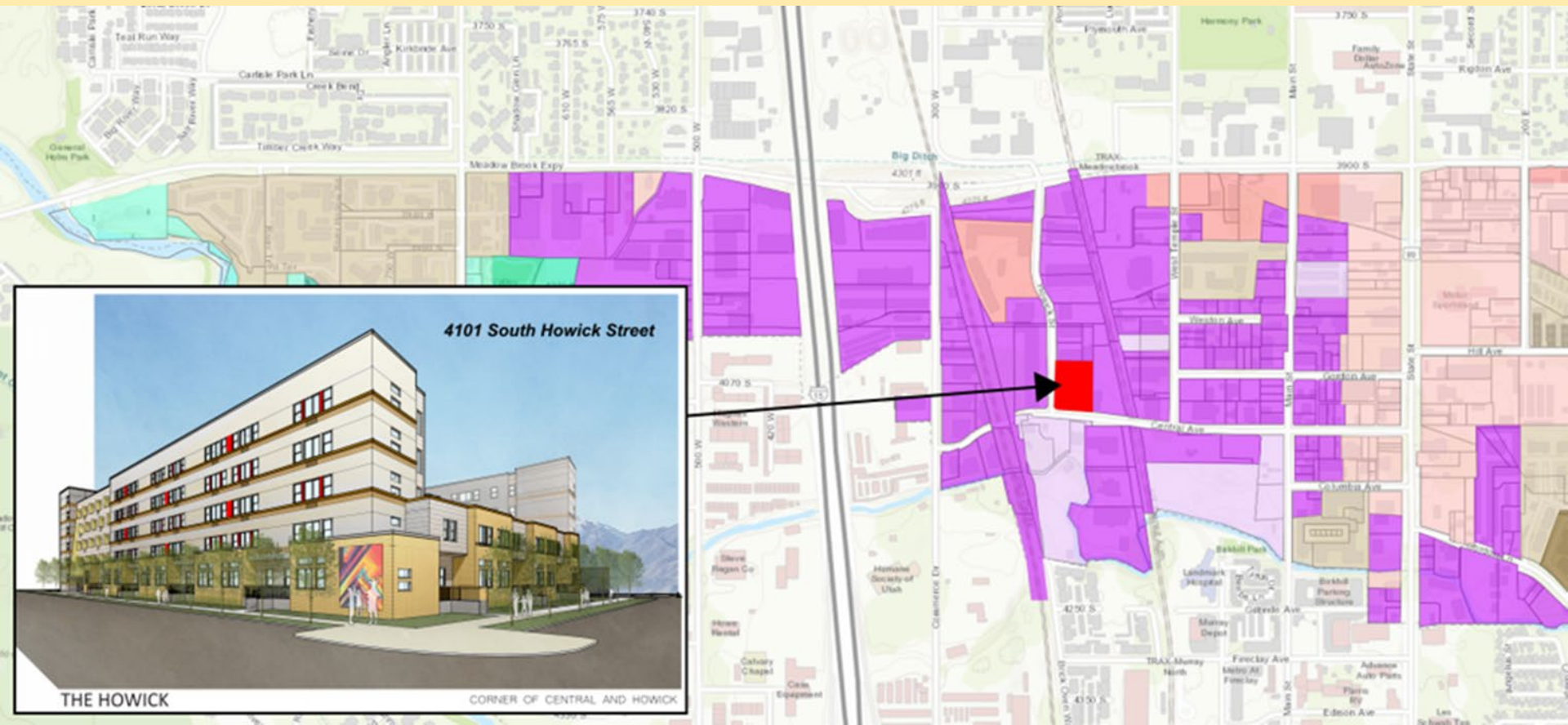


CONDITIONAL USE PERMIT APPLICATION CU-22-016



FOR PREVIOUS REZONE APPLICATION

COMMUNITY COUNCIL RESPONSE

At their regularly scheduled meeting on May 3, 2022, the Millcreek Community Council voted **(10-1) to recommend approval** with the following items to be considered within the development agreement as conditions of approval:

- **Time limited on street parking**
(Controlled by street signage and enforced by the City)
- **Pick-up and Drop-off area**
(Dedicated no-parking area on Howick Street or Central Avenue)
- **Consider trade-off improvements**
(Development Agreement details of the amenities and other benefits being provided to the City and the residents)
- **Include a reversion clause**
(Include a clause that allows the City to re-zone the property to A-1 and withdraw from the Development Agreement)



3330 South 1300 East • Millcreek, UT 84106
Chairman: Jamie Walker

5 October 2022

To: Millcreek Planning and Zoning Comm.

Subject: CU-22-16 Preliminary conditional use permit to accommodate a 150-unit affordable housing project located at 4101 South Howick Street

This application was reviewed by the Millcreek Community Council at its 4 October 2022 monthly meeting.

The council has reviewed this project previously for a rezoning application and is reviewing it now to be certain that the conditional use agreement agreed as part of the rezoning includes the alterations and mitigations previously recommended. It does except for one item.

The Council questioned the parking criteria and why there was a discrepancy between planning commissions recommendation for 190 parking stalls and the 180 approved by the city council, but was assured that the lower number was approved by the city council.

Allother aspects of the projects were deemed acceptable and the Council feels this project will be a welcome addition to the city's housing.

The council voted to recommend approval of the CU-22-16 Preliminary conditional use permit to accommodate a 150-unit affordable housing project. Motion by Robert Brough, seconded by Chip Spencer; and approved by vote of 9 yes and 1 no.

Sincerely,

Quentin Thomas Wells
for the Council

PLANNING COMMISSION RECOMMENDATION FOR **REZONE**

At their regularly scheduled meeting on May 18, 2022, the Millcreek Planning Commission voted (7-1) to recommend approval of rezone application ZM-22-006 with the development agreement conditions recommended by staff, including a condition to work with staff on a potential future crosswalk as part of that development agreement.

Although the Planning Director made an official Parking Determination Letter based on the Fehr & Peers Parking Study for income restricted parking, one member of the Planning Commission expressed their concern that the proposed 190 parking stalls may be inadequate and suggested that the applicant work with staff on any overparking issues. The May 18, 2022, Planning Commission minutes are included in the supporting documents.

SEE #6, #7, AND #8 OF THE DA

EXHIBIT B

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

1. Use of Property is limited to an affordable multi-family housing project targeted for a low-income population with a household income less than or equal to 60 percent of Salt Lake County's area median income for a time period of at least 30 years.
2. The Project is limited to no more than 150 income restricted residential units consisting of the following unit characteristics:
 - 41 one-bedroom
 - 40 two-bedroom
 - 41 three-bedroom
 - 28 four-bedroom
3. All of the first floor units facing Howick and Central Avenue shall consist of loft-style rowhouses, as substantially depicted in Exhibit "C."
4. The Project shall provide, at a minimum, one-hundred and eighty (180) parking stalls.
5. The Project shall include a designated pick-up and drop-off area that is acceptable to the City.
6. Developer agrees to continue working with planning staff on enforcement strategies for the on-street parking for the Project, subject to City final review and approval. If the City determines the on-street parking for the Project becomes a problem, the Developer will not object to City putting time-limits for on-street parking adjacent to or near the Project, and Developer shall be responsible for reimbursing the City for reasonable costs incurred by the City in placing signage in reasonable locations near the Project for purposes of identifying such time-limits for such on-street parking.
7. Developer shall include in tenant lease agreement for the Project, that on street parking must comply with any current or future City on-street parking regulations.
8. Required parking must be provided to residents free of charge. No additional fees or premiums shall be charged for resident and guest parking. Parking spaces may not be conveyed or leased separately from a unit.
9. Development shall provide indoor and outdoor community amenity space in the center of the building comprising of at least 15,000 square feet which will include an outdoor community area with a minimum nineteen hundred (1,900) square foot children's play area, and landscaping as substantially depicted in Exhibit "C."
10. If the State of Utah Chief Rail Engineer determines a need for improvements to the Trax Line Crossing at approximately 135 West Central Avenue, the Developer and the City will determine an appropriate financial responsibility for developer to pay its proportionate share of the cost to install the required improvements, not to exceed ten thousand (\$10,000) dollars. Proportionate share may be determined by trips generated from the Project as a percentage of overall trips as determined by a trip generation study performed by a professional traffic engineer.
11. If the City determines a need for a signal light or other mitigation at the Central Avenue Bridge Crossing, the Developer and the City will determine an appropriate financial responsibility for developer to pay its proportionate share of the cost to install the required improvements, not to exceed ten thousand (\$10,000) dollars. Proportionate share may be determined by trips generated from the proposed development as a percentage of overall trips as determined by a trip generation study performed by a professional traffic engineer.
12. Unit occupancy is prohibited to no more than four single, unrelated adult persons, unless such provision is in conflict the tax credit program.
13. Building will consist of a mixture of powder coated and pre-finished metal, lap-siding, tan or neutral colored stucco with brick masonry and painted metal guardrails as substantially depicted in Exhibit "C."
14. Building is limited to the dimensions, setbacks, heights and design as substantially depicted in the site plan in Exhibit "C."

THE HOWICK CONDITIONAL USE PERMIT



150-Unit Affordable Multifamily Housing for **Families**
Proximate to **Transit, Recreation,** and **Amenities**



CDCU
Community Development
Corporation of Utah

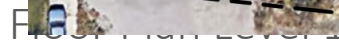


The Howick

- Awarded bond cap allocation from the State in August 2022 (this is funded!)



- 150 units of affordable housing for families (up to 60% AMI)
- 11 of the units will be considered 'deeply affordable units targeted at or below 30% AMI.
- 180 parking spaces minimum per DA. Proposing 187 spaces.



Floor Plan Level 2



Courtyard Amenity



Conceptual drawings by Earthscape

RAISED PLANTER WALL, TYP.
LANDSCAPE BED, TYP.
ON STREET PARKING

TURF, TYP.

BRANCHING TRELLIS
SWINGS AND LOUNGE AREA

BENCH, TYP.

HOWICK STREET



W CENTRAL AVENUE

PERIMETER WALK

MOVEABLE FURNITURE
GRILL AREA
BRANCHING TRELLIS
COVERED SHADE STRUCTURE

SYNTHETIC TURF GAMING AREA
RAISED WOODEN DECK, TYP.
RAISED PLANTER WITH BENCH
THEMED PLAYGROUND WITH POURED IN
PLACE SURFACING

BIRD NEST THEMED LOUNGE SPACES

RAISED COMMUNITY GARDEN
PLANTERS, TYP.

PERIMETER WALK
ORNAMENTAL TREES

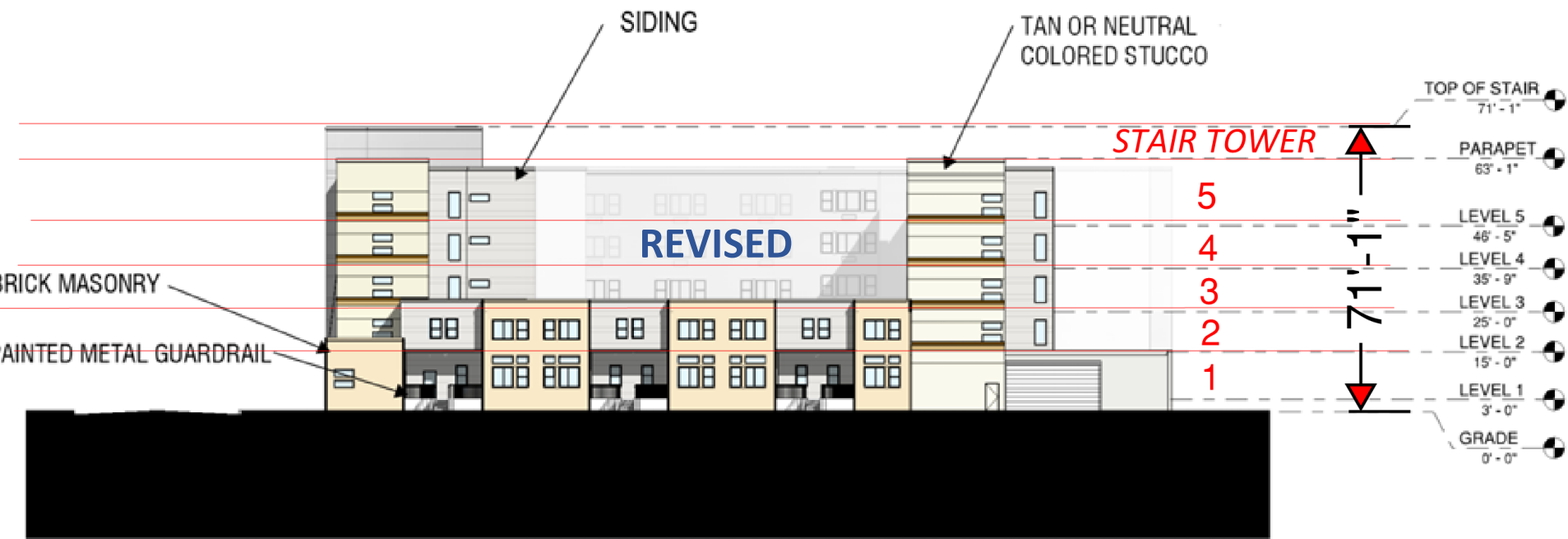
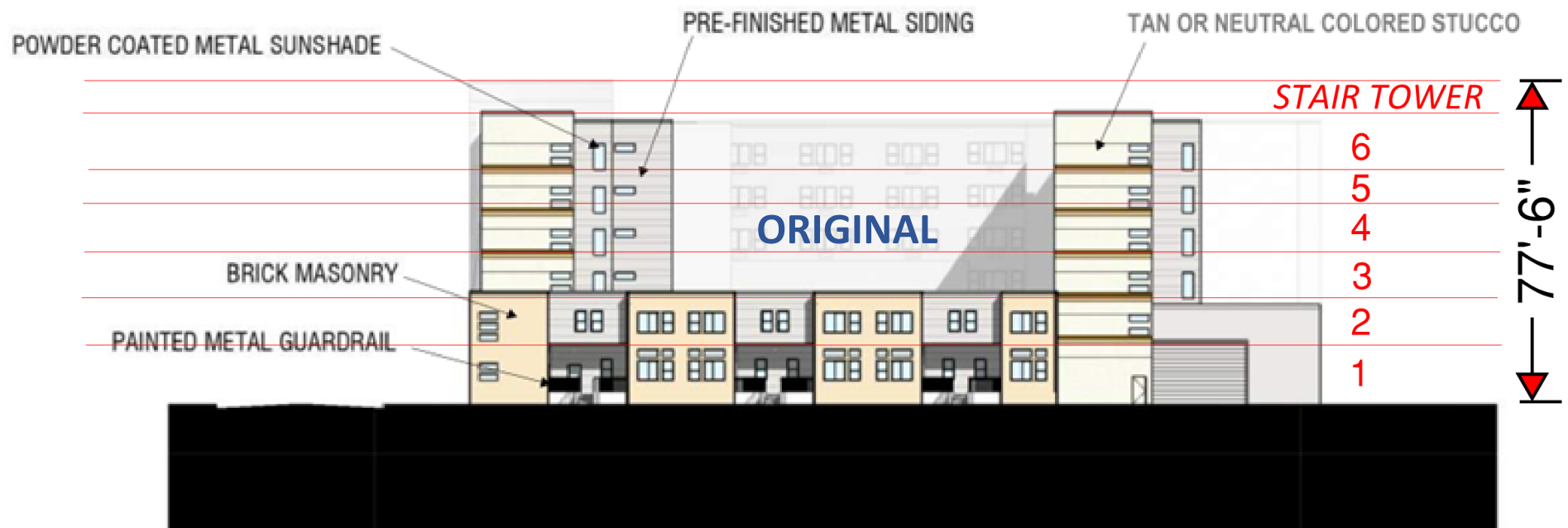
LANDSCAPE BED, TYP.

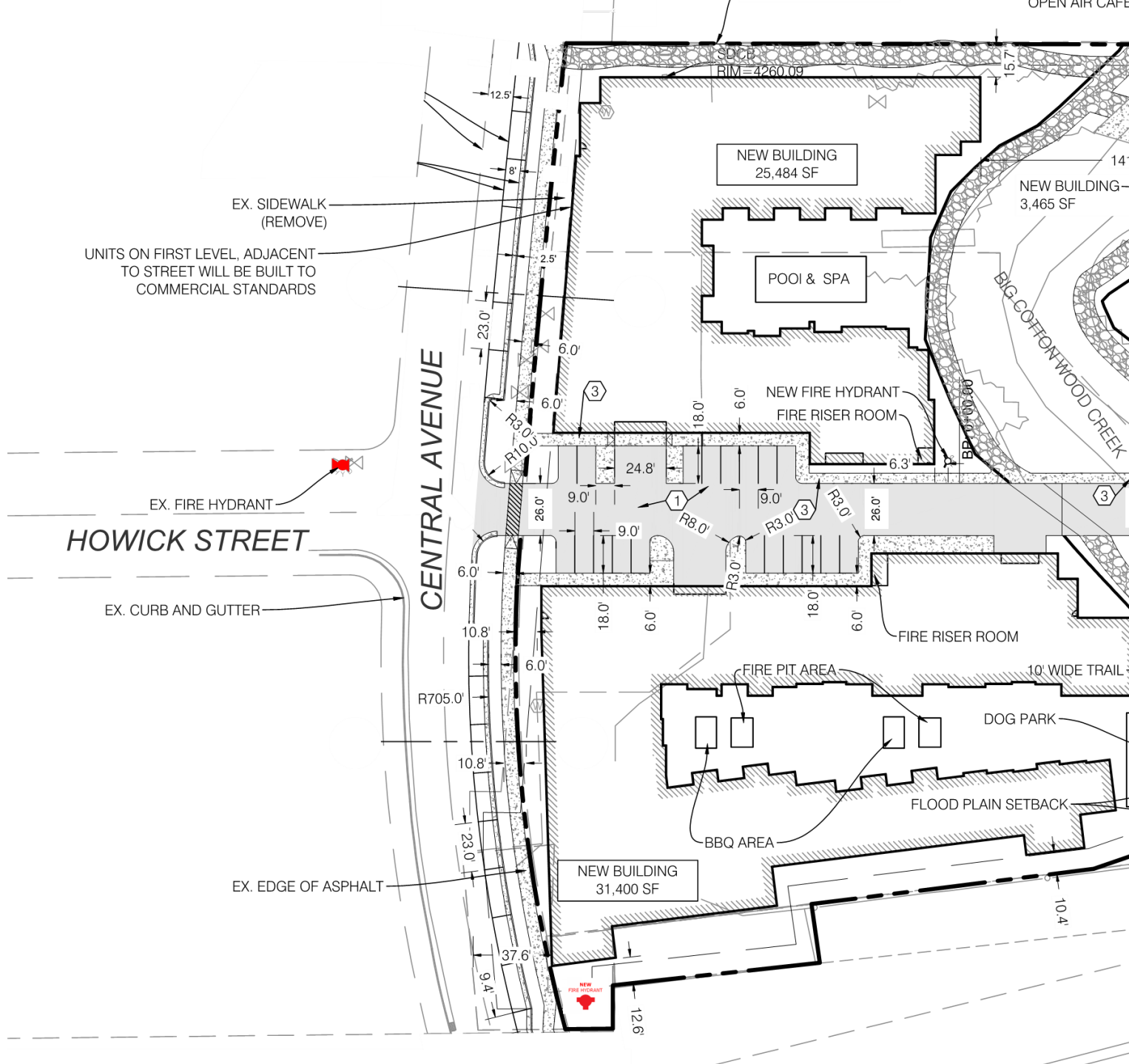
COBBLE SWALE
RIVER BOULDERS, TYP.

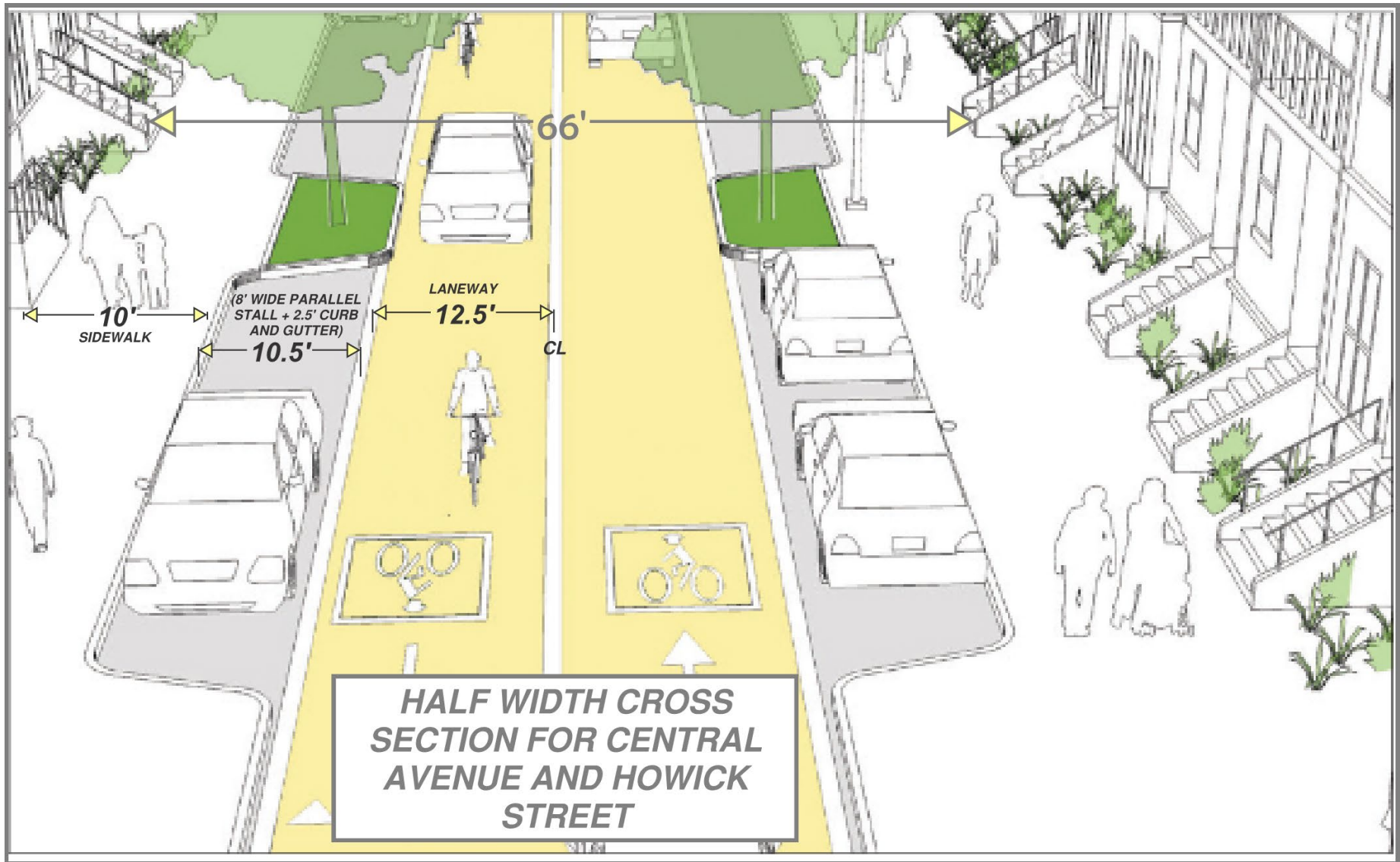
RAISED PLANTER WALL, TYP.
TURF, TYP.

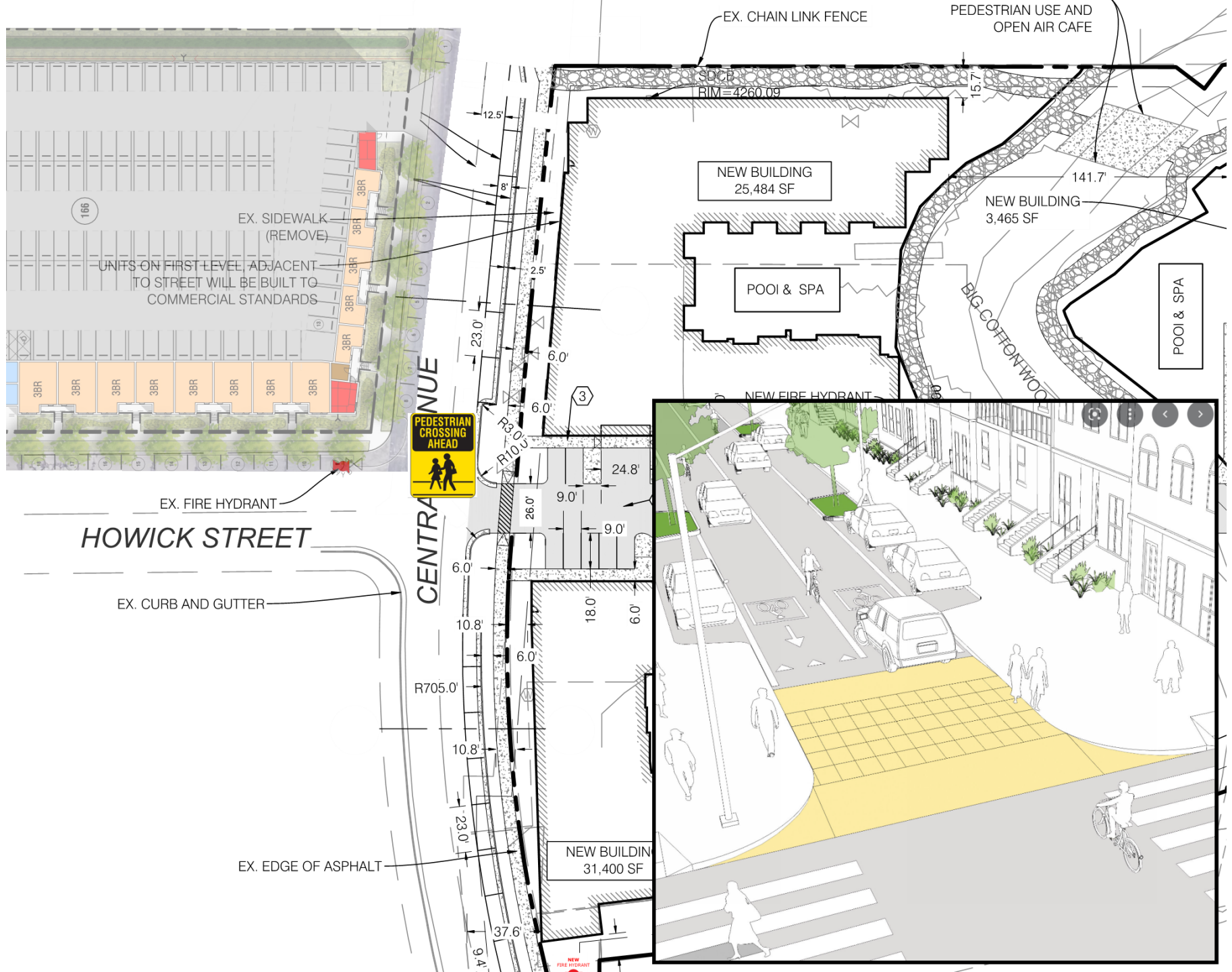
ON STREET PARKING

*Design is conceptual and subject to change









SOUTH SALT LAKE

MILLCREEK

MURRAY

Meadowbrook Station Millcreek Parcels

214 properties

232 acres

Meadowbrook Station Millcreek Parcels (Intersect)

67 properties

60 acres

Murray North Station Millcreek Parcels

175 properties

139 acres

Howick Building

Meadowbrook

Murray North

Light Rail

Commuter Rail

S STATE

3900

W 4500 S

AYLORSVILLE EXPY



1. Will help Millcreek continue to grow and support the Meadowbrook/Main Street Urban Center.
2. Provides much needed affordable housing units and helps Millcreek meet its obligation to provide diverse and affordable housing options by targeting populations making up to 60% AMI with some units being deeply affordable at 30% AMI.
3. Meets the criteria for being a transit-oriented development (TOD) as it is in close proximity to transit and being within walking distance to and from the UTA Meadowbrook Station and the Murray North TRAX Station.

PLANNING STAFF RECOMMENDATION

Based on staff findings, staff is recommending that Planning Commission grant **preliminary conditional use approval** of application CU-22-016 for a 150-unit affordable housing project at 4101 South Howick Street subject to the conditions located in the staff report

MODEL MOTION

Motion to grant **preliminary conditional use approval** of application CU-22-016 for a 150-unit affordable housing project at 4101 South Howick Street subject to the conditions located in the staff report.

Millcreek Planning Commission

OCTOBER 19, 2022



FC-22-004
SLOPE WAIVER
3733 S CHOKE CHERRY DR

APPLICANT: THE GEBLER FAMILY



Request

Millcreek Planning and Zoning Department is seeking your input on a request by the Gebler Family & their architect, Won Shim, to obtain a slope waiver for slopes over 30% at 3733 S Choke Cherry Dr. The applicant is proposing a new single-family home located in the Foothills and Canyons Overlay Zone (FCOZ). Although the Millcreek Planning Commission is the land use authority for slope waivers, a recommendation from the community council is required.

Existing Land Use and Proposed Change

The original application is for a single-family residence at 3733 S Choke Cherry Dr, which falls in the Foothills and Canyons Overlay Zone (FCOZ). This is a permitted use, yet the proposal must undergo an FCOZ review before approval, during which a discrepancy was discovered in the original platted buildable area and the line demarcating the allowable buildable slope for the property. The owners have moved forward believing that the plat and the buildable area as originally defined for this lot of record will be honored. Staff has directed the applicant to submit for a hearing seeking a slope waiver to allow this permitted use and otherwise zoning/planning compliant home to be built. The parcel is part of the Taylor Estates Subdivision, recorded in 1996 by Salt Lake County, and is thus a “lot of record” as defined in MKZ 19.72.200. Prior to the adoption of FCOZ, the subject property was in the R-1-10 zone and was not subject to the Hillside Protection Zone standards in effect at the time. Despite acute and challenging topography, the lot was created as though it was a standard R-1-10 lot.



Zoning History

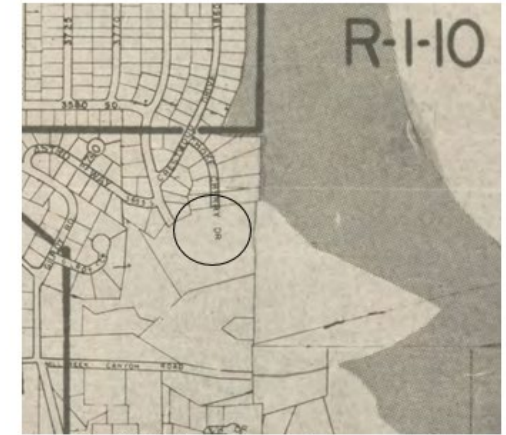
Between 1953 and approximately 1996, the subject parcel and a large majority of Olympus Cove have been under a zoning designation that has only required a minimum lot area of 10,000 square feet. Historically, the parcel has been under the R-1-10 zone, requiring 10,000 square feet in 1979, which predates the Foothills and Canyons Overlay Zone; However, it did not encompass the subject area until the late 1990's. In 1996 the Board of County Commissioners approved an ordinance that amended Title 19 which among other significant changes to the zoning code repealed the 1980 "Hillside Protection Zone" and re-enacted the "Foothills and Canyons Overlay Zone." This also included a new site development and design standards chapter. Prior to the aforementioned amendment the subject property was not located in the "Hillside Protection Zone". It wasn't until 1996, when the adoption of the new "Foothills and Canyons Overlay Zone" encompassed the property that it became subject to the FCOZ requirements. It is believed that much of the un-developed property in Olympus Cove at the time of the adoption of the new FCOZ was to be included in the boundaries of FCOZ as a precaution for future development of these areas.



Zoning Map 1979 (subject area circled)



Current Foothills and Canyons overlay zone (subject area circled)



Zoning Map 1988 (subject area circled)



Current Zoning Map (subject area circled)

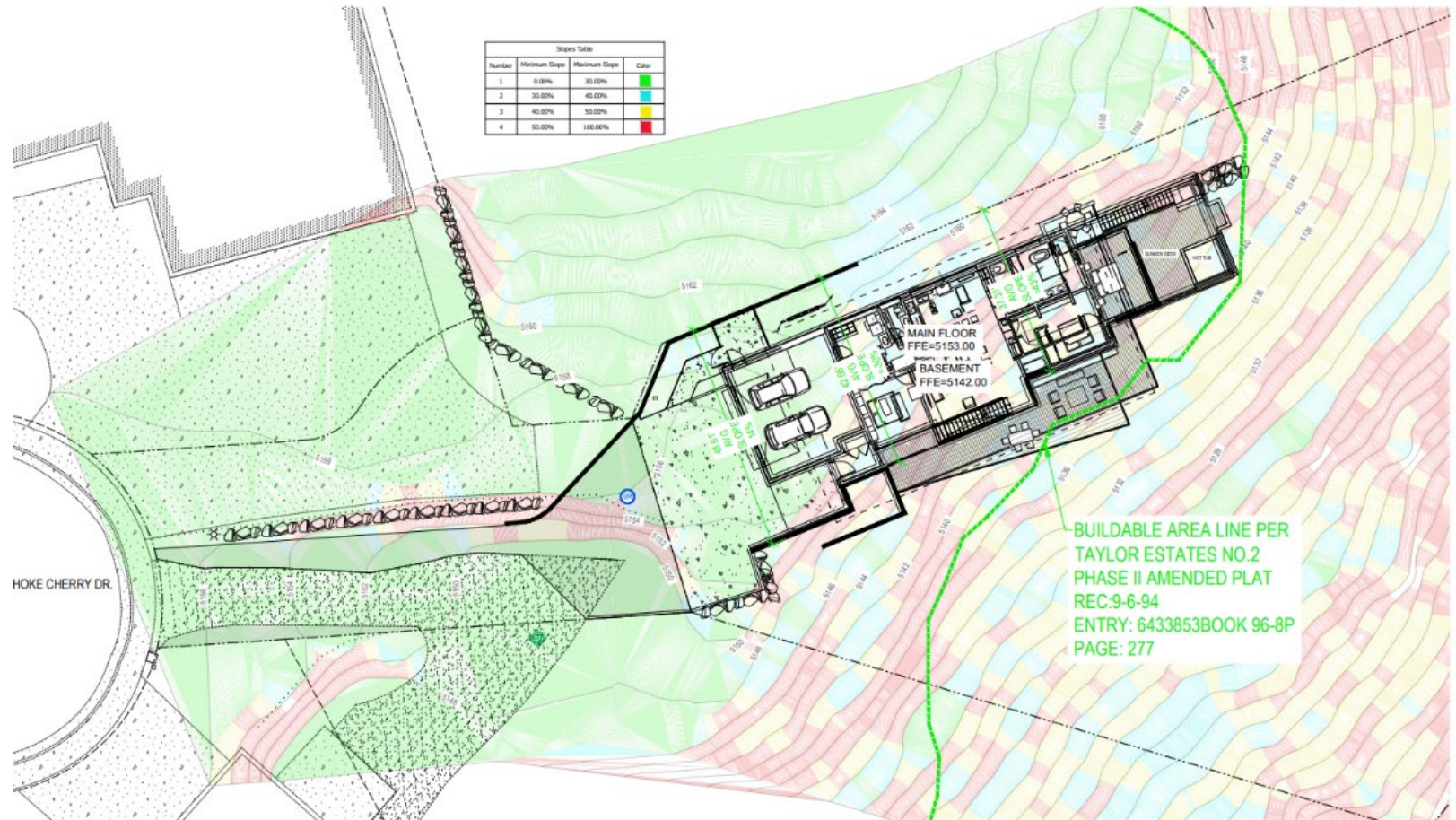


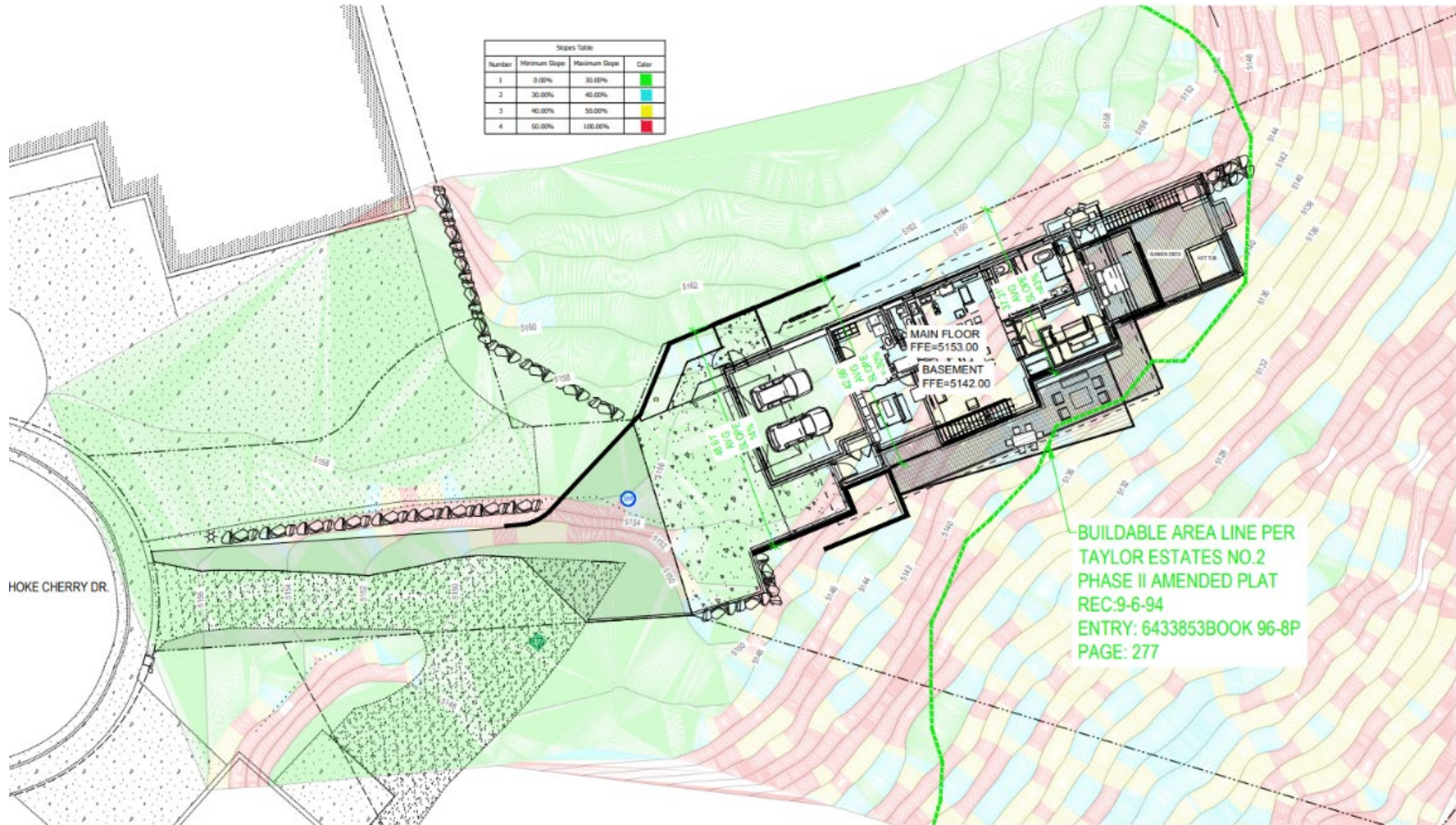
Because the current FCOZ requirements were not taken in consideration when the Taylor Estates Subdivision was recorded by Salt Lake County, an alleged buildable area was recorded with the plat without considering the FCOZ's Slope Protection (19.72.060) chapter, which states:

“19.72.060 Slope Protection

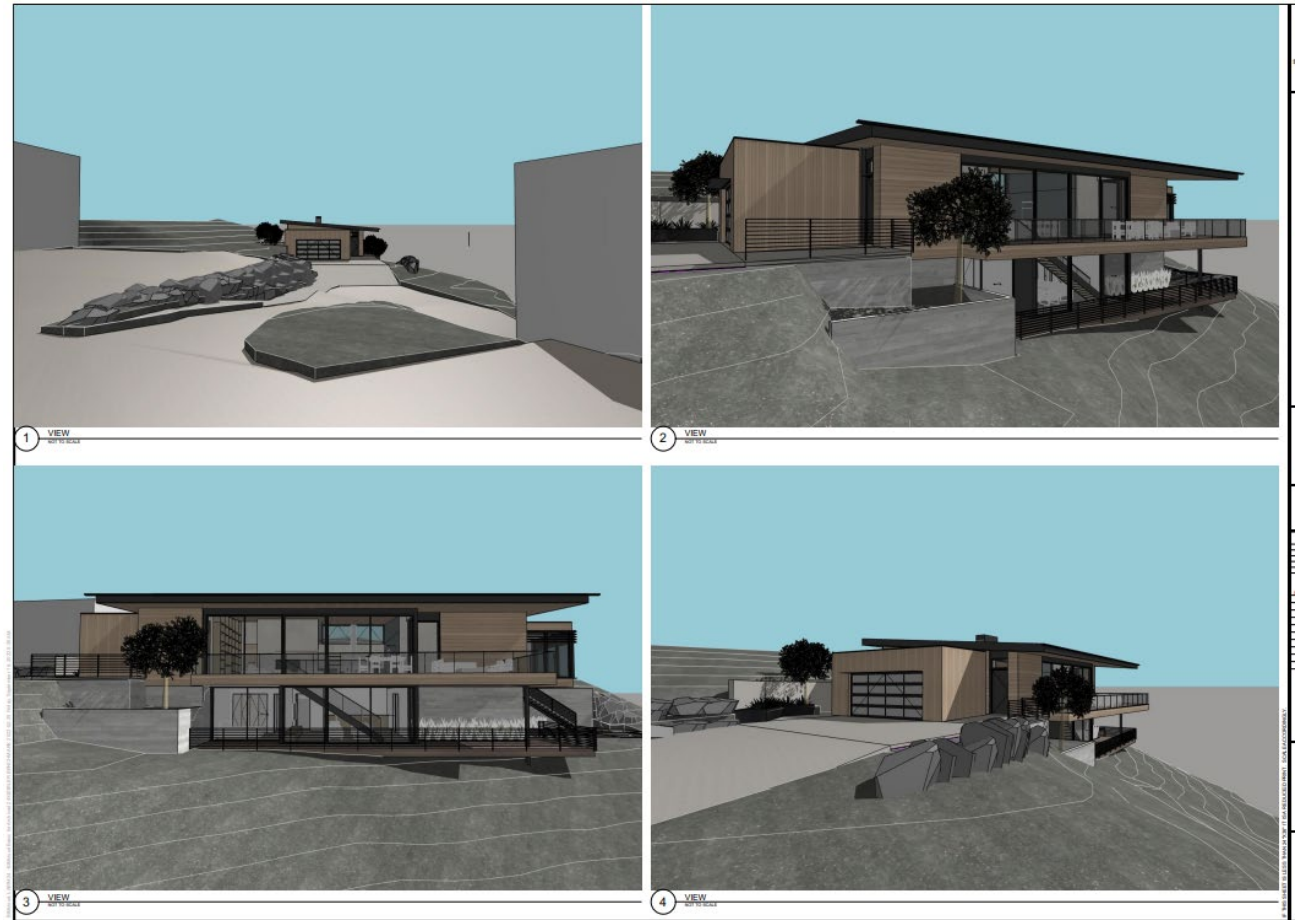
1. Slope Protection Standards
 1. Unless otherwise allowed in this Title, no development activities, including clearing, excavation, grading, and construction, are allowed on slopes greater than thirty percent (30%).”

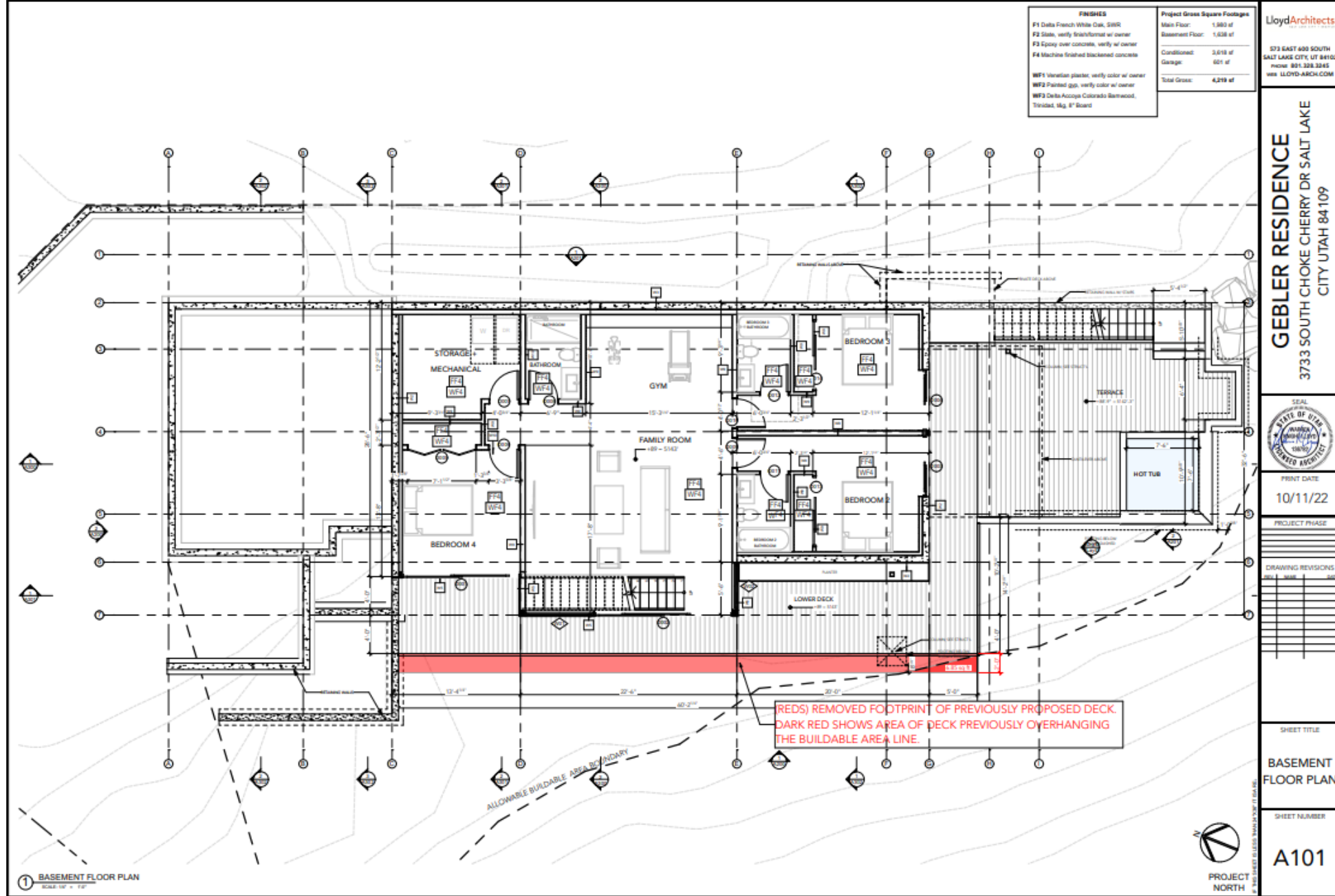
During the Pre-FCOZ application, staff requested a slope study to review the percentages of slope within the buildable area presented on the recorded plat, which assesses that, several areas within the recorded “buildable area” exceed the maximum allowed slope grade of 30%.





Because, a variety of areas exceed the maximum allowed slope (30%), the applicant is requesting a slope waiver that will allow for the construction of a relatively low-profile single-family home that will not affect the spirit of FCOZ and will be in harmony with the surrounding neighborhood; However, if a slope waiver is granted, the applicant must go through the FCOZ application to verify that their proposed structure is compliant to Millcreek's Planning and Engineering requirements.





LloydArchitects
 573 EAST 400 SOUTH
 SALT LAKE CITY, UT 84102
 PHONE 801.328.3245
 WWW.LLOYD-ARCH.COM

GEBLER RESIDENCE
 3733 SOUTH CHOKE CHERRY DR SALT LAKE
 CITY UTAH 84109



PRINT DATE
 10/11/22

PROJECT PHASE

DRAWING REVISIONS		
REV	DATE	DESCRIPTION

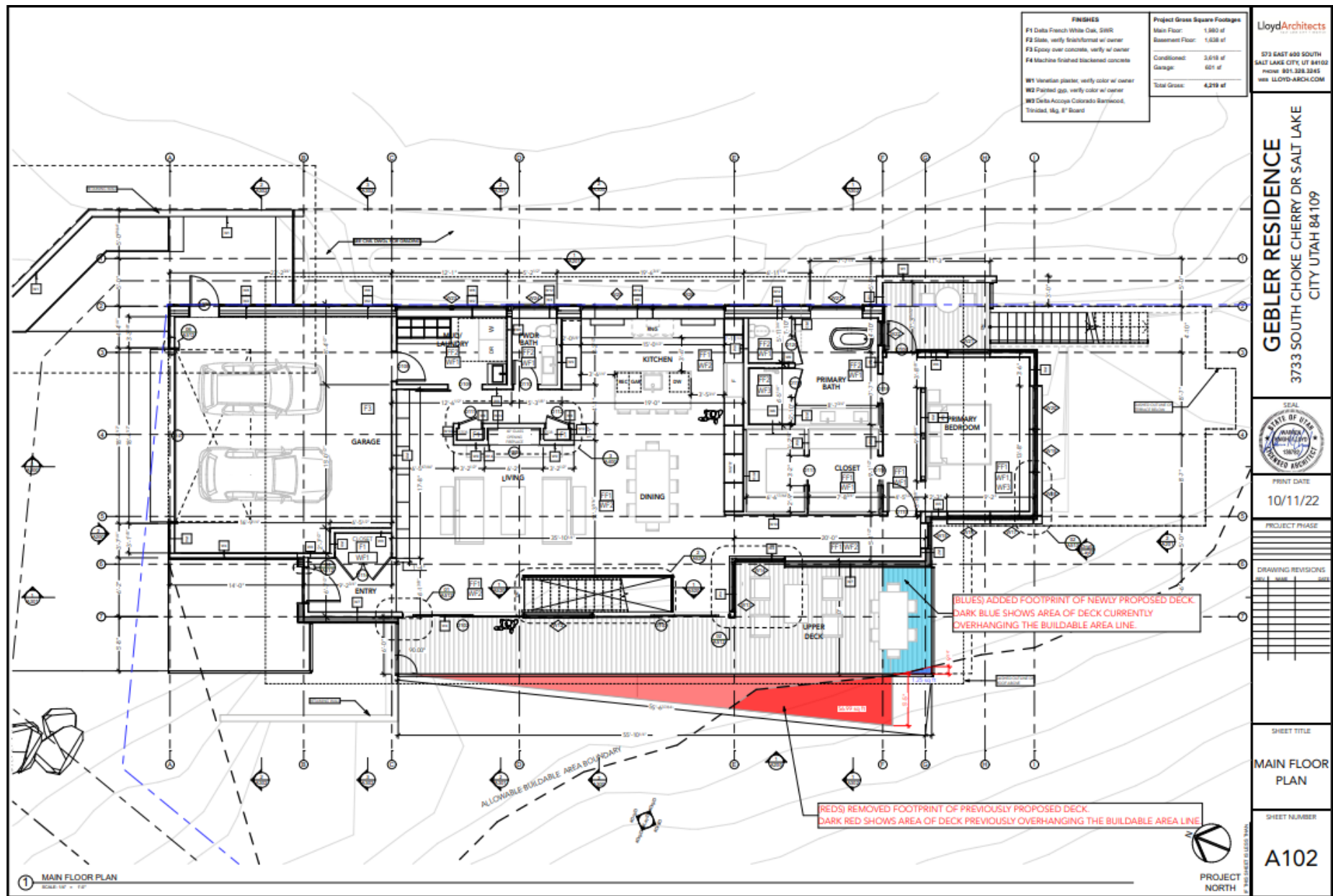
SHEET TITLE

BASEMENT FLOOR PLAN

SHEET NUMBER

A101

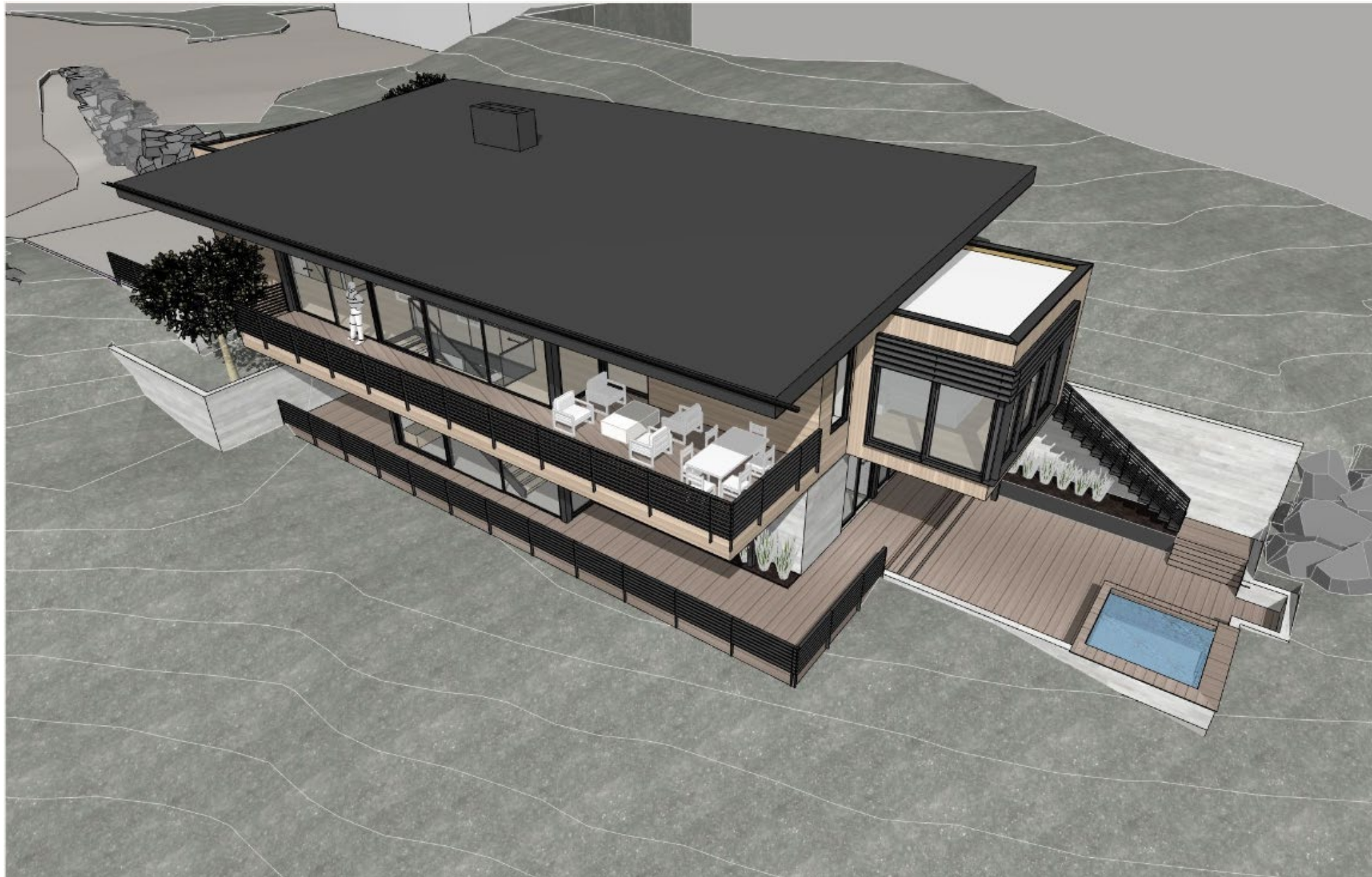




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SALT LAKE CITY, UT 84102
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www.LLOYD-ARCH.COM

GEBLER RESIDENCE
3733 SOUTH CHOKE CHERRY DR SALT LAKE
CITY UTAH 84109





The primary materials are:

Base and Retaining:
Board Formed Concrete

Cladding: Accoya Wood Cladding - Sustainably harvested Radiata Pine that has been treated for durability (chemically acetylated) via a non-toxic process. Recyclable.

Flooring: Wood and Concrete

Decks: Timber Tech - Sustainable composite wood alternative, created utilizing recycled PVC





The primary materials are:

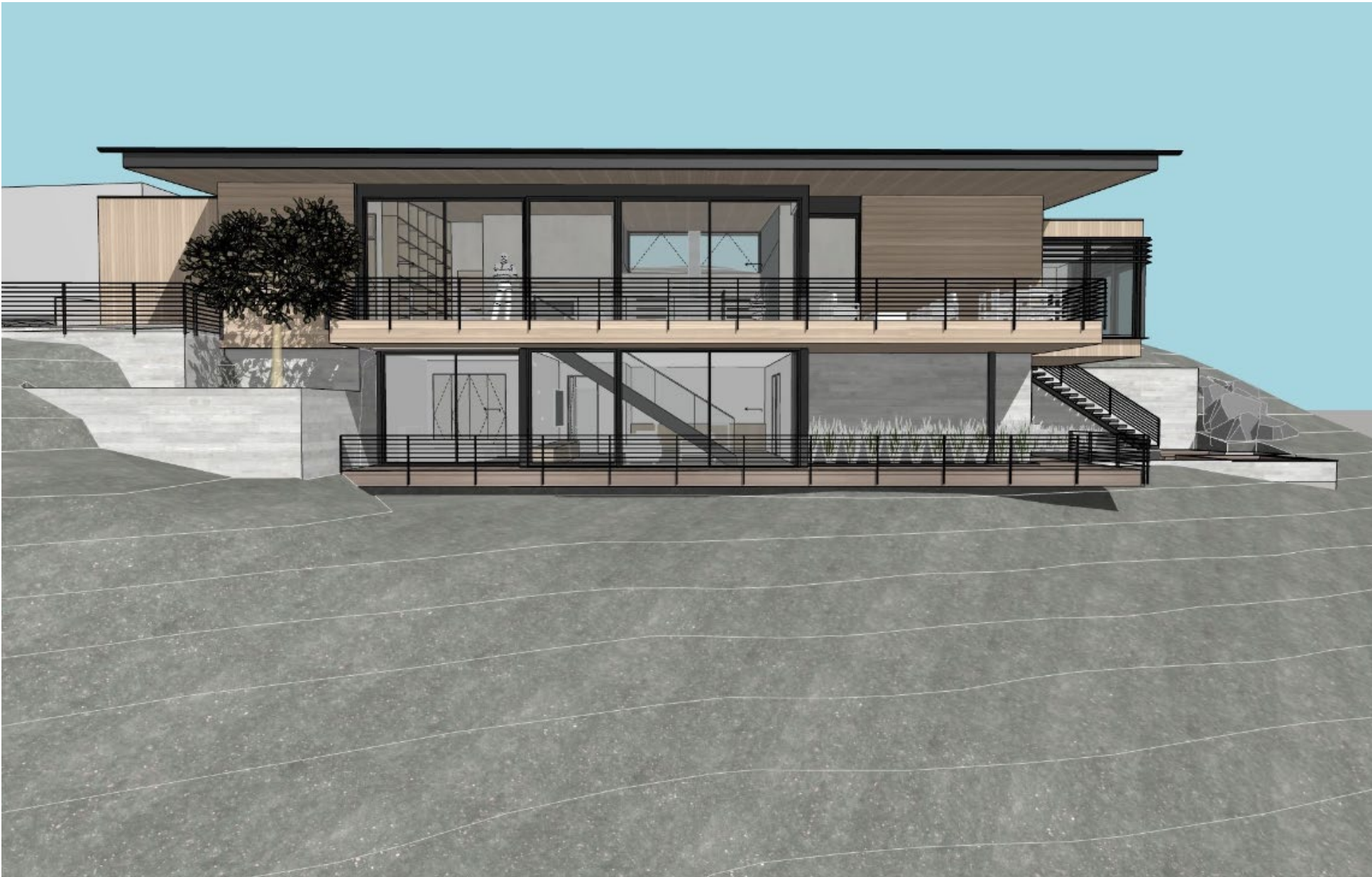
Base and Retaining:
Board Formed Concrete

Cladding: Accoya Wood Cladding - Sustainably harvested Radiata Pine that has been treated for durability (chemically acetylated) via a non-toxic process. Recyclable.

Flooring: Wood and Concrete

Decks: Timber Tech - Sustainable composite wood alternative, created utilizing recycled PVC





The primary materials are:

Base and Retaining:
Board Formed Concrete

Cladding: Accoya Wood
Cladding - Sustainably
harvested Radiata Pine that
has been treated for
durability (chemically
acetylated) via a non-toxic
process. Recyclable.

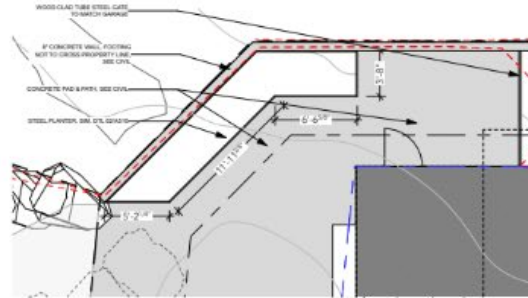
Flooring: Wood and
Concrete

Decks: Timber Tech -
Sustainable composite
wood alternative, created
utilizing recycled PVC

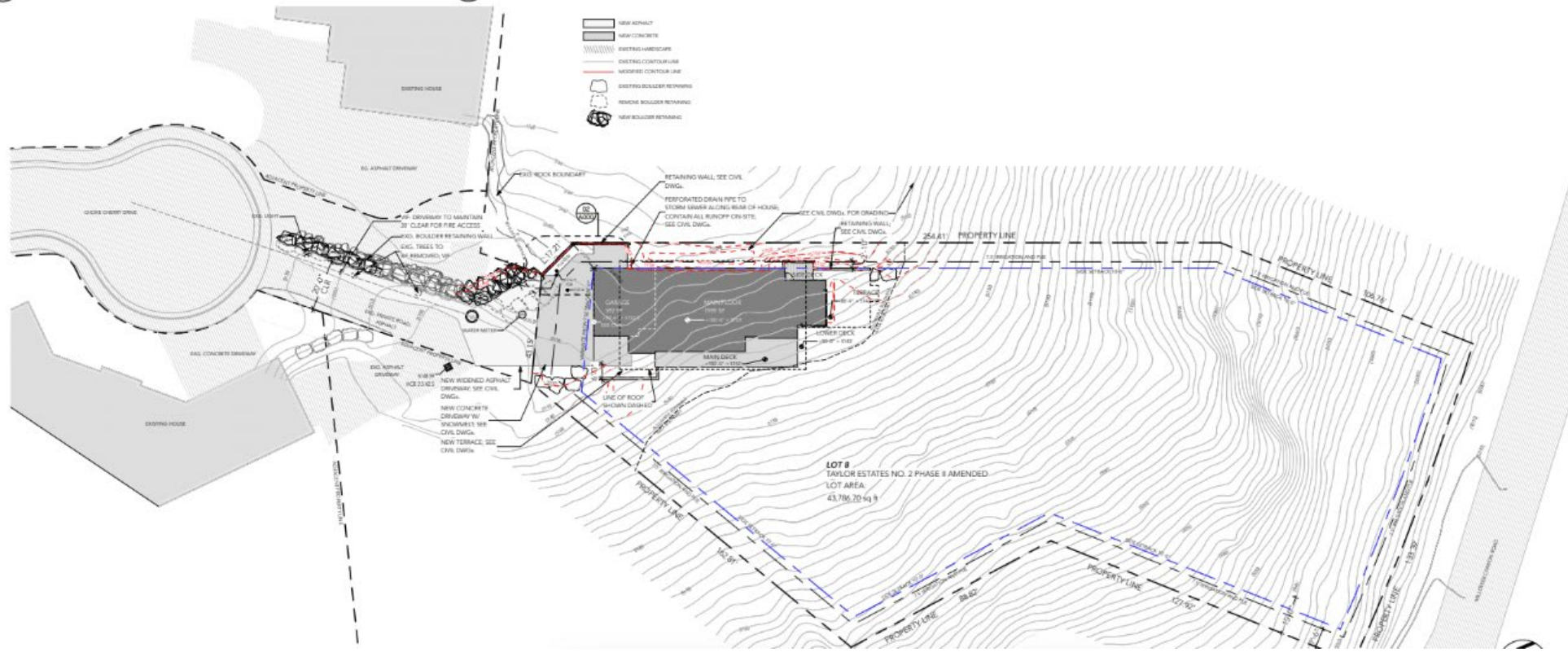




03 VICINITY PLAN
NOT TO SCALE



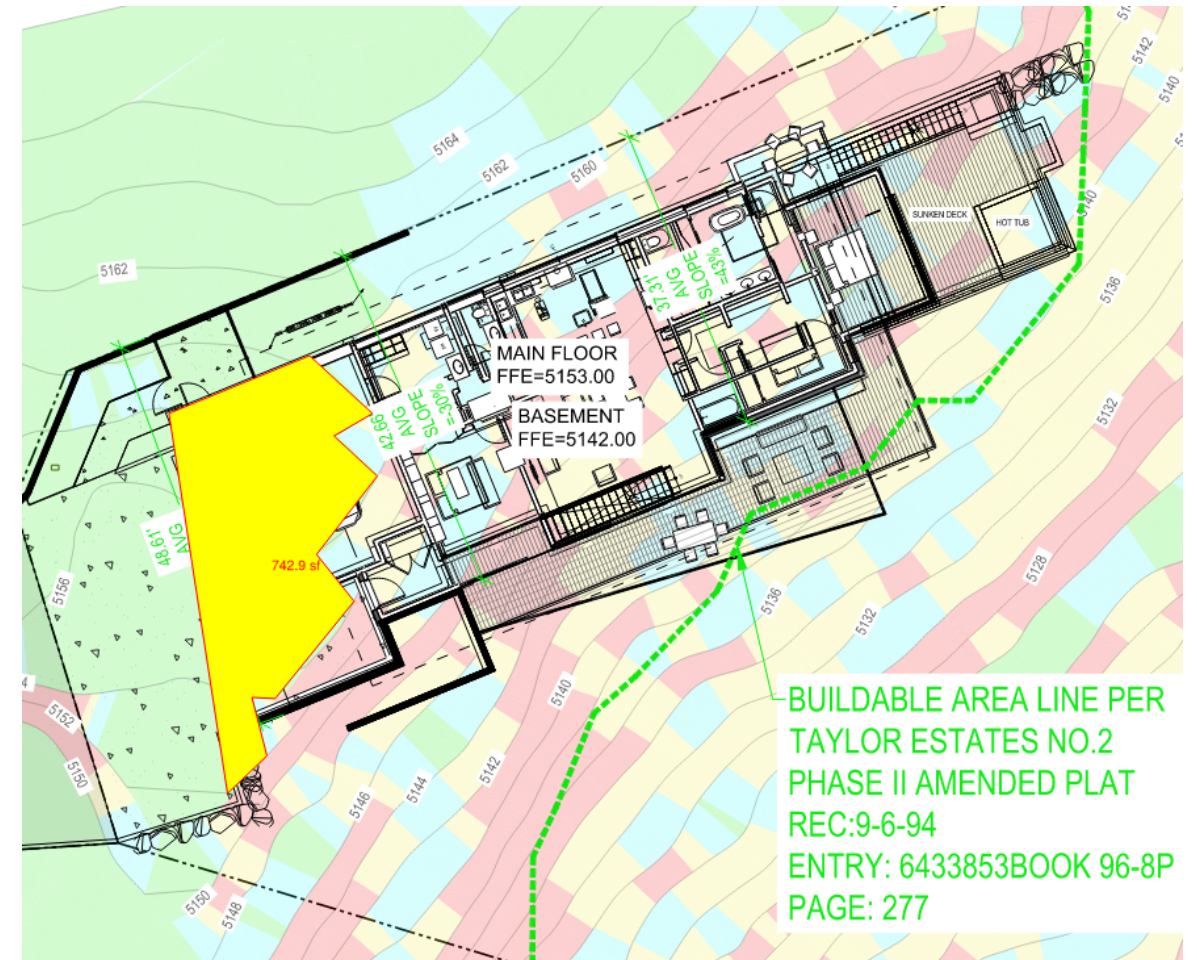
02 ENLARGED SITE PLAN
SCALE: 1" = 8'



The Planning Commission may only waive these standards upon satisfaction of the following criteria:

1.- Strict compliance with the above slope protection standards Renders the site undevelopable, or:

The Slope Analysis performed by Mcneil Engineering indicates that the current, actual slope for this Lot of Record does not match the recorded Plat from 1995. The FCOZ ordinance does not allow building on slopes greater than 40%. Strict compliance with these standards would confine the Buildable Area to a much smaller footprint, reducing it to a fraction of what is shown in the Plat and is built around the neighborhood. If strict compliance with the slope standards were to be observed for this unique lot, after setbacks are factored in, the actual Buildable Area of the 1.005 Acre/43790 SF lot would be effectively reduced from +/- 6168 SF to +/- 700 SF. This presents a technical infeasibility to our clients who are seeking to build a single-family residence consistent with the zoning and typical conditions of this neighborhood. We feel this would render the site undevelopable for its intended land use. Due to the wedge shape of the lot and the increasingly steep slope on other areas of the site, it is our opinion that there is no other location at which the home can be reasonably built.



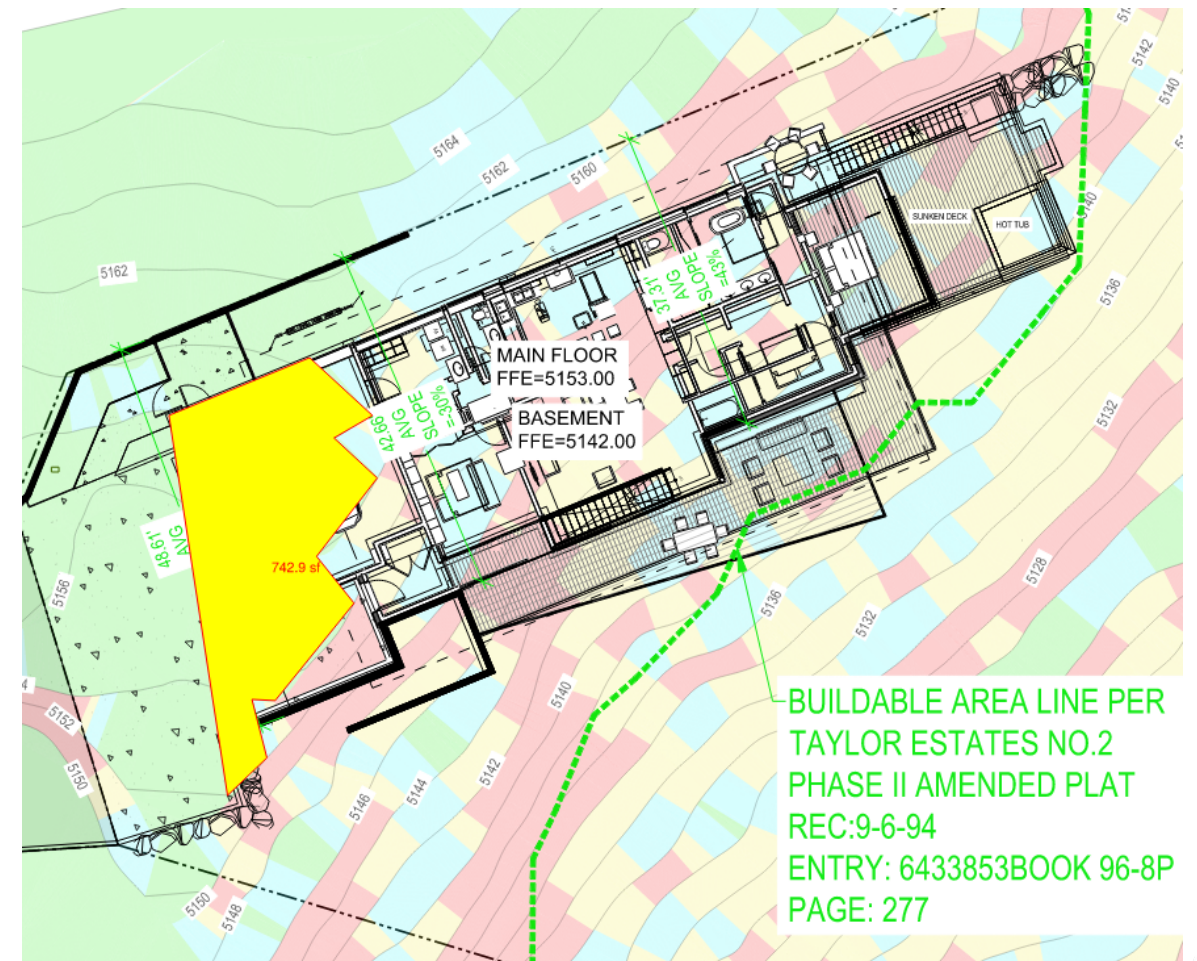
Staff acknowledges this is a complex lot, and that a lot such as this could not be created under the provisions of FCOZ. This lot is a compelling case study for why FCOZ was created. However, the legislative intent of FCOZ also makes it clear that lots of record that existed prior to the adoption of FCOZ could be eligible for a slope waiver provided that strict compliance renders the lot undevelopable.

The applicant already received a variance to reduce the front yard setback to 20 feet, which staff supported on the basis that it reduced the impact of the house on the steep slopes of the lot. Accounting for the setbacks, staff believes that the buildable area is limited approximately to the area described below in the yellow polygon:

Under strict application of the FCOZ, this buildable area is atypical, and lacks the functional depth and width for even a one-car garage, let alone the other features that one would expect to find in the other homes that exist on Choke Cherry Drive, and elsewhere in existing platted subdivisions within the Foothills and Canyons Overlay Zone.

Staff believes that a case can be made to the lot being “undevelopable” under strict application of the slope criteria, given the size and shape of the area that is under 30% slope, and the expectations of a typical modern home, including a two-car garage, which can be built in any other single-family neighborhood in Millcreek.

The authority to grant a slope waiver for private development is limited to slopes up to 40%. The applicant will need to seek a variance and demonstrate a hardship pursuant to state law to be eligible to build on slopes greater than 40%. Staff advised the applicant to seek a slope waiver to the extent permissible by FCOZ, and to follow up with a variance request, if a slope waiver is granted by the Planning Commission.



2.- Results in substantial economic hardship not created by the applicant or otherwise self-imposed, or The property Owner purchased a Lot of Record within a platted and recognized subdivision, within an established residential zone.

The Owner has performed their due diligence and has moved forward in good faith and cooperation with Architect, Engineers, and Millcreek City Staff and the FCOZ review team. The conditions outlined above in item 1.1 create a situation in which the Property Owner is currently not being allowed to build on a Lot of Record, having already gone through a complex and cooperative process to design and coordinate with the AHJ.

3.- Results in a building location that requires excessive grading, vegetation removal, or driveway distances in conflict with the purposes of this Chapter.

There is no more feasible location on which the house can be built, as the slope becomes steeper the farther the house goes down the property (away from the front property line).



2.- The development substantially conforms to all other development, site design, and environmental standards of this Chapter and in all other applicable ordinances and codes. With the exception of the slope conditions –

Applicant's response:

The home is designed, to the best of our knowledge, and through ongoing DRC and FCOZ reviews, to meet all criteria for zoning/planning codes and overlay districts for the site. The home is low-lying, nestled into the hillside and proposed on the flattest portion of the site, leaving the greater hillside as undisturbed as we believe possible. The materials, scale, and character are appropriate when compared to other homes in the neighborhood. A panorama of the homes on the street can be seen in Exhibit D. It is our belief that the home sits within the landscape and holds true to the design objectives and intent of the Foothill-Canyons-Overlay-Zone.

***Staff Comment:** Staff and the applicant worked through several iterations of the design of the home, with an intent to minimize its height and profile, and reduce its impact on slopes greater than 30%. The home is neither as tall nor as large or wide as many of the homes in the vicinity. The home falls below the maximum height allowed in the zone, and the roof is designed in a manner such that the home falls below the ridge line on the property to the east. The roof is sloped to parallel the contours of the site, where the slope gradually falls from east to west. The most prominent façade will be the south façade, facing Millcreek Canyon Road. It is two stories in height. The highest point of that façade will be 27 feet above original ground surface.*



Staff completed a preliminary FCOZ review, and there are remaining concerns that should be addressed as part of any final approval for a slope waiver:

1. Applicant should consider additional efforts to stabilize the fencing such as anchors into the native soil may be needed. The applicant's proposal for sandbags to be used for stabilization for construction is insufficient.
2. Applicant should supply a more detailed slope stability plan for constructions.
3. Applicant is proposing cantilevered decks as part of their projects. Cantilevers should be pulled back to fall within the limits of disturbance recorded on the plat.

Engineering's Response:

Geologist and Senior Development Engineer feel that these are acceptable solutions, depending on the specifics once those are received. As far as the cantilevered upper deck sticking out, staff has asked the applicant's structural engineer for an explanation as to how this will be done without disturbing any ground outside of the limit of disturbance - especially if the LOD fence is placed on that boundary line.



Community Council Action

The Mount Olympus Community Council (MOCC) convened on October 3, 2022, to consider a request for a slope waiver for property located at 3733 South Chokecherry Drive. The parcel of land is located within the established **FCOZ Zone** but has been determined to be a **Lot of Record** based on the city ordinances. The establishment of the property being a Lot of Record therefore allows it to request additional slope waiver allowances, but this additional potential allowance must be balanced against the competing objective of maintaining as much undisturbed area on our city's fragile and sometimes dangerous hillsides. We are grateful the applicant has worked diligently on multiple design details of the property prior to this request being brought to the Community Council for consideration. The MOCC grudgingly supports reasonable slope waiver requests by the applicant but only after satisfying the following conditions:

- The lot appears to have a substantial amount of fill dirt. The MOCC only recommends granting any type of slope waiver after complete and accurate soils tests are completed that explicitly determine if the soils within the proposed limits of disturbance are native soils. Adequate pier structural supports should be investigated to ensure greater stability to bedrock subsurface levels. The lot appears to contain sizable amounts of fill dirt. There are clusters of construction debris throughout the slope of proposed disturbance, including concrete, asphalt chunks and similar construction debris. We speculate that the depth and sheer magnitude of fill material might have been underestimated. Please ensure that any defined limits of disturbance require appropriate engineered mitigation to guard against collapsible, non-native, or otherwise dangerous soils.
- The cantilevered decks should be pulled back towards the home within the limits of disturbance.
- This development request creates legitimate, sizable, and perpetual risk of landslides or other uncontrolled damage to property owners immediately downhill to this property. The MOCC requests that extensive risk mitigation tactics be required not only during construction but also as permanent infrastructure to ensure adjacent property owners are not put in perilous situations in the event of an earthquake, more frequent microbursts or acts of negligence by occupants of the home after its completion.
- The MOCC requests that the applicant and city staff meet with property owners immediately adjacent and downhill to this development request to inform them of the potential outcome of the applicant being granted a slope waiver. Effective and proactive communication will hopefully avoid unnecessary misunderstandings throughout this process. In conclusion, the MOCC grudgingly supports a slope waiver for this property, only because it has been determined to be a Lot of Record, coupled with applying strict enforcement of the FCOZ development protocols would deem the lot virtually unbuildable. We should refer to this lot within the Taylor Subdivision as a perfect example of why the FCOZ ordinance was adopted shortly after this subdivision was recorded. We don't endorse slope waivers very often, but in this context, we support granting one only after these conditions are satisfied. Otherwise, the character of our neighborhoods and beautiful slopes will head downhill quickly, potentially even more rapidly than a boulder dislodged during construction of this property



Recommendation & Model Motion

Staff recommends that the Planning Commission grant preliminary approval of application, FC-22-004 ‘request for a slope waiver to build a single-family home located in the Foothills and Canyons Overlay zone,’ based on staff analysis and city goals, under the following conditions:

- Complete an extensive FCOZ review.
- The home will be built with the materials, massing, height, and windows exactly as presented in the staff report to protect the Foothills and Canyons.
- The cantilevered decks should be pulled back towards the home within the limits of disturbance.
- Drainage design should be re-designed to alleviate saturation of the slope.
- Extensive risk mitigation tactics be required not only during construction but also as permanent infrastructure to ensure adjacent property owners are not put in perilous situations in the event of an earthquake or landslide.
- Accurate soils tests should be completed to explicitly determine if the soils within the proposed limits of disturbance are native soils. Adequate pier structural supports should be investigated to ensure greater stability to bedrock subsurface levels.
- Applicant must also apply for a variance to the Land Use hearing Authority for consideration of a slope waiver over 40% - 50%.
- All other items in the staff report



Millcreek Planning Commission

OCTOBER 19, 2022



RC-22-002
RCOZ C
4347 S GARDEN DRIVE

APPLICANT: THE GONZALEZ FAMILY



SUMMARY

The Gonzalez Family is seeking to construct a new residence on a lot located at 4347 S Garden Dr. Their representative, Jeff Hadlock, asserts that the lot features a difficult layout, and it is on this basis that they are seeking a special exception to the city's Residential Compatibility Overlay Zone standards. Specifically, they are requesting:

- An exception to the building envelope for residences in the R-1-10 zone. This building envelope exception would extend through most of the width of the residence. Specifically, the applicants are seeking a relief on the building envelope, as the lot is unproportionally enough to not uniformly fit portions of their proposed residence within the RCOZ building envelope.

The applicant is not requesting any other exceptions to the RCOZ requirements. As their setbacks and lot coverage are well within the RCOZ A standards. **Their proposed maximum height is also compliant with the RCOZ standards.**



Specifically, the applicant must show the *specific provisions* from which the applicant seeks exceptions and the requested relief. In addition, the applicant bears the burden to demonstrate that:

- The proposed residence will be in harmony with the purpose of this chapter, the general plan and any other land use document applicable to the area.
- The proposed residence will be compatible with existing residential development within a reasonable distance in terms of height, mass, and lot coverage, with particular focus on the proximate neighborhood.
- The proposed residence will not be detrimental to the health, safety and general welfare of persons residing within a reasonable distance, with particular focus on the proximate neighborhood.
- Each point on the highest ridge of the structure will be no more than forty feet above the point on the original grade vertically below it (with allowances for chimneys and vent stacks).
- The front yard setback will be at least eighteen feet. (19.71.050 (A)(2))

The ordinance then establishes criteria by which an applicant can show that their situation is “unusual or extraordinary” as stated in the RCOZ intent language. Specifically, the Planning Commission can evaluate the following in deciding whether or not to grant an RCOZ C special exception:

- Unusual lot shape.
- Unusual or difficult terrain.
- Drainage problems.
- Situations that appear not to be clearly addressed by the provisions of Options A or B. (19.71.050 (A)(3)).



Applicant's Proposal

The applicant is proposing construction of a residence that will be two stories on the front elevation and will not exceed 29 feet in height. The applicant proposes:

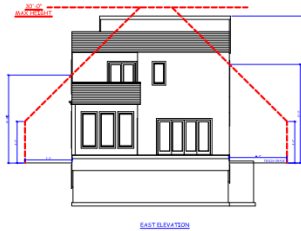
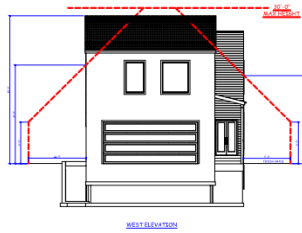
“I am cordially submitting this application on behalf of the Gonzalez family. A number of years ago the Gonzalez family purchased a lot at 4347 South Garden Drive, here in Millcreek. The family is hoping to build a home that fits well with the neighborhood and surrounding homes. We are requesting that a variance be granted so that they can build a home on the lot for their family. This particular lot is an R-1-8 lot in a R-1-10 zoned area and it is also a very long and narrow lot that is not conducive to ramblers. Because of the narrowness of the lot, the “allowable building tent” creates a situation that greatly limits the possible homes that could be put on this lot. The accompanying plans show what the Gonzalez family would like to build and how it exceeds the allowed building area. They were not originally aware of this requirement and they have significantly shrunk their proposed home in addition to shortening walls to get closer to what would be allowed under normal circumstances. Granting this variance would be of tremendous benefit to not only the Gonzalez family, but also the entire neighborhood.

This particular lot is in a situation that the only neighbor that would be affected by the granting of this requested variance, would be the neighbor to the North, who is also the neighbor who subdivided off the lot and sold it to the Gonzalez family. The lot has a playground area behind it on the east side, and an easement/right-of-way entrance to the school/community center in the neighborhood. This entrance is not used much at all and typically has a locked gate.

It is our humble request that this variance be granted on behalf of the Gonzalez family and the community as a whole.”



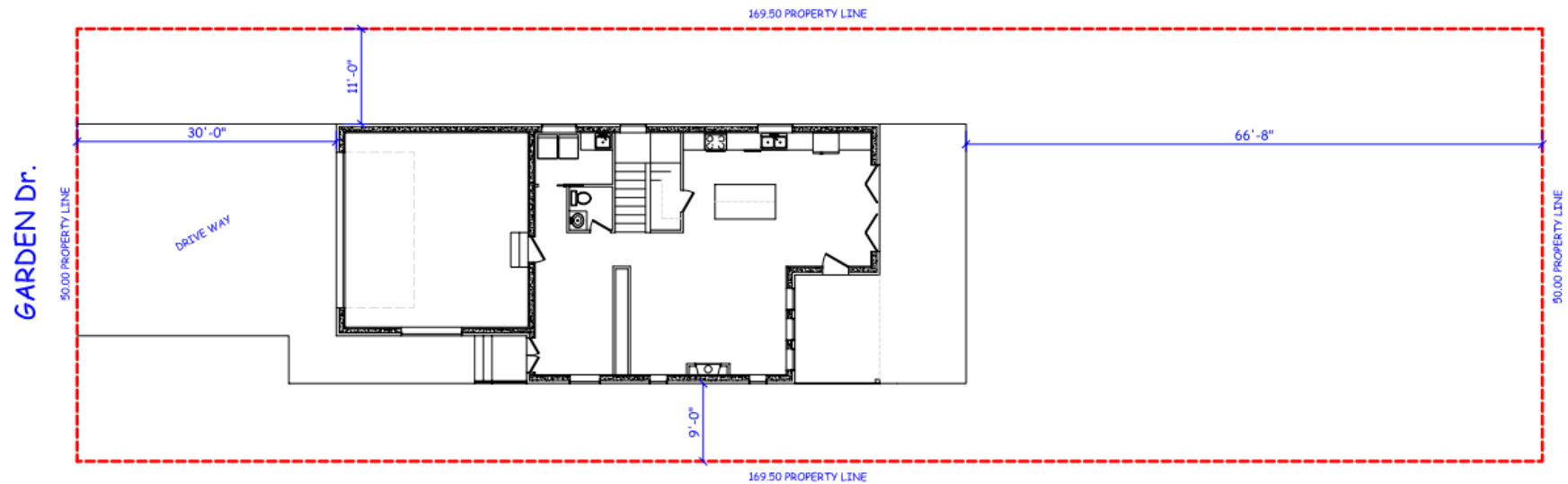
However, while the height of the proposed residence shows to be well under the maximum allowed height, the height of the structure shows to be further limited by the RCOZ building envelope.



A building envelope is created by starting at a point eight feet above ground (existing grade) at each point on the property line of the lot and extending on a line at a forty-five-degree angle from the vertical toward the interior of the lot, the projection of such line on the horizontal plane of the lot to be perpendicular to the property line. As per 19.71.030 of the Millcreek City code, the entirety of the building must fit under this envelope, for exception of dormers and gables that satisfy certain limitations. Ultimately, the RCOZ building envelope requirement is to promote public welfare and to balance neighborhood compatibility with the private property interests of those who wish to expand, develop, improve, or otherwise make exterior modification to their residential property.

The design of this home will not be affecting any neighbors' view to the west, east and south side, but there may be an argument that the design of this house could be reduced to fit the building envelope.

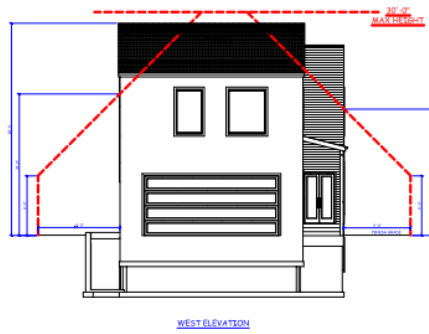




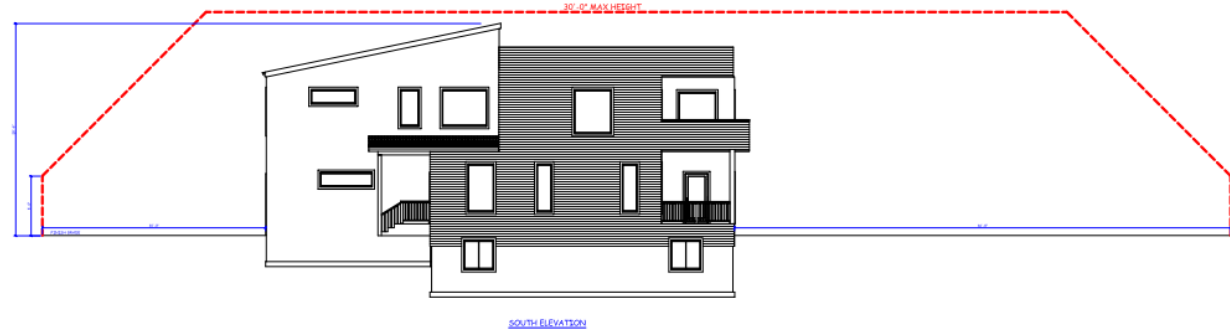
LOT SIZE: 8475 SQ FT
HOUSE FOOTPRINT: 1620 SQ FT (19.12% COVERAGE)
DRIVEWAY: 735 SQ FT (8.67% COVERAGE)

1/8" SCALE

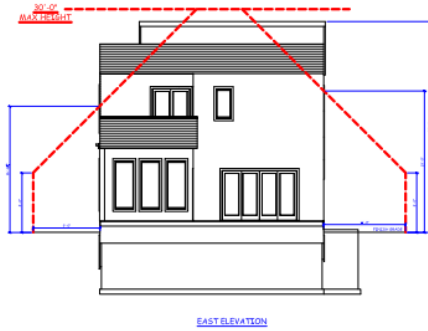




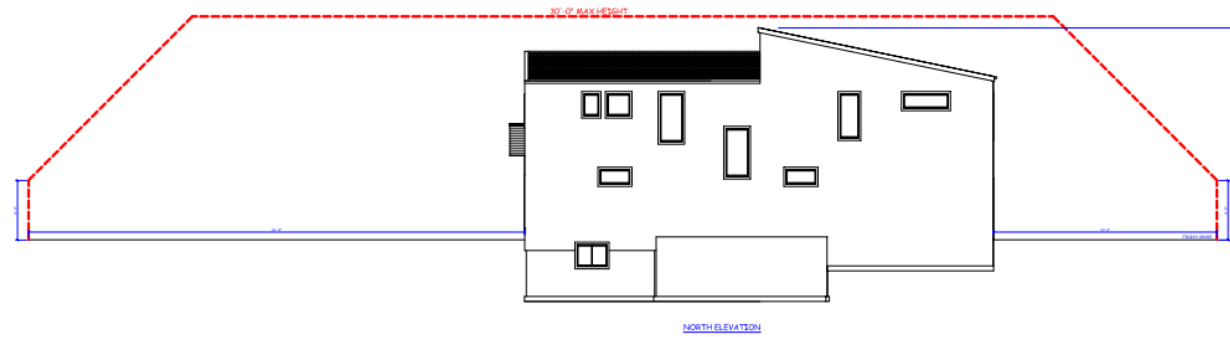
WEST ELEVATION



SOUTH ELEVATION



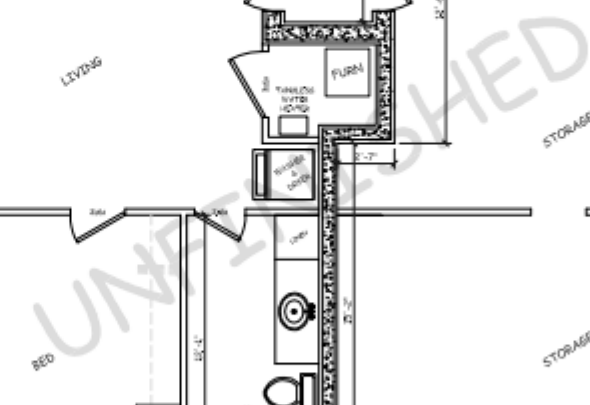
EAST ELEVATION

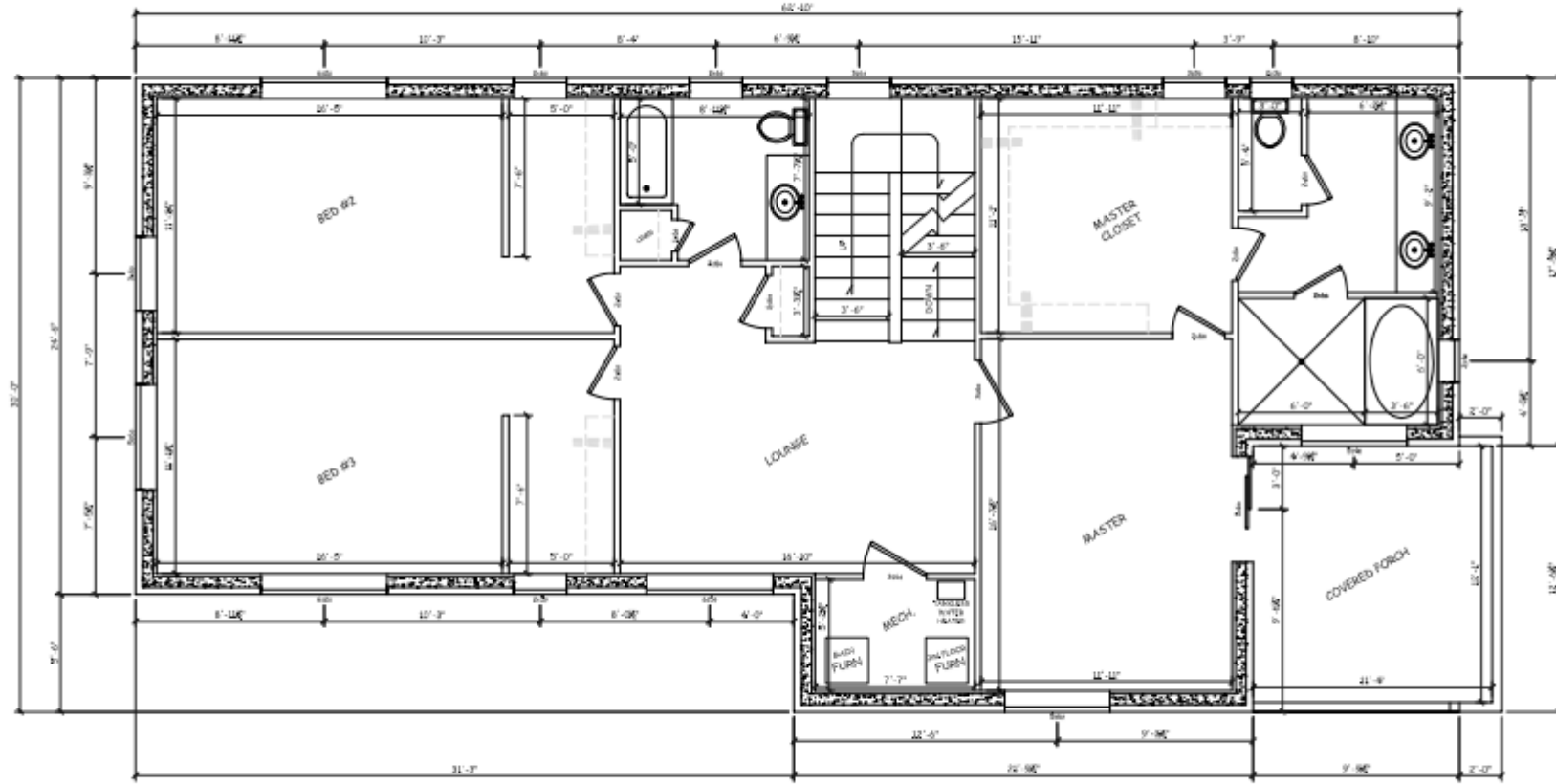


NORTH ELEVATION

1/8" SCALE







Staff will be asking the Planning Commission to make a finding on whether the applicant's situation is "unusual or extraordinary" and then whether the applicant's proposal addresses the five criteria outlined in City Code. Their findings will be based on evidence supplied by the applicant, who bears the burden of proof, and by any interested party, including the Millcreek Community Council, which were asked to review and recommend on special exceptions.

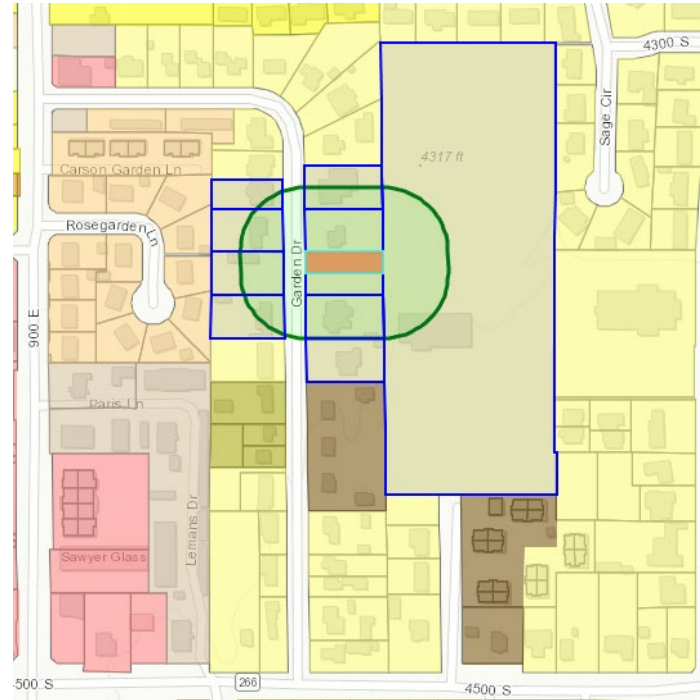
Staff requests the Planning Commission recommendations on the following recommended *findings*:

- **Is the lot at 4347 S Garden Drive unusual or extraordinary?**
- **Will the proposed residence be in harmony with the purpose of this chapter, the general plan and any other land use document applicable to the area?**
- **Will the proposed residence be compatible with existing residential development within a reasonable distance in terms of height, mass, and lot coverage, with particular focus on the proximate neighborhood?**
- **Will each point on the highest ridge be no more than forty feet above the point on the original grade vertically below it?**
- **Will the front yard setback be at least eighteen feet?**
- **Should the planning commission find that the exception should be granted? If so, are there conditions and limitation upon the approval of the exception to mitigate adverse effects on other properties in the neighborhood of the subject properties, consistent with the findings of this chapter?**



Analysis of the Proximate Neighborhood and Similarly Situated Residences

The RCOZ standards establish a proximate neighborhood of 150 feet from the property boundaries of the affected properties. This designation is intended to establish a common standard for neighborhood compatibility. In the case of the applicant, the proximate neighborhood includes eight single-family homes.



In addition, staff reviewed several homes on lots with similar conditions around the Garden Drive neighborhood. The applicant should present to the Community Council conditions in the proximate neighborhood as part of their proposal, but staff did an analysis of homes in the proximate neighborhood, which is attached to this memorandum.



Address	Zone	Lot Area (sf)	Lot Shape	Unusual or Difficult Terrain	Drainage Problems	Other Situations Not Clearly Addressed – Adjacent Zones and Uses or Apparent Nonconformities
4335 S Garden Drive	R-1-10	16,989 sq ft	Rectangular	No. Lot is Flat	None apparent	No apparent unusual situation.
4347 S Garden Drive	R-1-10	16,989 sq ft	Rectangular	No. Lot is Flat	None apparent	No apparent unusual situation.
4361 S Garden Drive	R-1-10	8,712 sq ft	Rectangular	Narrow lot. Lot is Flat.	None apparent	Lot is extremely narrow. Non-compliant side yards. A new home on this lot would likely require some modification to the side setbacks. Lot falls below the minimum lot size required in the R-1-10 zone.
4371 S Garden Drive	R-1-10	16,989 sq ft	Rectangular	No. Lot is Flat	None apparent	No apparent unusual situation.
4383 S Garden Drive	R-1-10	17,424 sq ft	Rectangular	No. Lot is Flat	None apparent	No apparent unusual situation.
4384 S Garden Drive	R-1-10	17,424 sq ft	Rectangular	No. Lot is Flat	None apparent	No apparent unusual situation.
4372 S Garden Drive	R-1-10	16,989 sq ft	Rectangular	No. Lot is flat	None apparent	No apparent unusual situation.
4360 S Garden Drive	R-1-10	16,989 sq ft	Rectangular	No. Lot is flat	None apparent	No apparent unusual situation.
4348 S Garden Drive	R-1-10	16,989 sq ft	Rectangular	No. Lot is flat	None apparent	No apparent unusual situation.
4340 S Garden Drive	R-1-10	11,326 sq ft	Rectangular	No. Lot is Flat	None apparent	No apparent unusual situation.



Address	Characteristics	Heights	Other factors
4335 S Garden Drive 	1. Zone: R-1-10 2. Built in 2019 under RCOZ. 3. Relatively flat lot. 4. Regularly shaped lot	1. Two story building with basement. 2. Between 20' – 30' of height.	1. Wide Frontage with approximately 100' of width that continues throughout the entirety of the parcel. 2. Front setback complaint to code. 3. Rear setback complaint to code. 4. Side setbacks complaint to code. 5. Modern architectural features. 6. Pitched roof.
4347 S Garden Drive 	1. Zone: R-1-10 2. Built in 1947. Pre-RCOZ 3. Remodeled in 1999 under RCOZ. 4. One-car garage 5. Relatively flat lot. 6. Regularly shaped lot	1. Two story building. 2. Between 20' – 30' of height.	1. Wide Frontage with approximately 100' of width that continues throughout the entirety of the parcel. 2. Front setback complaint to code. 3. Rear setback complaint to code. 4. Side setbacks complaint to code. 5. Pitched roof.



Address	Characteristics	Heights	Other factors
4361 S Garden Drive 	1. Zone: R-1-10 2. No structure placed on lot.	1. No structure placed on lot.	1. Narrow Frontage with approximately 50' of width that continues throughout the entirety of the parcel. 2. Used as a pedestrian access to property owned by the Granite School District.
4371 S Garden Drive 	1. Zone: R-1-10 2. Built in 2013 under RCOZ. 3. Remodeled in 2017. 4. Two-car garage and single-car garage. 5. Fairly flat lot. 6. Regular Shaped Lot	1. Two story building. 2. Between 20' – 30' of height.	1. Wide Frontage with approximately 100' of width that continues throughout the entirety of the parcel. 2. Front setback complaint to code. 3. Rear setback complaint to code. 4. Side setbacks complaint to code. 5. Modern architectural features. 6. Pitched roof.



Address	Characteristics	Heights	Other factors
4383 S Garden Drive 	1. Zone: R-1-10 2. Built in 1949, pre-RCOZ. 3. Re-built in 1999 under RCOZ. 4. Two-car carport. 5. Fairly flat lot 6. Regular shaped lot	1. One story building 2. Approximately between 20' – 25' of height.	1. Wide Frontage with approximately 100' of width that continues throughout the entirety of the parcel. 2. Front setback complaint to code. 3. Rear setback complaint to code. 4. Side setbacks complaint to code. 5. Rambler style home. 6. Pitched roof.
4384 S Garden Drive 	1. Zone: R-1-10 2. Built in 1951, pre-RCOZ. 3. Re-built in 1997, pre-RCOZ. 4. Single-Car garag 5. Fairly flat lot 6. Regular Shaped Lot.	1. One story building 2. Two-floor addition on side of home. 3. Rambler approximately between 20' – 25' of height. 4. Addition approximately between 25' – 30' of height.	1. Wide Frontage with approximately 100' of width that continues throughout the entirety of the parcel. 2. Front setback complaint to code. 3. Rear setback complaint to code. 4. Side setbacks complaint to code. 5. Rambler style home. 6. Pitched roof.



Address	Characteristics	Heights	Other factors
4360 S Garden Drive 	1. Zone: R-1-10 2. Built 2019 under RCOZ. 3. Two single-car garages 4. Single-car garage in home addition 5. Regular shaped lot 6. Flat lot	1. Two-story building approximately between 25' – 30' of height 2. Two-floor addition on side of home approximately between 25' – 30' of height. 3. 3' above finished grade.	1. Wide Frontage with approximately 100' of width that continues throughout the entirety of the parcel. 2. Front setback complaint to code. 3. Rear setback complaint to code. 4. Side setbacks complaint to code. 5. Modern style home. 6. Pitched roof.
4348 S Garden Drive 	1. Zone: R-1-10 2. Built 1954, pre-RCOZ. 3. Rebuilt 2001 under RCOZ. 4. Two-car garage. 5. Regular lot. 6. Flat Lot.	1. One story building 2. Approximately between 20' – 25' of height.	1. Wide Frontage with approximately 100' of width that continues throughout the entirety of the parcel. 2. Front setback complaint to code. 3. Rear setback complaint to code. 4. Side setbacks complaint to code. 5. Rambler style home. 6. Pitched roof.



Address	Characteristics	Heights	Other factors
4372 S Garden Drive 	1. Zone: R-1-10 2. Originally built in 1952, pre-RCOZ. 3. Rebuilt in 2003 under RCOZ. 4. Two single-car garages 5. Tandem carport 6. Regular shaped lot. 7. Flat lot	1. One story building approximately between 20' – 25' of height 2. Two-floor addition on side of home approximately between 25' – 30' of height.	1. Wide Frontage with approximately 100' of width that continues throughout the entirety of the parcel. 2. Front setback complaint to code. 3. Rear setback complaint to code. 4. Side setbacks complaint to code. 5. Rambler style home. 6. Pitched roof.
4340 S Garden Drive 	1. Zone: R-1-10. 2. Built 2013 under RCOZ. 3. Rebuilt 2003 under RCOZ. 4. Two-car garage. 5. Regular lot. 6. Flat lot.	1. Two story building. 2. Between 20' – 30' of height.	1. Wide Frontage with approximately 100' of width that continues throughout the entirety of the parcel. 2. Front setback complaint to code. 3. Rear setback complaint to code. 4. Side setbacks complaint to code. 5. Modern architectural features. 6. Pitched roof.



From that analysis we can broadly conclude the following:

- Single and two floor buildings are present in the neighborhood. Many of the original homes were built in the 1950s, and the neighborhood, which encompasses several subdivisions platted in the 1950s and early 1960s, had a consistent midcentury modern character. However, over time, many of these residences were modified to enlarge their livable space, by adding a second floor, or by building a brand new, two-floor home over the previously existing mid-century modern homes. There are few of exceptions that have strayed from the overall character of the neighborhood. One particular property, located in front of 4347 S Garden Drive (4360 S Garden Drive) shares that deviation of design, presenting a very modern, yet boxy style of home.
- Along Garden Drive and adjacent streets, most homes are apparent to have been built over rather flat grades, including the subject home. They are a couple of exceptions where homes were built on a minimal grade yet were able to build homes that range from single to two-floors.



- Most of the homes were built prior to enactment of RCOZ. Many are typical homes constructed in the area in the 1950s, but some of the homes that were built prior to RCOZ on nearby streets have a substantial and imposing presence on the surrounding neighborhood. The general purpose of RCOZ is “to promote public welfare and to balance neighborhood compatibility with the private property interests of those who wish to [...] develop [...] their residential property” (MKZ 19.71.010). Staff notes that, just like many residential neighborhoods in Millcreek, the Garden Drive neighborhood has a inconsistent aesthetic in terms of building bulk, mass, materials, and height, and that recent home additions demonstrate architectural freedom, yet were also completed in a manner compliant with RCOZ, without need of a special exception.
- While older homes should be considered in the neighborhood compatibility assessment, staff notes that the RCOZ building height requirements are intended to correct for some of the observed precedents in the neighborhood, and to avoid perpetuating large, imposing homes that are dramatically out of scale with the neighborhood. RCOZ already provides for exceptions, but the intent of the ordinance is rooted in granting exceptions on the basis of, and not contrary to, neighborhood compatibility. For residential projects in neighborhoods with a precedent of homes at differing heights, RCOZ allows for a staff approval of an RCOZ Option B deviation based on neighborhood compatibility. Staff has approved 29 such deviations since Millcreek incorporated. However, the Garden Drive neighborhood does not have enough homes to compare, leaving the applicants not eligible for an Option B deviation for building envelope based on neighborhood compatibility.



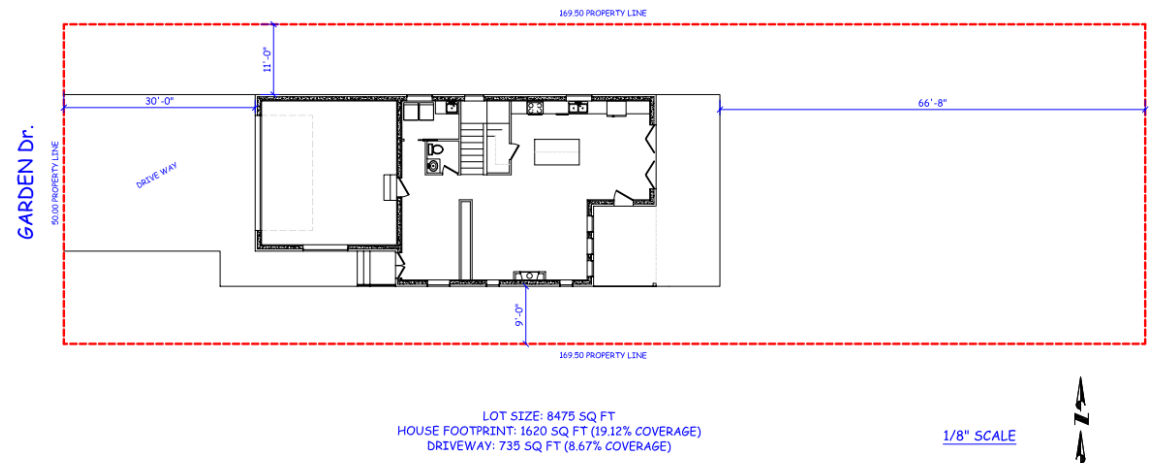
Consideration on Recommended Findings

1. Is the lot at 4347 S Garden Drive unusual or extraordinary?

While shaped in a traditional, rectangular shape, the subjected lot may be considered as unusual or extraordinary due to its short width, which may present difficulties when attempting to comply to our R-1-10 ordinance requirements. The lot starts with approximately 50 feet of frontage and remains the same width throughout the entirety of the lot. The lots at 4347 S Garden Drive and 4361 S Garden Drive are the only lots in the proximity that share the same width description, rendering the subjected lot incomparable with the rest of the neighborhood, as every other lot within 175 feet was uniformly subdivided to meet the requirements of the R-1-10 zone. However, in the case of the lot on 4361 S Garden Drive, no residence is built, as it is used as an access from the neighborhood to the parcel's owned by the Granite School District, east of the neighborhood.



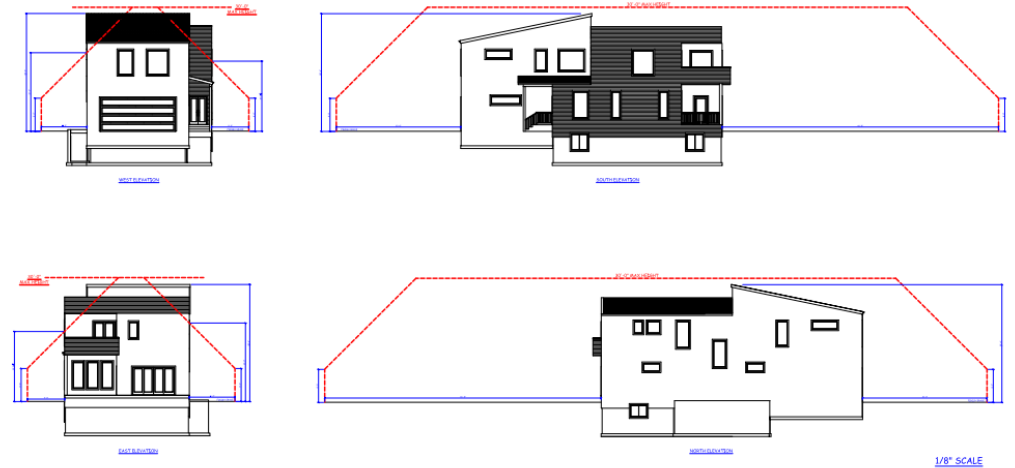
While the rest of the neighborhood enjoys properly sized lots, 4347 S Garden Drive lacks the width to easily accommodate a home that would be compliant to the RCOZ building envelope, as there isn't enough proportional space on the side yards to properly encapsule the proposed home inside the required building envelope, despite side yard setbacks being compliant with the Millcreek Code. A potential reduction in the width of the proposed home to meet the RCOZ building requirement would greatly affect the design and functionality of the home, as the home is already reduced to 30 feet wide. The average width of a home is approximately 40 feet.



- **Will the proposed residence be in harmony with the purpose of this chapter, the general plan, and any other land use document applicable to the area?**

As stated earlier, the purpose of RCOZ is “to promote public welfare and to balance neighborhood compatibility with the private property interest of those who wish to expand, develop, improve, or otherwise make exterior modification to their residential property.” The applicant proposes a residence that is not featuring a pitched roof, which set them apart from the homes in the existing neighborhood, that is everchanging as residents are transitioning to contemporary home designs, instead of the usual pitched-roof home seen in many of the mid-century homes placed across Millcreek.

The contemporary style home will be located amidst homes that are vary on aesthetics. The neighborhood is composed of older ramblers dating from the 1950’s, as well as cottage and ranch style homes dating from the late 2010’s; Therefore, the style of the home would not interfere with the harmony of the neighborhood. The proposed height of the building is compatible with the existing conditions of the neighborhood and meets the maximum height of 30 feet allowed in the R-1-10 zone, although staff notes that the nature of the building may seem taller due to its lack of dormers and pitched roof.



- **Will the proposed residence be compatible with existing residential development within a reasonable distance in terms of height, mass, and lot coverage, with particular focus on the proximate neighborhood?**

Height. Staff observed that the proposed height will be compatible with the homes on Garden Drive as some of them display a second floor, complaint to the maximum height of 30 feet. However, unlike other homes in the neighborhood, the proposed design will lack a pitched roof that will set this home apart from the rest of the neighborhood.

Mass. Normally, RCOZ allows for significant variation in architectural styles and architectural freedom, which is evident in a tour of many Millcreek neighborhoods, but the nature of the RCOZ exception allows for an analysis of the proposed project on the basis of compatibility, including building mass. The proposed materials and architectural design will create a building that contrasts with the aesthetic of the other homes in the neighborhood. The contemporary home features a flat roof to maximize height and space to therefore, provide more room for the family proposing the home.

Lot Coverage. The proposal does not exceed the lot coverage requirement in the code, and the applicant is not seeking an exception to the lot coverage requirements.

Will each point on the highest ridge be no more than forty feet above the point on the original grade vertically below it?

The applicant provided elevations that shows that no point of the home will exceed 40 feet above original grade.

Will the front yard setback be at least eighteen feet?

The applicant supplied a site plan that indicates the front yard setback will be 30 feet, as measured from the front property line. The setback of the proposed home meets the R-1-10 front setback of 30 feet.



- **Should the planning commission find that the exception should be granted? If so, are there conditions and limitations upon the approval of the exception to mitigate adverse effects on other properties in the neighborhood of the subject properties, consistent with the findings of this chapter?**

Upon reviewing the applicant's submittal, staff believes that the applicant **does meet** the threshold requirement of having a lot that is faced with unusual or extraordinary circumstances, in the form of unusual or difficult terrain.

However, staff notes that the Planning Commission "may impose such conditions and limitations upon the approval of an exception to the requirements of this chapter necessary to prevent or mitigate adverse effects on other properties in the neighborhood of the subject properties". Staff does not have concerns about the mass and bulk of the building being incompatible with the pattern of development Garden Drive, as it does not affect any neighbors' view and does not stray away from the home design currently displayed in the neighborhood.

Staff requests that the applicant does not propose any modification that will further extend the building mass nor elevate the height of the building, to not only stay away from obstructing views but to also be in harmony with the neighborhood. Granting an exception should be conditioned on meeting these mitigation measures.



LOCAL LINK ANALYSIS

March 2022



FIGURE 15. LOCALLY PREFERRED ALTERNATIVE

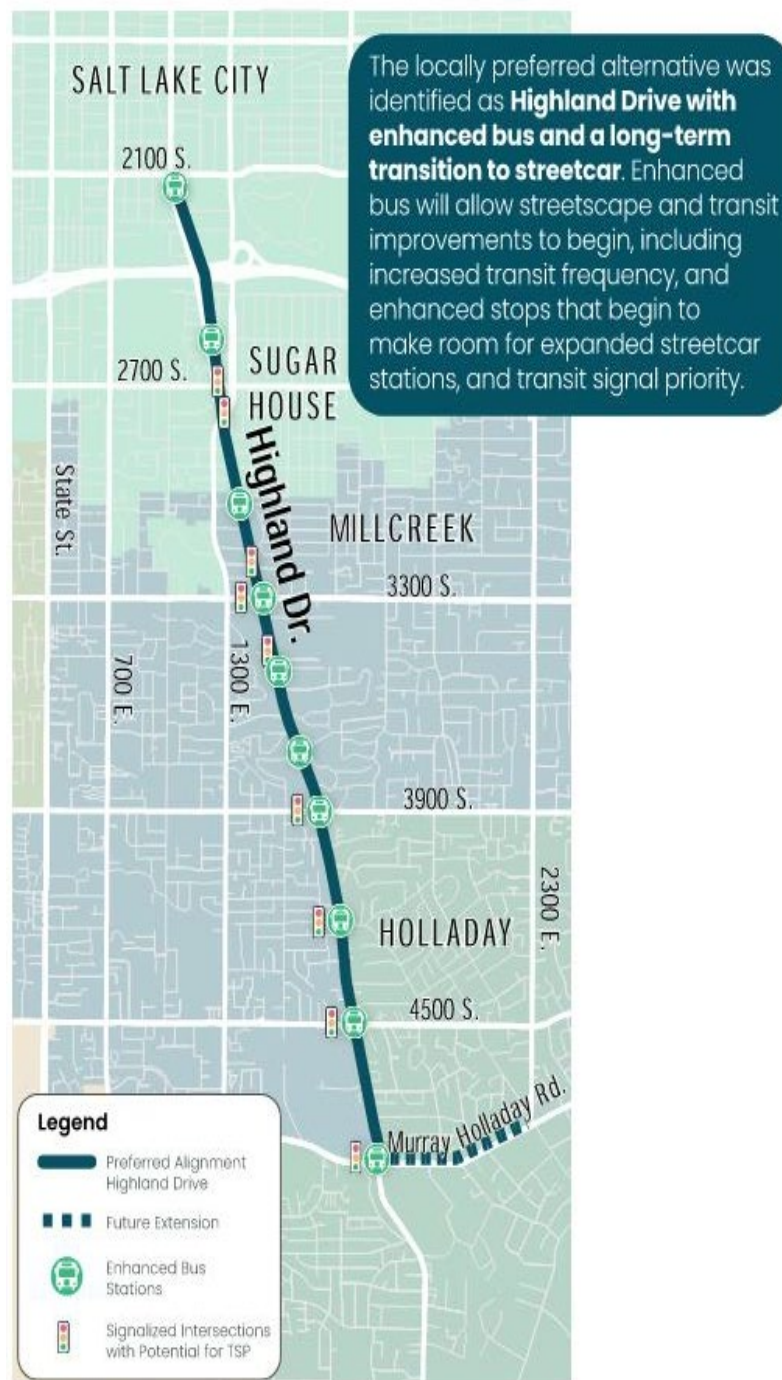


FIGURE 16. FUTURE DOWNTOWN TRANSIT CONNECTIVITY



FIGURE 14. OVERALL SCREENING RESULTS

		STREETCAR		LIGHT RAIL		BUS RAPID TRANSIT		ENHANCED BUS	
		1300 E	Highland	1300 E	Highland	1300 E	Highland	1300 E	Highland
	Low	\$225 M	\$236 M	\$284 M	\$328 M	\$119 M	\$159 M	\$11 M	\$11 M
	High	\$315 M	\$331 M	\$397 M	\$459 M	\$167 M	\$223 M	\$16 M	\$16 M
	2050 Avg. Weekday	700 - 1,250	850 - 1,300	1,300 - 1,600	1,200 - 1,500	700 - 1,450	800 - 1,400	850 - 1,200	700 - 1,200
	Access	Simple	Simple	Complex	Complex	Medium	Medium	Simple	Simple
	Utilities	Complex	Complex	Complex	Complex	Medium	Medium	Simple	Simple
	System Compatibility	Simple	Simple	Complex	Complex	Simple	Simple	Simple	Simple
	Residential Area (SF)	59,000	49,000	130,000	100,000	67,000	64,000	6,000	500
	Commercial Area (SF)	141,000	204,000	112,000	247,000	82,000	152,000	6,000	13,000
	Total Take Count	4 - 8	16 - 20	25 - 35	55 - 65	12 - 18	40 - 50	0	0
	25-Year Reduction (MT)	3,000 - 6,000		5,000 - 9,000		3,000 - 6,000		200 - 3,000	

3300 SOUTH

CORRIDOR STUDY



PREPARED FOR

THE CITIES OF SOUTH SALT LAKE AND MILLCREEK



STUDY VISION & GOALS

3300 SOUTH

Connecting people and places with a safe, comfortable corridor for all.

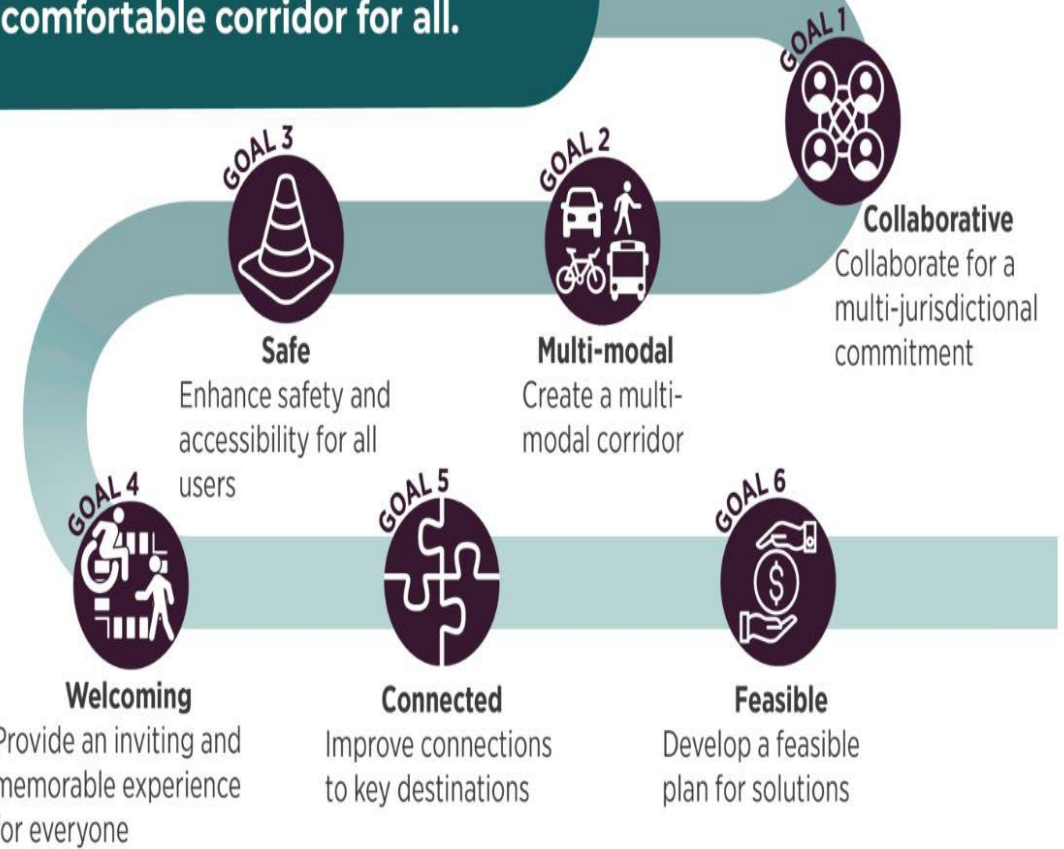


Figure 3.4 Final Vision & Goals for the 3300 South Corridor Study

I-15 TO STATE STREET CROSS-SECTIONS

Existing Cross-Section

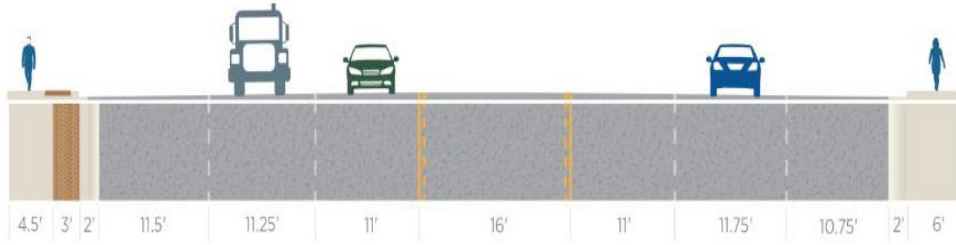


Figure 4.2 Existing Cross-Section on 3300 South between I-15 and State St

Recommended Cross-Section

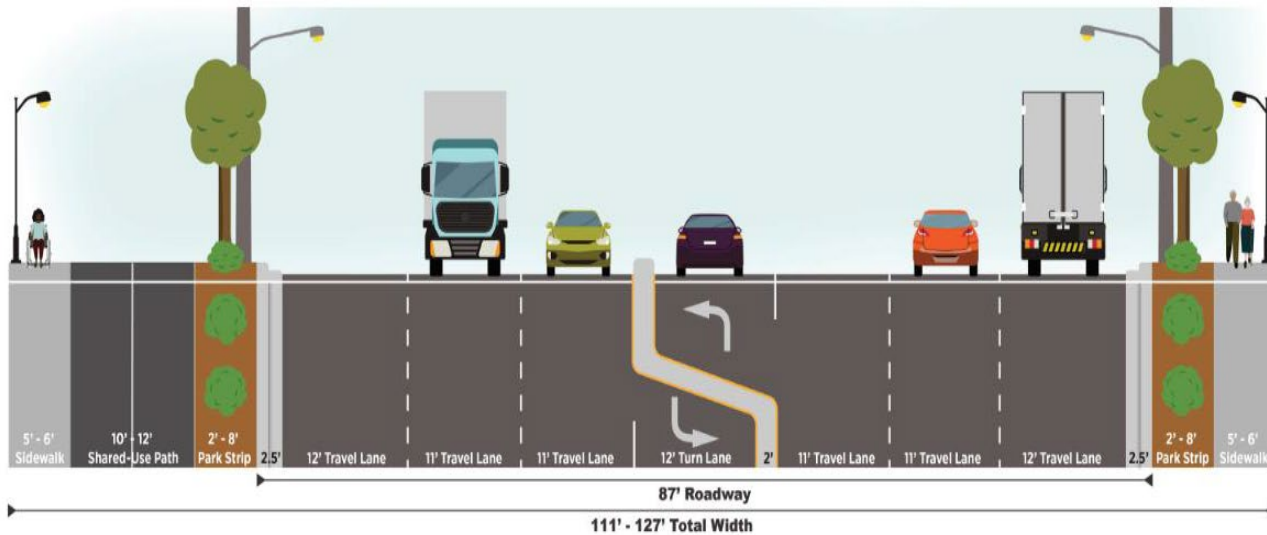


Figure 4.3 Proposed Cross-Section for 3300 South between I-15 and State St

I-15 TO STATE STREET CONCEPT DESIGN

This concept design includes:

- Shared Use Path on north side of 3300 South
- Sidewalk on both sides
- Six Travel Lanes
- 11' interior travel lanes
- 12' exterior travel lanes to accommodate potential future BAT lanes
- Center turn lane and medians
- New pedestrian signal and crosswalk
- Light poles and power poles in park strips (out of road and sidewalks)



Figure 4.4 Concept rendering for a pedestrian crossing near the Millcreek TRAX Station

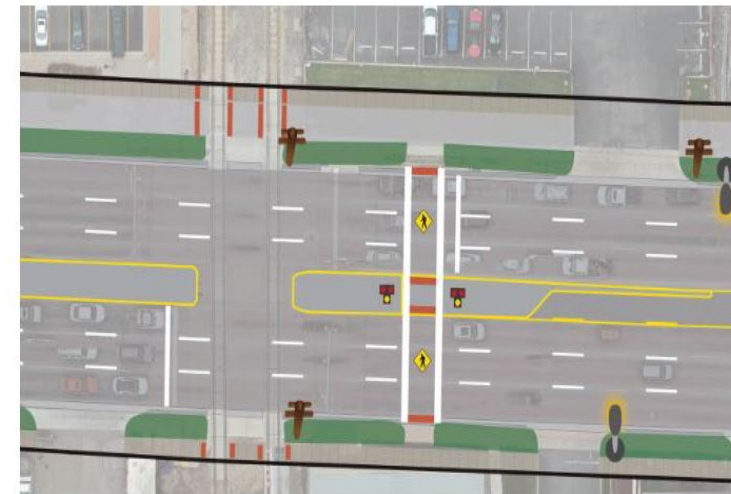


Figure 4.5 Concept design for the portion of 3300 South located between I-15 and State Street

STATE STREET TO 2700 EAST CROSS-SECTIONS

Existing Cross-Section

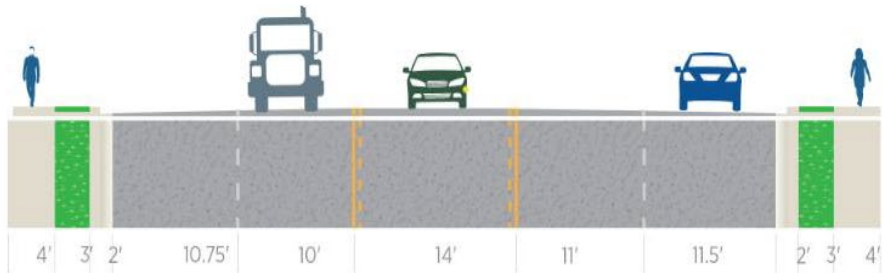
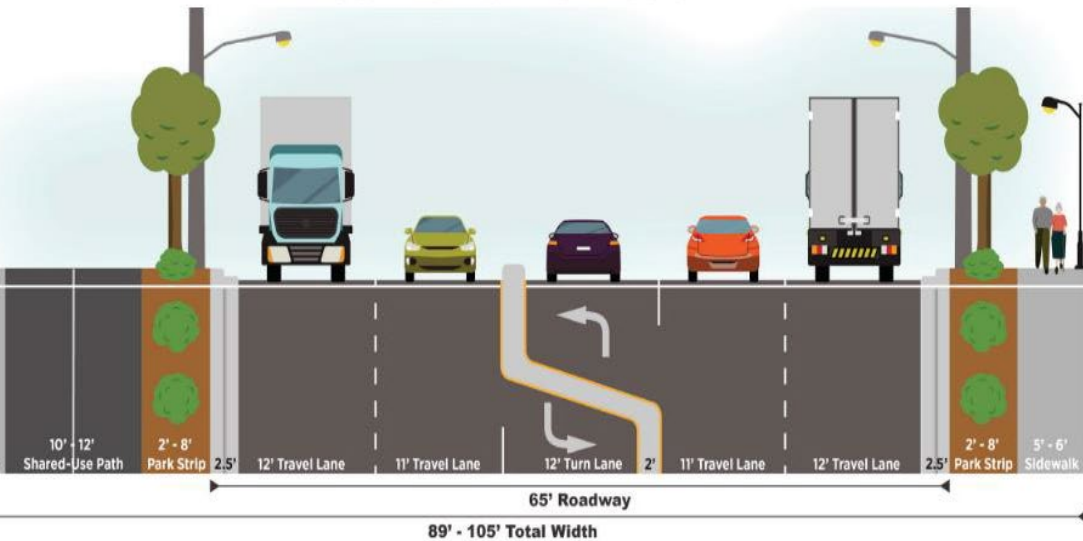


Figure 4.6 Existing Cross-Section on 3300 South between State Street and 2700 East

Recommended Cross-Section



4.7 Proposed Cross-Section for 3300 South between State Street and 2700 East

STATE STREET TO 2700 EAST CONCEPT DESIGN

This concept design includes:

- Shared Use Path on north side of 3300 South
- Sidewalk on both sides
- Four Travel Lanes
- 11' interior travel lanes
- 12' exterior travel lanes to accommodate potential future BAT lanes
- Center turn lane
- Enhanced bus stops
- Light poles and power poles in park strips (out of road and sidewalks)



Figure 4.8 Concept rendering for the Millcreek City Center



Figure 4.9 Concept design for the Millcreek City Center



2700 EAST TO I-215 CROSS-SECTIONS

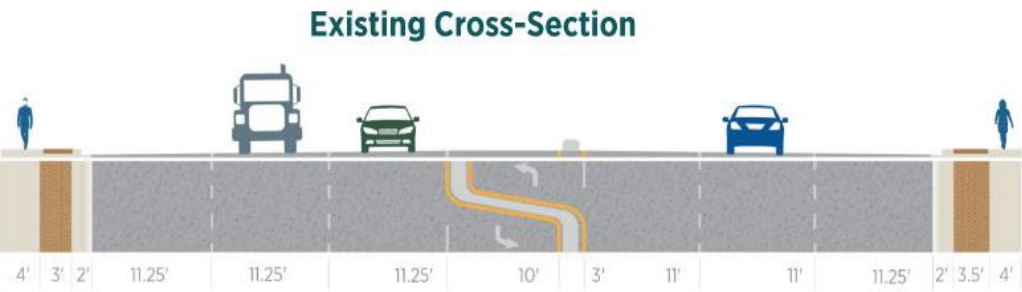


Figure 4.10 Existing Cross-Section on 3300 South between 2700 East and I-215

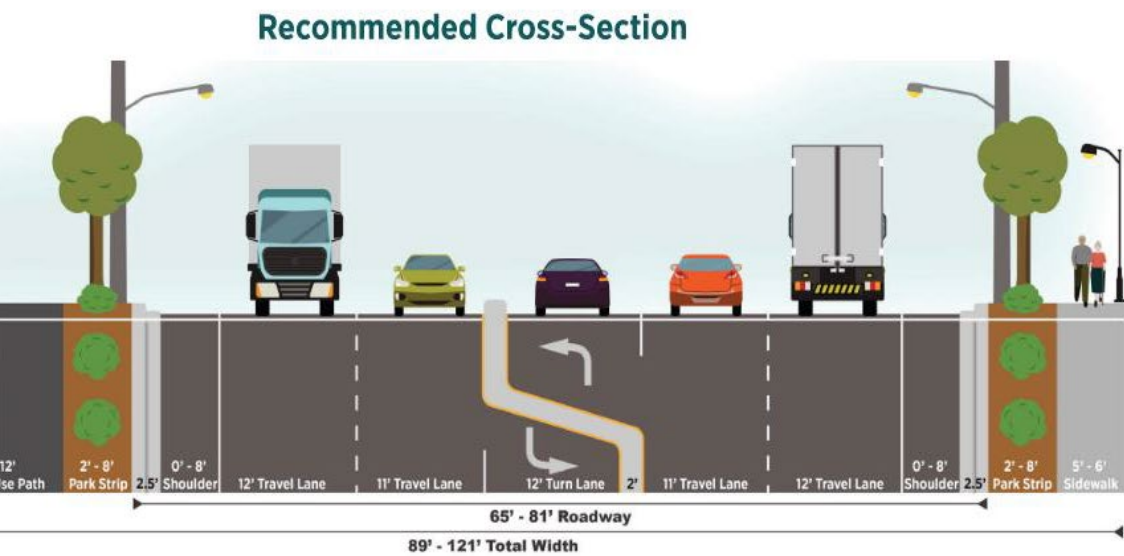


Figure 4.11 Proposed Cross-Section for 3300 South between 2700 East to I-215

2700 EAST TO I-215 CONCEPT DESIGN

This concept design includes:

- Shared Use Path on north side of 3300 South
- Sidewalk on both sides
- Four Travel Lanes
- 11' interior travel lanes
- 12' exterior travel lanes to accommodate potential future BAT lanes
- Center turn lane
- Roadway shoulders
- Enhanced bus stops
- Light poles and power poles in park strips (out of road and sidewalks)

Figure 4.12 Concept design for the area around 2540 East

