



## Millcreek Planning and Zoning

3330 South 1300 East

Millcreek, Utah 84106

801-214-2700

millcreek.us

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<b>APPLICATION:</b>	Lot Boundary Adjustment of Units 5 & 6 within the Columbian Court Condominium Subdivision
<b>ADDRESS:</b>	1265 & 1267 E Columbian Ct
<b>FILE NO.:</b>	LB-23-001
<b>APPLICANTS/OWNERS:</b>	Hung-Shih Chou

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The Applicant has filed a lot boundary adjustment application, which requires review by the Millcreek Planning and Development Service Division and Millcreek's Land Use Authority, upon holding a public meeting. City Code §18.08.030 & Utah Code §10-9a-608(2)(a),

The Applicant is proposing to adjust the boundary of Units 5 & 6, (see attached), both of which are within the Columbian Court Condominium Subdivision (see attached). The adjustment is being made to allow for a different footprint and in turn a different home design than what has already been constructed. Staff reviewed the application and have made the following findings and conclusions:

### **Findings:**

- Pursuant to Utah Code, Section 10-9a-608, the State's requirements are as follows:

(1) (a) A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a written petition with the land use authority to request a subdivision amendment.

(b) Upon filing a written petition to request a subdivision amendment under Subsection (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in accordance with Section 10-9a-603 that:

- (i) depicts only the portion of the subdivision that is proposed to be amended;
- (ii) includes a plat name distinguishing the amended plat from the original plat;
- (iii) describes the differences between the amended plat and the original plat; and
- (iv) includes references to the original plat.

(2) The public hearing requirement of Subsection (1)(d) does not apply and a land use authority may consider at a **public meeting** an owner's petition for a subdivision amendment if:

(a) the petition seeks to:

- (i) join two or more of the petitioner fee owner's contiguous lots;
  - (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
  - (iii)** adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision;
  - (iv)** on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or
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(v) alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:

- (A) owned by the petitioner; or
  - (B) designated as a common area; and
  - (b) notice has been given to adjoining property owners in accordance with any applicable local ordinance.
- The owner of the properties involved within this application has filed the application and provided signed owner's affidavits stating that they are the rightful owner of said properties.
  - The proposed lot line adjustment will not result in a violation of the Millcreek's land use or zoning ordinances, including setbacks, lots size, easements, etc.
  - The application includes an accurate legal description of both the original properties and the adjusted legal description of each proposed property; both of which have been prepared by a licensed surveyor and/or engineer.
  - The proposed lot line adjustment does not seek to add or subtract any land to/from the recorded subdivision, affect a public right-of-way, or create any additional lots.
  - Notification was given to the adjacent property owners and property owners within the recorded subdivision, at least 10 days prior to the public meeting, as required by local and state codes.
  - There are known CC&R's. Millcreek does not govern any such private documents if any such documents exist, whereupon it is the sole responsibility of the homeowners to pursue, govern, or enforce such documents privately, if at all.
  - The applicant has agreed to extend the private drive aisle to allow for access to all units.
  - The project is associated with an original Conditional Use Approval issued in 2012 by Salt Lake County.
    - Original approval documents are attached to this document.

### **Conclusion:**

The proposed lot line adjustment should be approved based upon the following:

- The proposal will not result in the violation of any local land use or zoning ordinances of any kind and, the proposal appears to comply with Millcreek and State Codes.
- The applicant must finish improvements stipulated in the original conditional use permit, including, but not limited to:
  - Amenities
  - Landscaping
  - Parking Area

### **Supporting Materials:**

- Existing Columbian Court Condominium Subdivision Plat
- Amended Units 5 & 6 of The Columbian Court Condominium Subdivision Plat

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Katie Larsen  
Planner I

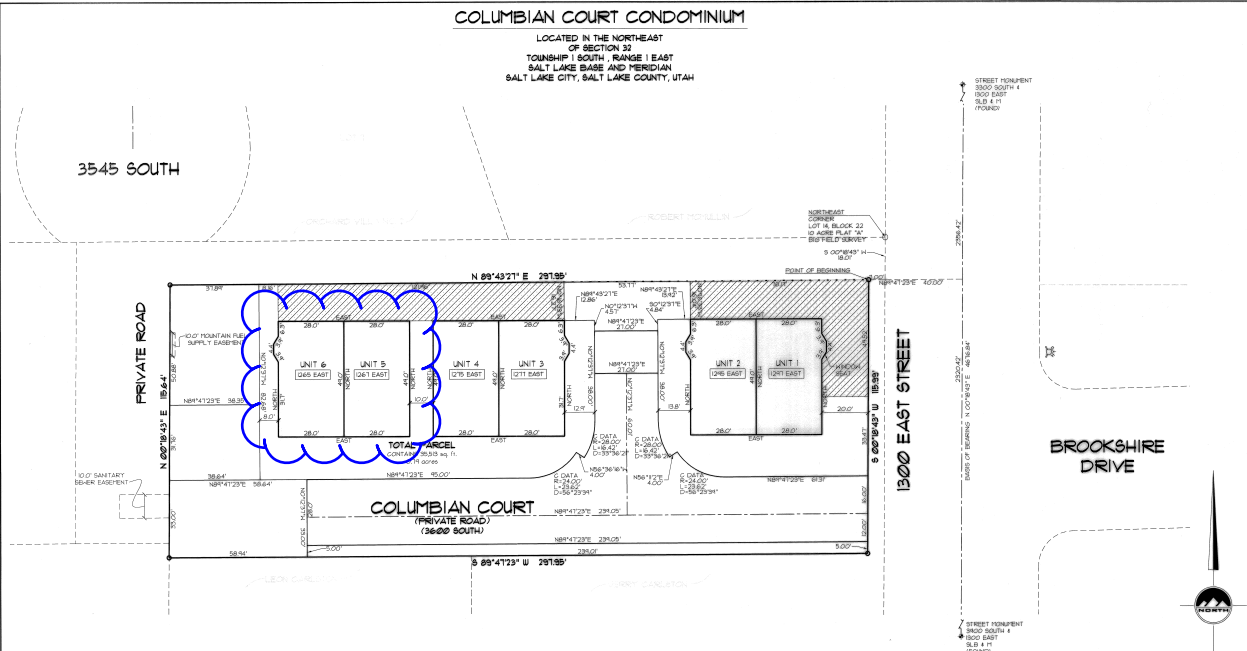
3/8/2023

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Date:

**COLUMBIAN COURT CONDOMINIUM**

LOCATED IN THE NORTHEAST  
OF SECTION 32  
TOWNSHIP 1 SOUTH, RANGE 1 EAST  
SALT LAKE BASE AND MERIDIAN  
SALT LAKE CITY, SALT LAKE COUNTY, UTAH



3645 SOUTH

PRIVATE ROAD

1300 EAST STREET

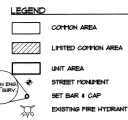
BROOKSHIRE DRIVE

COLUMBIAN COURT  
(PRIVATE ROAD)  
(3600 SOUTH)

8 08'47"33" E 291.95'

**DEDICATION OF COMMON AREA AND UTILITY EASEMENTS:**

Let forth and described in this plat the portion of the property owned and described in this plat which is dedicated to the public use and convenience of the public utility agencies, their successors and assigns, a permanent easement and right-of-way on this plat for public roadway, common areas and related common areas including utility, drainage, streets or lanes or utility easements for the construction and maintenance of subterranean electrical, telephone, natural gas, sewer, water, irrigation and drainage lines and improvements, together with the right of access thereto, which shall require that no structure be erected or placed which would interfere with normal utility use. It is understood that if it becomes necessary to relocate said utilities or the location or design of any public utility or the nature, the grade and exposure thereof, the utility will become the owner of the utility, requiring or requiring the same.

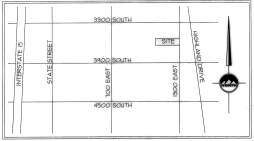


NOTE: UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS IDENTIFIED ON THIS PLAT AND FOR THE NECESSARY OR DESIRABLE IN PROVIDING UTILITY SERVICES WITHIN AND AROUND THE LOTS IDENTIFIED HEREIN INCLUDING NECESSARY OR DESIRABLE IN PROVIDING UTILITY SERVICES THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REMOVE OR REMOVE ANY OBSTRUCTIONS INCLUDING STRUCTURES, TREES AND VEGETATION THAT ARE PLACED WITHIN THE PUBLIC UTILITY THAT REQUIRE THE LOT OWNER TO REMOVE ALL OBSTRUCTIONS WITHIN THE PUBLIC UTILITY AT THE OWNER'S EXPENSE OR THE UTILITY MAY REMOVE SUCH OBSTRUCTIONS AT THE LOT OWNER'S EXPENSE. NO TREE OR ANY PERMANENT STRUCTURES BE PLACED WITHIN THE PUBLIC UTILITY OR OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE PUBLIC UTILITY WITHIN THE PUBLIC UTILITY APPROVAL OF THE UTILITIES WITHIN FACILITIES IN THE PUBLIC UTILITY.

QUESTOR APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF APPROXIMATING THE LOCATION, DIMENSIONS, COURSE, AND INTERSECTION OF ITS RIGHT-OF-WAY OR EASEMENTS AND ITS SHOWN FIRE LINES. THIS APPROVAL SHALL NOT BE CONSIDERED A WARRANTY OR VERIFY THE PRECISE LOCATION OF SUCH ITEMS, THE RIGHTS OF WAY AND EASEMENTS AND BE SUBJECT TO FURTHER REVISIONS APPEARING ON THE RECORDED RIGHT-OF-WAY AND EASEMENT GRANT OR BY PRESCRIPTION. QUESTOR THAT REQUIRE ADDITIONAL EASEMENTS IN ORDER TO GIVE THIS DEVELOPMENT THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES INCLUDING PRESCRIPTIVE RIGHTS AND OTHER RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR CONTRACT. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGEMENT OF ANY TERMS, CONDITIONS OR LIABILITIES PROVIDED BY LAW OR CONTRACT. THIS APPROVAL DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY OF PARTICULAR TERMS OR CONDITIONS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION INCLUDING INFORMATION RELATED TO ALLEGED ACTIVITIES WITHIN RIGHT-OF-WAY, PLEASE CONTACT QUESTOR'S RIGHT-OF-WAY DEPARTMENT AT 480-546-8852.

**DEVELOPER:**  
COLUMBIAN COURT LLC  
2768 EAST MILA WAY  
SALT LAKE CITY, UTAH

**CONTACT:**  
KEVIN JAMES  
(801) 580-2921



**SALT LAKE CITY**  
1450 East Highland Blvd.  
Room 206  
Salt Lake City, UT 84143  
Phone: 801-358-8800  
Fax: 801-255-4448

**LAYTON**  
1450 East Highland Blvd.  
Room 206  
Layton, UT 84041  
Phone: 801-358-8800  
Fax: 801-358-8800

**PLEASANT GROVE**  
700 South State Street  
Pleasant Grove, UT 84062  
Phone: 801-358-8800  
Fax: 801-358-8800

**UTILITIES, STREET AND ADDRESS FRONTAGE APPROVAL**

DATE: 3/6/18  
SIGNATURE: [Signature]

**ACKNOWLEDGMENT**  
(S.S.)  
County of Salt Lake  
STATE OF UTAH  
On this 6th day of March, A.D. 2018, personally appeared before me, the undersigned Notary Public, in and for said County of Salt Lake, the following persons, whose names, addresses, and occupations are hereunto subscribed, and who are duly acknowledged to me that they have signed a freely and voluntarily executed and intended to be given effect to the foregoing plat of subdivision of the above described premises hereinafter named.

Notary Public  
RESIDING IN SALT LAKE COUNTY

**ACKNOWLEDGMENT**  
(S.S.)  
County of Salt Lake  
STATE OF UTAH  
On this 6th day of March, A.D. 2018, personally appeared before me, the undersigned Notary Public, in and for said County of Salt Lake, the following persons, whose names, addresses, and occupations are hereunto subscribed, and who are duly acknowledged to me that they have signed a freely and voluntarily executed and intended to be given effect to the foregoing plat of subdivision of the above described premises hereinafter named.

Notary Public  
RESIDING IN SALT LAKE COUNTY

**PLANNING AND DEVELOPMENT SERVICES DIVISION ENGINEERING SECTION**

DATE: 3/6/18  
SIGNATURE: [Signature]

**SURVEYOR'S CERTIFICATE**

PATRICK H. HANSEN is hereby certified that I am a Registered Land Surveyor, and that I have made a personal and accurate survey of the land shown on this plat and described by authority of the COLUMBIAN COURT CONDOMINIUM. I further certify that the measurements and bearings shown on this plat are true and correct to the best of my knowledge and belief. I further certify that the measurements and bearings shown on this plat are true and correct to the best of my knowledge and belief. I further certify that the measurements and bearings shown on this plat are true and correct to the best of my knowledge and belief.

**PROPERTY DESCRIPTION**  
Total Surveyed Parcel:  
Beginning of a point on the east line of 1300 East Street said point being South 00°00'00" East 100.00 feet and South 89°43'21" East 100.00 feet from the Northeast Corner of Lot 4, Block 23, 2d Avenue Plats 1, City and Salt Lake County, and north 00°00'00" East 100.00 feet along the intersection of 1300 East Street and 800 East Street and a monument found at the intersection of 1300 East Street and 800 East Street measuring North 00°00'00" East 467.64 feet.

MARCH 9, 2018  
Date  
Patrick H. Hansen  
License No. 286882



**CONSENT TO RECORD**

I, the owner of the above described parcel of land described herein do:

**COLUMBIAN COURT CONDOMINIUM**

is a Utah Condominium Project located on said parcel of land but caused it hereby to be made a Utah Condominium Project consisting of 6 units to be prepared and filed hereby. I consent to the recording of this record of survey and hereby agree to comply with the Utah Condominium Act, and do hereby designate all areas, units, and other interests, and private areas intended for the use of the condominium project in COLUMBIAN COURT Condominium, a Utah Condominium Project for ingress and egress, subject to any restrictions and easements of record, dated this 6th day of March, 2018.

Kevin James  
MANAGING MEMBER  
COLUMBIAN COURT LLC

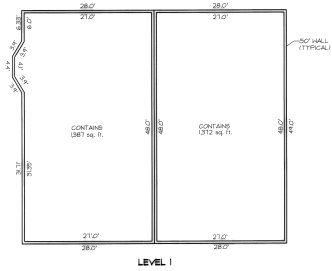
**COLUMBIAN COURT CONDOMINIUM**

LOCATED IN THE NORTHEAST  
OF SECTION 32  
TOWNSHIP 1 SOUTH, RANGE 1 EAST  
SALT LAKE BASE AND MERIDIAN  
SALT LAKE CITY, SALT LAKE COUNTY, UTAH

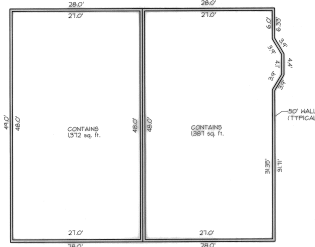
**RECORDED** 03-17-18  
APPROVED THIS 6th DAY OF MARCH, A.D. 2018  
BY THE SALT LAKE COUNTY DEVELOPMENT SERVICES DIVISION  
THIS RECORD OF SURVEY THAT IS APPROVED AND COMPLES WITH THE  
SALT LAKE COUNTY ZONING ORDINANCE.

DATE: 3/6/18  
SIGNATURE: [Signature]

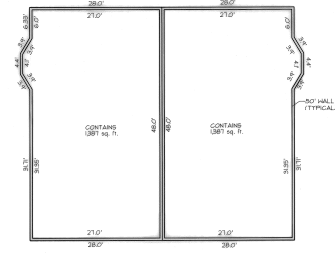
DATE: 3/6/18  
SIGNATURE: [Signature]



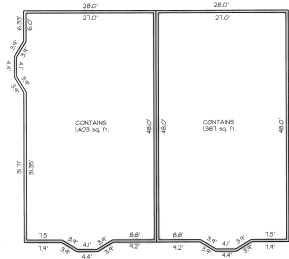
LEVEL 1



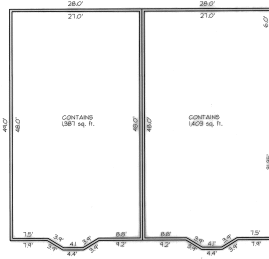
LEVEL 1



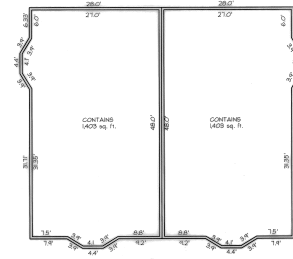
LEVEL 1



LEVEL 2  
UNITS 5 & 6




LEVEL 2  
UNITS 3 & 4



LEVEL 2  
UNITS 1 & 2



<b>SALT LAKE CITY</b> 812 E. 100th Street Suite 407 Midway UT 84042 Phone: 801-255-0200 Fax: 801-255-4440	<b>LAYTON</b> 1102 West 400th St. Suite 204 Layton UT 84041 Phone: 801-247-1100 Fax: 801-255-9175	<b>PLEASANT GROVE</b> 725 South Main Street Pleasant Grove UT 84062 Phone: 801-798-0100 Fax: 801-798-0147 www.ensign.com	 <b>ENSIGN</b>
<b>RECORDED • 10397092</b>			
STATE OF UTAH COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF <i>Colleen Anderson</i> <b>Count 264</b>			
DATE <i>4/12/08</i> TIME <i>11:37</i> BOOK <i>2008</i> PAGE <i>83</i>			
<i>ms Jamil Jaffer</i>			



UNITS 5 & 6



UNITS 3 & 4



UNITS 1 & 2



NOTE:  
 1) REVISIONS TO A STREET MONUMENT AT  
 3800 SOUTH & 800 EAST  
 ELEVATION 4362.33  
 NAD 83 (New) DATUM

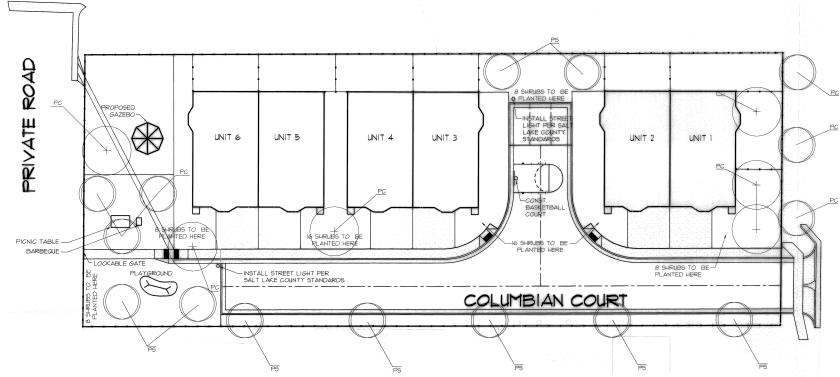


<b>SALT LAKE CITY</b> 316 1st Street East Suite 300 Midway UT 84047 Phone: 801.255.6829 Fax: 801.255.4440	<b>LAYTON</b> 146 West 400 South Suite 214 Layton UT 84041 Phone: 801.947.1100 Fax: 801.988.8115	<b>PLEASANT GROVE</b> 725 South Main Street Pleasant Grove UT 84062 Phone: 801.266.6145 Fax: 801.796.9147 www.ensign.com	
<b>RECORDED • 10277082</b>			
STATE OF UTAH COUNTY OF SALT LAKE REGISTERED AND FILED AT THE REQUEST OF <i>Colony Builders - Capitol LLC</i>			
DATE <i>4-10-08</i> TIME <i>11:29 AM</i> PAGE <i>83</i>			
<i>\$127.00</i> <i>Jan 12 2008</i> <i>arty</i>			



CALL BLUESTAKES  
@ 1-800-662-4111  
AT LEAST 48 HOURS  
PRIOR TO THE  
COMMENCEMENT OF  
ANY CONSTRUCTION.

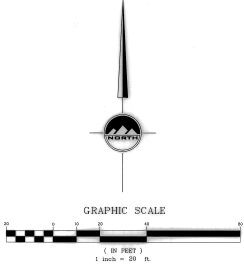
**BENCHMARK**  
STREET TAPMENT LOCATED AT  
2500 SOUTH STREET AND 1300  
EAST STREET.  
ELEVATION = 4390.33



**SITE AREA BREAKDOWN**

TOTAL AREA	34304 sq. ft.
PRIVATE ROAD AND ROOF AREA	11,158 sq. ft. 32%
OPEN SPACE AREA	23,146 sq. ft. 68%
NUMBER OF APARTMENTS PROVIDED	3

- LEGEND**
- - - - - EXISTING CONCRETE
  - - - - - PROPOSED CONCRETE
  - - - - - EXISTING EDGE OF ASPHALT
  - - - - - EXISTING FENCING
  - - - - - PROPOSED VINYL FENCING



LOCATED IN THE NORTHEAST  
OF SECTION 32  
TOWNSHIP 1 SOUTH, RANGE 1 EAST  
SALT LAKE BASE AND MERIDIAN  
SALT LAKE CITY, SALT LAKE COUNTY, UTAH

**PLANTING SCHEDULE**

GROUP	NO.	INSTANTANEOUS NAME	GENERIC NAME	SIZE
PS	12	Prunella virginiana 'Nana'	PRINCIPAL PRUNELLA	2" GAL.
PS	1	Prunella americana 'Nana'	PRINCIPAL PRUNELLA	2" GAL.
SHRUB				
BA	25	Bambusa nana 'Compacta'	BURNING BUSH	2 GAL.
TP	23	Pinus nigra	DAWSON PINE	2 GAL.
TP	23	Pinus nigra	DAWSON PINE	2 GAL.
LAWN	500		BLUE RESQUE GRASS MIX	

**ENSGN**  
50 E. Fort Union Blvd  
Suite 100  
Midvale UT 84047  
Phone: 801.255.0529  
Fax: 801.255.4449

1485 West Hillfield  
Rd. Suite 204  
Layton UT 84041  
Phone: 801.547.1100  
Fax: 801.589.6315

795 South Main Street  
Pleasant Grove UT 84062  
Phone: 801.796.8145  
Fax: 801.796.8147

WWW.ENSGNUTAH.COM

FOR COLUMBIAN COURT LLC.  
200 S. WEST 1000 W.  
SALT LAKE CITY UT 84114

CONTACT:  
KEVIN OWENS  
PHONE: 801-880-2187  
FAX: 801-796-8147

**COLUMBIAN COURT**  
CONDOMINIUM  
3500 SOUTH 1300 EAST  
SALT LAKE CITY UTAH

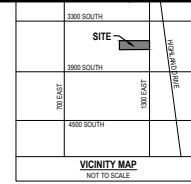
**OVERALL LANDSCAPE PLAN**

DESIGNED BY: ENSGN  
DATE: 05/10/10  
DRAWN BY: ENSGN  
DATE: 05/10/10  
PROJECT NUMBER: 01

**L1.0**

# COLUMBIAN COURT CONDOMINIUM AMENDED

AMENDING UNITS 5, 6, LIMITED COMMON AREA, AND COMMON AREA OF  
COLUMBIAN COURT CONDOMINIUM LOCATED IN THE NORTHEAST QUARTER OF  
SECTION 32, TOWNSHIP 1 SOUTH, RANGE 1 EAST SALT LAKE BASE AND MERIDIAN  
MILLCREEK, SALT LAKE COUNTY, UTAH  
FEBRUARY, 2023

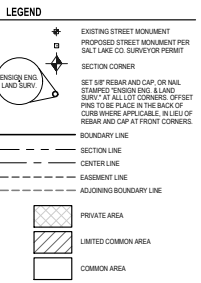


**SURVEYOR'S CERTIFICATE**  
I, **PATRICK M. HARRIS**, do hereby certify that I am a Professional Land Surveyor in the State of Utah and that I hold License No. **286882**. In accordance with Title 36, Chapter 22, of the Professional Engineers and Land Surveyors Act, I further certify that by authority of the Ordinance, I have completed a survey of the property described on this subdivision plat in accordance with Utah Code Title 72, Chapter 17 and have verified all measurements; that the reference monuments shown on this plat are located as indicated and are sufficient to accurately establish the lateral boundaries of the herein described tract of real property, and that I have been duly sworn to the designated scale and as a true and correct representation of the land described herein included in said subdivision. Based upon data compiled from records of the county recorder's office. Further, neither this plat nor these notes constitute a warranty of the accuracy of the applicable zoning ordinances.

**BOUNDARY DESCRIPTION**  
Beginning at a point on the west line of 1300 East Street said point being South 0°18'43" West 18.51 feet and South 89°47'22" West 17.23 feet from the Northeast Corner of Lot 14, Block 22, 10 Acres Plat "A", Big Field Survey, said point of beginning also being North 89°18'07" East 2328.42 feet along the 1300 East Street monument line and South 89°47'22" West 40.10 feet from a street monument found at the intersection of 3600 South Street and 1300 East Street, and running:  
thence South 0°18'43" West 115.95 feet along the west line of said 1300 East Street;  
thence South 89°47'22" West 207.28 feet;  
thence North 0°18'43" East 115.64 feet;  
thence North 89°47'22" East 207.55 feet to the point of beginning.

Contains 35,513 Square Feet or 0.79 Acres and 2 Units.  
Less and excepting Units 1, 2, 3 and 4 of Columbian Court Condominium recorded April 10, 2008 as Entry No. 10379322 in Book 2008 at Page 63 of Official Records.

Date: 02/13/22  
PATRICK M. HARRIS  
P.L.S. 39892



**CURVE TABLE**

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	24.00'	23.62'	90°23'29"	N81°25'31"E	22.68'
C2	28.00'	16.42'	33°39'21"	N18°25'31"E	16.19'
C3	28.00'	16.42'	33°39'21"	S11°26'49"E	16.19'
C4	24.00'	23.62'	90°23'29"	S82°04'49"E	22.68'

**OWNER'S DEDICATION AND CONSENT TO RECORD**  
Excel International, LLC, the owner of the described tract of lands to be hereinafter shown as:

## COLUMBIAN COURT CONDOMINIUM AMENDED

hereby consents and gives approval to the recording of this plat for all purposes shown herein. There are no streets or other property reflected on this plat to be dedicated to the public.

IN WITNESS WHEREOF, THE OWNERS HAVE HERETO SET OUR HANDS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_

EXCEL INTERNATIONAL, LLC  
COLUMBIAN COURT CONDOMINIUM HOME OWNERS ASSOCIATION

By: \_\_\_\_\_ Name: \_\_\_\_\_ Title: \_\_\_\_\_  
By: \_\_\_\_\_ Name: \_\_\_\_\_ Title: \_\_\_\_\_

### HOA NOTARY ACKNOWLEDGMENT

STATE OF UTAH, County of SALT LAKE, I, S.S., a notary public, personally appeared \_\_\_\_\_ on this day of \_\_\_\_\_ in the year 20\_\_ before me \_\_\_\_\_ a notary public, personally appeared \_\_\_\_\_ the \_\_\_\_\_ of \_\_\_\_\_ COLUMBIAN COURT CONDOMINIUM HOME OWNERS ASSOCIATION, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this document, and the foregoing HOA Owner's Dedication and Consent to Record regarding the COLUMBIAN COURT CONDOMINIUM AMENDED, and was signed by him/her or in behalf of said COLUMBIAN COURT CONDOMINIUM HOME OWNERS ASSOCIATION and acknowledged that he/she/they executed the same.  
Commission Number \_\_\_\_\_  
My Commission Expires \_\_\_\_\_  
Print Name: \_\_\_\_\_  
A Notary Public Commissioned in Utah

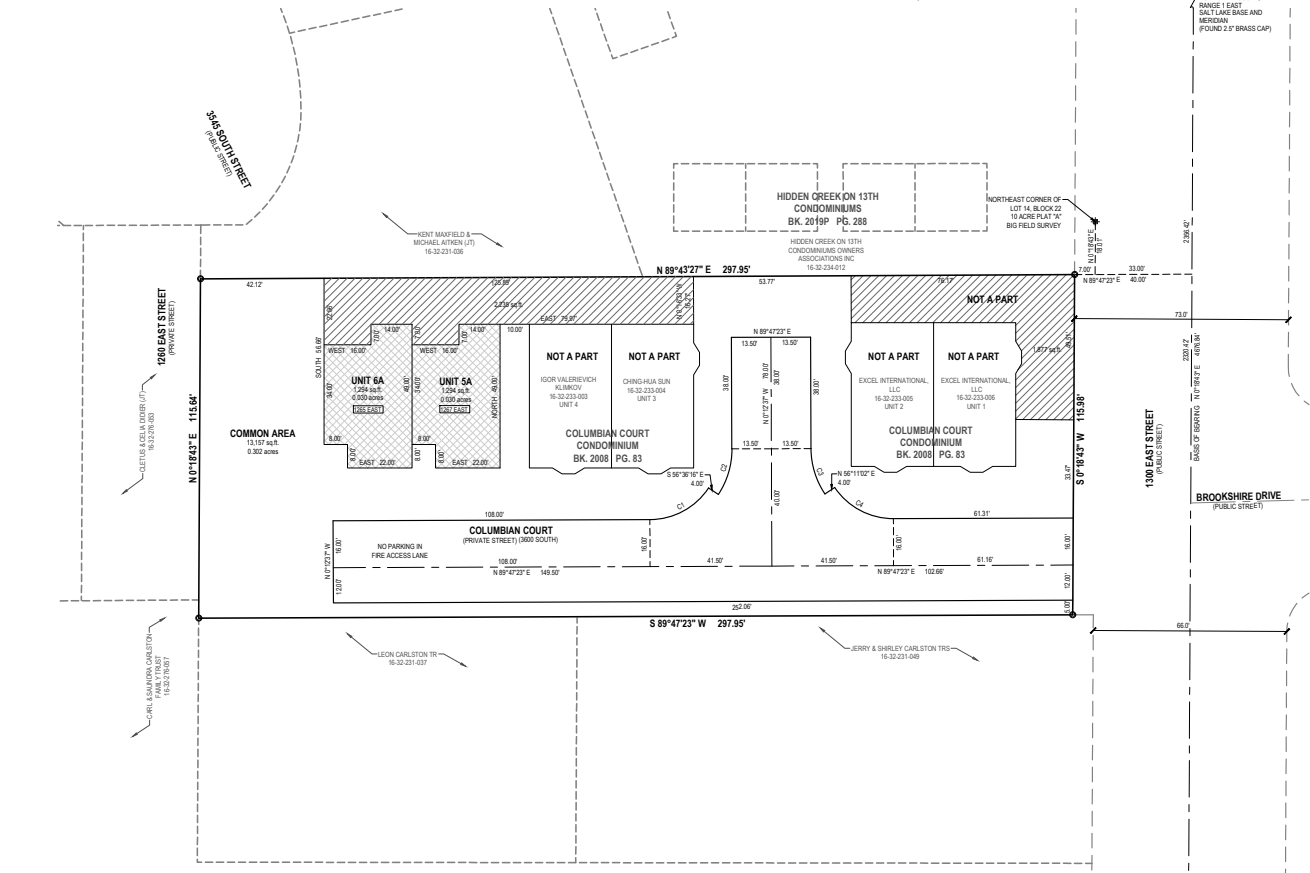
### LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH, County of SALT LAKE, I, S.S.,  
On the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_ in the County of \_\_\_\_\_ in the State of Utah, who after being duly sworn, acknowledged to me that he/she is the \_\_\_\_\_ of \_\_\_\_\_ a Limited Liability Company and that he/she signed the Owner's Dedication Title and Authority for and in behalf of said Limited Liability Company for the purposes herein mentioned and agreed to that said Limited Liability Company executed the same.  
MY COMMISSION EXPIRES: \_\_\_\_\_ RESIDES IN \_\_\_\_\_ COUNTY, \_\_\_\_\_  
NOTARY PUBLIC

## COLUMBIAN COURT CONDOMINIUM AMENDED

AMENDING UNITS 5, 6, LIMITED COMMON AREA, AND COMMON AREA OF COLUMBIAN COURT CONDOMINIUM LOCATED IN THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 1 EAST SALT LAKE BASE AND MERIDIAN MILLCREEK, SALT LAKE COUNTY, UTAH

RECORDED # \_\_\_\_\_  
STATE OF UTAH COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF: \_\_\_\_\_  
DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_  
FEES \_\_\_\_\_ DEPUTY SALT LAKE COUNTY RECORDER



- ROCKY MOUNTAIN POWER NOTES:**
- PURSUANT TO UTAH CODE ANN. § 94-3-7 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATOR(S) OF UTILITY FACILITIES PUBLIC EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.
  - PURSUANT TO UTAH CODE ANN. § 14-214A (ROCKY MOUNTAIN POWER) ACCEPTS DELIVERY OF THE P.E. AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THE DEVELOPMENT. THIS EASEMENT PROVIDED BY ME IS NOT A WARRANTY. THIS APPROVAL DOES NOT CONSTITUTE AN ENDORSEMENT OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE IN THE OWNERS' DECLARATION OR THE NOTES, AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OR CONDITIONS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT COMMON ENERGY CLAIMS RIGHTS OFFICE DEPARTMENT AT 801-368-6532.
  - THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS
  - TITLE & CHAPTER 18, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR
  - ANY OTHER PROVISION OF LAW.

**Dominion Energy Utah - Note:**  
Coastal Gas Company, the Dominion Energy Utah, hereby approves this plat solely for the purpose of confirming that the plat contains public utility easements. Dominion Energy Utah may require additional easements in order to serve this development. This approval does not constitute an endorsement or warranty of any other existing rights, obligations or liabilities including prescriptive rights and other rights, obligations or liabilities provided by me or others. This approval does not constitute an endorsement or acknowledgment of any terms contained in the plat, including those in the Owners' Declaration or the Notes, and does not constitute a guarantee of particular terms or conditions of natural gas service. For further information please contact Dominion Energy Claims Rights Office Department at 801-368-6532.

**SHEET 1 OF 2**  
PROJECT NUMBER: 2868  
MANAGER: DAU  
DRAWN BY: S.L.  
CHECKED BY: AFVH  
DATE: 2023-03

**ENSIGN**  
THE STANDARD IN ENGINEERING

SANDY  
4218 10300 S. Suite 500  
Sandy, UT 84070  
Phone: 801-755-5533  
WWW.ENGINEERING.COM

LAYOUT  
DATE: 01/24/23  
TABLE  
DATE: 04/26/2020  
SHEET  
DATE: 02/16/23  
REVISED  
DATE: 02/16/2023

<b>UNIFIED FIRE AUTHORITY APPROVAL</b>	<b>ADDRESSING APPROVAL</b>	<b>RECORD OF SURVEY</b>
SIGNED: _____ DATE: _____	SIGNED: _____ DATE: _____	R.O.S. NO. _____ DATE: _____
<b>RECORD OF SURVEY</b>	<b>RECORD OF SURVEY</b>	<b>RECORD OF SURVEY</b>
SIGNED: _____ DATE: _____	SIGNED: _____ DATE: _____	SIGNED: _____ DATE: _____

**DEVELOPER**  
EXCEL INTERNATIONAL, LLC  
2683 EAST 6710 SOUTH  
COTTONWOOD HEIGHTS, UTAH 84121  
801-54-0689

**HORIZONTAL GRAPHIC SCALE**  
1" = 20'  
HORZ 1 inch = 20 ft.

**REVISIONS**

INITIALS	DATE	DESCRIPTION

**PUBLIC UTILITY APPROVAL**

CENTURYLINK	DATE: _____
COCA2AT	DATE: _____
ROCKY MOUNTAIN POWER	DATE: _____
DOMINION ENERGY	DATE: _____

**CHECKED FOR ZONING COMPLIANCE**

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

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_ BY THE MILLCREEK ENGINEERING.

**MILLCREEK ENGINEERING**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_ BY THE MILLCREEK ENGINEERING.

**SALT LAKE COUNTY HEALTH DEPARTMENT**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_ BY THE SALT LAKE COUNTY HEALTH DEPARTMENT.

**MILLCREEK PLANNING AND ZONING**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_ BY THE MILLCREEK PLANNING AND ZONING.

**MILLCREEK PLANNING COMMISSION**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_ BY THE MILLCREEK PLANNING COMMISSION.

**APPROVALS TO FORM**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_ BY THE MILLCREEK CITY ATTORNEY.

**CITY OF MILLCREEK**

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

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
ATTEST: CITY RECORDER

**SALT LAKE COUNTY RECORDER**

RECORDED # \_\_\_\_\_

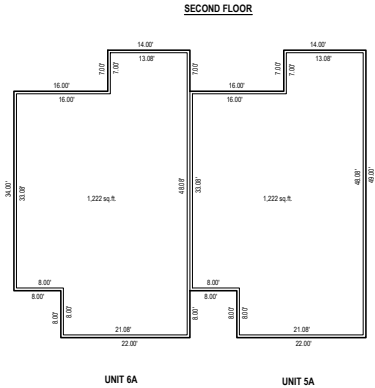
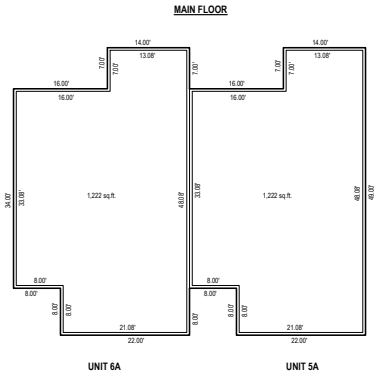
STATE OF UTAH COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF: \_\_\_\_\_

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_

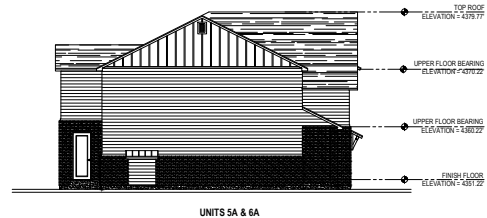
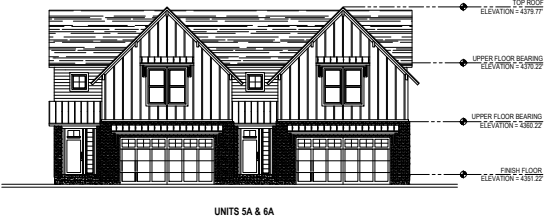
FEES \_\_\_\_\_ DEPUTY SALT LAKE COUNTY RECORDER

# COLUMBIAN COURT CONDOMINIUM AMENDED

AMENDING UNITS 5, 6, LIMITED COMMON AREA, AND COMMON AREA OF  
COLUMBIAN COURT CONDOMINIUM LOCATED IN THE NORTHEAST QUARTER OF  
SECTION 32, TOWNSHIP 1 SOUTH, RANGE 1 EAST SALT LAKE BASE AND MERIDIAN  
MILLCREEK, SALT LAKE COUNTY, UTAH  
FEBRUARY, 2023

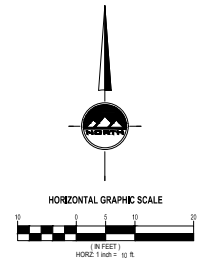


**BUILDING ELEVATIONS**



- LEGEND**
- EXISTING STREET MONUMENT
  - PROPOSED STREET MONUMENT PER SALT LAKE CO. SURVEYOR FORMET
  - SECTION CORNER
  - SET 6" REBAR AND CAP OR NAIL STAMPED "ENSGN ENG. & LAND SURVY" AT ALL LOT CORNERS. OFFSET PINS TO BE PLACED IN THE BACK OF CURBS WHERE APPLICABLE. IN LIEU OF REBAR AND CAP AT FRONT CORNERS.
  - BOUNDARY LINE
  - SECTION LINE
  - CENTER LINE
  - EASEMENT LINE
  - ADJOINING BOUNDARY LINE

NOTE:  
FOUND STREET MONUMENT AT  
INTERSECTION OF 3900 SOUTH & 1300 EAST  
BENCHMARK = 4336.33' NAD 83 DATUM



REVISIONS	
INITIALS	DESCRIPTION

**COLUMBIAN COURT CONDOMINIUM AMENDED**  
AMENDING UNITS 5, 6, LIMITED COMMON AREA, AND COMMON AREA OF  
COLUMBIAN COURT CONDOMINIUM LOCATED IN THE NORTHEAST QUARTER OF  
SECTION 32, TOWNSHIP 1 SOUTH, RANGE 1 EAST SALT LAKE BASE AND MERIDIAN  
MILLCREEK, SALT LAKE COUNTY, UTAH

**SHEET 2 OF 2**

**DEVELOPER**  
EXCEL INTERNATIONAL, LLC  
2883 EAST 6718 SOUTH  
COTTONWOOD HEIGHTS, UTAH 84121  
801-541-0689



**SANDY**  
4319 10000 S. Suite 500  
Sandy, UT 84070  
Phone: 801.256.0529  
WWW.ENSGNENG.COM

**LARRY**  
Phone: 801.257.1100  
TITLE:  
Phone: 801.256.0396  
COMPUTER:  
Phone: 801.256.0340  
PHONE:  
Phone: 801.256.0340

**SALT LAKE COUNTY RECORDER**

RECORDED # \_\_\_\_\_  
STATE OF UTAH COUNTY OF SALT LAKE, RECORDED AND FILED AT THE  
REQUEST OF \_\_\_\_\_ TITLE \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
DATE \_\_\_\_\_ TIME \_\_\_\_\_  
FEE \$ \_\_\_\_\_ DEPUTY SALT LAKE COUNTY RECORDER

**Millcreek City Hall**  
3330 South 1300 East  
Millcreek, Utah 84106  
millcreek.us



**Planning & Zoning**  
(801) 214-2700  
planner@millcreek.us

File #ZM-22-013

## PLANNING COMMISSION STAFF REPORT

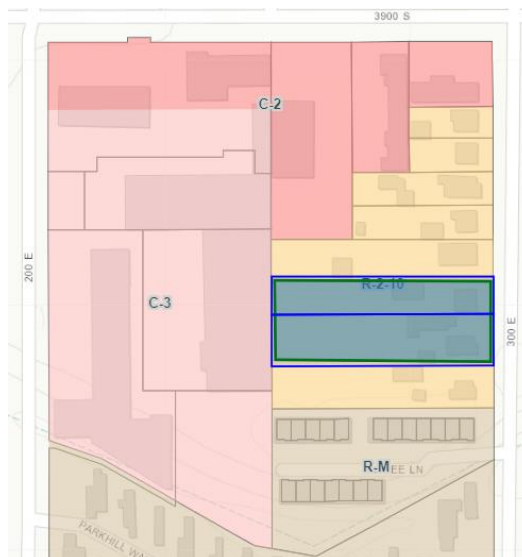
**Meeting Date:** March 15, 2023 - Millcreek Planning Commission  
**Applicant:** Dwight Yee  
**Property Address:** 3956-3960 S 300 E  
**Acreage:** 1.33 acres  
**Zone:** R-2-10 (Medium-Density Residential) to R-M (Multi-family Residential)  
**Prepared By:** Carlos Estudillo, Planner 1

### SUMMARY OF REQUEST

The applicant is seeking to **rezone** two parcels from the R-2-10 (Medium Density Residential Zone) to the R-M (Multifamily Residential Zone) to accommodate a 14-unit townhome development.

### SITE & VICINITY DESCRIPTION

The parcels are located at 3956 S 300 E and 3960 S 300 E and equal 1.33 acres. The vicinity is composed of two-family dwellings and neighborhood commercial properties to the north, multi-family buildings to the south and large-scale commercial to the west of the subjected parcels.



Some of the characteristics of the proposed development for this rezone are (see attached site plans):

- The future project will consist of 14 townhome units capped at 30 feet high, well below the maximum required height in the R-M zone.
- The proposed project’s **footprint** is 10,450 SF out of 46,450 SF (1.33 acres), well below the maximum required **lot coverage** of 18,580 SF (40% of total lot size) in the R-M zone.
- The proposed **open space area** is 18,804 SF out of the 46,450 SF (1.33 acres), barely above the maximum required **open space area** of 18,580 SF (40% of total lot size) in the R-M zone.
- A 25-foot private land will be placed for resident’s access, with a firetruck turn-around located at the north-end of the property.
- Ten guest parking spots are located near the South property line and meets the required guest parking requirement.
- A fenced kid’s playground will be provided as a development amenity.
- Water-wise planting is envisioned to compose most of the landscaping.
- All architectural requirements have been met, including frontage requirements.



## GENERAL PLAN CONSIDERATIONS

The parcels at 3956-3960 S 300 E are considered to be under the general plan category of “*Neighborhood 3*”. Additionally, the properties directly north and south of parcels have a future land use designation of “*Neighborhood 3*” which allows townhomes and multifamily buildings, with densities typically ranging between 18-35 dwelling units per acre, generally between 3 to 4 stories high (see Future Land Use Map).

<p><b>NEIGHBORHOOD 3</b></p>	<p><b>Primary:</b> Multifamily apartments or condominiums.</p> <p><b>Secondary:</b> Townhomes or duplexes, neighborhood retail, restaurants, public facilities, senior services, parks, recreation facilities, community gardens, schools, and places of worship. Secondary uses should be along major corridors.</p>	<p>Typically 18 – 35 dwelling units per acre. Development in multifamily neighborhoods is generally between 3 to 4 stories and is located within a ¼ of a high-frequency transit stop (transit corridor or bus route that serves the corridor every 15 min. or less, or has overlapping bus routes). Development abutting lower-intensity, established residential neighborhoods should provide transitions in massing and height.</p>	<ul style="list-style-type: none"> <li>• A mix of higher density housing types located in areas that are proximate to retail, health and human services, schools, parks, employment, and public transit.</li> </ul>
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The proposed rezone will not modify any of the characteristics the general plan intends “*Neighborhood. 3*” to be, as both parcels will be zoned for multi-family residential. Therefore, following the intended future land use.

### **NEIGHBORHOOD RESPONSE**

The applicant held an on-site neighborhood meeting in November of 2022. Only the adjacent property owners were able to attend. There weren’t any substantial comments for or against the rezone of the subjected properties.

### **COMMUNITY COUNCIL RESPONSE**

The Millcreek Community Council unanimously approved a motion to recommend a rezone from R-2-10 to R-M to accommodate a 14-unit townhome development as presented, with no further recommendations or conditions.

### **FINDINGS & CONCLUSIONS**

Based on the findings listed within this report, the following conclusions can be made:

1. A multifamily use would be in harmony with the current land use designation because the general plan designation for these parcels is under “*Neighborhood 3*”, which its primary intended use is for multi-family apartment and condominiums.
2. The number of units shown within the proposed concept plan would be below the maximum density contemplated by the general plan because the applicant is proposing 14 units in 1.33 acres, well below the designated density for this designation, which is 18-35 units per acre.
3. A development agreement may best ensure the type, scale, style, materials, orientation, dedication, utilities easements, access, phasing, and other aspects pertaining to the future development of these properties, where the underlying zoning and land use ordinances may be insufficient; Therefore, a development agreement may be in place to ensure development design and layout of the property.
4. All development will be required to meet the minimum zoning and land use ordinances; to which the concept plan may likely evolve from what is currently presented for this rezone application.

## **PLANNING STAFF RECOMMENDATION AND MODEL OF MOTION**

Based on the above findings and conclusions, The Planning Staff recommends a motion to recommend approval for request number ZM-22-013 to **rezone** the parcels located at 3956 S 300 E and 3960 S 300 E from the R-2-10 (Medium Density Residential Zone) to the R-M (Multifamily Residential Zone) to accommodate a 14-unit townhome development.

### **SUPPORTING DOCUMENTS**

- **Concept Plans**























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

# PROPOSED CHANGES

Historically, uses at the site included single-family homes, duplexes, and a condominium complex that was developed in the early 1970s. The proposed change is a mixed use development which adds approximately 9,500 square feet of office and retail space which is design to activate the east commercial frontage along Millcreek Common Phase 2.

The proposed mixed-use building is adjacent to Millcreek Common Phase 2 and situated between Woodland and Chambers Avenue. The development would include residential units in 5 stories of wood frame construction over a 2-level above-grade parking structure wrapped in commercial space facing Woodland Ave. Chambers Ave, and Millcreek Common Phase 2.

The gradual grade change from East to West makes the building 6 stories above grade on the North side and 7 stories as you head to the South with peak elevations just shy of 75 feet.



MILLCREEK COMMON  
 DECEMBER 21, 2022





# Millcreek Planning and Zoning Department

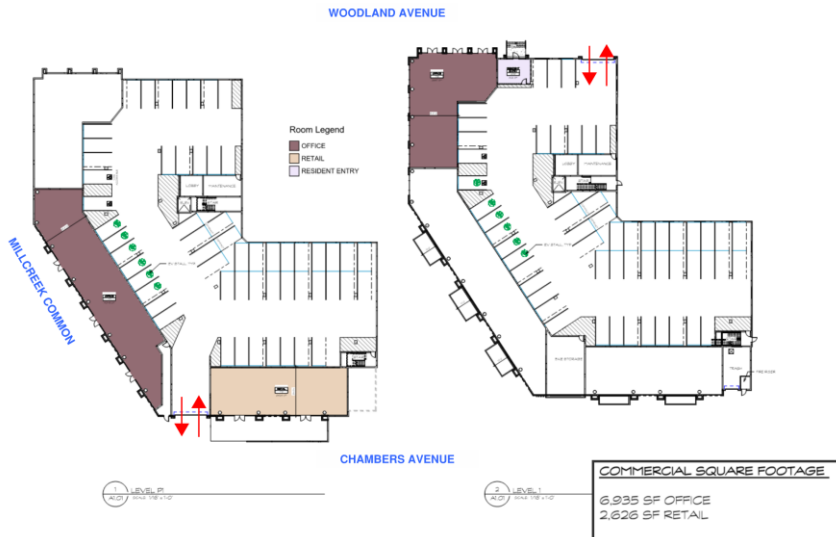
3330 South 1300 East

Millcreek, Utah 84106

Phone: (801) 214-2700

The proposed building will consist of a larger range of unit sizes from 800sf 1 bedroom apartments to 1,500sf 3 bedroom apartments, in order to accommodate a wide spectrum of incomes and residents. Amenities will include a fitness center, resident lounge, and spa deck.

The project embraces the city's setbacks and stepbacks by creating a pleasant 2nd level amenity deck terrace for the tenants overlooking Millcreek Common Phase 2. This terrace will bring eyes to the street enhancing the overall pedestrian experience. North and South plazas fronting the retail and office spaces will create additional gathering spaces that connect to the Millcreek Common frontage along the West side to create a walkable community.



The project has a mixture of stone, flush metal panel, and fiber cement siding to provide durable and aesthetically pleasing cladding. The building space will include gathering spaces on the street and at the building entrance spaces designed to activate the street and help create a more safe and enjoyable experience within the city center.





## PARKING CONSIDERATIONS

<b>RESIDENTIAL UNIT COUNT</b>
(5) 3BEDS
(43) 2BEDS
(10) 1BEDS
58 UNITS TOTAL
<b>PARKING REQUIRED</b>
(5) 3BEDS x 2 Stalls/Unit = 10 Stalls
(43) 2BEDS x 1.5 Stalls/Unit = 64.5 Stalls
(10) 1BEDS x 1.5 Stalls/Unit = 15 Stalls
(58) UNITS TOTAL X .33 Guest = 19.14 Stalls
6,935 SF OFFICE x 3/1,000SF = 20.81 Stalls
2,626 SF RETAIL x 3/1,000SF = 7.88 Stalls
138 Stalls Required Before Shared Parking
111 Stalls Required With Shared Parking ( see table for breakdown)
18.1% Parking Reduction From Shared Parking Table
<b>PARKING PROVIDED</b>
113 GARAGE SHARED STALLS( including 2 Accessible Stalls)
NOT INCLUDED IN PARKING TOTAL ABOVE- 2 Accessible Garage Residential Stalls
<b>115 Parking Stalls Total</b> Including 12 EV Stalls Provided(10%)

The mixed-use building has two levels of podium parking that are independently accessed by vehicle from Chambers Avenue and Woodland Avenue. The parking levels are not internally connected and accessible by vehicle but are connected by elevator and stairs. Parking spaces will be publicly accessible. Each parking level has six EV parking stalls meeting the minimum 10% EV parking requirements for mixed-use buildings in the CCOZ. Developer is providing the infrastructure to support additional EV parking spaces in the event the need arises. Each parking level will consist of approximately 57/58 parking spaces, totaling the minimum parking required for the project after taking advantage of the shared parking table provided by the Millcreek Off-Street Parking code.

### **Shared Parking**

Millcreek encourages developers who are providing mixed-use developments to optimize space by utilizing the shared parking table within the Millcreek Off-Street Parking Code. Shared parking increases the efficiency of the project by reducing the total number of parking spaces required to support the different types of uses within the same project.

The predominant use in this mixed-use project is the residential which requires per Millcreek code plus guest parking, 109 parking spaces. The projects commercial office and retail uses require a combined 29 parking spaces, which when calculating in the required residential spaces, comes to 138 parking stalls. The shared parking table recognizes the parking demands by use, time of day and day of the week and adjusts the required parking for each use type based on its peak demand time, so that an adequate numbers of parking stalls in a shared parking program are available. Per the shared parking table, the required number of parking stalls needed is calculated at 111, a difference of **27** parking spaces (18%). A typical parking space is 9' x 18' (**162 sf**). The amount of square feet reduced is approximately **4,500 sf**.

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.
<input type="checkbox"/> Office & Industrial	5%	100%	5%	0%	5%	0%
<input type="checkbox"/> Retail	5%	100%	80%	5%	100%	60%
<input type="checkbox"/> Restaurant	50%	70%	100%	70%	50%	100%
<input type="checkbox"/> Hotel	100%	65%	100%	100%	65%	100%
<input type="checkbox"/> Residential	100%	50%	80%	100%	75%	75%
<input type="checkbox"/> Theater/entertainment	5%	20%	100%	5%	50%	100%
<input type="checkbox"/> Place of worship	0%	30%	50%	0%	100%	75%
<b>USE</b>	<b>Required Parking</b>					
LU 1 Office (20.81 Spaces)	1.04025	20.805	1.04025	0	1.04025	0
LU 2 Retail (7.88 spaces)	0.3939	7.878	6.3024	0.3939	7.878	4.7268
LU 3 Residential (108.64 spaces)	108.64	54.32	86.912	108.64	81.48	81.48
<b>Total</b>	<b>111</b>	<b>84</b>	<b>95</b>	110	91	87

Per section [19.80.080 Shared Parking](#) of the Off-street Parking Code, 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.

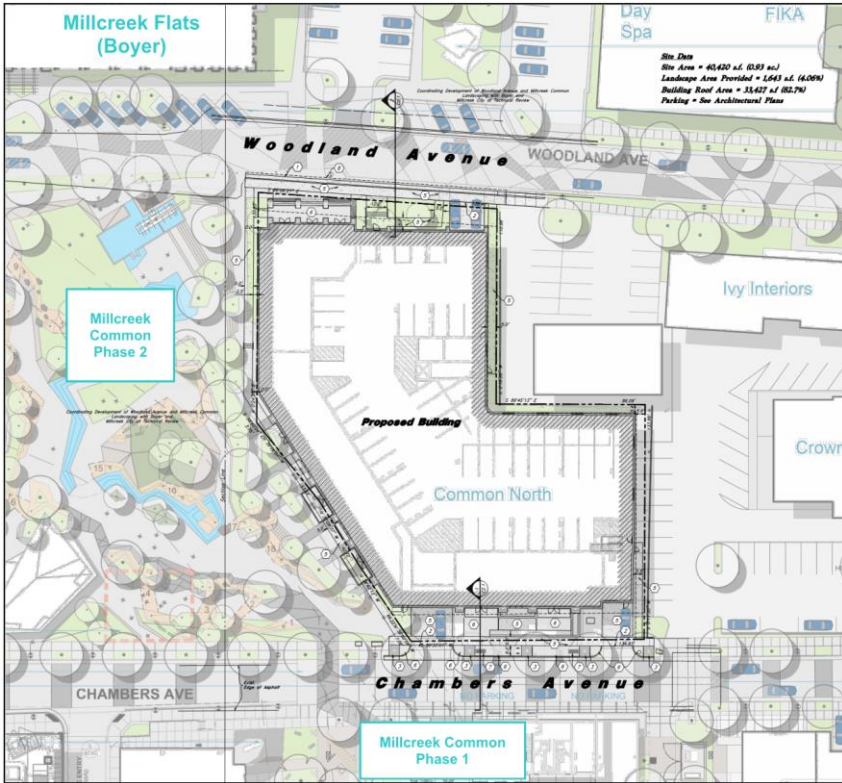


# Millcreek Planning and Zoning Department

3330 South 1300 East

Millcreek, Utah 84106

Phone: (801) 214-2700

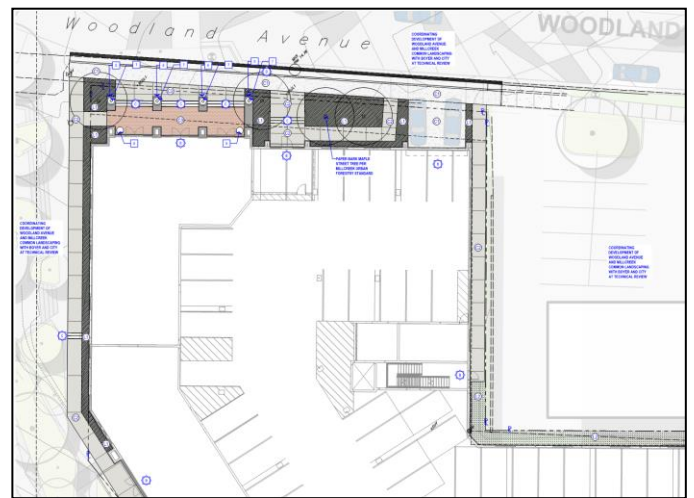
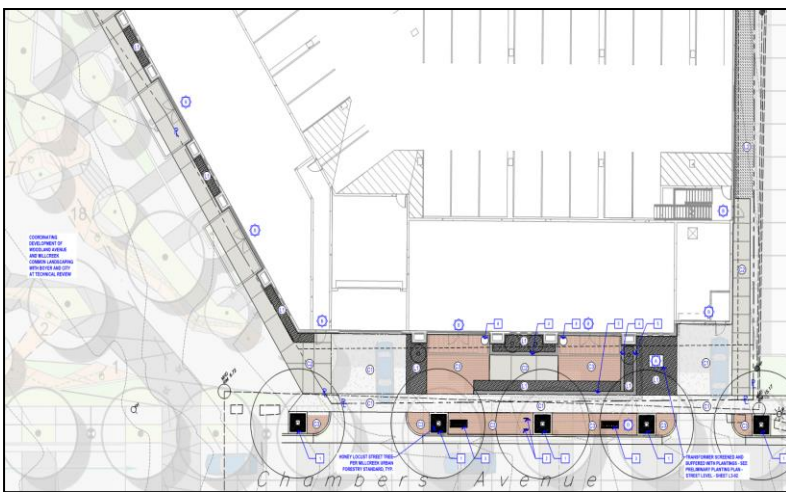


The proposed building is also situated between Woodland Avenue and Chambers Avenue where the final design of each street is pending further work with other development partners and the City.

Woodland Avenue was slated to stop midblock and then be vacated at the Millcreek Common to become part of the open space. There were access needs that led us to abandon that concept, but the notion of keeping a pedestrian and plaza feel must be preserved.

While the final design is pending, Millcreek, Cottonwood Residential, and the Boyer Group agreed to jointly coordinate the development of Woodland Avenue and Millcreek Common Phase 2, with the Boyer Group taking the lead on the civil and landscape design. See attached civil and landscape plans.

The agreement to coordinate the design of Woodland and how it ties into Phase 2 of Millcreek Common helps ensure the look and feel of the Common and makes strategic sense to develop it in its entirety instead of separate portions over time.





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3330 South 1300 East

Millcreek, Utah 84106

Phone: (801) 214-2700

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## **COMMUNITY COUNCIL RECOMMENDATION**

At their regularly scheduled meeting on Tuesday March 7, 2023, the **Millcreek Community Council** voted to recommend approval of application CU-23-002 with a vote of 8-2.

Due to the project location being within 600 feet of the Canyon Rim Citizens Association boundaries, they were asked to provide a recommendation to the Planning Commission. At their regularly scheduled meeting on Wednesday March 1, 2023, the **Canyon Rim Citizens Association** voted unanimously (11-0) to recommend approval of application CU-23-002.

## **STAFF RECOMMENDATION**

Staff recommends to Planning Commission to grant preliminary conditional use approval of application CU-23-002 based with the following conditions of approval:

1. Development's guest parking stalls within development will be available for shared parking during business hours operating hours.
2. Prior to receiving final approval, applicant shall bond for all required improvements, including curb, gutter, sidewalk, street trees and required irrigation, required setback landscaping, streetlights, and any other improvement required by the City.
3. Applicant shall make best efforts to 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.
4. The applicant will ensure that every residential unit has at least one dedicated parking space.
5. Applicant shall provide service availability letters from all utility providers prior to receiving final conditional use approval.
6. Applicant shall verify with Millcreek 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.
7. Applicant shall install dark-sky compliant lighting, and submit a lighting and photometric plan, including for signage, for review by planning staff prior to receiving final conditional use approval.
8. Applicant shall comply with the materials palette presented in the application.
9. The applicant shall obtain preliminary plan approval from the Fire Marshal prior to receiving final conditional use approval.
10. 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.
11. 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.
12. Prior to receiving final conditional use approval, the applicant shall certify that existing utility services have the capacity to accommodate additional demand induced by the development, or that the services will be upgraded to meet the additional demand.



**Millcreek Planning and Zoning Department**

3330 South 1300 East

Millcreek, Utah 84106

Phone: (801) 214-2700

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13. Signs and accessory structures will require separate building permits and staff review for zoning/land use compliance. 14. 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.
14. Any modifications to these approved plans must be approved by the Planning Department, in writing, prior to the changes being implemented in the field.
15. 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.
16. The applicant will comply with all requirements established through the technical review process prior to receiving final conditional use approval.
17. All items of the staff report, and discussions located in the meeting minutes.

## **SUPPORTING DOCUMENTS**

1. Architecture Set
2. Landscape Set
3. Civil Set
4. Standards of Approval Form



CIVIL ENGINEER

Contact:  
PHONE:  
EMAIL:

STRUCTURAL ENGINEER

Contact:  
PHONE:  
EMAIL:

MECHANICAL/PLUMBING  
ENGINEER

Contact:  
PHONE:  
EMAIL:

ELECTRICAL ENGINEER

Contact:  
PHONE:  
EMAIL:

LANDSCAPE ARCHITECT

Contact:  
PHONE:  
EMAIL:

INTERIOR DESIGNER

Contact:  
PHONE:  
EMAIL:

Millcreek North Apartments  
Chambers Avenue  
Millcreek, Utah

Date

Feb. 15, 2023

No.	Description	Date

Sheet Title

Level P1-1

Sheet Number

A1.01

Parking Schedule		
Level	Count	Type
LEVEL P1	2	9' x 16' - 90 deg Compact Tandem
LEVEL P1	38	9' x 18' - 90 deg
LEVEL P1	6	9' x 18' - 90 deg EV
LEVEL P1	9	9' x 18' - 90 deg Tandem
LEVEL P1	2	9x18 ADA
LEVEL 1	2	9' x 16' - 90 deg Compact Tandem
LEVEL 1	38	9' x 18' - 90 deg
LEVEL 1	5	9' x 18' - 90 deg EV
LEVEL 1	9	9' x 18' - 90 deg Tandem
LEVEL 1	1	9x18 ADA
LEVEL 1	1	9x18 ADA EV
Grand total: 113		

Room Legend

- OFFICE
- RETAIL



1 LEVEL P1  
A1.01 SCALE: 1/16" = 1'-0"



2 LEVEL 1  
A1.01 SCALE: 1/16" = 1'-0"

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Millcreek North Apartments  
Chambers Avenue  
Millcreek, Utah

Date

Feb. 15, 2023

No.	Description	Date

Sheet Title

Level 2-5

Sheet Number

A1.02

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Room Legend

- 1BED
- 2BED
- 3BED
- INDOOR AMENITY
- Mech.
- Storage

1 LEVEL 2  
A1.02 SCALE: 1/16" = 1'-0"



Room Legend

- 1BED
- 2BED
- 3BED
- Mech.
- Storage

2 LEVEL 3-5  
A1.02 SCALE: 1/16" = 1'-0"

CIVIL ENGINEER

Contact:  
PHONE:  
EMAIL:

STRUCTURAL ENGINEER

Contact:  
PHONE:  
EMAIL:

MECHANICAL/PLUMBING  
ENGINEER

Contact:  
PHONE:  
EMAIL:

ELECTRICAL ENGINEER

Contact:  
PHONE:  
EMAIL:

LANDSCAPE ARCHITECT

Contact:  
PHONE:  
EMAIL:

INTERIOR DESIGNER

Contact:  
PHONE:  
EMAIL:

Millcreek North Apartments  
Chambers Avenue  
Millcreek, Utah

Date

Feb. 15, 2023

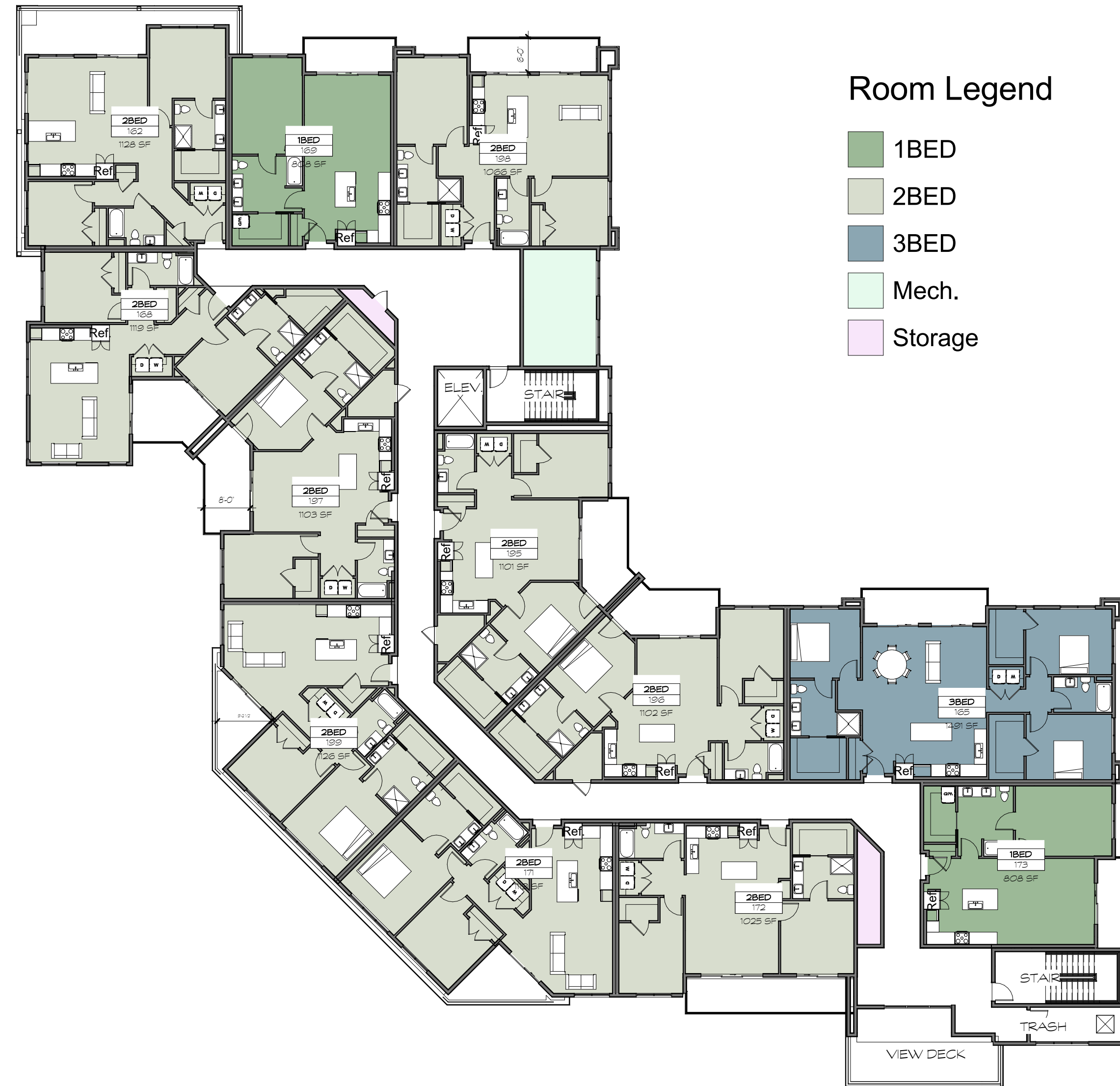
No.	Description	Date

Sheet Title

Level 6

Sheet Number

A1.03



Room Legend

- 1BED
- 2BED
- 3BED
- Mech.
- Storage

1 LEVEL 6  
A1.03 SCALE: 1/16" = 1'-0"

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CIVIL ENGINEER

Contact:  
PHONE  
EMAIL

STRUCTURAL ENGINEER

Contact:  
PHONE  
EMAIL

MECHANICAL/PLUMBING  
ENGINEER

Contact:  
PHONE  
EMAIL

ELECTRICAL ENGINEER

Contact:  
PHONE  
EMAIL

LANDSCAPE ARCHITECT

Contact:  
PHONE  
EMAIL

INTERIOR DESIGNER

Contact:  
PHONE  
EMAIL

Millcreek North Apartments  
Chambers Avenue  
Millcreek, Utah

Date

Feb. 15, 2023

No.	Description	Date

Sheet Title

Overall Elevations

Sheet Number

A2.01

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UPPER LEVELS GLAZING = 36%



STREET LEVEL GLAZING = 50%

1 OVERALL NORTH  
A2.01 SCALE: 3/32" = 1'-0"

UPPER LEVELS GLAZING = 30%



STREET LEVEL GLAZING = 50%

2 OVERALL WEST  
A2.01 SCALE: 3/32" = 1'-0"

MATERIAL PERCENTAGES

FIBER CEMENT SIDING	9%
STONE VENEER	53%
GLAZING	38%
CONCRETE	0%

OVERALL MATERIAL LEGEND

	FIBER CEMENT SIDING
	STONE VENEER
	GLAZING
	CONCRETE
	STONE VENEER

MATERIAL PERCENTAGES

FIBER CEMENT SIDING	14%
STONE VENEER	50%
GLAZING	33%
CONCRETE	3%

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Millcreek North Apartments  
Chambers Avenue  
Millcreek, Utah

Date

Feb. 15, 2023

No.	Description	Date

Sheet Title

Overall Elevations

Sheet Number

A2.02

UPPER LEVELS GLAZING = 33%



MATERIAL PERCENTAGES

FIBER CEMENT SIDING	18%
STONE VENEER	46%
GLAZING	36%
CONCRETE	0%

OVERALL MATERIAL LEGEND

	FIBER CEMENT SIDING
	STONE VENEER
	GLAZING
	CONCRETE
	STONE VENEER

MATERIAL PERCENTAGES

FIBER CEMENT SIDING	30%
STONE VENEER	32%
GLAZING	25%
CONCRETE	13%

STREET LEVEL GLAZING = 50%

1 OVERALL SOUTH  
A2.02 SCALE: 3/32" = 1'-0"

UPPER LEVELS GLAZING = 29%



2 OVERALL EAST  
A2.02 SCALE: 3/32" = 1'-0"

CIVIL ENGINEER

Contact:  
PHONE:  
EMAIL:

STRUCTURAL ENGINEER

Contact:  
PHONE:  
EMAIL:

MECHANICAL/PLUMBING  
ENGINEER

Contact:  
PHONE:  
EMAIL:

ELECTRICAL ENGINEER

Contact:  
PHONE:  
EMAIL:

LANDSCAPE ARCHITECT

Contact:  
PHONE:  
EMAIL:

INTERIOR DESIGNER

Contact:  
PHONE:  
EMAIL:



1 3D View 1  
A2.03 SCALE:



2 3D View 2  
A2.03 SCALE:



3 3D View 3  
A2.03 SCALE:

Millcreek North Apartments  
Chambers Avenue  
Millcreek, Utah

Date

Feb. 15, 2023

No.	Description	Date

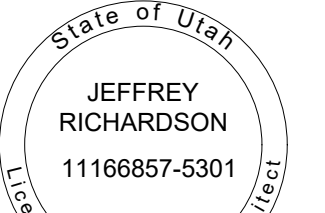
Sheet Title

3D Views

Sheet Number

A2.03

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Millcreek North Apartments  
Chambers Avenue  
Millcreek, Utah

Date

FEB. 15, 2022

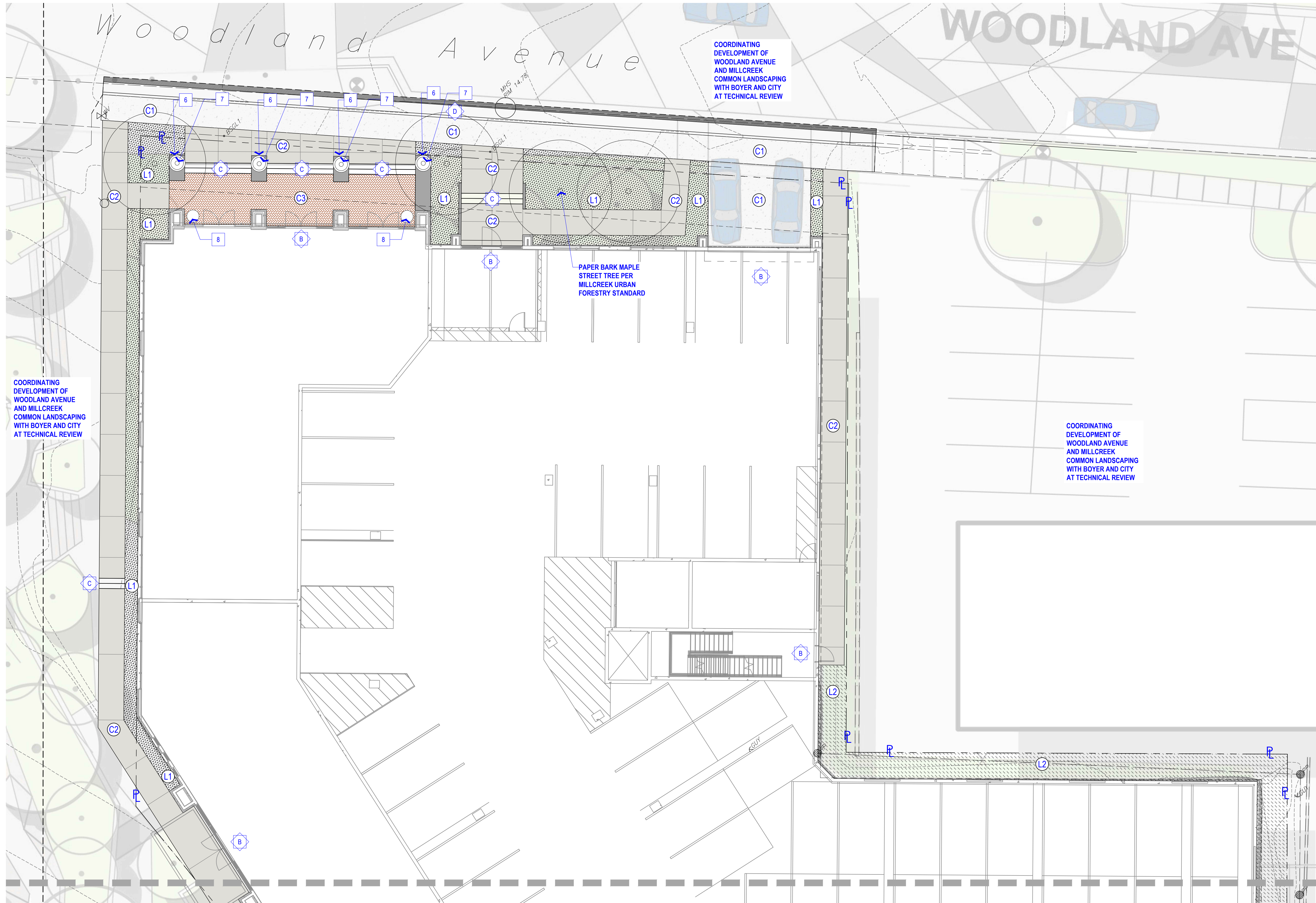
No.	Description	Date
▲	CITY COMMENTS	12.06.22
▲	CITY COMMENTS	2.15.23

Sheet Title

PRELIMINARY LAYOUT  
- STREET LEVEL

Sheet Number

L1-01



STREET LANDSCAPE SCHEDULE	
KEYTAG	DESCRIPTION
1	TREE GRATE 5X5 STEEL GRATE WITH 4" CONCRETE BAND / SUPPORT PERIMETER #10 MATCH CITY STANDARD / ADJACENT DEVELOPMENT SPECIFICATIONS
2	BIKE STATION: MAGLIN MBR100-S MBR100-S SERIES, SURFACE MOUNTED BIKE RACK, 37" HEIGHT AND 20" DIAMETER, H.S STEEL TUBE CONSTRUCTION AND ALUMINUM TOP CASTING.
3	BENCH: LANDSCAPE FORMS LAKE-B-GP, LAKESIDE BACKED BENCH, GRASS PATTERN, FREESTANDING SURFACE MOUNT ANCHORED IN PUBLIC R.O.W.
4	CONCRETE PLANTER - ARCHITECTURAL FOUNDATION WALL EXTENSIONS
5	RETAINING WALL PER CIVIL PLANS
6	RAISED CONCRETE PLANTER POT PLINTH
7	CONCRETE PLANTER POT: KORNEGAY DESIGN DUNE-38, TAPERED LANDSCAPE CONTAINER W/ CURVED RIM, 38" HEIGHT, 38" DIAMETER, 23" BASE, GFRG MATERIAL ON DRAIN PAN
8	LITTER RECEPTACLE: LANDSCAPE FORMS POE-LR-34-SIDE, CONCORD'S POE 34 GALLON LITTER RECEPTACLE W/ SIDE OPENING, FRAME AND SUPPORTS ARE CAST ALUMINUM CONSTRUCTION, 44" HEIGHT AND 29" DIAMETER.

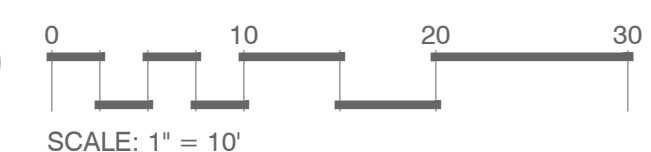
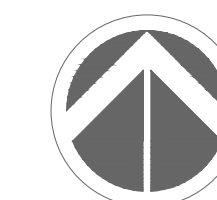
SURFACING MATERIALS		AREA
HATCH	DESCRIPTION	SQUARE FT.
C1	ROW SIDEWALK/VEHICULAR ACCESS DRIVE PER CIVIL PLANS - TO MEET MILLCREEK ENGINEERING STANDARDS	NA
C2	CONCRETE PAVING - PEDESTRIAN WALKWAYS	3,300
C3	CONCRETE PAVERS - 4X8 STANDARD RED BRICK PAVER *FINAL SELECTION TO MATCH ADJACENT DEVELOPMENT SPECIFICATIONS	1,385
L1	ROCK MULCH - 3" DEPTH OF 1/2" GRAY CLEANED PERMABARK OVER COMMERCIAL WEED BARRIER (PLANTING AREA)	1,645
L2	MAINTENANCE AREA - 4" DEPTH OF COMPACTED GREY CRUSHER FINES OVER COMMERCIAL WEED BARRIER (NO PLANTING)	1,020

REFERENCE ITEMS	
KEYTAG	DESCRIPTION
A	TRANSFORMER LOCATION PER ELECTRICAL PLANS
B	STRUCTURE PER ARCHITECTURAL PLANS
C	STEPS & HANDRAILS PER CIVIL PLANS
D	LIGHTING PER CITY COMMENTS

MATCHLINE - SEE SHEET L1-02



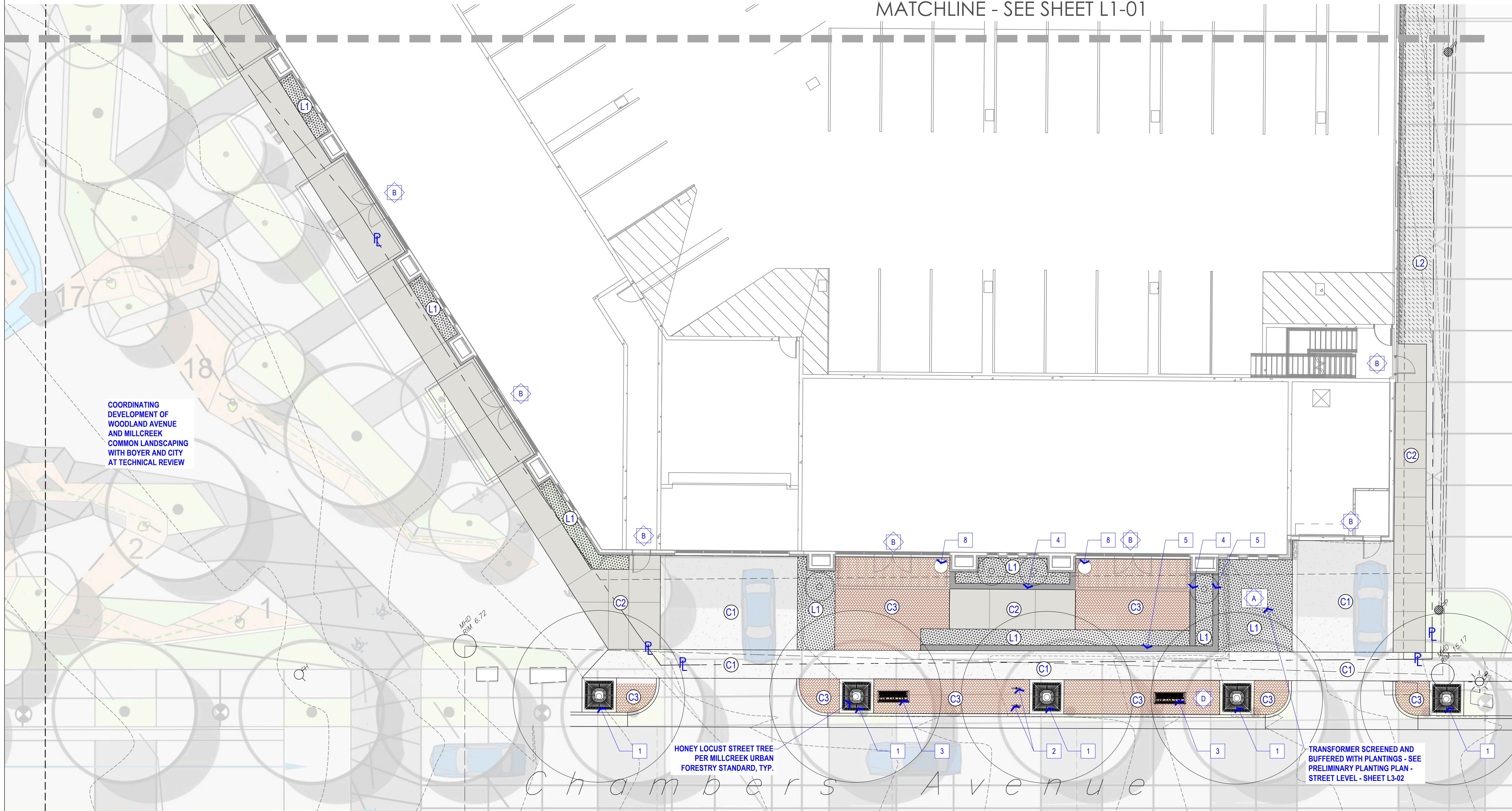
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S.L.C. UTAH 84101  
OFFICE: 801.521.2370  
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No.	Description	Date
▲	CITY COMMENTS	12.06.22
▲	CITY COMMENTS	2.15.23

MATCHLINE - SEE SHEET L1-01



COORDINATING  
DEVELOPMENT OF  
WOODLAND AVENUE  
AND MILLCREEK  
COMMON LANDSCAPING  
WITH BOYER AND CITY  
AT TECHNICAL REVIEW

HONEY LOCUST STREET TREE  
PER MILLCREEK URBAN  
FORESTRY STANDARD, TYP.

TRANSFORMER SCREENED AND  
BUFFERED WITH PLANTINGS - SEE  
PRELIMINARY PLANTING PLAN -  
STREET LEVEL - SHEET L3-02

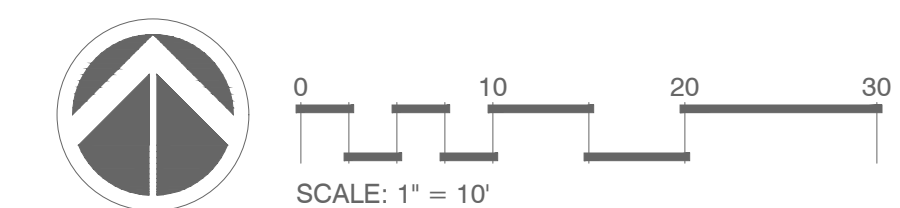
KEYTAG	DESCRIPTION
1	TREE GRATE 5X5 STEEL GRATE WITH 4" CONCRETE BAND / SUPPORT PERIMETER *TO MATCH CITY STANDARD / ADJACENT DEVELOPMENT SPECIFICATIONS
2	BIKE STATION: MAGLIN MBR100-S MBR100-S SERIES, SURFACE MOUNTED BIKE RACK, 37" HEIGHT AND 20" DIAMETER, H.S STEEL TUBE CONSTRUCTION AND ALUMINUM TOP CASTING.
3	BENCH: LANDSCAPE FORMS LAKE-B-GP, LAKESIDE BACKED BENCH, GRASS PATTERN, FREESTANDING SURFACE MOUNT ANCHORED IN PUBLIC R.O.W.
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8	LITTER RECEPTACLE: LANDSCAPE FORMS POE-LR-34-SIDE, CONCORD'S POE 34 GALLON LITTER RECEPTACLE W/ SIDE OPENING, FRAME AND SUPPORTS ARE CAST ALUMINUM CONSTRUCTION, 44" HEIGHT AND 29" DIAMETER.

SURFACING MATERIALS		AREA
HATCH	DESCRIPTION	SQUARE FT.
C1	ROW SIDEWALK/VEHICULAR ACCESS DRIVE PER CIVIL PLANS - TO MEET MILLCREEK ENGINEERING STANDARDS	NA
C2	CONCRETE PAVING - PEDESTRIAN WALKWAYS	3,300
C3	CONCRETE PAVERS - 4X8 STANDARD RED BRICK PAVER *FINAL SELECTION TO MATCH ADJACENT DEVELOPMENT SPECIFICATIONS	1,385
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REFERENCE ITEMS	
KEYTAG	DESCRIPTION
A	TRANSFORMER LOCATION PER ELECTRICAL PLANS
B	STRUCTURE PER ARCHITECTURAL PLANS
C	STEPS & HANDRAILS PER CIVIL PLANS
D	LIGHTING PER CITY COMMENTS

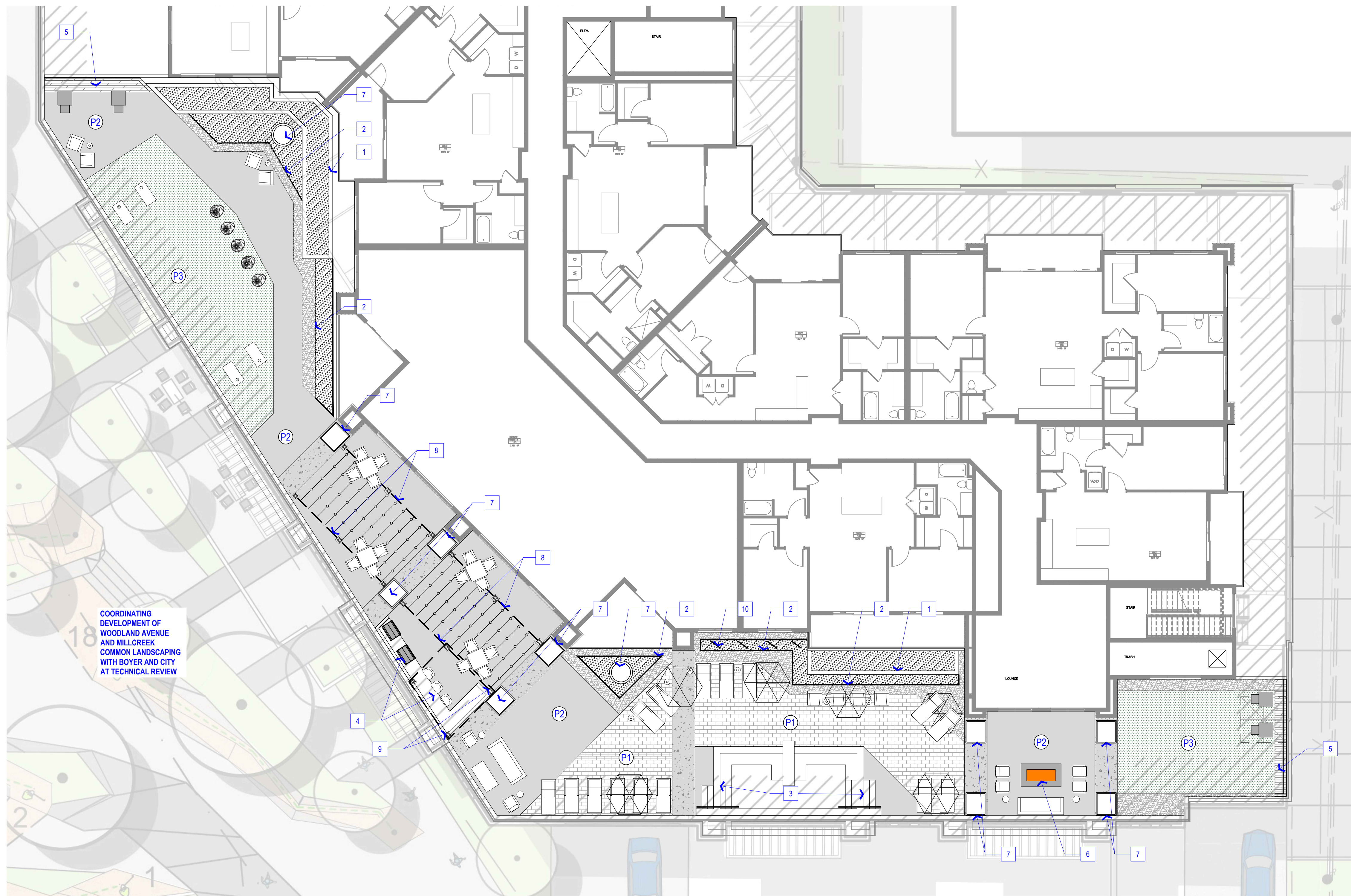


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No.	Description	Date
▲	CITY COMMENTS	12.06.22
▲	CITY COMMENTS	2.15.23



PODIUM LANDSCAPE SCHEDULE

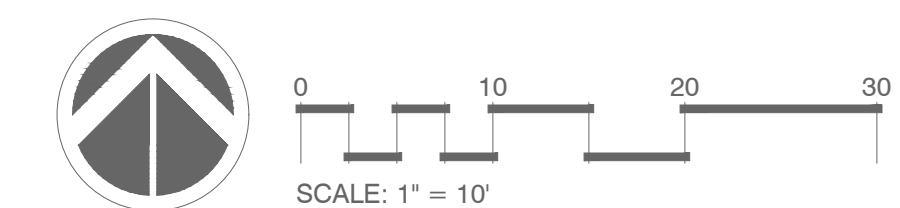
HATCH	DESCRIPTION
1	POURED IN PLACE CONCRETE WALL
2	STEEL PLANTER WALL
3	SPA
4	OUTDOOR KITCHEN AREA - (2) BBQ AND OUTDOOR TV WITH SEATING COUNTER
5	BUILT IN BENCH SEATING
6	PREFABRICATED FIRE FEATURE
7	PREFABRICATED PLANTER POT
8	STRING LIGHT WALKWAY
9	OVERHEAD STRUCTURE
10	PRIVACY SCREEN IN PLANTER

SURFACING MATERIALS

HATCH	DESCRIPTION	AREA SQUARE FT.
P1	ACCENT PAVING	965
P2	CONCRETE PAVING - TOPPING SLAB NATURAL GRAY FINISH	2,975
P3	ARTIFICIAL TURF - FLUSH INSTALLATION WITH TOPPING SLAB TRANSITION	1,290
	2" DEPTH OF 1/2" ROCK MULCH BASE BID: BLACK VOLCANIC ROCK (IRRIGATED)	615
	DECORATIVE PEBBLE FLUSH WITH CONCRETE WALKWAY	465

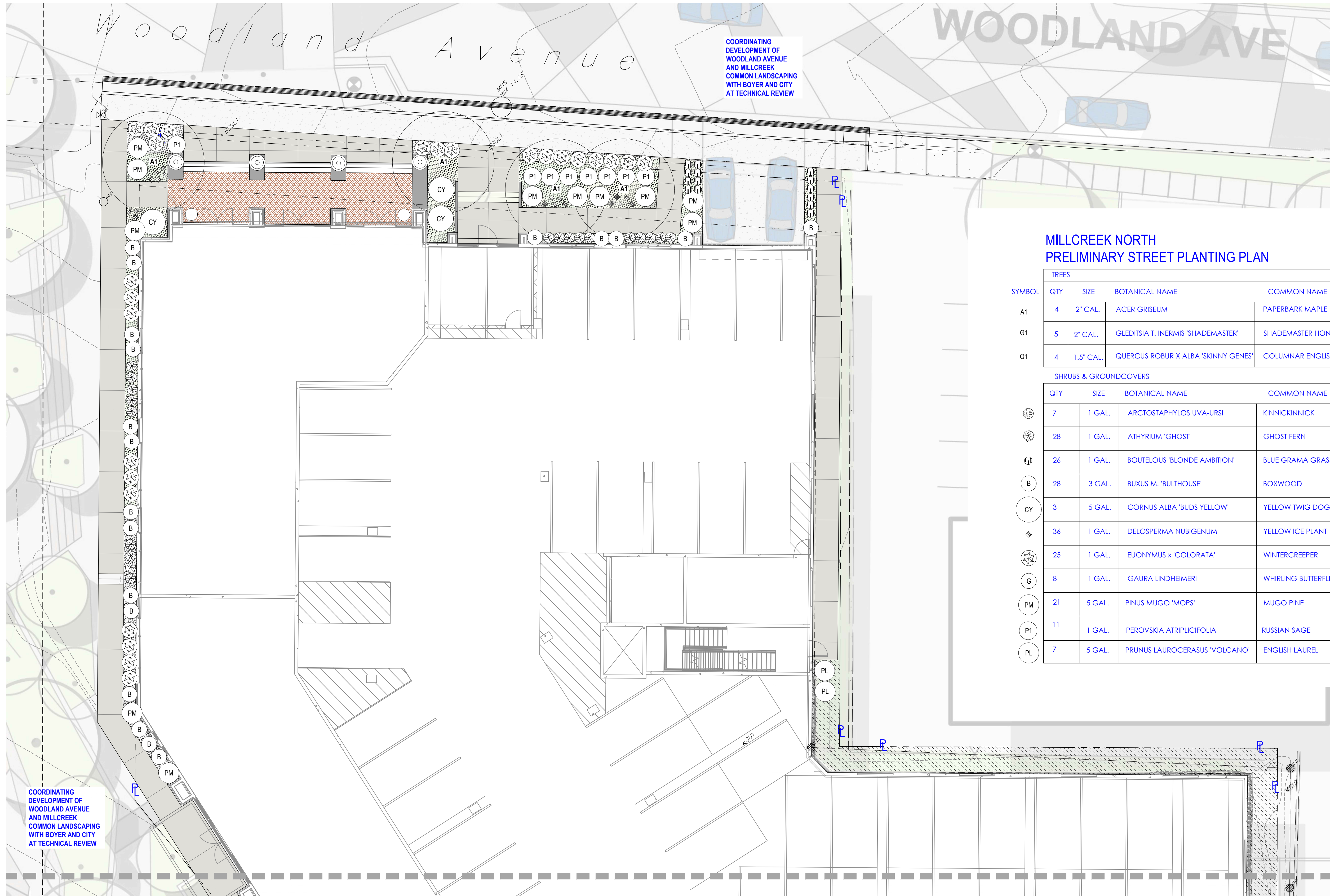


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No.	Description	Date
▲	CITY COMMENTS	12.06.22
▲	CITY COMMENTS	2.15.23



COORDINATING  
DEVELOPMENT OF  
WOODLAND AVENUE  
AND MILLCREEK  
COMMON LANDSCAPING  
WITH BOYER AND CITY  
AT TECHNICAL REVIEW

COORDINATING  
DEVELOPMENT OF  
WOODLAND AVENUE  
AND MILLCREEK  
COMMON LANDSCAPING  
WITH BOYER AND CITY  
AT TECHNICAL REVIEW

MILLCREEK NORTH  
PRELIMINARY STREET PLANTING PLAN

TREES					
SYMBOL	QTY	SIZE	BOTANICAL NAME	COMMON NAME	MATURE HxW
A1	4	2" CAL.	ACER GRISEUM	PAPERBARK MAPLE	25'x18'
G1	5	2" CAL.	GLEDITSIA T. INERMIS 'SHADEMASTER'	SHADEMASTER HONEYLOCUST	35'x30'
Q1	4	1.5" CAL.	QUERCUS ROBUR X ALBA 'SKINNY GENES'	COLUMNAR ENGLISH OAK	45'x10'

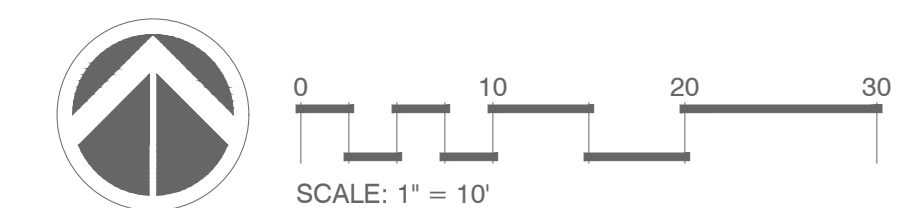
  

SHRUBS & GROUNDCOVERS						
SYMBOL	QTY	SIZE	BOTANICAL NAME	COMMON NAME	MATURE HxW	DESCRIPTION
⊗	7	1 GAL.	ARCTOSTAPHYLOS UVA-URSI	KINNICKINICK	6"x24"	EVERGREEN GROUNDCOVER
⊗	28	1 GAL.	ATHYRIUM 'GHOST'	GHOST FERN	24"x24"	EVERGREEN FERN / GROUNDCOVER
⊗	26	1 GAL.	BOUTELOUS 'BLONDE AMBITION'	BLUE GRAMA GRASS	24"x18"	ORNAMENTAL GRASS - SHALLOW ROOT
⊗	28	3 GAL.	BUXUS M. 'BULHOUSE'	BOXWOOD	36"x36"	EVERGREEN SHRUB
⊗	3	5 GAL.	CORNUS ALBA 'BUDS YELLOW'	YELLOW TWIG DOGWOOD	72"x72"	SEASONAL COLOR CHANGE
⊗	36	1 GAL.	DELOSPERMA NUBIGENUM	YELLOW ICE PLANT	2"x12"	GROUNDCOVER / CLIMBER
⊗	25	1 GAL.	EUONYMUS x 'COLORATA'	WINTERCREEPER	24"x60"	GROUNDCOVER / SEASONAL COLOR
⊗	8	1 GAL.	GAURA LINDHEIMERI	WHIRLING BUTTERFLIES	36"x30"	PERENNIAL - WINTER INTEREST
⊗	21	5 GAL.	PINUS MUGO 'MOPS'	MUGO PINE	4'x4'	EVERGREEN CONIFER
⊗	11	1 GAL.	PEROVSKIA ATRIPLICIFOLIA	RUSSIAN SAGE	42"x42"	PERENNIAL
⊗	7	5 GAL.	PRUNUS LAUROCERASUS 'VOLCANO'	ENGLISH LAUREL	4'x4'	EVERGREEN SCREEN

MATCHLINE - SEE SHEET L3-02

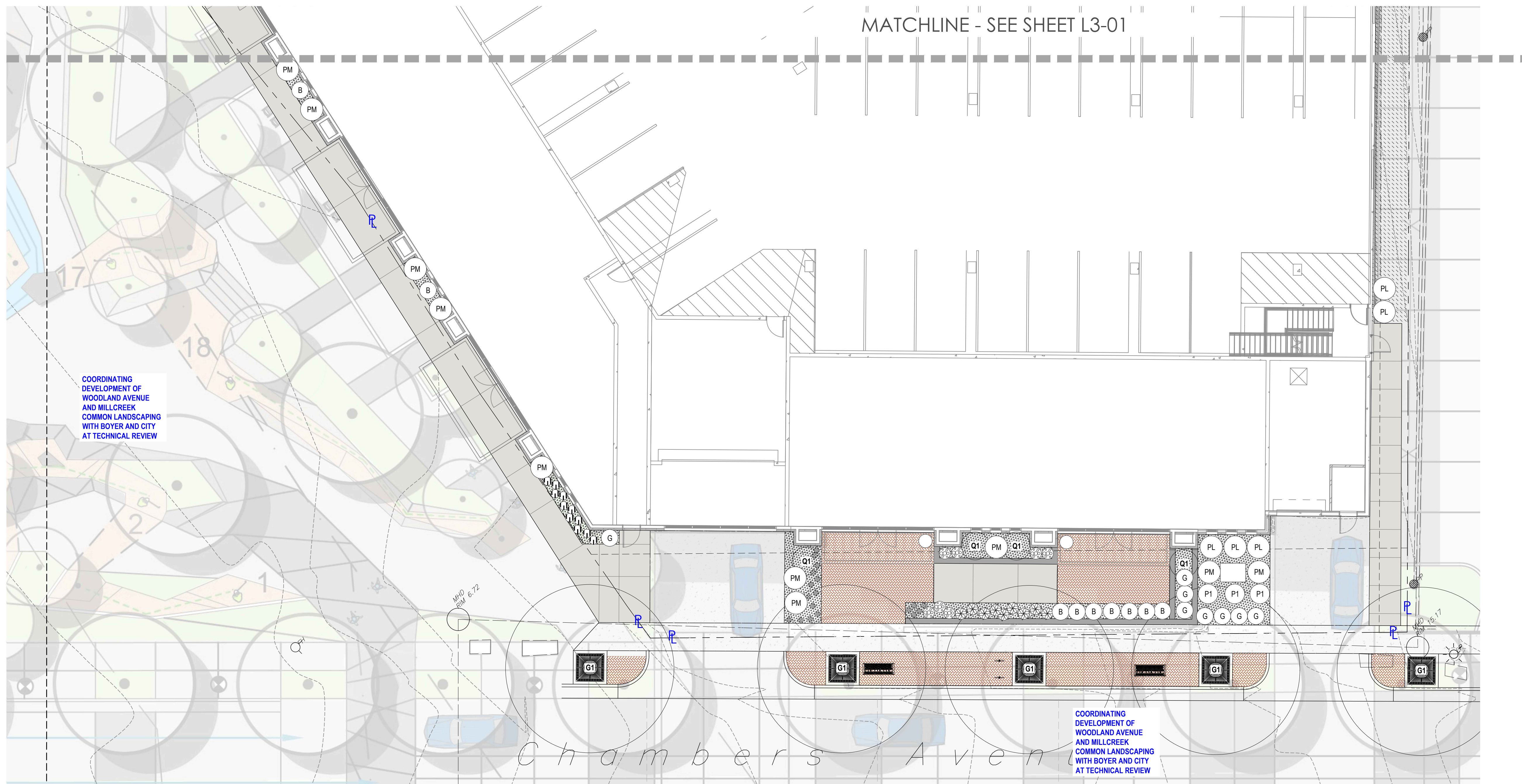


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SLC, UTAH 84101  
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No.	Description	Date
▲	CITY COMMENTS	12.06.22
▲	CITY COMMENTS	2.15.23



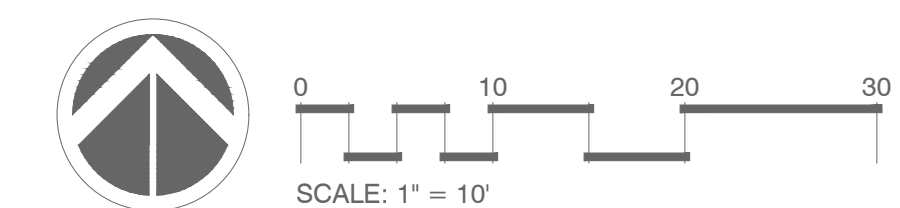
**MILLCREEK NORTH  
PRELIMINARY STREET PLANTING PLAN**

TREES					
SYMBOL	QTY	SIZE	BOTANICAL NAME	COMMON NAME	MATURE HxW
A1	4	2" CAL.	ACER GRISEUM	PAPERBARK MAPLE	25'x18'
G1	5	2" CAL.	GLEDITSIA T. INERMIS 'SHADEMASTER'	SHADEMASTER HONEYLOCUST	35'x30'
Q1	4	1.5" CAL.	QUERCUS ROBUR X ALBA 'SKINNY GENES'	COLUMNAR ENGLISH OAK	45'x10'

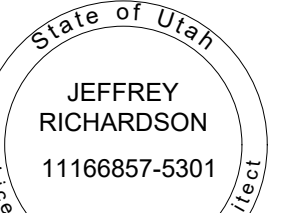
SHRUBS & GROUNDCOVERS					
SYMBOL	QTY	SIZE	BOTANICAL NAME	COMMON NAME	MATURE HxW
7	7	1 GAL.	ARCTOSTAPHYLOS UVA-URSI	KINNICKINNICK	6'x24"
28	28	1 GAL.	ATHYRIUM 'GHOST'	GHOST FERN	24'x24"
26	26	1 GAL.	BOUTELOUS 'BLONDE AMBITION'	BLUE GRAMA GRASS	24'x18"
B	28	3 GAL.	BUXUS M. 'BULTHOUSE'	BOXWOOD	36'x36"
CY	3	5 GAL.	CORNUS ALBA 'BUDS YELLOW'	YELLOW TWIG DOGWOOD	72'x72"
36	36	1 GAL.	DELOSPERMA NUBIGENUM	YELLOW ICE PLANT	2'x12"
25	25	1 GAL.	EUONYMUS X 'COLORATA'	WINTERCREEPER	24'x60"
8	8	1 GAL.	GAURA LINDHEIMERI	WHIRLING BUTTERFLIES	36'x30"
PM	21	5 GAL.	PINUS MUGO 'MOPS'	MUGO PINE	4'x4'
P1	11	1 GAL.	PEROVSKIA ATRIPLICIFOLIA	RUSSIAN SAGE	42'x42"
PL	7	5 GAL.	PRUNUS LAUROCERASUS 'VOLCANO'	ENGLISH LAUREL	4'x4'



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Millcreek North Apartments  
Chambers Avenue  
Millcreek, Utah

Date

FEB. 15, 2022

No.	Description	Date
1	CITY COMMENTS	12.06.22
2	CITY COMMENTS	2.15.23

Sheet Title

PRELIMINARY PLANTING  
- PODIUM LEVEL

Sheet Number

L3-03

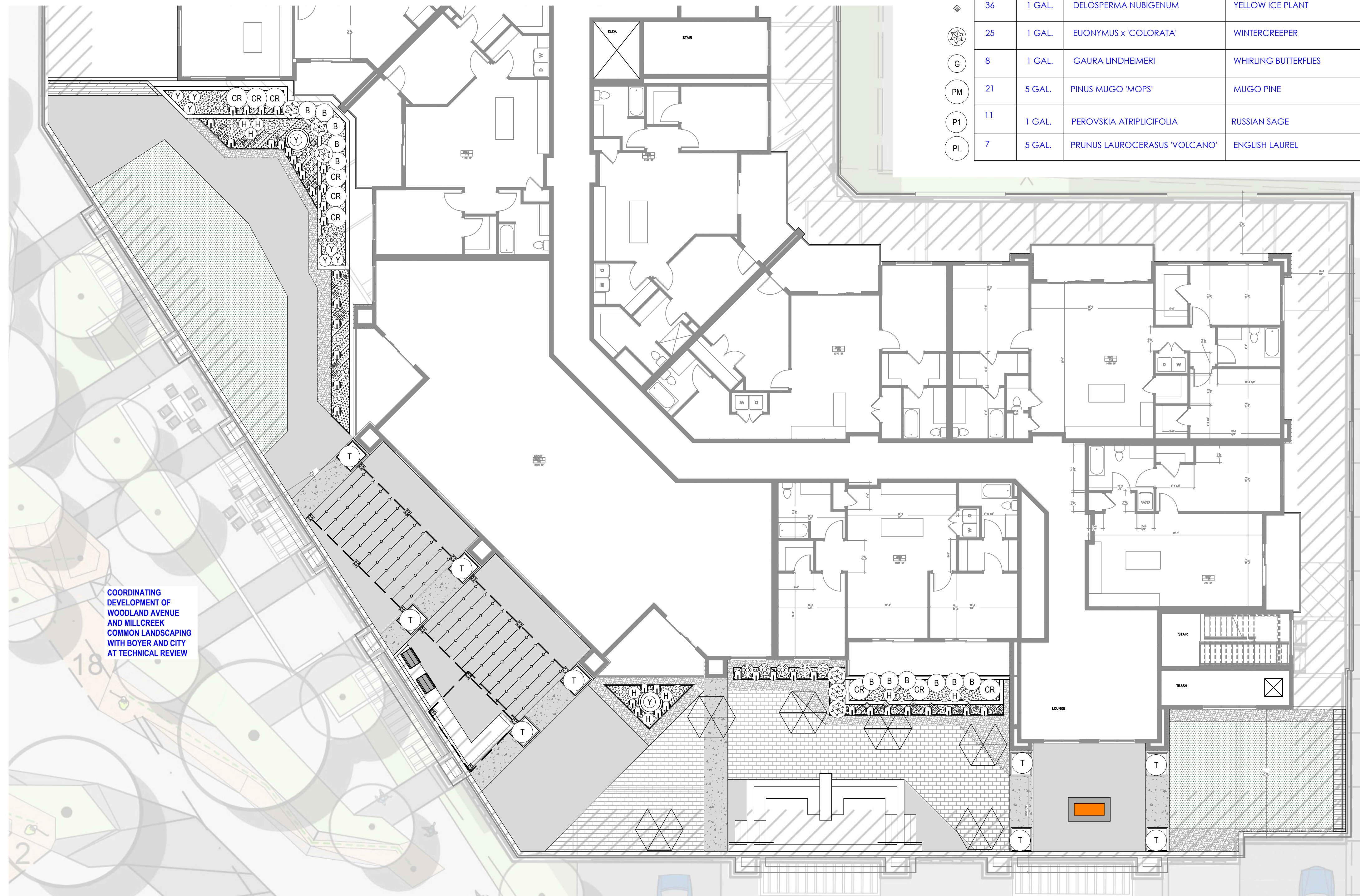
MILLCREEK NORTH  
PRELIMINARY STREET PLANTING PLAN

TREES					
SYMBOL	QTY	SIZE	BOTANICAL NAME	COMMON NAME	MATURE HxW
A1	4	2" CAL.	ACER GRISEUM	PAPERBARK MAPLE	25'x18'
G1	5	2" CAL.	GLEDITSIA T. INERMIS 'SHADEMASTER'	SHADEMASTER HONEYLOCUST	35'x30'
Q1	4	1.5" CAL.	QUERCUS ROBUR X ALBA 'SKINNY GENES'	COLUMNAR ENGLISH OAK	45'x10'

SHRUBS & GROUNDCOVERS					
SYMBOL	QTY	SIZE	BOTANICAL NAME	COMMON NAME	MATURE HxW
⊗	7	1 GAL.	ARCTOSTAPHYLOS UVA-URSI	KINNICKINICK	6'x24"
⊗	28	1 GAL.	ATHYRIUM 'GHOST'	GHOST FERN	24'x24"
⊗	26	1 GAL.	BOUTELLOUS 'BLONDE AMBITION'	BLUE GRAMA GRASS	24'x18"
⊗	28	3 GAL.	BUXUS M. 'BULHOUSE'	BOXWOOD	36'x36"
⊗	3	5 GAL.	CORNUS ALBA 'BUDS YELLOW'	YELLOW TWIG DOGWOOD	72'x72"
⊗	36	1 GAL.	DELOSPERMA NUBIGENUM	YELLOW ICE PLANT	2'x12"
⊗	25	1 GAL.	EUONYMUS X 'COLORATA'	WINTERCREEPER	24'x60"
⊗	8	1 GAL.	GAURA LINDHEIMERI	WHIRLING BUTTERFLIES	36'x30"
⊗	21	5 GAL.	PINUS MUGO 'MOPS'	MUGO PINE	4'x4'
⊗	11	1 GAL.	PEROVSKIA ATRIPLICIFOLIA	RUSSIAN SAGE	42'x42"
⊗	7	5 GAL.	PRUNUS LAUROCERASUS 'VOLCANO'	ENGLISH LAUREL	4'x4'

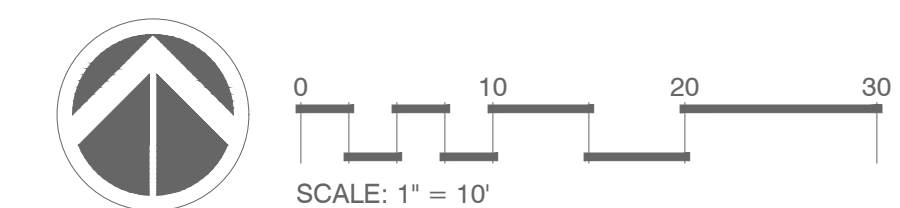
EVERGREEN GROUNDCOVER  
EVERGREEN FERN / GROUNDCOVER  
ORNAMENTAL GRASS - SHALLOW ROOT  
EVERGREEN SHRUB  
SEASONAL COLOR CHANGE  
GROUNDCOVER / CLIMBER  
GROUNDCOVER / SEASONAL COLOR  
PERENNIAL - WINTER INTEREST  
EVERGREEN CONIFER  
PERENNIAL  
EVERGREEN SCREEN



COORDINATING DEVELOPMENT OF WOODLAND AVENUE AND MILLCREEK COMMON LANDSCAPING WITH BOYER AND CITY AT TECHNICAL REVIEW



511 W. 200 S. SUITE 125  
S.L.C. UTAH 84101  
OFFICE: 801.521.2370  
WWW.LANDFORMDESIGNGROUP.COM



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# MILLCREEK CITY CENTER OPEN SPACE NORTH SUBDIVISION

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 28 AND THE SOUTHEAST QUARTER OF SECTION 29,  
TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN  
MILLCREEK, SALT LAKE COUNTY, UTAH  
- JULY 2022 -

## SURVEYOR'S CERTIFICATE

I, C. DAVID MCKINNEY DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 5251295 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF SAID TRACT OF LAND SHOWN ON THIS PLAN AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, EASEMENTS, AND RIGHT-OF-WAYS, TO BE KNOWN AS MILLCREEK CITY CENTER OPEN SPACE NORTH SUBDIVISION AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAN AND THAT THIS IS TRUE AND CORRECT.

*C. David McKinney*  
C. DAVID MCKINNEY  
LIC. 5251295



## BOUNDARY DESCRIPTION

E 86° 10' 27" E 576.36' TO THE EAST QUARTER CORNER OF SECTION 28 TO NSHP 1 SOUTH RAN E 1 EAST SALT LA E ASE AND MERIDIAN AND RUNNIN THENCE SOUTH 86° 10' 27" EAST 576.36 FEET THENCE SOUTH 1° 53' 59" EAST 31 FEET THENCE NORTH 86° 07' 56" EST 25.82 FEET THENCE SOUTH 0° 16' 0" EST 112.7 FEET THENCE SOUTH 8° 5' EAST 86.0 FEET THENCE SOUTH 0° 12' 0" EST 133.50 FEET THENCE SOUTH 8° 33' 0" EST 02.5 FEET THENCE NORTH 0° 30' 0" EAST 138. FEET THENCE NORTH 8° 5' EST 3.0 FEET THENCE NORTH 0° 17' 0" EAST 1 0.7 FEET TO THE POINT OF E INNIN .

CONTAINS 2.26 ACRES AND 2 LOTS.  
LESS AND EXCEPTING THE RIGHT-OF-WAY DEDICATION AREA WITHIN WOODLAND AVENUE.

## OWNER'S DEDICATION

KNOW ALL BY THESE PRESENTS THAT MILLCREEK, THE UNDERSIGNED OWNERS OF THE DESCRIBED TRACT OF LAND HEREON, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, EASEMENTS, AND RIGHT-OF-WAY TO HEREAFTER BE KNOWN AS

## MILLCREEK CITY CENTER OPEN SPACE NORTH SUBDIVISION

DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAN AS INTENDED FOR PUBLIC USE.

IN WITNESS WHEREOF \_\_\_\_\_ HAVE HEREUNTO SET OUR HANDS THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20\_\_.

SIGNATURE \_\_\_\_\_

PRINT NAME \_\_\_\_\_

TITLE AND ENTITY \_\_\_\_\_

## OWNER'S ACKNOWLEDGMENT

STATE OF UTAH }  
COUNTY OF SALT LAKE } S.S.

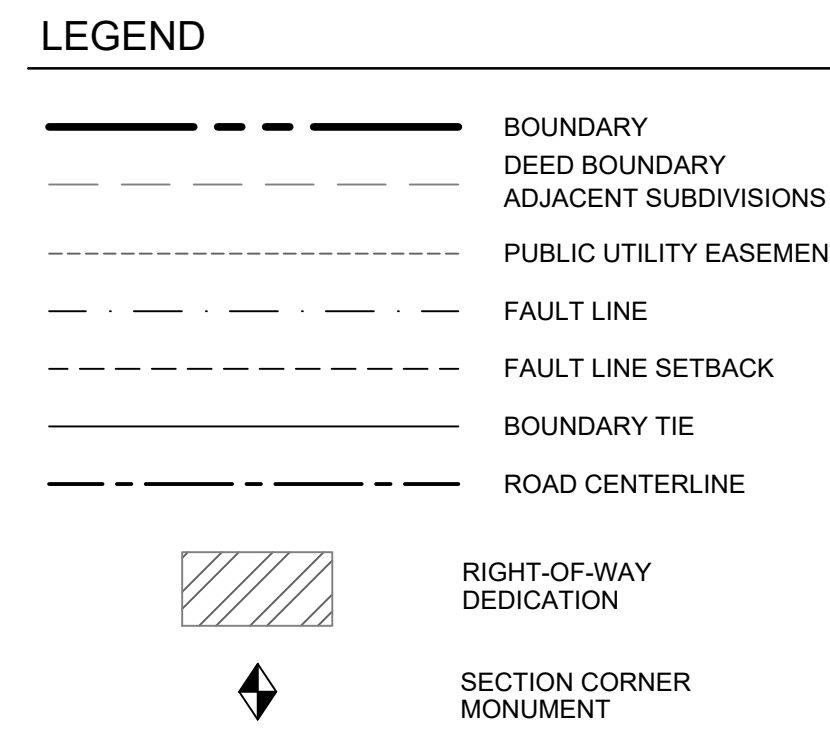
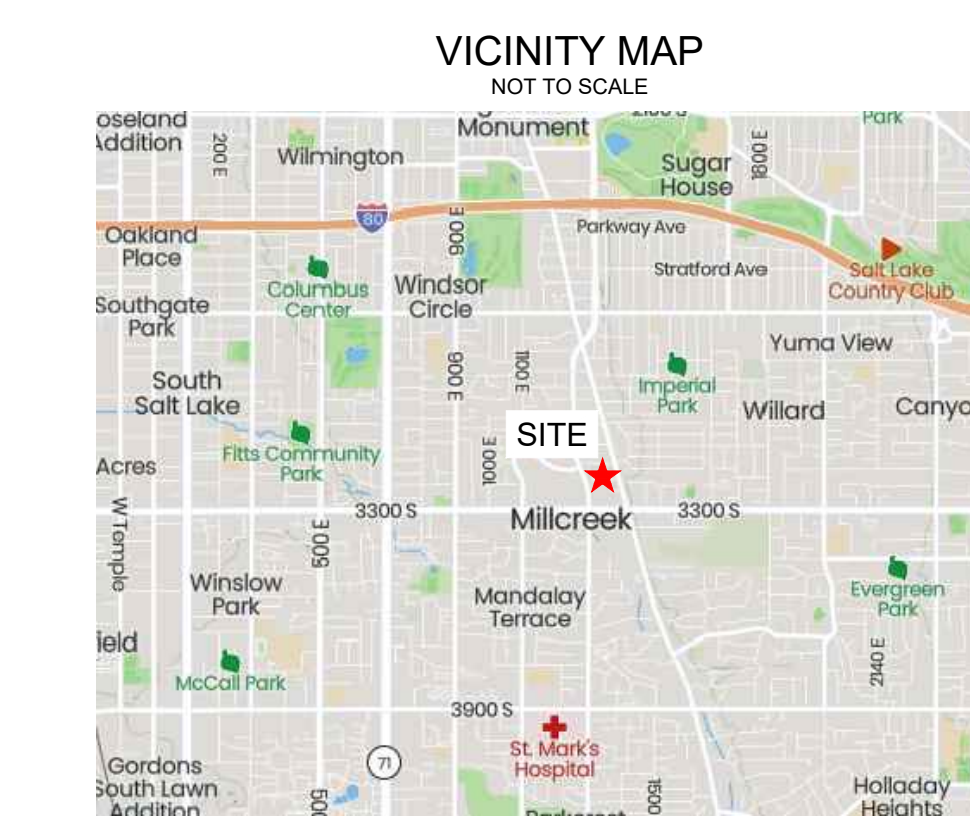
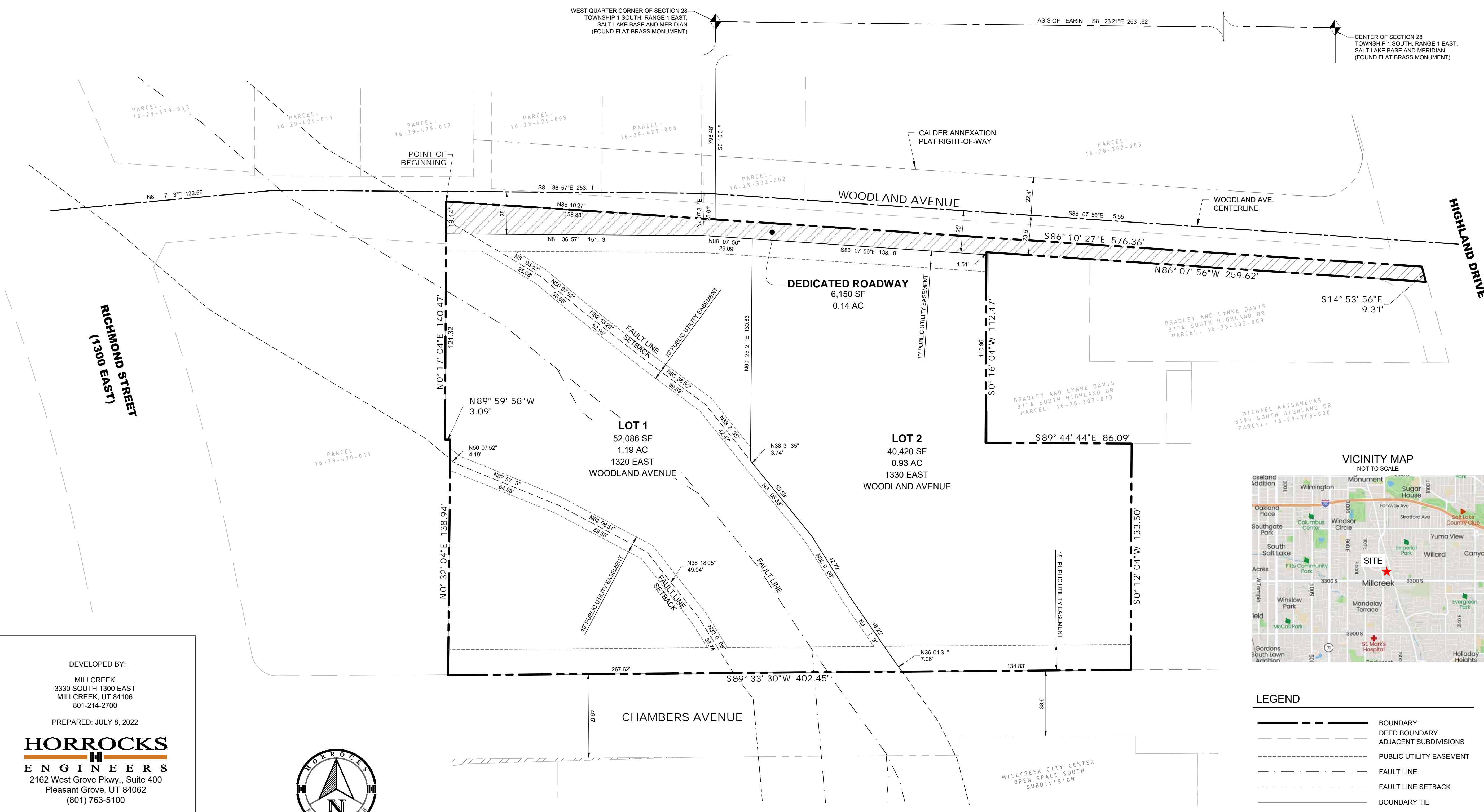
ON THIS \_\_\_\_ DAY OF \_\_\_\_\_ OF 20\_\_ A.D. PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF SALT LAKE IN SAID STATE OF UTAH, THE SIGNERS OF THE ABOVE OWNER'S DEDICATION WHO DULY ACKNOWLEDGED TO ME THAT THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC FULL NAME: \_\_\_\_\_

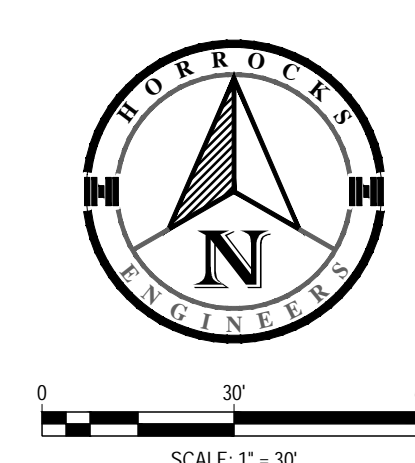
COMMISSION NUMBER: \_\_\_\_\_

MY COMMISSION NUMBER: \_\_\_\_\_

A NOTARY PUBLIC RESIDING IN SALT LAKE COUNTY



DEVELOPED BY:  
MILLCREEK  
3330 SOUTH 1300 EAST  
MILLCREEK, UT 84106  
801-214-2700  
  
PREPARED: JULY 8, 2022  
  
**HORROCKS ENGINEERS**  
2162 West Grove Pkwy., Suite 400  
Pleasant Grove, UT 84062  
(801) 763-5100



STORMWATER MAINTENANCE AGREEMENT RECORDED AT  
ENTRY NO. \_\_\_\_\_ PAGE \_\_\_\_\_  
BOOK \_\_\_\_\_

SALT LAKE CITY PUBLIC UTILITIES  
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

MOUNT OLYMPUS IMPROVEMENT DISTRICT  
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

PUBLIC UTILITY APPROVAL  
CABLE: \_\_\_\_\_ DATE: \_\_\_\_\_  
COMCAST: \_\_\_\_\_ DATE: \_\_\_\_\_  
DOMINION ENERGY: \_\_\_\_\_ DATE: \_\_\_\_\_  
ROCKY MTN POWER: \_\_\_\_\_ DATE: \_\_\_\_\_  
OTHER: \_\_\_\_\_ DATE: \_\_\_\_\_

SALT LAKE COUNTY HEALTH DEPARTMENT  
APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20\_\_ BY THE SALT LAKE COUNTY HEALTH DEPARTMENT.  
DIRECTOR, HEALTH DEPARTMENT  
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

CHECKED FOR ZONING COMPLIANCE  
ZONE: \_\_\_\_\_ LOT AREA: \_\_\_\_\_  
LOT WIDTH: \_\_\_\_\_ FRONT YARD: \_\_\_\_\_  
SIDE YARD: \_\_\_\_\_ REAR YARD: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_ DATE \_\_\_\_\_

UNIFIED FIRE AUTHORITY APPROVAL  
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

MILLCREEK PLANNING COMMISSION  
APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20\_\_ BY THE MILLCREEK PLANNING COMMISSION.  
MILLCREEK PLANNING COMMISSION  
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

MILLCREEK ENGINEERING  
SIGNED \_\_\_\_\_ DATE \_\_\_\_\_

ADDRESSING APPROVAL  
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

RECORD OF SURVEY  
R.O.S. NO. \_\_\_\_\_  
COUNTY SURVEYOR REVIEWER \_\_\_\_\_ DATE \_\_\_\_\_

APPROVAL AS TO FORM  
APPROVED AS TO FORM THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20\_\_.  
MILLCREEK ATTORNEY  
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

MILLCREEK COMMUNITY DEVELOPMENT DEPARTMENT  
APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_ BY MILLCREEK PLANNING AND DEVELOPMENT DEPARTMENT.  
MILLCREEK COMMUNITY DEVELOPMENT DIRECTOR  
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

MILLCREEK MAYOR  
PRESENTED TO THE MAYOR AND MILLCREEK COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20\_\_ AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.  
MAYOR \_\_\_\_\_ ATTEST: CITY RECORDER \_\_\_\_\_

MILLCREEK CITY CENTER OPEN SPACE NORTH SUBDIVISION  
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 28 AND THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN MILLCREEK, SALT LAKE COUNTY, UTAH  
RECORDED # \_\_\_\_\_  
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF  
DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
FEE \$ \_\_\_\_\_ DEPUTY, SALT LAKE COUNTY RECORDER

**Architecture Belgique, Inc.**  
 801.561.1333  
 7583 So. Main Street #100  
 Midvale, Utah 84047  
 information@archbelgique.com

**CIVIL ENGINEER**  
 Anderson Wahlen and Associates  
 Contact: Daniel Goodwin  
 PHONE: 435.418.0018  
 EMAIL: danlg@aweng.com

**STRUCTURAL ENGINEER**  
 Contact:  
 PHONE:  
 EMAIL:

**MECHANICAL/PLUMBING ENGINEER**  
 Contact:  
 PHONE:  
 EMAIL:

**ELECTRICAL ENGINEER**  
 Contact:  
 PHONE:  
 EMAIL:

**LANDSCAPE ARCHITECT**  
 Contact: Jeff Richardson  
 PHONE: 619-704-5049  
 EMAIL: jrichardson@landformsdesigngroup.com

**INTERIOR DESIGNER**  
 Contact:  
 PHONE:  
 EMAIL:

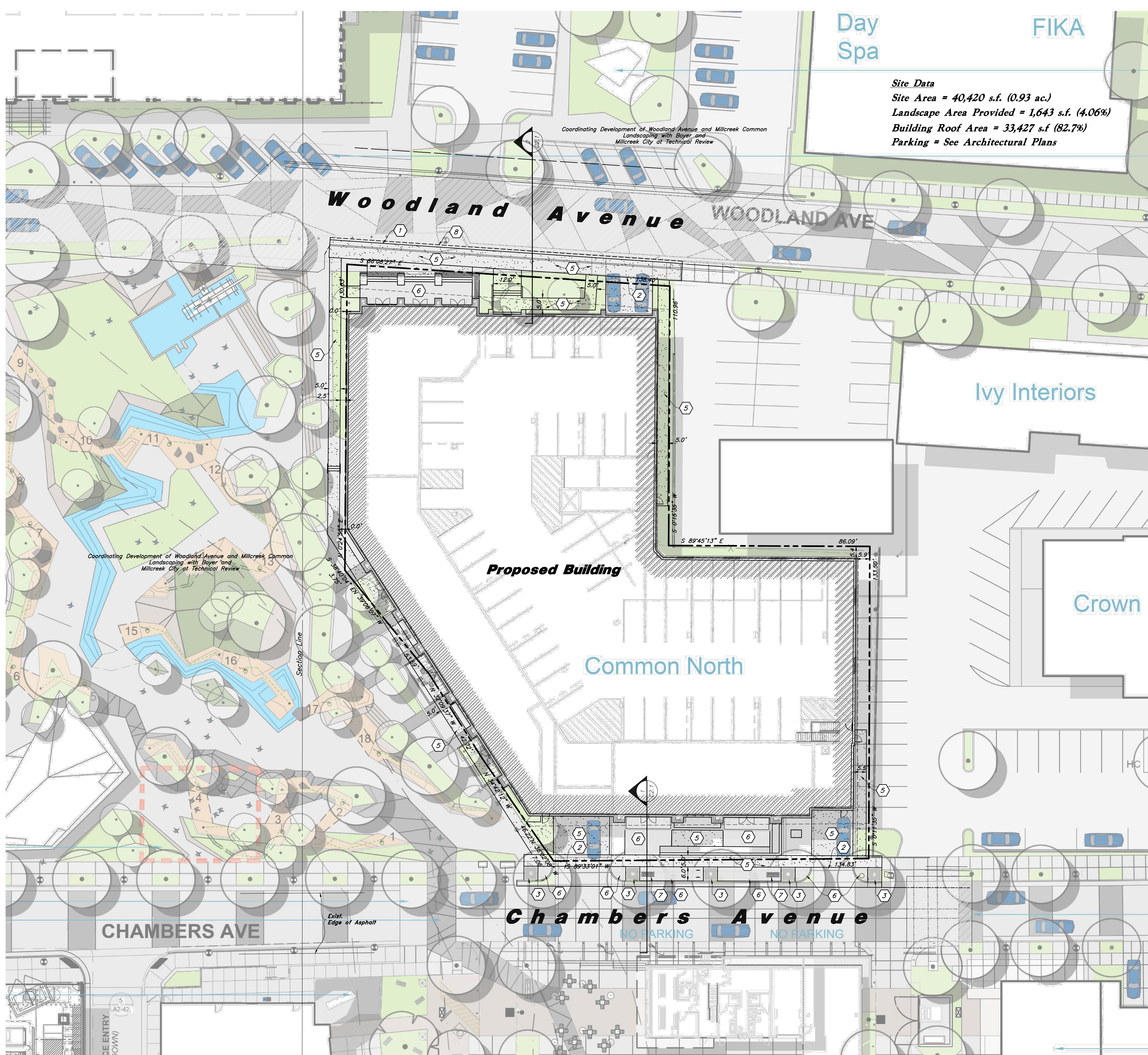
**Millcreek North**  
 Richmond Street and Villa Vista Avenue  
 Millcreek, Utah

Date  
 Feb 15, 2023

No.	Description	Date

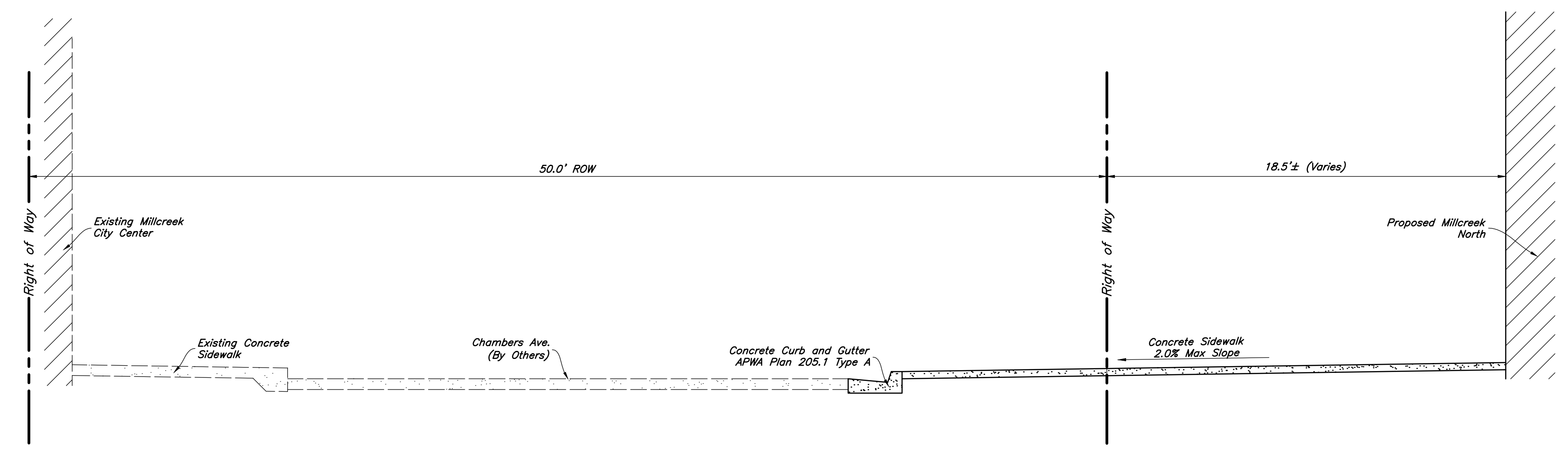
Sheet Title  
**Site Plan**

21-274 SP  
 Sheet Number  
**C1.1**

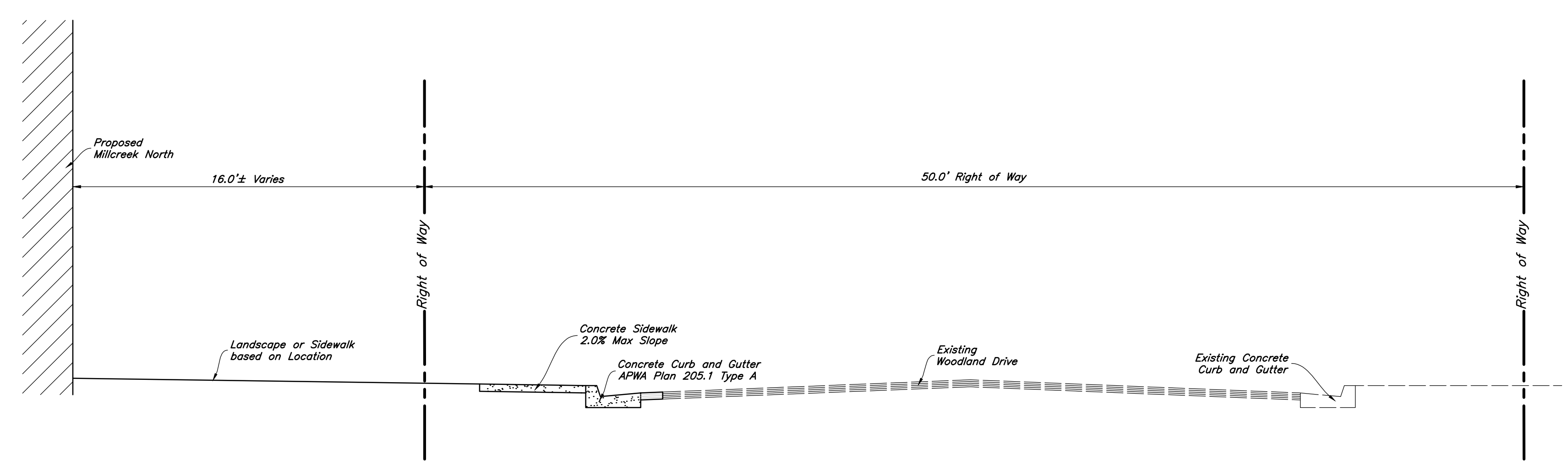


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No.	Description	Date



**1 Chambers Avenue - Grading Section View**  
Looking West - Not to Scale



**2 Woodland Avenue - Grading Section View**  
Looking West - Not to Scale





## MILLCREEK PLANNING AND ZONING DEPARTMENT

3330 South 1300 East

Millcreek, Utah 84106

Phone: (801) 214-2700

---

### STANDARDS FOR APPROVAL FOR CONDITIONAL USE APPLICATIONS

Section 19.84.060 of the Millcreek Code provides us with standards of approval for conditional use applications. In making your recommendation to the Planning Commission, please review the following standards to develop the findings you wish to make as part of your recommendation. Conditional uses shall meet the standards that we identify to mitigate (but not eliminate) the reasonably anticipated detrimental effects identified below:

#### **19.84.060 Standards For Approval** [\*Click for direct link to MKC\*](#)

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:

- A.** 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;
- B.** 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 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.
  - 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.
  - 3.** Detrimental effects on connectivity and safety for 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.
  - 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, 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.



**MILLCREEK PLANNING AND ZONING DEPARTMENT**

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

6. Detrimental effects of modifications to or installation of signs and exterior lighting that conflict with neighborhood compatibility.
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.
8. Detrimental effects on the tax base and property values.
9. Detrimental effects on the current level of economy in governmental expenditures.
10. Detrimental effects on emergency fire service and emergency vehicle access.
11. Detrimental effects on usable/functional/accessible open space.
12. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.
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.

Provide a response for each of the thirteen reasonably anticipated detrimental effects arising from the proposed conditional use on the next page or attach as a separate sheet of paper if needed and be as specific as possible.

**ONLY TURN IN YOUR RESPONSES WITH YOUR APPLICATION. THANKS**

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.

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.

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

The building fronts two neighborhood type streets and a large portion of Millcreek Common. Multiple office, retail, and building entrances will connect the project to the surrounding areas. Amenity and private spaces overlook the common area and surround the entire building at the upper floor which will provide eyes on the street.

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.

The proposed development is a mixed-use building consisting of mostly residential units and ground floor office space. No detrimental outputs or industrial processes will be utilized within our development upon completion. Ground floor businesses will operate during typical hours.

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, 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.

Throughout the construction process, general contractors will closely follow SWPPP protocols and local ordinances to mitigate effects on surrounding areas. The completed development will meet all code requirements for fire access, geo-technical, structural, and civil engineering as required by Millcreek city.

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

No large or imposing signs are planned. Signage will be designed to integrate naturally into the form of the building with no excessive light output or potential to be a nuisance to it's own, or surrounding residents. The addition of proposed street lighting will be safer for the neighborhood and Millcreek Common public spaces.

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.

Millcreek North will be part of the Millcreek CCOZ and follows the overall intention of development and code prescriptions. Surrounding properties to be developed are of similar scale and use. The chosen materials and character of the building have been carefully considered to be consistent with the quality of development in the area.

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

Local taxes bases can only be improved with the introduction of commerce and taxes from this influx of population. Included amenities and an attractive building are additive to an overall feeling of the new city center. Retail and office uses will also have a positive affect and are in line with the surrounding uses.

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

The density of a mixed-use building, relative to a single family home, easily offset governmental expenditures through tax income. Less utility lines and maintenance serve greater quantities of people.

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

Millcreek North is a fairly small development compared to many of the planned buildings for the the area and adheres to local fire codes. It isn't accessibly restrictive to itself or any of the surrounding properties and has good access from North and South bordering streets. Discussions with the fire department have already taken place as well to coordinate access and requirements.

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

The proposed development will enhance the open space along Millcreek Common and also proposes small public plazas on both the North and South office/retail entrances. It will have a positive affect on the surrounding and included open space.

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

Exterior materials selected are durable and require little maintenance. The property will be professionally managed for long term maintenance and owners have an incentive to keep the project maintained to keep spaces leased.

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.

Anti-graffiti coating will be specified in the design of the building where needed.



**Minutes of the  
Millcreek Planning Commission  
February 15, 2023  
5:00 p.m.  
Regular Meeting**

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, February 15, 2023, 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  
Scott Claerhout (excused)  
David Hulsberg (excused)  
Christian Larsen  
Nils Per Lofgren  
Skye Sieber (excused)  
Dwayne Vance  
Ian Wright (absent)

**City Staff**

John Brems, City Attorney  
Elyse Sullivan, City Recorder  
Kurt Hansen, Facilities Manager  
Carlos Estudillo, Planner  
Brad Sanderson, Current Planning Manager  
Robert May, Long Range Planning Manager  
Jake Green, Planning Engineer  
Katie Larsen, Planner  
Ryan Bagshaw, Planning Engineer

**Attendees:** Jen Gardner (electronic), James Yapias, Ann Peverley, Robert Peverley, Tracie George, Paul Johnston, Joe Moss, Angelo Calacino, Adam Watts

**REGULAR MEETING – 5:00 p.m.**

**TIME COMMENCED – 5:05 p.m.**

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

**1. Continued Business**

**1.1 Consideration of CU-22-020, Request for a Conditional Use Permit for a Daycare/Preschool Facility (25-30 children) at the Historic Millcreek Farm House  
Location: 1106 E. 4500 S. Applicant: Savana Bauer Planner: Brad Sanderson**

Brad Sanderson said the commission viewed a slightly different proposal at their prior meeting. The property, 1106 E. 4500 S., was in the R-M zone, so it restricted residential uses. The applicant was seeking a conditional use permit for a childcare/preschool business. The applicant provided an operation plan, concept site plan, circulation plan, and a parental agreement to mitigate some of the concerns associated with the business in that location, such as designated pick-up/drop-off times. The business would operate Monday-Friday between 7am-6pm. The applicant was proposing to have 2-3 employees with as many as 30 students ranging in age between six months and three years in age. Sanderson showed the commission the revised concept site plan. Four new parking stalls could be added abutting the building with two employee only parking stalls in front of the garage studio instead of the

existing angled parking on the southern boundary. The circulation plan had cars going south on Ranchfield Road, east on Range Road, and north again on 1200 E. to 4500 S. The recommendations from the Historic Preservation Commission and Millcreek Community Council were the same as the last time the application was presented. Based on findings and conclusions, staff recommended approval of the application subject to the conditions below. Sanderson said there were 12 conditions on the last proposal but only nine with this one.

1. Fencing shall be limited to the locations illustrated on the applicant's concept site plan. All new fencing shall be an open "picket" style and comprising of wood or simulated wrought iron materials, as recommended by the Historic Preservation Commission.
2. All exterior on-site lighting shall be limited to low level nonobtrusive landscape and/or wall mounted lighting. Lighting shall be sufficient to illuminate the pedestrian travel paths between the building and parking/public right of way areas and shall not cause any outward glare towards the street or other surrounding properties. All exterior lighting shall be harmonious with the historical character and time period of when the building was constructed, as recommended by the Historic Preservation Commission.
3. The applicant shall not modify the historical character of the existing building(s) and/or add any additional buildings to the site, without first obtaining approval from the Historic Preservation Commission.
4. The parking lot to the south shall be striped and signed per the concept plan, providing four (4) guest parking stalls designated for drop-off/pick-up and two (2) parking stalls designated for employees only.
5. The detached accessory building and/or upstairs shall not be used/occupied other than as an administrative office for the childcare portion of the business
6. The Applicant shall ensure that the southern parking lot will be restriped and provide signage per the concept site plan, designating four (4) parking stalls along the north side of the parking lot as guest drop-off/pick-up and two (2) parking stalls next to the existing detached garage as employee parking.
7. The business owner shall strictly follow the operation plan, alleviating potential traffic congestion, by staggering student drop-off/pick-up times as provided within the tables of applicant's letter, as provided.
8. Parking, drop-off/pick-up shall be prohibited along 4500 South, and all other areas along Ranchfield Road other than the designated drop-off/pick-up area.
9. The business owner shall create an agreement requiring all parents, guardians, etc., to sign and agree to the following:
  1. Parents/guardians shall agree to only drop-off/pick-up students during the designated times per the approved operation plan.
  2. Parents/guardians shall agree to use the drop-off/pick-up area as designated as illustrated on the site plan, and shall not use other areas along any other portion of Ranchfield Road.
  3. Parents, guardians, employees, etc., shall not utilize Ranchfield Road included neighboring driveways for turn-around and shall only enter Ranchfield Road from the north (4500 South) and shall exit to the south towards Range Road per the Circulation Plan, as provided.

Commissioner Vance asked if it would now be feasible for cars to go back north on Ranchfield Road. Sanderson said no, they would still circulate through the neighborhood. Commissioner Larsen wanted to ensure ADA parking was accommodated.

Savana Bauer, applicant, said she met with the landowner and she was fine with the proposed site plan.

Chair LaMar invited public comment since there were changes to the site plan.

Paul Johnston, 1112 E. Range Road, felt this type of business was not the right fit for the site. He did not appreciate routing traffic through the neighborhood, especially since it was a narrow street without sidewalks. He felt the parked cars in the lot would still back out onto Ranchfield Road. He recommended denial of the application.

Ann Peverley, 4518 S. Ranchfield Road, said there were people living in the garage studio. There were offices on the second level of the building and asked if they would still operate their business, and if so, where they would park. She felt the teacher to student ratio was not good. There were numerous pedestrians and kids in the streets because of the lack of sidewalks. She noted the heavy traffic on 4500 S. She wondered about the parking lot and ADA access. She reported the sister daycare in Draper had 23 students, which she said was not full to capacity, so she did not see a reason to create a second daycare location. She made comparisons to the daycare in the Draper location, such as hours of operation and extended evening and weekend hours for special occasions, and the teacher ratios. She worried about people parking on the public street in front of her house.

Robert Peverley, 4518 S. Ranchfield Road, noted the narrow street, especially with parked cars. The neighbors make a conscious effort to keep cars off the street for this reason. He acknowledged the traffic on 4500 S. as being really bad. He said there was a utility line between his house and the site and wondered where the new one would go.

Tracie George, 1136 E. Range Road, worried about a car running into her house with the added traffic. She explained that turning onto Ranchfield Road from 4500 S. was tight. She felt the added traffic would be a problem. There were always situations where parents could not make their drop off/pick up times and she questioned the enforcement of it.

Bauer appreciated the concerns, but she deemed some of the information presented by the public as incorrect. She said nobody was living in the detached garage. There was a law office tenant, but the office belonged to the landowner, and she would not continue to run her office there. The teacher ratio was 1-4 with the infant class (under 12 months), most of the students would be older so that did not apply. She would be talking to Qwest about the utility pole. She felt parents were more aware of children in the street than other drivers. She acknowledged that some of the students would be part-time. There would not be events at this property. She noted the Draper location was at capacity. Commissioner Reid asked about parking in front of houses. Bauer said the parent agreement acknowledges it. Sanderson pointed out conditions 8 and 9b, which prevented it. Bauer said there would be perimeter cameras to monitor parking violations.

Chair LaMar asked about the ADA parking. Sanderson pointed out the ADA capacity on the first parking stall. He would look at the requirements for ADA with the business use. Commissioner Vance said it was hard to find a good fit with a historic building. He understood the concern for the traffic but felt the use was acceptable. Chair LaMar wondered if the circulation plan should be removed from the recommendation. Commissioner Vance

was not sure if regulating the bottleneck on Ranchfield Road was something the commission should do. Commissioner Larsen said the historic structure was a great place for a use like a daycare, but the location was not. Chair LaMar wondered about revisiting the application in the future and potentially withdrawing the conditional use at that point if there was a problem. Sanderson said the use would stay with the land but could be revoked if there were violations of the terms. He noted the drop-off/pick-up times were in 20 minute intervals so the cars would not be stacked for a long time if there was any stacking. The circulation was designed to not create a backup of cars on 4500 S. He pointed out that the students could be limited to 25.

Commissioner Reid asked what the width of the road was. Sanderson did not know offhand, it was a standard resident road. Chair LaMar said the pavement was 25 feet and back of curb to back of curb was 30 feet. Jake Green, Millcreek planning engineer, said that was the size of a standard residential road. Commissioner Reid acknowledged the applicant's hard work on the application and expressed favor for it. Commissioner Lofgren appreciated that the applicant addressed issues raised at the last meeting and felt it was a good use of the space, though not perfect. Chair LaMar suggested removing the circulation plan and if it became a problem, it could be revisited. He also said that special events should not be allowed. Commissioner Vance felt the circulation plan was born from the original proposal of the pick-up/drop-off zone being on the street. The applicant had since made the zone be off-street, so, the circulation plan should not be included.

**Commissioner Reid moved to approve the conditional use permit for the daycare facility at the Historic Millcreek Farm House location with the recommendations/conditions specified in the staff report with the following two additional: 1) remove the circulation plan requirement and 2) stipulate that the facility not be used for special events or large gatherings. Commissioner Lofgren seconded.** John Brems recommended the motion be based on the evidence presented.

**Commissioner Reid amended the motion, that based on the findings and conclusions listed within the staff report, she moved that the Planning Commission approve the conditional use permit application file CU-22-020, subject to the staff conditions, and removing the circulation plan requirement and excluding any special events. Commissioner Lofgren seconded.**

Chair LaMar said the commission tried to balance the code and what could be mitigated. **Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Larsen voted no, Commissioner Lofgren voted yes, and Commissioner Vance voted yes. The motion passed.** Commissioner Larsen said his no vote was because he did not feel the conditions mitigated the safety concerns and felt the logical conclusion was that a daycare was not the best use for the property.

## **2. New Business**

### **2.1 Consideration of SD-23-003, Request to Amend and Subdivide Property Within the Shupe Subdivision Creating Three Additional Commercial Lots Location: 3210 S. Highland Drive Planner: Brad Sanderson**

Brad Sanderson said the city was the applicant as the sole property owner. He showed the existing and proposed subdivision plats. The proposal was to amend the Shupe Subdivision by removing Parcel B, further subdivide Parcel A into three individual lots, dedicate property for the purpose of public right-of-way along Highland Drive and Chambers Avenue, provide

new public utility easements abutting the right-of-way, and remove unnecessary existing easements (where possible). There was no community council review or recommendation. Staff recommended approval of the application based on their findings and conclusions.

Chair LaMar asked for public comments. There were none.

**Commissioner Larsen, based on the findings and conditions listed within the staff report, moved that the Planning Commission approve the Shupe Subdivision First Amendment, application file number SDA-23-003, as proposed. Commissioner Lofgren seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, and Commissioner Vance voted yes. The motion passed unanimously.**

### **3. Public Hearings**

#### **3.1 Consideration of CU-23-001, Request for a Conditional Use Permit for a Boat Launch Along the East Bank of the Jordan River Location: 1015 W. Meadowbrook Expressway Applicant: Angelo Calacino, Salt Lake County Parks and Recreation Planner: Katie Larsen**

Katie Larsen said Salt Lake County Parks and Recreation was proposing to develop a boat launch/ramp into the Jordan River that would accommodate kayak and canoe access as part of the county wide Jordan River Water Trail Master Plan. The property was zoned A-1 Agricultural, which deemed public uses as a conditional use. The Millcreek General Plan identifies the Jordan River Parkway as an area for improvements in Objective #7: Identify and maintain recreational access to Jordan River Parkway for all residents and visitors. Strategy 7.1: Provide ample, safe connections for pedestrians and bicyclists between neighborhoods and the water's edge. Millcreek recently approved a new trail segment along the Jordan River, adding a boat launch on the east bank of the river would complement the new improvements. Strategy 7.3: Develop a public park along the river. A public park and trailhead was to be located on Meadowbrook Expressway (4000 South); though, it is not in the scope of this application. Parking for boat trailers to be provided with the trail head.

Larsen said the site was currently occupied by a lift-station used to release water into the river. The boat launch would be 179 lineal feet long and 8 feet wide. The ramp would be composed of concrete and other rock fill. The county was working to remove invasive weeds, improve riverbank habitat via stabilization efforts, and preserve existing wetland areas. Trees, bushes, and other plants would be removed for the improvement and were to be replaced with native plants. The state engineer has signed off on the project and imposed specific environmental guidelines. The ramp would be accessed from the Jordan River Trail, more specifically from Meadowbrook Expressway (4000 South) and 4060 South. There would be wayfinding and informational signage to the east and south of the ramp, both of which would conform to code. The Millcreek Community Council unanimously recommended approval of the application. They did have concerns about public safety, parking, and funding. Larsen concluded that the application met the preliminary requirements of approval per code chapters 19.48 and 19.84, and was supportive of Millcreek's objective to advance the goals of the General Plan which supported the completion of the Jordan River Trail infrastructure.

Commissioner Reid asked if motorized boats could use the ramp. Larsen said just canoes and kayaks. Commissioner Reid asked about design measures with anti-graffiti materials referenced in the staff report. Larsen said it was not very applicable, that was from the trail and bridge component that the commission previously reviewed.

Angelo Calacino, applicant, said the boat launch was designed as a portage if river flows did not allow access across 3900 S. to the ramp on the other side in South Salt Lake City. The lift station would be abandoned to support building the trail. There would be two trailheads, one for traffic to access the trail, and one for trucks and trailers to access the ramp.

*Chair LaMar opened the public hearing.*

There were no comments.

*Chair LaMar closed the public hearing.*

Commissioner Vance thought the proposal was great.

**Commissioner Vance, based on the findings and conclusions listed within the staff report, moved that the Millcreek Planning Commission approve application CU-23-001, per the proposed plans, as presented. Commissioner Larsen seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, and Commissioner Vance voted yes. The motion passed unanimously.**

The commission took a break from 6:20-6:34 p.m.

### **3.2 Consideration of ZT-23-001, Amendments to Millcreek Code in the City Center Overlay Zone (CCOZ) Regarding Yard and Bulk Regulations Planner: Robert May**

Robert May said the application was to amend code, specifically with the building setback and height requirements in the CCOZ. He showed the commission the step back rendering from the yard and bulk regulations from code section 19.73.060 and a proposed amendment to the elevation map of the CCOZ. A 20'-foot setback of the building façade, facing any street, was required for buildings over 40 feet in height or for any development on properties fronting on the Millcreek Common, 3300 South, Richmond and/or with frontage on Highland Drive. The precursor for this application was the city put out a request for proposals to sell and develop the property at 3179 Highland Drive. The council selected a proposal that was a medical office use building. To accommodate that proposal, the code would need to change. He presented options A, B, and C to the commission. Option A would allow exception from building setbacks when it was only for a commercial single purpose building that fit into the qualifying package dimensions of 100 feet in length by 80 feet in depth by 40 feet in height. Option B would allow exception from building setbacks when it was only for commercial single-purpose buildings that fit into the qualifying package dimensions of 100 feet in length by 80 feet in depth by 40 feet in height, in addition to meeting the four additional design requirements. The design requirements were:

- 1) For street facing building facades, exterior building materials used shall consist of a minimum of 75% brick or stone excluding windows, and 25% of the exterior building materials may consist of composite materials, or other materials of similar quality,

hardiness, and low maintenance characteristics excluding windows. Stucco and EIFS are prohibited for use as materials on any façade visible from a right of way.

2) Windows shall constitute at least 60% of first floor street-facing facades, and 35% of all upper story facades. Windows shall be recessed at minimum within 2 inches of brick or stone massing.

3) First floor and ground stories shall be at least 12 feet in height.

4) Entry into building must face the public street. Entry locations are further articulated by a change in composition materials, color, texture, or pattern, and shall be recessed or projected.

Option C would allow exception from building stepbacks for all building types that fit into the qualifying dimensions and the additional design requirements presented in Option B.

May said the proposed change to the City Center height map would change the second height category maximum from 38 to 40 feet and would designate the section east of Highland Drive from Woodland Avenue to 3300 S. as such. He showed the commission images from other cities that did not have stepbacks on their main streets, the previous church site plan with the changes in elevation, and a rendering of the site that illustrated the trees that would be removed or preserved. The Canyon Rim Citizens Association recommended Option B as presented by staff. The East Mill Creek Community Council recommended Option C as presented by staff. The Mount Olympus Community Council recommended Option B as presented by staff and the elevation changes in the text amendment proposal. The Millcreek Community Council recommended Option B as presented by staff with the condition that no adjacent property owners' building be eligible for a stepback exception. Staff found the proposed text amendment changes to be in harmony with the comprehensive goals found in the General Plan and the City Center Master Plan and a reflection of the city refining and adapting its ordinances encouraged by the City Center Master Plan. Staff found the elevation changes would be minor and intentionally restrictive, and the proposal would preserve the residential neighborhood and be respectful to the height sensitivity on the adjacent residential neighborhood. Staff was supportive of each of the text amendment options.

Chair LaMar asked if staff had a preference on the options. May said no, staff would support all of the options. Commissioner Reid asked about the difference between Option B and C with signage. She wondered if more uses would require more signs. May did not anticipate multiple signs. Commissioner Larsen said at the joint city council/planning commission meeting, Mike Winder, City Manager, had said the single use building would help prevent against a "strip mall feel." He reported the council leaned toward option B at that meeting. Chair LaMar asked about public entrances fronting on the street. May said there could be more than one entry. The door articulation would help break up the massing and activate the street. The commission discussed the entry doors. Commissioner Larsen said the city was trying to be more pedestrian friendly. May said the idea was to cover any future repurposing of the building. Commissioner Vance asked if the single purpose commercial building in option B would prohibit the repurposing of it in the future. May said it might.

Adam Watts, Northstar Builders, presented building renderings of other projects Northstar Builders had done. He found that not one of their last 13 projects had met the 50% glazing requirements on the ground level, but had in some instances met the increased 35% glazing levels on street facing facades. He found that there was heat and cooling loss with the windows and they often had films and shades added and were kept closed for privacy

concerns with medical type uses. The increased requirement for brick and stone was a great idea; this would mitigate against a sheet of stucco with no articulation. He mentioned that they had done faux doors on buildings in other cities. May pointed out that the text amendments would be for any developer, not just Northstar Builders. Watts said from a design perspective, extra entry doors complicated the interior layout. May said the glazing code was currently 50% on the ground floor and 25% on the second floor. May said the current CCOZ text on façade articulation was mainly written for larger, mixed use buildings.

*Chair LaMar opened the public hearing.*

There were no comments.

*Chair LaMar closed the public hearing.*

Chair LaMar was inclined to leave the window considerations of 50% on the ground floor and 25% or 35% on other stories. He felt the Northstar Builder's prior projects were beautiful buildings and he was not sure that more windows would be an added benefit. Commissioner Larsen did not want the building to look like a giant stucco box. He was fine with the lower glazing requirement and wanted functional doors on the public street. Commissioner Vance like the options by preference, C, B, then A. He did not know if limiting future repurposing was good or bad, the options did not matter from a massing point. He felt the 50% windows on the ground floor was acceptable with a 25 or 35% requirement on the other floors. Commissioner Reid said the front door should be functional. She preferred 35% windows on the second floor. Chair LaMar expressed preference for Option B because it was conservative. The commissioners expressed favor for option B for conservation and C for option flexibility. They also appreciated a lesser glazing requirement.

**Commissioner Larsen, based on staff findings and conclusions, moved to recommend option B to the City Council for approval with changes including reducing the glazing requirements from 60 to 50% and 35 to 25% for ZT-23-001. Commissioner Lofgren seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, and Commissioner Vance voted yes. The motion passed unanimously.**

### **3.3 Consideration of ZT-23-002, Amendments to Millcreek Code Regarding Subdivision Requirements Presenter: Joe Moss, Logan Simpson**

### **3.4 Consideration of ZT-23-003, Amendments to Millcreek Code Regarding Mobility and Parking Requirements Presenter: Joe Moss, Logan Simpson**

### **3.5 Consideration of ZT-23-004, Amendments to Millcreek Code Regarding Landscaping Requirements Presenter: Joe Moss, Logan Simpson**

Joe Moss said module 1 was in phase 2 of three for adoption. The public process had included a project website, newsletters, questionnaire, public events, steering committee and interviews. There were 450 survey responses. The city inherited a lot of the code from the county. This was the first overhaul of the zoning code which included provisions current with the state code. The guiding principles were legibility, quality development, and administration. There were three modules, the first one addressed procedures and subdivisions, the second addressed zoning districts and uses, and the third addressed general

provisions and supplementary regulations. In Title 18, they updated language and created consistency, clarified approval procedures, updated block standards, introduced major and minor subdivision processes, and incorporated a flag lot policy and updated standards. He said flag lots could be added for single flag lots and two adjoining flag lots. Each one was represented on a site plan illustrating the requirements. The subdivision procedures were broken down by minor (3 or fewer lots) and major (3 or more lots). Minor subdivisions required staff approval. Major subdivisions had a two-step platting process with preliminary subdivision approval by the Planning Commission and final approval by staff.

Chair LaMar asked for clarification on lot size requirements for flag lots. Moss said the reduction of required space (1.5 to 1.25) brought minimum setbacks. Commissioner Larsen asked if minor subdivisions would still require the 300 foot mailed notice requirements. Moss said the noticing requirements would remain the same. Commissioner Vance asked about the incorporation of subdivisions into Title 19. Moss said there would be a reshuffling of organization down the road that would not include substantive changes.

Jen Gardner, Logan Simpson, reviewed Title 19 Landscape which included focus on water efficiency and local best practices, new landscape buffers, use specific design standards, streetscape landscaping requirements, updated parking lot landscape standards, low impact development standards, and LocalScapes and hydrozones standards. Hydrozones look at landscaping based on the type of water requirements for each plant. The consultants borrowed the zones from regulations already in place in the county. They have an accompanying plant list to go with the standards. Zones 3 and 4 are capped at 10% (food production exemption). Minimum efficiency standards were 75% fixed and 70% rotor for irrigation equipment. Use of a landscape architect was required except for single family dwellings not seeking rebate.

Gardner described three buffer styles: buffer A for multiple dwelling to single dwelling, buffer B for non-residential to single dwelling, and buffer C for mechanical equipment, loading docks, and dumpsters. The use specific design standards addressed plants and trees around certain building types. It prohibited turf from the manufacturing areas and limited it in the commercial, mixed use, and multi-household areas to 20%. There was a 75% minimum live plant cover standard throughout the landscape section. Chair LaMar felt there were more plants in the park strip in the manufacturing rendering than in the commercial, mixed use, and multi-household one. Gardner said the 75% could be distributed throughout the site, but it could balance out on a commercial lot with more planting area. New streetscape standards addressed trees under power lines or hanging above sidewalks. Commissioner Reid asked about the streetscape standards applying to all streets. Moss said those changes were unified in this draft of the code, but it applied everywhere. Commissioner Reid wanted that clearly stated that it applied to all city streets.

Gardner described the added parking lot standards for interior parking lot landscaping and perimeter parking lot landscaping. Chair LaMar asked how many spaces would trigger the walkway between stalls. Gardner said every other double row of parking would have to have a planted island; the sidewalk was in the parking standards. Residential standards comprised of five elements: central open shape (turf limited to 35%), activity zones, gathering areas, planting beds (minimum 75% plant live coverage), and pathways. This applied to new homes and modifications over 50%. They added tree protection for healthy trees over 4" caliper, a

1:1 credit for preserved trees, a replacement table, native plant requirements for areas within 50' of waterways, retention of existing vegetation, and invasive species exempt from the preservation requirement. Commissioner Larsen said the proposed code was, "Plants considered noxious or invasive species as declared by Utah Department of Agriculture and Food are not required to meet these requirements." Based on that criteria, he did not see any trees on that list, including Boxelder and Russian Olive as discussed in the last meeting. He wondered if the list needed to be more specific as to what was an invasive tree. Gardner felt specificity was helpful and was fine adding the top five trees (or whatever it may be). Commissioner Larsen requested previously that invasive species be exempt from the preservation requirement. Commissioner Reid pointed out that the replacement caliper was not 1:1. Gardner saw issues with implementation of a 1:1 ratio.

Gardner reviewed low impact development options with the use of bioswales, grassed swales, and rain gardens. Chair LaMar asked about the limited width of the central open shape not being less than 10 feet for turf. Moss said when there is a narrow piece of turf, it is difficult to water efficiently. Commissioner Reid asked about the rebate program for single family homes being required to use a landscape architect. Moss said the goal was if residents met Millcreek's code, they were automatically eligible for rebates, but rebate programs required the use of the landscape architect. Commissioner Larsen asked if a new section of invasive trees could be added to the accompanying plant list provided in the appendix. Gardner said it could be added, and it could be amended easier in the future than if it was included directly in the code. Commissioner Larsen suggested referencing the plant list and the Utah Department of Agriculture and Food noxious or invasive species list.

Moss reviewed parking and mobility. Some features, such as recreational vehicle/commercial parking rules in residential areas, shared parking, and valet programs, remained the same. There were updated standards and updated language added, new electric vehicles standards added, updated parking ratios with a new affordable housing use added, a traffic study for parking reductions was eliminated but required for stacking spaces, and new layout standards including loading spaces for multi-unit and townhomes were added. The general updates to the parking design standards included protected pedestrian routes, cross access to adjacent properties, where possible, low impact development requirements, and developers may count 50% of striped street space in frontage for the required parking minimum or 75% if the street spaces were constructed for the project. Chair LaMar asked about negative consequences with cross access to other businesses, like using their parking. Moss said the point was to prevent cars from hopping to lots from different driveways. Chair LaMar asked if the cross access was a requirement or encouragement. Moss said it depended if the space was available. The electric vehicle (EV) standards included requiring infrastructure wiring, but not the charger. Non-residential required 15% of spaces level 2 or 3; multiple-dwellings with 8 or fewer units required at least one level 2, and one level 1 or 2 for each parking space dedicated to a single unit; multiple-dwellings with 9 or more units required 20% level 2, and a level 1 or 2 dedicated parking spaces; and single-dwelling units required one level 2. Level 1 is considered slow charging. Voltage including the range from 0 through 120. Level 2 is considered medium charging. Voltage is greater than 120 and includes 240. Level 3 is considered fast or rapid charging. Voltage is greater than 240.

Moss said the minimum parking requirements had uses and ratios updated, and the table was reorganized by grouping by types of use. Chair LaMar asked if the goal was to remove the

variability for reductions. Moss said the two new options were transit proximity reductions and alternative mode reductions. Transit proximity allowed 20% reduction within ¼ mile of high frequency stations and alternative mode reduction allowed up to 15% for enhancements in pedestrian, bike, or transit infrastructure. He said uses with a drive through window required a stacking study. The requirement may be reduced or increased based on projected demand. Stacking spaces may not impede internal or external traffic circulation. Townhomes and multiple dwellings required loading for deliveries. Enclosed bike storage was required for multiple dwellings with more than 8 units. Commissioner Larsen asked if the electric vehicle requirement in single family dwellings would be for new construction. Moss said new construction or remodel over 50%.

*Chair LaMar opened the public hearing for items 3.3, 3.4, and 3.5.*

James Yapias, 2835 E. Canyon View Drive, said he started the flag lot process in September 2022 and his project got put on hold for the code revision. He said there was not much land available for development on the east side of the city. The R-1-8 code had 20 foot setbacks on every side, but now the recommendation was 30 feet from the back of the existing home on the property. He said the change would impact his lot for a flag lot availability. He said when he had the development review committee meeting, none of the participants saw a problem with his lot. He felt existing code was sufficient because it was not an issue previously. He wanted to provide the opportunity to have affordable housing nearby to his house. He did not feel the 30 foot minimum rear yard setback on the base lot and required two car garage was necessary. Most of the older homes in the community could not accommodate the extra length requirement.

*Chair LaMar closed the public hearing.*

Commissioner Reid wondered if the smaller flag lot setback could be allowed with a single level dwelling, so it did not disturb the neighbors. Chair LaMar pointed out that an accessory dwelling unit had smaller setback requirements. May pointed out the clarification was the 30 foot rear yard from the base lot, not the flag lot. The flag lot was twenty feet around. Commissioner Larsen asked about the rationale with the required two car garage. Moss said they had planned to adjust it to two off street parking places, one of which had to be covered. Moss said the 30 foot base lot rear yard was to preserve a yard. Chair LaMar said the people creating the flag lot generally knew they would/could be shortening their backyard. Moss said property investors cut things short. Commissioner Lofgren appreciated the greater length rear yard, it improved the quality. May said maybe there could be two standards, one for single story and one for two or more stories. Yapias said smaller lots would help with water conservation and affordability.

Commissioner Larsen said the only adjustment he would make to the codes was adding the invasive trees list to the plant list. Chair LaMar asked if deferral agreements were being removed from the code. May said no. Chair LaMar asked about language for size or clearance included for infrastructure to prevent obstruction around the terminus of the conduit of the electric charging. He suggested people should provide estimated cubic feet or gallons of water needed for their landscaping for the city to have an understanding of how much water was being used. He said the parking provided on past applications had an average 15% reduction. The proposed code would increase 10% to 25%. He would send staff

the spreadsheet he created on the breakdown. He was concerned with lumping fitness facilities together since they varied in size and use. Moss pointed out the parking was minimums. The city can enforce providing more parking if the use warrants it. Commissioner Reid preferred a caliper per caliper replacement on trees. She asked if irrigation needed to be installed and operational before plants were installed, if so, that language should be strengthened. She appreciated that developers were responsible for replacing plants for a couple of years after planting. Chair LaMar reviewed the comments provided by the commission throughout the discussion. This included adding a section in the plant species list that identified invasive trees for preservation, different reduced setback standards for single story flag lots, definitions for connections for electric vehicles, and different parking ratios based on Chair LaMar's findings.

**Commissioner Lofgren, based on the findings and conclusions presented by staff, moved that the Planning Commission recommend to the Millcreek Council to approve ZT-23-002 regarding adoption of a new subdivision ordinance including looking at the reduction of setbacks for the base lot in front of a flag lot with single story houses and also remove the recommendation for double car garage requirements, to be consistent with standards for other houses. Commissioner Reid seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, and Commissioner Vance voted yes. The motion passed unanimously.**

**Chair LaMar, regarding ZT-23-003, moved for recommendation to the City Council to adopt the amendments to Millcreek Code regarding mobility and parking with the suggestions of strengthening the definition of EV charging which would include height clearances and other industry standards and then also to consider revising the proposed parking ratios. Commissioner LaMar will provide staff and consultants with a table that seems to align the parking with projects that the commission has approved based on traffic studies over the past two years. Brems suggested the motion should not include suggestion. Chair LaMar clarified to provide for the changes to be made. Commissioner Larsen seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, and Commissioner Vance voted yes. The motion passed unanimously.**

**Commissioner Larsen, based on staff findings in the staff report and presentation, moved that regarding ZT-23-004, the Planning Commission recommend approval with the inclusion of an invasive species tree list to the Millcreek Plant Species List and specify that those are exempt from preservation in conjunction with the Utah Department of Agriculture list. Commissioner Lofgren seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, and Commissioner Vance voted yes. The motion passed unanimously.**

#### **4. Commission Business**

##### **4.1 Election of Chair and Vice Chair for 2023**

Commissioner Larsen nominated Shawn LaMar as Chair and Victoria Reid as Vice Chair. Commissioner Vance seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, and Commissioner Vance voted yes. The motion passed unanimously.

#### 4.2 Approval of January 18, 2023 Regular Meeting Minutes

Chair LaMar moved to approve the minutes as presented in the packet from staff. Commissioner Reid seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout voted yes, Commissioner Larsen abstained, Commissioner Lofgren voted yes, Commissioner Vance voted yes. The motion passed.

#### 4.3 Approval of January 23, 2023 Special Meeting Minutes

Commissioner Vance moved to approve the draft minutes as presented for the combined meeting on January 23<sup>rd</sup>. Commissioner Larsen seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout abstained, Commissioner Larsen voted yes, Commissioner Lofgren abstained, Commissioner Vance voted yes. The motion passed unanimously.

#### 4.4 Updates from the Planning and Zoning Director

Elyse Sullivan noted Francis Lilly sent the commission an email that read, “*I won’t be present at tomorrow’s meeting, but if I were I’d use my Planning Director’s update to suggest we implement a couple housekeeping items, with a goal to ensure that Planning Commission recommendations are rock-solid and defensible against a challenge.*”

1) *We’ve asked staff to clearly state findings, particularly for staff reports involving conditional uses. In the case of text amendments and rezones, we should really look to the general plan, and the general plan should be referenced somewhere in our staff recommendation. I want us as staff to make sure that findings and general plan references are clearly stated in our presentations. In the case of conditional uses, we as staff should explicitly state that our recommendation regarding the conditional use permit is based on the site plan (and elevations, if applicable) as presented in the staff report.*

2) *My request of the Planning Commissioners is that, when a motion is given, it should reference findings. It could be as simple as “based on the findings as presented by staff” unless you want to add other findings in the course of your discussion. Also, for a conditional use permit please reference a site plan “as presented in the staff report” and feel free to add conditions, if you need to, based on your discussion, provided those conditions mitigate a reasonably anticipated detrimental effect that we’ve discussed and identified as a finding.*

3) *Staff should be providing you with model motions, and we’ll continue to work on these. The model motions should cover you appropriately.*

*These are technical suggestions that will help strengthen your actions as a Planning Commission, and are not any suggestion that you’re doing anything improper. You aren’t. In fact, we really appreciate your thoughtfulness and rigor. I just want to reduce any after-the-fact ambiguity in your decisions, so it’s important that we craft motions in a certain way. It really does make a difference, should anything ever get appealed, if we are explicit with our*

*findings and if we are explicit about our approval being based on a site plan as presented by staff.”*

Commissioner Larsen pointed out that the model motions from staff should read, “I move” not, “I motion.”

**5. Calendar of Upcoming Meetings**

- Canyon Rim Citizens Association Mtg., 3/1/23, 7:00 p.m.
- East Mill Creek Community Council Mtg., 3/2/23, 6:30 p.m.
- Mt. Olympus Community Council Mtg., 3/6/23, 6:00 p.m.
- Millcreek Community Council Mtg., 3/7/23, 6:30 p.m.
- Historic Preservation Commission Mtg., 3/9/23, 6:00 p.m.
- City Council Mtg., 3/13/23, 7:00 p.m.
- Planning Commission Mtg., 3/15/23, 5:00 p.m.

**ADJOURNED: Commissioner Reid moved to adjourn the meeting at 9:00 p.m. Commissioner Lofgren seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, and Commissioner Vance voted yes. The motion passed unanimously.**

**APPROVED:** \_\_\_\_\_ **Date**  
**Shawn LaMar, Chair**

**Attest:** \_\_\_\_\_  
**Elyse Sullivan, City Recorder**



**Minutes of the  
Millcreek Planning Commission  
February 28, 2023  
5:00 p.m.  
Special Meeting**

The Planning Commission of Millcreek, Utah, met in a special public meeting on Tuesday, February 28, 2023, 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.

**PRESENT:**

**Commissioners**

Shawn LaMar, Chair  
Victoria Reid, Vice Chair  
Scott Claerhout (electronic)  
David Hulsberg (excused)  
Christian Larsen  
Nils Per Lofgren (excused)  
Skye Sieber (excused)  
Dwayne Vance (excused)  
Ian Wright

**City Staff**

John Brems, City Attorney  
Elyse Sullivan, City Recorder  
Kurt Hansen, Facilities Manager  
Brad Sanderson, Current Planning Manager  
Francis Lilly, Planning & Zoning Director

**Attendees:** Ann Granato, Virginia Russo

**SPECIAL MEETING – 5:00 p.m.**

**TIME COMMENCED – 5:05 p.m.**

Chair LaMar called the meeting to order.

**1. Adoption of Findings and Conclusions Regarding the Planning Commission's Denial of RC-22-003, an RCOZ C Special Exception for a Dwelling at 3682 S Craig Circle**

John Brems gave background information on the item. Mark Morris is the owner of property located at 3682 Craig Circle. The property is in the R-1-8 Zone and the Residential Compatibility Overlay Zone (RCOZ). On July 27, 2022, Lloyd Architects, on behalf of the property owner, filed an application for an RCOZ Option C Special Exception. The Planning Commission reviewed and denied the application on October 26, 2022. The decision was appealed and heard by the Millcreek Land Use Hearing Officer in February 2023. In his decision, the Hearing Officer said, "1. A partial decision on the issue of the legality of the process set out in the Millcreek Code and the interpretation of applicable state statutes and caselaw has been decided in favor of the City as set forth in the Analysis set forth above.

2. The open issue in this case is whether or not the Planning Commission has substantial evidence to support its decision. It is hereby requested that the Planning Commission supplement the record by providing detailed findings of fact and conclusions which explain the basis for its decision in this case." Brems said if the Hearing Officer did not hear from the Planning Commission, he would decide the case based on what he had. The reason for this

meeting was for the Planning Commission to provide supplemental findings of fact. Brems said staff prepared findings of fact, and if the Commission disagreed with any, to voice it.

Francis Lilly read the presented findings of fact which reflected Brad Sanderson's staff report that was presented for the public hearing on October 26, 2022, and/or were reflected in the meeting minutes of the Planning Commission's discussion of that item.

The Planning Commission hereby makes findings that the Applicant's circumstance are not "unusual or extraordinary" as required by Section 19.71.010 (B)(3), that the Applicant did not demonstrate the existence of the five criteria required by Section 19.71.050 (A)(2), and that the Applicant did not demonstrate the existence of the additional factors set forth in Section 19.71.050 (A)(3). Based on the presentation by staff and by the applicant at the public hearing on October 26, 2022, the Planning Commission makes the following findings:

1. The Property has a front yard bulge located more or less within the center of the front property line, bulging outward to the north, towards the street ("bulge").
2. There is a slight jog on the west property line causing the width of Property to narrow to as little as 90 feet wide.
3. There is a 10-foot drainage easement located along the west side property line, which largely overlaps and is included within the required side yard setback.
4. There is a sudden change in the topography, roughly one third the way back from the front property line (approximately 85 feet from the front property line), in which the property then slopes downward into a natural gully and drainage area ("gully").
5. There is drainage easement near the bottom of the gully, beginning approximately 109 feet back from the front property line, as measured along the shorter or east, side property line. This drainage easement encumbers the remaining southern portion of the Property.
6. The subdivision in which the Property is located was originally proposed as a five-lot subdivision, but ultimately received approval as a four-lot subdivision to increase the buildable area of each lot.
7. The subdivider acquired a portion of the neighboring property to the west (Upland Terrace Lot 5) for the purpose of widening the buildable area of the Property.
8. The bulge further increases the lot depth, and buildable area, of the Property.
9. The buildable area of the Property considering all setbacks, easements, and other encumbrances such as topography of significance is approximately 60 feet deep by 60 feet wide.
10. Staff suggested ways in which the project could be built without need for extraordinary relief as contemplated by Option C. Staff presented to the Applicant and to the Planning Commission the following options, outside of pursuing Option C of the RCOZ ordinance:
  - a. Cantilever the rear deck a few feet, overhanging the gully.
  - b. Reduce the depth of the rear deck and/or front porch.
  - c. Alter a few feet of the edge of the gully with one or more landscaped tiers, thus increasing the buildable depth of the lot.
  - d. Alter the orientation of the house on the lot.
  - e. Flip or mirror the house, placing the garage on the east side of the home.
  - f. Alter depth of the house.

11. A history of the Boyd Circle Subdivision was presented to give a brief background of the subdivision which was recently recorded within the last year.
12. The Planning Commission was shown the proposed site plan and the applicant's building layout, both with and without the exception being granted.
13. The proximate neighborhood is 150 feet radial distance from the Property boundary.
14. The proximate neighborhood is illustrated in the staff report, showing 20 total properties of which 16 total have residential structures.
15. All properties within the proximate neighborhood are located in the R-1-8 Zone.
16. The size of properties within the proximate neighborhood, range between 7,000 and 30,000 sq ft. in size; the median property size being approximately 10,000 sq ft.
17. The Property is 20,373 sq ft which is second largest property within the proximate neighborhood.
18. All the homes in the proximate neighborhood, except two have a 30-foot front yard setback. One of the exceptions has a front yard setback of 27-feet and the other has a front yard setback of 28-feet with the median front yard setback being 30 feet.
19. To avoid any unusual or extraordinary circumstances the gully and other easements were considered during the initial planning and development stages; whereupon the subdivision was reduced from five to four lots; absorbing the fifth lot into the remaining four, and thus further increasing the lot sizes. As a result, the Property is one of the largest lots within the proximate neighborhood.
20. The buildable area of the Property is at least 60' x 60' and is largely unaffected by the unusual circumstances and would seem to be a reasonable buildable area, in terms of both shape and size, to accommodate most home designs and layouts that would be expected to be built and would otherwise be in harmony with the neighborhood.
21. Certain grade changes are permissible by Code. Since the property is not located within the FCOZ overlay zone, some changes to the grading could be made to further extend the depth of the buildable area, so long as the changes do not significantly impede the functionality of the drainage system.
22. There are other options which the same footprint of the desired floor plan could be either slightly modified or oriented to fit on the lot, without the need to further reduce the front yard setback.
23. The Property is mostly rectangular and not an unusual lot shape. The bulge increases the lot depth, and buildable area, of the Property.
24. The gully does not affect the buildable area.
25. The Property does not have drainage problems that affect the buildable area. Furthermore, the drainage problem factor relates to the physical characteristic of the property, and not any easements, which are a title problem.
26. Pursuant to Section 19.71.050(B), Applicant has the burden of proof which the Planning Commission finds that the Applicant did not satisfy.
27. Based on the evidence the Planning Commission finds that allowing an exception of 18 feet is not compatible with existing residences in the proximate neighborhood as required by Section 19.71.050(a)(2)(b). There are no unusual or extraordinary circumstances with respect to the Property as required by Section 19.71.010(B)(3). There are no other factors that the Planning Commission should consider such as unusual lot shape, unusual or difficult terrain, or drainage problems.

28. Millcreek Code Section 19.71.050(B), as presented within the synopsis portion of the staff report, the applicant failed to provide detailed information and explanation establishing that:
- a. 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.
  - b. 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.
  - c. 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.

Lilly said the findings of fact were recommended by staff and the city attorney. Chair LaMar said he liked the findings of fact, especially numbers 9, 10, 17, 18, 20, 26, and 28. Commissioner Reid felt the findings were thorough and wondered about typos. Brems said he would correct the typos. Commissioner Claerhout said the findings reminded him of the October meeting and he felt number 27 summarized the findings quite well. Commissioner Wright felt the findings captured the commission’s discussion and they should all be adopted. Commissioner Larsen concurred.

Lilly said the motion would be adoption of the findings of fact regarding RC-22-003, as submitted by staff, with technical corrections as provided by the city attorney.

**Commissioner Larsen moved that the Planning Commission adopt the findings of fact as presented by staff for the Planning Commission’s denial of RC-22-003 RCOZ C Special Exception for a dwelling at 3682 S Craig Circle with technical corrections. Commissioner Wright seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout voted yes, Commissioner Larsen voted yes, and Commissioner Wright voted yes. The motion passed unanimously.**

**ADJOURNED: Chair LaMar moved to adjourn the meeting at 5:22 p.m. Commissioner Reid seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout voted yes, Commissioner Larsen voted yes, and Commissioner Wright voted yes. The motion passed unanimously.**

**APPROVED:** \_\_\_\_\_ **Date**  
 Shawn LaMar, Chair

**Attest:** \_\_\_\_\_  
 Elyse Sullivan, City Recorder