorful lights. Millcreek will own the south building at Millcreek Common and will lease space to Pizza Nono. There will also be a specialty ice cream shop next to Pizza Nono. Free Wi-Fi will be available at Millcreek Common. Mr. Winder exclaimed that Millcreek Common will be a great local meeting place.

Aimee McConkie, Millcreek Common Director, explained that she would like to host 280 events a year at Millcreek Common. Those events will help Millcreek Common become financially self-sustaining. Millcreek Common will become an economic engine for local businesses, the events will draw people and that will help the businesses. Parking spaces along Chambers Avenue will be angled and eventually a parking structure will be built with 480 parking spots. There will be patios, patio heaters, and gas firepits for people to sit and relax. Millcreek Common is designed to be pedestrian friendly.

Ms. McConkie stated the northwest side of Millcreek Common will have food truck parking spaces for eight food trucks with electric hook-ups. The food trucks will not have to run generators. The Fine Art Inn will be move across the street and Tres Hombres will stay in their current space. Commissioner Wright asked about building height and if people on the top floor of City Hall in the community room will be able to see the mountains. Mr. Winder said they will be able to see the mountains. Phase 1 parking included 80 outdoor stalls and 480 stalls in the parking structure. Phase 2 of Millcreek Common will include grassy natural areas and an outdoor amphitheater. Mr. Winder said Millcreek Common is being paid for by the tax increment from the development around the Common. Commissioner Sieber asked about shade at the splash pad. Ms. McConkie replied and said there will be umbrellas and USB ports at the seating areas around the splash pad. Ms. McConkie said that Millcreek Common will be a place of nostalgia for kids, teens, and adults to look back on. The plan is to have Millcreek Common open in January. People will come here with their friends and create memories. Ms. McConkie mentioned that Unified Police will have a vestibule next to Millcreek Common. If someone needs police assistance they can go there. Mr. Winder thanked everyone for attending the Millcreek Common open house.

The meeting adjourned at 7:10 p.m.

APPROVED: _____ **Date**
Jeff Silvestrini, Mayor

_____
Attest: Elyse Sullivan, City Recorder

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Minutes of the
Millcreek Planning Commission
October 7, 2021
5:00 p.m.
Special Meeting

The Planning Commission of Millcreek, Utah, met in a special public meeting on October 7, 2021 at Millcreek City Hall, 3330 S 1300 E, Millcreek, UT 84106. The meeting was conducted electronically and live streamed via the City's website.

PRESENT:

Commissioners
Shawn LaMar, Chair
Victoria Reid, Vice Chair (excused)
David Allen
Scott Claerhout (virtual)
Skye Sieber
Tom Stephens (excused)
Ian Wright (excused)
Christian Larsen
Aryel Cianflone (excused)

City Staff
Francis Lilly, Planning & Zoning Director
John Brems, City Attorney
Kurt Hansen, Facilities Director
Alexander Wendt, Deputy Recorder

Attendees: Jordan Cullimore, Marv Poulsen, Rob Keller

Minutes by Alexander Wendt.

SPECIAL MEETING – 5:00 p.m.
TIME COMMENCED – 5:07 p.m.

1. **Discussion with the Office of the Property Rights Ombudsman**
   Chair LaMar welcomed Jordan Cullimore, Property Rights Ombudsman. Chair LaMar first asked an emailed question from Commissioner Stephens who was not in attendance. "The eminent domain process (in this case to remove a billboard) requires the determination of the "fair market value" of the billboard, including a valuation as to the degree it is part of a "bundle of billboards" that advertisers want to advertise on. By what means does the City determine the fair market value as its starting point in the valuation process -- third party, neutral appraisal, or some other means? Mr. Cullimore explained first he is from the Ombudsman's Office which is a neutral, non-partisan, state funded agency. The way fair market value is determined is the same way two individuals in a transaction would determine it. The most common way is an appraisal, there is not necessarily a requirement for an appraisal, but the condemning entity must disclose how they come to their number. If there is a disagreement between parties, then an appraisal is done. You can pay things other than money; you can exchange property or exchange other forms of consideration. There are appraisers who specialize in this sort of thing to

determine fair market value. Commission Allen asked if the City needs to do an appraisal. Mr. Cullimore said the City can approach an owner of an asset and make an offer. If they cannot reach a value, the next step is condemnation. Nothing prevents the City from determining what fair market value is the normal way a buyer and seller would. Commissioner Allen asked if the City were to swap an acre of land for a billboard would the City have an obligation to go through valuations. Mr. Cullimore said that as a mediator sometimes there are swaps or exchanges of properties. If the City officials make the decision and the property owner determines it is a fair exchange, it is allowed. Commissioner Larsen asked if an administration compensation estimate requires proprietary information, like ad revenue. Mr. Cullimore said he did not know; an appraiser would know. Mr. Cullimore said he has never dealt with a billboard condemnation in his office so he would ask appraisers questions.

Rob Keller, partner with firm of Snow Christensen and Martineau, said he represents municipalities where city attorneys need additional expertise, often in the condemnation context. In his experience, usually both parties want appraisals involved to come to fair market value. This does not prohibit the parties from doing an exchange or taking a creative approach to negotiations. The vast majority do rely on appraisals. There are wide variations in appraisals. The City is required to get fair market value for the exchange. They cannot simply say give us property in return for something. The City would need to prove they got fair exchange for what they are giving up. Mr. Keller said the issue is evaluating the value of a billboard. Staff recognizes that an appraisal is important and has asked for an appraisal from Phil Cook, one of the most reputable appraisers in the State. City legal counsel has received an appraisal in draft form. It does not have the information about Reagan's income stream. The appraisal does give some indication of value, but the question is how the City can share the appraisal with the Planning Commission and City Council and keep attorney client privilege, and work product privilege while the report is still not finalized. They cannot disclose value this early in the process because it is not necessarily the value. The City Council is going to meet in closed session to disclose the appraisal without waiving attorney client privilege. There is not the ability to hold a closed session with the Planning Commission. Mr. Keller is going to ask the City Council to decide on waiving their attorney and work privilege to disclose the appraisal to the Planning Commission. The City Council recognized the interest of the Planning Commission.

Commissioner Allen asked if a city or state decided they wanted property in 30-90 days, how fast could they make the condemnation process. Mr. Keller said it depends on how the two sides get along. When there is a final appraisal, a state statute requires a period of negotiation with the property owner and there is a 30-day period for negotiation. At that point a city council could pass a condemnation resolution. After this point the City can file an action and seek an order of immediate occupancy. Depending on the dynamics between the parties this can happen in 30 days and then the Court calendar determines the speed. The fastest this can happen is 45-60 days or up to 120 days depending on litigation dynamics. If the Court must grant an order of occupancy, it can take 45-120 days. Mr. Cullimore said there is an obscure provision in state law that talks about ways that local government can obtain a billboard. If a municipality commences an eminent domain action immediate occupancy does not apply. A municipality may not take possession of the billboard, or the billboards associated rights until all appeals, or all judgment is

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complete. This allows the municipality to take possession and the owner receives just compensation. Mr. Cullimore said that based on the state law if it takes 20 years to get a billboard then it takes 20 years. One way to obtain a billboard is by eminent domain but the immediate occupancy provision is not available. Filing eminent domain is a condemnation action. Mr. Keller said you would have to resolve the value before you obtain the billboard. Chair LaMar asked if the owner decided that as soon as they are ready, and the City is ready then they would not need to play out longer than they wanted to. Mr. Keller said as soon as the two parties agree the good faith negotiation period can end. Chair LaMar asked what happens if the City gets an appraisal and Reagan does not agree with the appraisal, how is the fair value determined. Mr. Keller said the Ombudsman offers a mediation service. The Ombudsman could order the City to get another appraisal, then there would be three appraisals, one for the City, one for Reagan and one ordered by the Ombudsman. If none of that worked, it would be an issue for the courts. A jury would decide what the value is when two parties cannot come to an agreement. Chair LaMar asked how long it takes to get an appraisal. Mr. Keller said the appraiser the City is using is in high demand, they are a very good appraiser, and it would take them more than a month. It would take an appraiser several months on a complex issue.

Chair LaMar read a question from Commissioner Stephens. “The fair market value of the billboard cannot be determined in the absence of knowing the lease cancellation or lease termination provisions. If the next opportunity for the termination of the billboard land lease is in 2031, for example, ten years, then the fair market value of the billboard should be based on a revenue stream to not exceed ten (10) years (plus the value of the billboard as part of a "bundle of billboards" that is part of an advertising package). Question: are the lease cancellation / termination provisions in the land lease public information and available to the planning commission for its review?” Mr. Cullimore said he does not know a situation where two parties must disclose this. If it is a private lease, a party would not have to disclose the information if they do not want to. Mr. Keller said Reagan would probably want to disclose this to the appraiser. They can disclose this to the City appraiser or their own appraiser. Commissioner Allen said that in the absence of this it would probably go to court. Mr. Cullimore said that the way this question is phrased is, can the planning commission require this, in which case probably not.

Commissioner Sieber said her questions had been answered. Commissioner Allen said it sounds like there is a draft appraisal out there that may have been done yesterday but it is out there. Chair LaMar asked for clarification, once the draft appraisal comes to the City Council, they can review that in a closed session because it fits the criteria for a closed meeting. Then, can the City Council bring the Planning Commission into closed meeting to determine fair market value. Mr. Keller said if the appraisal is disclosed to the Planning Commission at this point it is a draft and not a final number. Mr. Keller said he did not know if the Council can invite a member of the Commission into the closed session. Absent that, if the Planning Commission finds out the value and talk about it in a public meeting then anyone can find out the value even though the value is not final. The City Council wants to discuss this in a closed meeting and discuss if they would like to disclose the information at that point. If they disclose it, they cannot protect the information. Commissioner Allen said the challenge is if the Planning Commission could go into the closed meeting. Chair LaMar asked if other Commissioners wanted to hear

from Mr. Brems. Mr. Brems explained that the City Council will decide on whether to disclose the value or not and waive their attorney client privilege. Chair LaMar asked if the Planning Commission could come into the closed meeting. Mr. Brems said he did not think that meets the criteria for attorney client privilege. If they decide to not waive the privilege the Commission cannot use it. If the Planning Commission were in there it might lose attorney client privilege. Mr. Keller said that the Planning Commission deliberations are always public. If the Commission received the information, they could not share it otherwise attorney client privilege is waived. Chair LaMar said it does seem like under the closed meeting act that the acquisition or sale of property that the Planning Commission could have a closed meeting. Commissioner Allen said that the argument would then be is this information relevant to the Planning Commission or not.

Chair LaMar brought up process and timeliness. He asked what a good way would be to determine whether something is timely or not timely. Mr. Cullimore said he is unaware where a Utah court has defined timely. If this were to be litigated, people would make arguments based on the circumstances. Chair LaMar asked if past timeliness could be used as an argument. Mr. Cullimore replied yes, it sounds like a reasonable argument. Chair LaMar asked who decides what is timely when the City Council and Planning Commission disagree on if something is timely. Mr. Cullimore explained, the City Council decides if something has been timely, they make the laws. If there was a dispute, it would be decided in court. Mr. Cullimore said it would be hard to find someone who has standing or claim because of a council decision. If the City Council decided that something has been timely there is not a way to appeal this determination. Commissioner Sieber expressed that when a city is changing their code, this is different from a land use application. Therefore, the reasonable period does not apply. Mr. Cullimore said that these terms are in the code to direct people, but they do not always have a specific definition. Commissioner Allen noted that because the Commission is not sure what to do that taking a few months was not a strong argument. Perhaps the issue has changed enough that the Commission can ask for more public process. Chair LaMar asked how the Commission could be confident that this was a fair swap because it would change the ordinance in the City Center.

Chair LaMar read an emailed question from Commissioner Reid who was not present. “Since the City Council recommended our use of the Ombudsman, does the City Council have an obligation to participate in our process with the Ombudsman and to wait for this process to play out before taking action?” Mr. Cullimore said not that he is aware of. Commissioner Allen said in other discussions it sounds like staff has been working on this project and the City Council has been aware of all of this for some time. Then Commissioner Allen asked why one option was being presented to them. Commissioner Allen added it seems like the City Council has been avoiding the public process and the council is being asked individually. The Council is aware of what is going on and has been giving correction. He asked if this violates the Utah Open Meetings Act because it seems like a de facto decision has been made not in the public process. If you assume the City Council has been directing this, was it a reasonable action by the City Council, Mr. Cullimore said what you described is not outside the realm of conducting city business. Staff is working on this as their full-time job, they speak to members of the council or the mayor individually, this is the normal business of a city. Then when the City Council decides they convene with a quorum and hold a public meeting. Commissioner Allen said

he thinks the public process so far is based on inaccurate information. Four community councils have given their recommendations. Commissioner Allen would like to see the process start over especially if the community councils are giving their recommendation based on inaccurate information. Mr. Cullimore replied it depends on the information and whether it is relevant to the situation. Chair LaMar asked if there is a process incase information was inaccurate, if that can be remedied. Mr. Cullimore said that is the question of the public forum in general, this is philosophical. The reality is we all get information and determine credibility. It is through the court of public opinion that you give credibility to facts or not.

Chair LaMar said in this proposal there are billboards selected for removal. Certain parcels may benefit from having the billboard removed. He is curious about fairness. This is the direct result of this agreement, but what about a landowner that would like their billboard taken down. He asked if it was fair. Mr. Cullimore explained that what is fair and what is legal does not always overlap. Neighbors do things all the time to devalue their neighbor's property. There is no action in the law to obtain a remedy unless it raises to the amount of a nuisance. Someone can put up a flag or paint their house orange. This may make it difficult for a neighbor to sell their property. Regarding fairness, there is nothing illegal about what you describe. Chair LaMar asked if it was fair if the City relieves a landowner of their billboard lease. Mr. Cullimore said he is not aware of anything in the law that would lead someone to the conclusion that the City violated someone's rights.

Chair LaMar read a comment from Commissioner Stephens. "The memorandum of understanding (MOU) agreement is attempting to limit the type of advertising to be displayed on the digital billboards (political, sexual, and alcoholic beverage advertisements are prohibited). The City appears to think that it and Reagan can sidestep free speech / First Amendment Right issues because the billboards will be owned by the City and that the lease agreement with Reagan will be immune to First Amendment challenges. Is this a safe, legal bet on the part of the city and Reagan?" Mr. Cullimore explained there are different kinds of speech. Pleasant Grove City had a case that went to the US Supreme Court about whether their city can decide what types of monuments are displayed on public property. Someone sued and said, if you allow one you must allow them all. The United States Supreme Court said no, the City can determine what they allow on their property. Mr. Cullimore said beyond that he does not have a definitive answer. Chair LaMar read another question from Commissioner Stephens. "Government officials are prohibited from using their office/title for endorsements. Although the city center isn't a person, 60% of the ads will appear on city property and within a framework that current illustrations show a city logo or name "Millcreek Common." Is this a conflict?" Mr. Cullimore said that government does this all the time and provides ad space. Utah Transit Authority does this with ads on busses. Mr. Cullimore does not see these challenged. Mr. Cullimore said this is a policy question not a legal question.

Commissioner Allen said if the City has 40% of the ads, then the City needs to establish a fair and reasonable process to determine who gets those ads. The Planning Commission should ask about this. Chair LaMar read another question from Commissioner Stephens. "The MOU appears to be missing (or is vague or inadequate) a number of critical components that would normally be part of an MOU, such as dispute resolution liability,

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term, notice, governing law, assignment, amendment, severability, cancellation. What is the ombudsman's view as to adequacy of this MOU, insofar as its construction and adequacy?" Mr. Cullimore said this is up to the parties at hand and how they want the agreement to look. There is not a statute that says what must be in the contract. He asked if the agreement was appropriate to the situation. Mr. Brems said that the MOU was a nonbinding memorandum of understanding, it says non-binding in it. Commissioner Larsen said that public safety has been brought up multiple times by the public because these are lit billboards. He asked if someone crashes into the billboard, would the City be liable for that accident because they have been distracted by the billboard. Mr. Cullimore said it is difficult to comment without an exact scenario, but he struggles to see where the City would be liable for that. If the City follows standard practices in how any billboard like this is operated, then they would not be liable.

Chair LaMar asked about ex-parte conversations. Mr. Cullimore said he does not have a lot of experience with this. Mr. Cullimore replied that the Planning Commission members should follow the rules that govern the Planning Commission. Chair LaMar asked if the Planning Commission may conduct interviews with the media. Mr. Cullimore said appointed and elected officials do have those kinds of conversations and it is up to their discretion about what they should or should not share. Chair LaMar said that he understands if he spoke to an interested party that would be a violation of ex-parte rules. However, if a member of the Planning Commission did a site visit and reports back to the Planning Commission it would be allowed. Mr. Cullimore said that if there are questions about the rules of order and procedure, he should consult the City's legal counsel. Commissioner Larsen commented about how ex-parte communication could sway a vote, then it would only apply to a pending application and a vote. He asked if there is not a specific application and no parcel or applicant to point to, if there would be any restriction on any discussion. Commissioner Larsen said that he considers ex-parte communication when there is a specific application that has not been voted on. Commissioner Allen said that the rules encourage the Commission to talk about matters. This kind of conversation happens when your neighbor asks questions. If the discussion is with a party that shows up at your house regarding an application that is clearly a no-no. Commissioner Larsen said expanding on this, if the Commission has voted and the issue is now with the City Council then there is not a restriction on communication. Mr. Brems if there is not a pending application it is not ex-parte. If the decision has been made it is not ex-parte.

Chair LaMar thanked Mr. Cullimore for coming to this meeting and thanked staff for helping this meeting happen.

Commissioner Allen moved to adjourn. Commissioner Larsen seconded. Chair LaMar called for the vote. All Commissioners voted yes. The meeting adjourned at 6:22 pm.

APPROVED:_____ Date
Shawn LaMar, Chair

_____
Attest: Elyse Sullivan, City Recorder

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