

## County Council Zoning Meeting

### Public Meeting Agenda

# Tuesday, August 30, 2016 4:00 P.M.

**LOCATION: SALT LAKE COUNTY GOVERNMENT CENTER**

2001 SOUTH STATE STREET, ROOM N1-110

NORTH BUILDING, MAIN FLOOR

(385) 468-6700

*UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707.*

*TTY USERS SHOULD CALL 711.*

The County Council Public Meeting is a public forum where the Council receives comment and recommendations from applicants, the public, applicable agencies and County staff regarding land use applications and other items on the Council's agenda. In addition, it is where the Council takes action on Zoning related items. Action may be taken by the Council on any item listed on the agenda which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

### **Rezones – To be Heard –**

**29972** – Salt Lake County Township Services is requesting approval for a rezone from M-1 (Manufacturing & Light Industrial) & M-2 (Manufacturing & Heavy Industrial) to MD-3 (Mixed Development). **Location:** Approx. 4186 S Main Street. **Area:** This request includes eighteen parcels at approximately 22.2 total acres. **Community Council:** Millcreek. **Planner:** Max Johnson

**29971** – Michael Smith is requesting approval for a rezone from R-2-10 to R-M. **Location:** 1212 East 4500 South. The parcel is 0.32 acres. **Community Council:** Millcreek. **Planner:** Spencer Hymas

**29759** – Richard Smith is requesting a rezone from R-2-10 (Medium-Density Residential) to R-M (High-Density Residential). **Location:** 4102, 4108, and 4120 South 900 East, and 849, 857, 865, and 875 East 4125 South. **Community Council:** Millcreek. **Planner:** Jeff Miller

**29887** – Angel Juarez-Aguilar is requesting approval for a rezone from M-1 (Manufacturing) to C-2 (Commercial Zone). The two parcels total 1.09 acres. **Location:** 5405 West 4700 South. **Community Council:** Kearns. **Planner:** Jeff Miller

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**File # 29972**

## **Staff Report Summary and Recommendation for Rezone Application**

**Public Body:** Salt Lake County Council

**Meeting Date:** August 30, 2016

**Parcel ID:** Numerous Parcels (16)

**Current Zone:** M-1 & M-2

**Proposed Zone:** MD-3

**Property Address:** 4186 South Main Street (Approximately)

**Request:** Rezone approximately 22.20 acres

**Community Council:** Millcreek

**Township/Unincorporated:** Millcreek

**Planner:** Max Johnson

**Planning Commission Recommendation:** Continued from June 15, 2016, to the July 13, 2016 meeting.

**Meeting of July 13, 2016 – Recommendation for Approval with a reduction in the total land area proposed.**

**Community Council Recommendation:** The Community Council recommended Approval of rezoning the property from M-1 & M-2 to MD-3

**Planning Staff Recommendation:** Recommend Approval of the initial request of approximately 22.20 acres.

**Applicant Name:** Salt Lake County Township Services (email: [mrjohnson@slco.org](mailto:mrjohnson@slco.org); phone: (385)468-6699)

### **PROJECT DESCRIPTION**

#### **Hearing Date Packet for Project #29972 – August 30, 2016**

##### **Updated July 27, 2016**

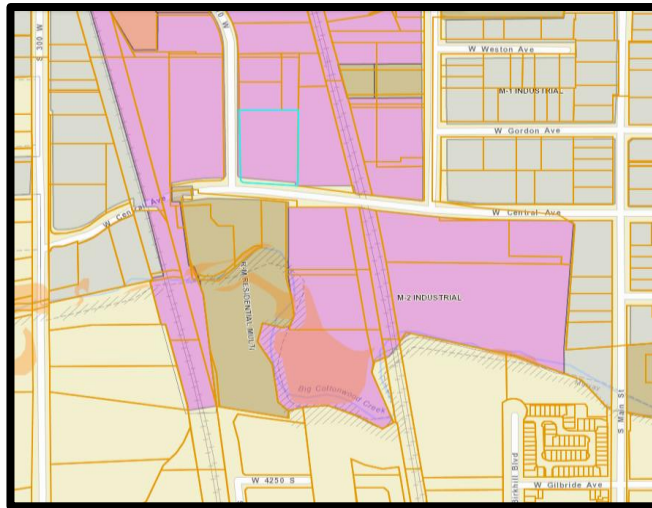
The Millcreek Township Planning Commission recommended approval of the rezone request from M-1 & M-2 to MD-3 on July 13, 2016. The Planning Commission did, however, modify the area of their Approval of the reclassification from the original application to the parcels fronting on Main Street, thereby reducing the size of their rezone action of the initial request from sixteen parcels at 22.20 acres, to six parcels totaling 9.33 acres.

##### **Updated July 7, 2016**

As there was significant discussion at the Planning Commission meeting of June 15, 2016, which created additional questions to explore, and several affected property owner's concerned with the rezoning request, the planning commission continued this item to the meeting of July 13, 2016.

The applicant, Salt Lake County Township Services, requested approval last month of a zone change from M-1 (light industrial) & M-2 (heavy industrial), to R-M (residential multi-family, which also includes uses such as professional office, and rail transit mixed-use, for example). Based upon significant input from the community, staff has since amended their request from an R-M zone to an MD-3 (mixed-use) zone.

## SITE & VICINITY DESCRIPTION (see attached map)



This request proposes to rezone approximately 22.20 acres in the western portion of Millcreek Township, which is illustrated on the zone map above and the area map below. The subject property is adjacent to R-M zoned property on the west, and Murray City on the south. To the north across Central Avenue, both M-1 & M-2 zoning exists, while property to the east across Main Street is zoned M-1 & R-M. This request would not result in negative impacts as recent area developments are of like use and intensity as those projected for future growth in this area. The introduction of an MD-3 zone allows for some retail uses that were not allowable under the R-M zone. This zone would also reduce densities for new multi-family developments by roughly 50 percent.

### **Property History**

The West Millcreek redevelopment project area has an extensive history. It was established in 2009 and includes 184 acres between 3900 South and Big Cottonwood Creek and from State Street, west to the train tracks and I-15.

The Redevelopment Agency collaborated with the Wasatch Choice for 2040 Consortium to facilitate local planning efforts for affordable housing, mass transit, and economic development adjacent to transit as part of the U.S. Housing and Urban Development (HUD) Sustainable Communities Grant. The Redevelopment Agency also partnered with the University of Utah on a comprehensive market analysis of urban growth and real estate opportunities along the southeast boundaries of the West Millcreek Urban Renewal Area (URA).

In 2015, after an additional two year effort, the Millcreek Planning Commission and the Salt Lake County Council approved the Millcreek Meadowbrook Small Area Plan. This plan is an outgrowth of the previous studies. The plan states that: "... the first light rail line ... and the two transit stops within the area has resulted in private market pressure for the area to transition from an industrial area with limited infrastructure to a mixed use area with the infrastructure required to support a significant increase in residents and employees."

Key recommendations of the plan include: 1) The study area should be designated a Transit Supportive District (TSD) with the highest densities within a 1.4 mile radius of each of the two transit stops and slightly lower densities linking the two station areas; 2) Planning and zoning in each jurisdiction (Murray, South Salt Lake, and Salt Lake County) should be revised to encourage the densities and uses most likely to contribute to a vibrant TSD including urban parking ratios, office with structured parking, retail to support area residents and employees, and light industrial compatible with a dense development form; 3) Urban design should enhance and encourage a pedestrian environment providing linkages between the two transit stops and residential and commercial

properties within the TSD; 4) Pedestrian and bicycle linkages should include both on-road and dedicated trail options to provide internal connectivity and to connect the TSD to adjacent areas and the valley-wide trail system; 5) A grocery store should be sought for the TSD within the next five years to serve current and new residents within a one mile radius of the area. The preferred location is near 3900 South State Street; and 6) new park acreage to maintain a level of service of at least 3.5 acres per 1,000 persons within the TSD should be included in development plans.

Since the adoption of the plans in Murray and South Salt Lake, the Fireclay and Birkhill developments have led to the creation of over 975 housing units. South Salt Lake has seen the development of several hundred units and has just approved a new 58 unit development. In Salt Lake County, we have watched the development of the Bud Bailey housing project, Meadowbrook apartments, and most recently, the renovation of the laundry tower and the construction of the Artesian Springs Apartment Complex with 378 units currently under construction. Originally planned as a four phase development with 378 units, by the fall of 2016 all phases will be under construction; three years ahead of schedule.

The property owner of the WindRiver parcel has completed the clean-up of his property from prior code enforcement issues stemming from a concrete crushing facility, and currently has it listed for sale. Over the past six months we have received inquiries from potential buyers to purchase the property and construct a freight distribution center, a bio-diesel plant, and a medical waste disposal incinerator. All are permitted under the existing M-1 or M-2 zoning. Staff has also met with developers who want to construct a mixed use development, similar to Artesian Springs, or the projects in Murray. On June 20, 2016, staff toured the site with a developer from Chicago, interested in constructing a mixed use facility with support retail and residential units.

Staff proposes to rezone this area as MD-3 in keeping with the Master Plan, Small Area Plan, and the Wasatch 2040 Vision. This zoning will allow for continued mixed use residential with support retail, while prohibiting manufacturing uses.

Concerns have been raised by property owners who have existing manufacturing operations at this location which would become non-conforming uses, the Planning Commission who would like to see the rezone area smaller and less dense, which the MD-3 zone would allow, the Community Council and other interested Millcreek citizens who worry about adding more housing when the area could continue to be a commercial revenue generator for the new city, and perhaps should be rezoned C-1 or C-2, if not remain M-1 or M-2.

Staff has also received feedback from Millcreek residents requesting that this area be retained for a grocery store. It is important to note that in 2015, when the former call center tenants moved out of the large building at 3900 South State Street, that had formerly been a Smith's, Pan N Pak, and most recently a call center, staff showed the facility to real estate personnel from Kroger (Smith's) and Associated Foods, and spoke with representatives of smaller chains. Neither Smith's nor Associated Foods was interested, as they felt the building would need to be demolished, in addition to access problems with the site. The smaller stores wanted the building subdivided into smaller units which the owners were unwilling to do. Further, the sale price of \$7,500,000 was considerably more than grocery users were willing to pay.

### Millcreek Rezone Parcels



# Millcreek Rezone Parcels



Meaghan Fox  
Salt Lake County Planning & Development  
7/27/16

0 100 200 400 Feet



## GENERAL PLAN CONSIDERATIONS

All property involved in this request is in the Millcreek RDA area and is within a **Red area** on the official map of the Millcreek Township General Plan. The plan describes the following with respect to a **Red area**:

A **Red area** is one that has obvious potential for the future absorption of growth, and is likely to experience significant change in overall area character over time. The level of stability of Red areas is defined as follows:

- 1- Major changes in land use will occur, and represent a significant diversion from the typical land uses in the area/corridor. Growth in these areas will increase, significantly raising the intensity of land uses. Changes in land uses may affect the majority of the area/corridor, and are not limited to a specific cluster.
- 2- Improvements are likely to occur which will significantly alter the appearance, economics, or sustainability of the area/corridor. Improvements will have a theme, and will create a destination or attraction. Development of this area will likely require consolidation of land and coordinated planning.
- 3- Mobility networks will be redesigned and will include highly connected, formalized, and multi-modal facilities. Public transit will have dedicated or fixed rights-of-way. Walkability and connectivity are critical to the success of the area/corridor.

## ZONE CONSIDERATIONS

Requirement	Existing Zone	Proposed Zone – MD-3
Height	M-1 – CU approval M-2 – CU approval	3 stories
Front Yard Setback	M-1 – 20' from street M-2 – 20' from street	30 feet
Side Yard Setback	M-1 – 20' from street M-2 – 20' from street	30 feet
Rear Yard Setback	M-1 – 20' from street M-2 – 20' from street	30 feet
Lot Width	M-1 – None (20' setback from street) M-2 – None (60' setback from street)	250 feet
Lot Area	M-1 - None M-2 - None	3 acres
Parking	M-1 – CU approval M-2 – CU approval	Shared parking encouraged. Chapter 19.80 (Off-Street Parking Requirements) are applicable.
Lot Coverage	M-1 – Limited to 80% of lot area M-2 – Limited to 80% of lot area	Maximum of 40% of lot area
Density	M-1 – N/A M-2 – N/A	Multi-family dwellings allow for 12.0 units per acre

Compatibility with existing buildings in terms of size, scale and height.	Use Dependent
Compliance with Landscaping Requirements Verified.	Reviewed in CU review
Compliance with the General Plan.	Yes



## ISSUES OF CONCERN/PROPOSED MITIGATION

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The property has changed little over time as this has been a manufacturing area for many years. Over the most recent 5-10 years, however, the property has entered a transitioning phase as the use functionality of the area has become more depressed. There are productive manufacturing uses in the area, though they are few and dispersed. New multi-family developments in the vicinity (both in the County as well as in Murray City) along with two TRAX light rail stations have created opportunities for economic growth and revitalization of the area. As the property is within an RDA area, the County is vested to assist in this effort. Examples include the RDA opportunities as well as investments in roadway infrastructure currently in design to improve Main Street adjacent to the eastern boundary of this property. This design will include efficiency in traffic movement through safe and prudent implementation that will accommodate multi-modal transportation options including elements friendly to pedestrians and bicycles. The proposed change in zoning to an MD-3 zone would also allow for light retail uses.

## NEIGHBORHOOD RESPONSE

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### **Updated July 7, 2016**

As of July 7, 2016, there have been two comments from affected property owners. One of the responses voiced opposition to the rezone and one response was inquiring into the request with no formal opinion at the time.

### **Planning Commission Meeting – June 15, 2016**

At the Millcreek TPC meeting of June 15<sup>th</sup>, several affected property owners were in attendance and spoke in opposition to the application. Individuals opposed, who spoke on the record include:

**Doug Black** – He mentioned that a change to R-M would curtail his ability to properly manage his investments.

**Del Davis** – He said that he is against this proposal. He has been at his present location for over 35 years and has developed his business. This rezone will reduce his value by approximately \$630,000. In addition, he has paid \$750,000 in property taxes. He uses the access road extensively with semi-trucks both delivering salt and shipping finished product. He does not believe this access road is conducive to high density development.

**Chad Pugh** – Attorney for Ash Grove Cement Company and Geneva Rock said that both owners are opposed to this application. Mr. Pugh said that Geneva would be tremendously impacted by this rezone. If approved, the non-conforming result of the rezone on Geneva's property would limit the ability for him to expand his business. The features of this property (ease of access, proximity to freeways, and location near a rail line), are features conducive to his business and hard to find in other locations.

**Jay Ritchie** – Mr. Ritchie of Geneva Rock said that approval of this rezone would require him to do mass pours and create several loads during the nights. Being labeled non-conforming would make his business feel economically unfeasible.

**Steve Benton** – Mr. Benton asked why the County is initiating this rezone and not Millcreek City.

In addition to affected property owners, three other members of the public spoke on the record. They are identified as follows:

**Chris Haller** – Representative for the Millcreek Community Council voiced concerns from the Community Council regarding: 1) the result would be an increase in density; 2) the short time frame from when Millcreek will become

a city; 3) his council was opposed unanimously; 4) the council was concerned about losing potential tax base; and 5) they would prefer parks and open space.

**Jeff Guy** – A citizen in the area was concerned that he received notice the day of the meeting.

**Hooper Knowlton** – Mr. Knowlton, developer of the Birkhill development in Murray and Artesian Springs across the street from the property in question, spoke in favor of the rezone.

**Packet of June 15, 2016**

As of June 10, 2016, neighborhood response has totaled five comments. There are two affected property owners who are opposed to the rezone, two responses in favor, and one jurisdictional response neutral, though supportive toward working collaboratively to integrate the community and all transportation and trail connections in a responsible and beneficial manner.

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## COMMUNITY COUNCIL RESPONSE

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**Updated July 7, 2016**

Staff attended the Millcreek Area Council meeting on June 30<sup>th</sup> to discuss the rezone effort in an effort to bring all of the Millcreek area community council's up to date on this request to rezone. The Council suggested a compromise zoning request that would be more compatible to the area and current site characteristics pertaining to allowable uses. The council supported the effort to rezone the property from M-1 & M-2, but felt that the R-M zone did not provide for commercial opportunities while currently offered excessive densities for the area. The suggestion from the Area Council to the Millcreek Community Council was to rezone to an MD-3 zone, with the intent to revisit the issue when Millcreek City initiates operations in 2017.

At their meeting of July 5, 2016, the Millcreek Community Council unanimously recommended approval of the rezoning request from M-1 & M-2, to MD-3.

**Packet of June 15, 2016**

The community council voted to continue this application at their meeting of June 7, 2016. In addition, a comment was added to the recommendation suggesting that this effort be postponed until Millcreek becomes a city January 1, 2017.

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## PLANNING STAFF ANALYSIS

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**Updated July 7, 2016**

Staff recognizes that minor changes to the MD-3 zone may be appropriate in the short-term should permitted and conditional uses be requested, but that an assessment of the overall MD-3 zone does adequately support the ideals of the Millcreek General Plan and the Millcreek Meadowbrook Small Area Plan, and therefore, recommends approval of this request.

**Packet of June 15, 2016**

The rezoning effort has been initiated by Salt Lake County Township Services to support community desires as described in the Millcreek Township General Plan and the Millcreek / Meadowbrook Small Area Plan. The Millcreek General Plan describes the area as desirous of "focused area of change." Any such area is identified on the official map as a "red" area, and as such, directs staff to support change and interpret community interest as desirous of change.

The Millcreek / Meadowbrook Small Area Plan, recommends designating the subject area as a Transit Supportive District (TSD) and providing for increased densities. The plan suggests density to be highest at the nearest proximity to transit stations and gradually reduce as distances from transit stations increase. The plan suggests creating a vibrant TSD for this area. Creating this change in existing neighborhood character would require:

- a) Revise zoning in the area and develop more conducive long range goals for the area
- b) Increase density
- c) Reduce parking requirements
- d) Allow for office uses and more structured parking opportunities
- e) Infuse retail uses in the area
- f) Be more cognizant of green infrastructure and low impact development needs in the area, particularly near Big Cottonwood Creek.

Following are excerpts from the zoning ordinance, specifically the sections pertinent to the existing zones on the property, M-1 & M-2, as well as the proposed use, R-M.

**Description of Existing Zones – M-1**

**Chapter 19.66 - M-1 MANUFACTURING ZONE**

19.66.010 - Purpose of provisions.

The purpose of the M-1 zone is to provide areas in the county for light industrial uses.

(Prior code § 22-29-1)

19.66.020 - Permitted uses.

Permitted uses in the M-1 zone include:

- Accessory uses and buildings customarily incidental to permitted uses;
- Agriculture;
- Animals and fowl for family food production;
- Animal hospitals;
- Assembly of medical supplies;
- Boatbuilding;
- Bottling works, soft drinks;
- Bookbinding;
- Carpenter shop; cabinet shop;
- Carpet and rug cleaning and dyeing;
- Class B beer outlet;
- Construction of buildings to be sold and moved off the premises;
- Dairy;
- Dog and cat kennel and/or grooming;
- Egg candling, processing and sales;
- Electric appliance and/or electronic instruments;
- Express office;
- Garage, public;

- Honey extraction;
- Ice manufacture and storage;
- Knitting mill;
- Laboratory;
- Laundry;
- Machine shop;
- Manufacture and maintenance of the following:
  - A. Business machines,
  - B. Cameras and photographic equipment,
  - C. Electric and neon signs, billboards and/or commercial advertising structures,
  - D. Light sheet metal products, including heating and ventilating ducts and equipment, cornices and eaves, Venetian blinds, window shades and awnings,
  - E. Musical instruments,
  - F. Novelties,
  - G. Rubber and metal stamps,
  - H. Toys;
- Meat products smoking, curing and packing, provided that no objectionable fumes are emitted;
- Monument works;
- Motor vehicles, trailers, bicycles and machinery assembling, painting, upholstering, rebuilding, repairing, rentals, sales and reconditioning;
- Office, business and/or professional;
- Outdoor chemical toilet rental;
- Parking lot;
- Printing, including engraving and photoengraving;
- Radio and television transmitting towers;
- Restaurant liquor license;
- Recycling collection center operated within an enclosed building;
- Rent-all stores;
- Restaurant;
- Sandblasting;
- Service station;
- Sign-painting shop;
- Tire retreading and/or vulcanizing;
- Transfer company;
- Upholstering, including mattress manufacturing, rebuilding and renovating;
- Used car lot;
- Veterinary;
- Warehouse;
- Weaving;

— Wholesale business.

(Ord. 1169 §§ 5, 6, 1991; 1986 Recodification; § 1 (part) of Ord. passed 2/1/84; prior code § 22-29-2)

19.66.030 - Conditional uses.

Conditional uses in the M-1 zone include:

- Airport;
- Auction;
- Automatic automobile wash;
- Bank;
- Battery manufacture;
- Blacksmith shop;
- Building material sales yard, including the sale of rock, sand, gravel and the like, as an incidental part of the main business, but excluding concrete mixing, except as such concrete mixing is necessary in the preparation and manufacture of any of the products specified in this section;
- Class C fireworks store;
- Coal, fuel and wood yards;
- Contractors' equipment storage yard or rental of equipment used by contractors;
- Day care/preschool center;
- Drag strip racing;
- Draying, freighting or trucking yard or terminal;
- Electrical contractor;
- Foundry, casting lightweight nonferrous metal without causing noxious odors or fumes;
- Fertilizer and soil conditioner manufacture, processing and/or sales, providing only nonanimal products and byproducts are used;
- Firearms and/or archery range;
- Gymnasium;
- Impound lot, providing there is no dismantling or demolition of automobiles or other vehicles conducted on the premises;
- Indoor firearms and/or archery range;
- Manufacture, compounding, processing, packaging and treatment of the following products:
  - A. Bakery goods,
  - B. Candy,
  - C. Cosmetics,
  - D. Dairy products,
  - E. Pharmaceuticals,
  - F. Toiletries,
  - G. Food products, excluding the following: Fish, sauerkraut, vinegar, yeast, and the rendering of fat,
  - H. Pickles;
- Manufacturing, compounding, assembling and treatment of articles of merchandise from the following previously prepared materials: Bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fish,

glass, hair, horn, leather, paper, paint, plastics, precious or semiprecious metals or stones, rubber, shell, straw, textiles, tobacco, wood or yarn;

— Manufacture of brick, and all clay, ceramic, cinder, concrete, synthetic, cast-stone, plastic and pumice stone products, including, in addition, the manufacture or fabrication of building blocks, tile or pipe from raw material for use in building construction or for sewer or drainage purposes, and excluding rock or gravel crushing of raw materials, except as such rock or gravel crushing of raw materials is incidental to the manufacture or fabrication of the above-described products, and provided that such crushing facilities shall be located not closer than two hundred feet to any property line;

— Metal plating; metal anodizing; metal polishing;

— Motion picture studio;

— Package agency;

— Planing mill;

— Planned unit development;

— Private school;

— Public and quasi-public use;

— Radio and television stations;

— Recreation, commercial;

— Restaurant liquor license;

— Sanitary landfill;

— Sexually oriented business;

— Shared parking;

— Single-family dwelling constructed prior to the passage of the ordinance codified in this section, to be retained on a separate lot;

— State store;

— Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon the completion or abandonment of the construction work;

— Welding shop.

(Ord. 1416 § 2 (part), 1998; Ord. 1170 § 6 (part), 1991; Ord. 1136 § 6, 1990; Ord. 1008 § 3 (part), 1987; 1986 Recodification; prior code § 22-29-3)

19.66.040 - Lot area.

In the M-1 zone:

- A. A single-family dwelling on the same lot with another use(s) allowed in the zone shall occupy a minimum area of five thousand square feet, separated from the other use(s) with a permanent fence;
- B. Single-family dwellings retained on a separate lot from other use(s) shall be a minimum of twenty thousand square feet, exclusive of access rights-of-way;
- C. Other uses: None;
- D. Industrial developments over one acre must follow the conditional use permit procedure pursuant to Section 19.84.020 of this title.

(Prior code § 22-29-4)

19.66.050 - Lot width and yards.

In the M-1 zone:

- A. Single-family Dwelling on the Same Lot With Other Uses.
  - 1. The required fence shall constitute the property line for the purpose of yard requirements where an actual property line does not exist.
  - 2. The minimum side yard shall be five feet, and the total of the two required side yards' width shall not be less than sixteen feet. On corner lots, the side yard which faces on a street shall not be less than twenty feet.
  - 3. The minimum depth of the rear yard shall not be less than fifteen feet.
  - 4. The width of the yard at any point shall be equal to, or greater than the maximum width of the dwelling, plus the required side yards.
- B. Single-family Dwellings Retained on a Separate Lot.
  - 1. The minimum side yard shall be five feet, and the total width of the two required side yards shall be not less than sixteen feet. On corner lots, the side yard which faces on a street shall not be less than twenty feet.
  - 2. The minimum depth of the rear yard shall be fifteen feet.
  - 3. The minimum depth of the front yard shall be twenty feet.
  - 4. The minimum width of the lot shall be sixty feet.
  - 5. Access shall be from a private right-of-way or public street with a minimum width of thirty feet.
- C. Other Uses. None, except that no commercial or industrial building or structure shall be located closer than twenty feet to any street.

(Prior code § 22-29-5)

19.66.060 - Coverage restrictions.

In the M-1 zone, no building, structure or group of buildings, with their accessory buildings, shall cover more than eighty percent of the area of the lot.

(Prior code § 22-29-6)

### **Description of Existing Zones – M-2**

#### **Existing Zone**

#### **Chapter 19.68 - M-2 MANUFACTURING ZONE**

19.68.010 - Purpose of provisions.

The purpose of the M-2 zone is to provide areas in the county for heavy industrial uses.

(Prior code § 22-30-1)

19.68.020 - Permitted uses.

Permitted uses in the M-2 zone include:

- Accessory uses and buildings customarily incidental to permitted uses;
- Agriculture;
- Animal hospital;
- Assembly of medical supplies;
- Bag cleaning;
- Blacksmith shop;
- Blueprinting, photostating and duplicating;

- Boatbuilding;
- Boiler works;
- Bookbinding;
- Bottling works;
- Breweries;
- Carpenter shop; cabinet shop;
- Carpet and rug cleaning and dyeing;
- Cement, mortar, plaster or paving materials central mixing plant;
- Class B beer outlet;
- Coke ovens;
- Construction of buildings to be sold and moved off the premises;
- Dairy;
- Drive-it-yourself agency;
- Dog and cat kennel and/or groomery;
- Egg candling, processing and sales;
- Electric appliance and/or electronic instruments assembling;
- Employment office;
- Express office;
- Feed, cereal or flour mill;
- Forage plant;
- Foundry;
- Gymnasium;
- Honey extraction;
- Ice manufacture and storage;
- Impound lot, provided there is no dismantling or demolition of automobiles or other vehicles conducted on the premises;
- Knitting mill;
- Laboratories;
- Laundry;
- Lithographing, including engraving and photoengraving;
- Machine shop;
- Manufacture, fabrication, assembly, canning, compounding, packaging, processing, treatment, storage and/or maintenance of the following:
  - A. Airplanes and parts; automobiles and parts; alcohol,
  - B. Bakery goods; brass; business machines,
  - C. Candles; candy, cans, cameras and photographic equipment, including film; cast-stone products; celluloid; cement and cinder products; copper; ceramic products; clay products,
  - D. Dyestuffs,
  - E. Electric and neon signs, billboards and/or commercial advertising structures; emery cloth; excelsior,



- F. Feathers; felt; fiber; fish; food products,
- G. Glass; glucose; gypsum,
- H. Hair; hardware,
- I. Ink; iron,
- J. Lampblack; linoleum; lime,
- K. Machinery; malt; matches; meats; musical instruments,
- L. Novelties,
- M. Oilcloth; oiled rubber goods; oxygen,
- N. Paper; paint; pulp; pickles; pottery; plaster; plaster of Paris; plastic,
- O. Salt; sauerkraut; sheet metal; shellac; shoddy; shoe polish; soap and detergents; soda; starch; steel,
- P. Terra cotta; tile; toys; turpentine,
- Q. Varnish; vinegar,
- R. Yeast;
  - Meat products smoking, curing and packing, providing that no objectionable fumes are emitted;
  - Metal plating; metal anodizing; metal polishing;
  - Monument works;
  - Motor vehicles, trailers, bicycles and machinery assembling, painting, upholstering, rebuilding, repairing, rentals, sales, and reconditioning;
  - Office, business and/or professional;
  - Outdoor chemical toilet rentals;
  - Parking lot;
  - Printing and newspaper publishing;
  - Radio and television transmitting towers;
  - Recycling collection center operated within an enclosed building;
  - Rent-all store;
  - Restaurant;
  - Sandblasting;
  - Service station;
  - Sign-painting shop;
  - Tire retreading and/or vulcanizing;
  - Transfer company;
  - Upholstering, including mattress manufacturing, rebuilding and renovating;
  - Used car lot;
  - Veterinary;
  - Warehouse;
  - Weaving;
  - Wholesale business.

(Ord. 1169 § 7, 1991; 1986 Recodification; § 1 (part) of Ord. passed 2/1/84; prior code § 22-30-2)

19.68.030 - Conditional uses.

Conditional uses in the M-2 zone include:

- Airport;
- Auction;
- Automatic automobile wash;
- Bank;
- Battery manufacture;
- Building material sales yard, including the sale of rock, sand, gravel and the like as an incidental part of the main business;
- Class C beer outlet;
- Coal, fuel and wood yards;
- Contractors' equipment storage yard or plant, or rental of equipment used by contractors;
- Day care/preschool center;
- Drag strip racing;
- Draying, freighting or trucking yard or terminal;
- Electrical contractor;
- Fertilizer and soil conditioner manufacturing, processing and/or sales, providing only nonanimal products and byproducts are used;
- Incinerator, nonaccessory, provided that no objectionable fumes and odors are emitted;
- Junkyard, provided the use is fenced with a visual barrier;
- Lumberyard;
- Manufacture, processing, compounding, packaging, treatment and/or storage of the following products:
  - A. Acetylene gas,
  - B. Pharmaceuticals,
  - C. Toiletries and/or cosmetics;
- Manufacturing, compounding, assembling and treatment of articles of merchandise from the following previously prepared materials: Bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fish, glass, hair, horn, leather, paper, paint, plastics, precious or semiprecious metals or stones, rubber, shell, straw, textiles, tobacco, wood or yarn;
- Metals crushing for salvage; metals and metal products treatment and processing;
- Oil or lubricating grease compounding;
- Organic disposal site, minimum lot area fifty acres;
- Package agency;
- Petroleum refining and storage;
- Planing mill;
- Planned unit development;
- Private school;
- Public and quasi-public use;
- Radio and television stations;
- Railroad yards, shop and/or roundhouse;

- Rock crusher;
- Sanitary landfill;
- Shared parking;
- Single-family dwelling constructed prior to the passage of the ordinance codified in this section, to be retained on the same lot with another use allowed in the zone;
- Single-family dwelling constructed prior to the passage of the ordinance codified in this section, to be retained on a separate lot;
- Uses which follow, provided they are located at least three hundred feet from any zone boundary:
  - A. Animal byproducts plants; offal or dead animal reduction or dumping,
  - B. Blast furnace,
  - C. Fat rendering,
  - D. Garbage,
  - E. Gravel pits; quarries; mines,
  - F. Manufacturing, processing, refining, treatment, distillation, storage or compounding of the following: Acid, ammonia, asphalt, bleaching powder and chlorine, bones, chemicals of an objectionable or dangerous nature, coal or wood, creosote, disinfectants or insecticides, fireworks or explosives, furs, gas, gelatine or size, glue, hides, ore, plastic, tallow, grease or lard, potash, pyroxylin, roofing or waterproofing materials, rubber or guttapercha, tar and wool,
  - G. Ore beneficiation,
  - H. Smelting or refining,
  - I. Steel or iron mill,
  - J. Stockyards.

(Ord. 1416 § 2 (part), 1998; Ord. 1170 § 5, 1991; Ord. 1058 § 2, 1989; 1986 Recodification; prior code § 22-30-3)

19.68.040 - Lot area.

In the M-2 zone:

- A. A single-family dwelling on the same lot with another use(s) allowed in the zone shall occupy a minimum area of five thousand square feet, separated from the other use(s) with a permanent fence.
- B. Single-family dwelling retained on a separate lot from other use(s) shall be a minimum of twenty thousand square feet, exclusive of access rights-of-way;
- C. Other uses: None;
- D. Industrial developments over one acre shall follow the conditional use permit procedure pursuant to Section 19.84.020 of this title.

(Prior code § 22-30-4)

19.68.050 - Lot width and yards.

In the M-2 zone:

- A. Single-family Dwelling on the Same Lot With Other Uses.
  - 1. The required fence shall constitute the property line for the purpose of yard requirements where an actual property line does not exist.
  - 2. The minimum side yard shall be five feet and the total width of the two required side yards shall be less than sixteen feet. On corner lots, the side yard which faces on a street shall not be less than twenty feet.

- 3. The minimum depth of the rear yard shall not be less than fifteen feet.
- 4. The width of the yard at any point shall be equal to or greater than the maximum width of the dwelling plus the required side yards.
- B. Single-family Dwelling Retained on a Separate Lot.
  - 1. The minimum side yard shall be five feet, and the total width of the two required side yards shall not be less than sixteen feet. On the corner lots, the side yard which faces on a street shall not be less than twenty feet.
  - 2. The minimum depth of the rear yard shall be fifteen feet.
  - 3. The minimum depth of the front yard shall be twenty feet.
  - 4. The minimum width of the lot shall be sixty feet.
  - 5. Access shall be from a private right-of-way or public street with a minimum width of thirty feet.
- C. Other Uses. None, except no commercial or industrial building or structure shall be located closer than twenty feet to any street.

(Prior code § 22-30-5)

19.68.060 - Coverage restrictions.

In the M-2 zone, no building, structure or group of buildings, with their accessory buildings, shall cover more than eighty percent of the area of a lot.

(Prior code § 22-30-6)

**Description of Proposed Zone – MD-3**

**Proposed Zone**

**Chapter 19.55 - MD-1 AND MD-3 MIXED DEVELOPMENT ZONES**

19.55.010 - Purpose of provisions.

The purpose of the mixed use development zone is to provide a variety of uses (limited commercial, office and residential) as an appropriate transition between high-traffic arterial streets and nearby residential uses. This district is intended to ensure compatibility of new development and residential conversions with existing and future residential development. It is also intended to ensure as well as encourage assemblage of properties in a unified plan with a coordinated and harmonious development which will promote outstanding design without unsightly and unsafe strip commercial development. Specific measures to mitigate negative impacts of mixed use developments include standards for perimeter walls, vehicular access, lighting, signage, etc., which will be required at the time of design and site plan approval. Landscaping shall be as specified in Chapter 19.77 of this title.

(Ord. 1609 § 13 (part), 2007; Ord. 1113 § 1 (part), 1990)

19.55.020 - Design and site plan approval.

Design and site plan approval including, but not limited to, architecture, building materials, lighting, signage, vehicular access and noise for all development in the MD-1 and MD-3 zones is required by the planning commission as a conditional use pursuant to the requirements of Sections 19.84.020 through 19.84.130.

Landscaping shall be as specified in Chapter 19.77 of this title.

(Ord. 1609 § 13 (part), 2007; Ord. 1113 § 1 (part), 1990)

19.55.030 - Permitted uses.

A. Permitted uses in the MD-1 zone include:

- Accessory uses and buildings customarily incidental to a permitted use or a conditional use;
- Agriculture;
- Antique shop;
- Art gallery;
- Art needlework shop;

- Art shop and/or artist supply;
- Bank or financial institution;
- Barber shop;
- Beauty shop;
- Bed and breakfast homestay;
- Boardinghouse;
- China and/or silver shop;
- Copy service;
- Floral shop;
- Gift shop;
- Greeting card sales;
- Handicraft shop;
- Hobby and/or crafts shop;
- Home occupation;
- Household pets;
- Key and lock service;
- Manicuring, pedicuring and electrolysis of hair;
- Medical, optical and dental labs;
- Notions;
- Office, business or professional;
- Optometrist and/or oculist;
- Parking lot;
- Photographer;
- Public and quasi-public uses;
- Residential facility for elderly persons;
- Residential facility for persons with a disability;
- Stationery shop;
- Tailor shop;
- Temporary buildings for uses incidental to construction work.

**B. Permitted uses in the MD-3 zone include:**

- Accessory uses and buildings customarily incidental to a permitted use or a conditional use;
- Agriculture;
- Antique shop;
- Art gallery;
- Art needlework shop;
- Art shop and/or artist supply;
- Bank or financial institution;
- Barber shop;
- Beauty shop;
- Bed and breakfast homestay;
- Boardinghouse;
- Bookstore;
- China and/or silver service;
- Copy service;
- Floral shop;
- Gift shop;
- Greeting card sales;
- Handicraft shop;
- Health food store;
- Hobby and/or crafts shop;
- Household pets;
- Key and lock service;
- Manicuring, pedicuring and electrolysis of hair;
- Medical, optical and dental labs;
- Notions;
- Office, business or professional;
- Office supply;
- Optometrist and/or oculist;

- Parking lot;
- Pharmacy;
- Photographer;
- Public and quasi-public uses;
- Residential facility for elderly persons;
- Stationery shop;
- Tailor shop;
- Temporary buildings for uses incidental to construction work;
- Travel bureau.

(Ord. No. 1753, § III, 8-6-2013; Ord. 1535, § 5 (part), 2004; Ord. 1452, § 14, 1999; Ord. 1249, §§ 2, 3, 1993; Ord. 1200, § 6, 1992; Ord. 1198, § 8 (part), 1992; Ord. 1113, § 1 (part), 1990)

19.55.040 - Conditional uses.

A. Conditional uses in the MD-1 zone include:

- Bed and breakfast inn; which may include a restaurant and conference meeting rooms;
- Bicycle shop;
- Bookstore;
- Class B beer outlet;
- Clothes cleaning, dyeing and pressing agency;
- Day care/preschool center;
- Health food store;
- Laundry, automatic self-help type;
- Lodginghouse;
- Nursery and greenhouse excluding retail sales;
- Nursing home;
- Planned unit development;
- Private educational institution;
- Private nonprofit recreational grounds and facilities;
- Reception center;
- Residential uses with a maximum density of seven units/acre, including group dwellings, planned unit developments, apartments, multiple dwellings, etc.;
- Restaurant, excluding fast-food or drive-through window;
- Restaurant liquor license;
- Shared parking;
- Shoe repair shop;
- Short-term rental;
- Tanning studio;
- Veterinary, provided the operation is completely enclosed within an air-conditioned soundproofed building. The noise from the animals shall not be audible at the property line;
- Wedding chapel.

B. Conditional uses in the MD-3 zone include:

- Bed and breakfast inn; which may include a restaurant and conference meeting rooms;
- Bicycle shop;
- Bookstore;
- Class B beer outlet;
- Clothes cleaning, dyeing and pressing agency;
- Day care/preschool center;
- Gymnastics, dance, dramatic, cosmetic, modeling and art studios;
- Health food store;
- Laundry, automatic self-help type;
- Lodginghouse;
- Mortuary;
- Music store;
- Nursery and greenhouse;
- Nursing home;
- Planned unit development;
- Private educational institution;
- Private nonprofit recreational grounds and facilities;

- Reception center;
  - Residential uses with a maximum density of twelve units/acre, including group dwellings, planned unit developments, apartments, multiple dwellings, etc.;
  - Restaurant, excluding fast-food or drive-through window;
  - Restaurant liquor license;
  - Shared parking;
  - Shoe repair shop;
  - Short-term rental;
  - Tanning studio;
  - Veterinary, provided the operation is completely enclosed within an air-conditioned soundproofed building. The noise from the animals shall not be audible at the property line;
  - Wedding chapel.
- (Ord. 1416 § 2 (part), 1998; Ord. 1361 § 9, 1996; Ord. 1293 § 3, 1995; Ord. 1249 § 4, 1993; Ord. 1198 § 7 (part), 1992; Ord. 1113 § 1 (part), 1990)

19.55.050 - Hours of operation.

Commercial uses shall not be open for business before six a.m. or after eleven p.m.  
(Ord. 1113 § 1 (part), 1990)

19.55.060 - Businesses and uses—Conditions.

The uses specified in this chapter for the MD-1 and MD-3 zones shall be permitted only under the following conditions:

- A. No manufacturing is allowed;
  - B. No outside storage of any stock, motor vehicles or other property is allowed except for two delivery vehicles three-quarter ton or smaller.
- (Ord. 1113 § 1 (part), 1990)

19.55.070 - Area and width.

In the MD-1 and MD-3 zones the minimum lot area and width shall be as follows:

- A. MD-1 Zone.
    - 1. Minimum lot area: one acre;
    - 2. Minimum lot width: two hundred feet.
  - B. MD-3 Zone.
    - 1. Minimum lot area: three acres;
    - 2. Minimum lot width: two hundred fifty feet.
- (Ord. 1113 § 1 (part), 1990)

19.55.080 - Yard requirements.

In the MD-1 and MD-3 zones the minimum yard requirements for all main and accessory buildings are as follows:

- A. MD-1 Zone.
  - 1. Front yard: thirty feet;
  - 2. Side yard: thirty feet;
  - 3. Rear yard: thirty feet.
- B. MD-3 Zone.
  - 1. Front yard: thirty feet;
  - 2. Side yard: thirty feet;
  - 3. Rear yard: thirty feet.

The planning commission may vary the yard requirements for conversion of an existing use to a mixed development use.

(Ord. 1113 § 1 (part), 1990)

19.55.090 - Building height.

- A. No building or structure located in an MD-1 zone shall contain more than one and one-half stories or exceed twenty feet in height.

B. No building or structure located in an MD-3 zone shall contain more than three stories, except a building or structure located within fifty feet of a residential zone boundary line or a residential use shall not contain more than two stories.

C. No residential building shall contain less than one story.

D. The planning commission may vary the height requirements for conversion of an existing use to a mixed development use.

(Ord. 1113 § 1 (part), 1990)

19.55.100 - Coverage restrictions.

In the MD-1 and MD-3 zones no building or group of buildings with their accessory buildings, shall cover more than forty percent of the area of the lot.

(Ord. 1113 § 1 (part), 1990)

19.55.110 - Perimeter wall.

All mixed use developments shall have a decorative tinted concrete or masonry wall on all rear and side yards not fronting on a public street.

All perimeter walls shall be a minimum of six feet high unless the planning commission requires a higher wall as part of the conditional use approval.

(Ord. 1113 § 1 (part), 1990)

19.55.120 - Landscaping.

Landscaping shall be as specified in Chapter 19.77 of this title.

(Ord. 1609 § 13 (part), 2007; Ord. 1113 § 1 (part), 1990)

19.55.130 - Lighting.

The maximum height of luminaries shall be eighteen feet unless the planning commission requires a lower height as part of the conditional use approval. The light shall be low intensity, shielded from uses on adjoining lots, and directed away from adjacent property in a residential zone or an adjacent residential use. All parking luminaries, except those required for security, must be extinguished one hour after the end of business hours. The exception for security lighting applies to twenty-five percent of the total luminaries used, unless the planning commission approves a higher percentage as part of the conditional use approval.

(Ord. 1113 § 1 (part), 1990)

19.55.140 - Noise.

The noise level emanating from any use or operation shall not exceed the limits in the health department health regulation number twenty-one, or its successor, regarding noise control. The noise level shall not in any case exceed five decibels above the ambient level of the area measured at the property line. For the purposes of compliance with health regulation number twenty-one all properties located within a mixed development zone shall be considered residential.

(Ord. 1473 (part), 2001; Ord. 1113 § 1 (part), 1990)

19.55.150 - Screening.

When off-street parking areas are situated across the street from a property in a residential zone, a masonry wall or berm a minimum of three feet in height shall be erected in the landscaped front yard or landscaped side yard which faces on a street on corner lots to adequately screen the parking areas from the residential properties.

B. All ground-mounted mechanical equipment including, but not limited to, heating and air conditioning units, and trash receptacle areas shall be completely screened from surrounding properties by a masonry wall or shall be enclosed within a building.

C. The design of all roof appurtenances including, but not limited to, air conditioning units, and mechanical equipment shall be approved by the planning commission to minimize visibility from on-site parking areas, adjacent public street and adjacent residentially zoned property.

D. All utility connections shall be designed to be compatible with the architectural elements of the site so as not to be exposed except where necessary. Pad-mounted transformers and/or meter box locations shall be included in the site plan with an appropriate screening treatment. Power lines and other utility cables shall be installed underground where possible.

(Ord. 1113 § 1 (part), 1990)

19.55.160 - Access.



The number of access points along public streets shall be minimized by sharing and linking parking areas with adjacent properties. Reciprocal ingress and egress, circulation and parking agreements shall be required to facilitate the ease of vehicular movement between adjoining properties. On corner sites access points shall be located as far from the corner as reasonably possible and in no case less than forty feet from the point of intersection of the property lines. Vehicular circulation shall be designed to limit the intrusion of traffic into residential areas, and minimize access on streets used by schoolchildren.  
(Ord. 1113 § 1 (part), 1990)

19.55.170 - Odor.

No use shall be permitted which creates odor in such quantity as to be readily detectable beyond the boundaries of the site.  
(Ord. 1113 § 1 (part), 1990)

19.55.180 - Design considerations.

In order to meet the purposes of this chapter the planning commission shall consider the following prior to approval of any plan:

- A. Lots should be accumulated to provide the minimum lot area. Individual lots with an area smaller than the minimum lot area are not suitable for a mixed development.
  - B. The development shall provided on-site amenities and appropriate buffering to adjacent properties and uses.
  - C. The scale of the development shall be in character with the surrounding land uses.
  - D. Safe access shall be provided within the site and to public streets.
  - E. The development shall have a residential character if adjacent to residential areas.
- (Ord. 1113 § 1 (part), 1990)

19.55.190 - Consistency with general plan.

Mixed development uses shall be consistent with the county general plan.  
(Ord. 1473 (part), 2001; Ord. 1113 § 1 (part), 1990)

19.54.150 - Applicability to lots of record and waivers from slope requirements. Chapter 19.56 - C-1 COMMERCIAL ZONE

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## **PLANNING STAFF RECOMMENDATION**

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There have been many inquiries and interest about relocating additional manufacturing uses into the area since one of the largest parcels has recently underwent some major aesthetic improvements. As an effort to preserve the wishes of the community by rezoning the property to uses more functional and appropriate with the future plans and wishes of the overall community, the County is proceeding with this application. The Millcreek CC unanimously recommended approval of the zone change request from M-1 & M-2, to MD-3.

The General Plan and the West Millcreek / Meadowbrook Small Area Plan (MM SAP), support transitioning uses in this portion of the Township from a manufacturing area to more of a multi-family residential focus, which is consistent with recent redevelopment that has occurred in the area. As the MM SAP was recommended for adoption by the Millcreek TPC and adopted by the County Council last summer, the County is addressing the wishes of the community and moving forward to rezone this property, which is located within the Millcreek RDA. Recognizing that some commercial uses are desired and that density in excess of 12 units per acre is currently not desired by the Millcreek Area Council and the Millcreek Community Council, staff is supportive of a zone change to an MD-3 zone rather than the initial request for an R-M zone, for all 22.20 acres.

June 13, 2016  
Salt Lake County Proposition # 29972  
Change in Zoning M1-2 to RM

Morgro Inc.  
145 W. Central Ave.  
Salt Lake County

Reasons for Opposition to Rezoning

1. Morgro has resided on this property for over 37 years and has paid at least \$750,000 in property taxes.
2. The value of our current property would be diminished by approximately \$630,000 if rezoning should be changed to RM due to the loss of the value of the buildings and improvements which could not be considered in RM zoning.
3. There have been at least 6-8 High Density Developments in a one mile radius in the past 2-3 years.
4. Unified Sheriff Authority has noted that crime incidences increase in high density neighborhoods.
5. Raw land is available along Main Street which could be zoned as RM and not negatively impact property values.

Suggestions and Modifications to the Proposal

1. The RDA has conducted a blight study of the properties in question and has concluded that the area is blighted. They would assist property owners to move or improve according to the needs of the area. Tax funds are deferred to the RDA for this purpose. We submit that this process is more cost effective and palatable to existing property owners.
2. Is it necessary to designate all of the property in the designated area as RM?
  - a. There exists a natural barrier west of tracks and 3<sup>rd</sup> West which could be excluded from RM zoning.

We at Morgro understand the need for community development and planning. We are simply asking for the opportunity to respond to these needs in a cost efficient and timely manner.

Delbert L. Davis, President



June 15, 2016

R. CHAD PUGH  
Direct (801) 578-6998  
chad.pugh@stoel.com

**VIA HAND DELIVERY AT COMMISSION MEETING**

Millcreek Township Planning Commission  
Planning and Development Services  
2001 South State Street N3600  
Salt Lake City, Utah 84114

**Re: Planning Commission Meeting on Proposed Rezone of Property Located at  
Approximately 4186 South Main Street -- File 29972**

Dear Commissioners:

Stoel Rives, LLP represents Ash Grove Cement Company ("**Ash Grove**") and Geneva Rock Products, Inc. ("**Geneva Rock**") in regards to Salt Lake County Township Services' ("**Township Services**") request to rezone approximately 22.20 acres at 4186 South Main Street, Millcreek, UT 84107 (the "**Property**") from M-1 and M-2 to R-M (the "**Rezone Request**"). Ash Grove is an owner of a portion of the Property and currently leases its property to Geneva Rock (the "**Ash Grove Property**").

Township Services' request should be denied because (1) the current zoning of the Property is *critical* to the business operations of Geneva Rock and Ash Grove (a supplier of Geneva Rock) in the areas served by the transfer facilities located upon the Property; (2) the Property is uniquely situated for its present business uses and would be impossible to replicate in other locations in Salt Lake County; and (3) the current zoning of the Property and the operations of Geneva Rock and Ash Grove at the Property have no material adverse impacts on the surrounding areas. Accordingly, Ash Grove and Geneva Rock request that the Planning Commission deny the Rezone Request.

**A. The Current Zoning of the Property is Critical to the Economic Viability of  
the Present Business Uses on the Property.**

Since at least the early 1980s, Ash Grove and others have used the Ash Grove Property as a storage and transfer station for raw materials used for the production of concrete. The Ash Grove Property is essential to Geneva Rock's business operations throughout Salt Lake County as a central source for concrete raw materials distribution to operations throughout the Salt Lake

Valley. Due to the cyclical demand for concrete, Geneva Rock's use of the Ash Grove Property can vary considerably depending on the time of the year. For example, Geneva Rock is presently using it to transfer significant raw materials to the Salt Lake City Airport. In contrast, at other times during the year when concrete demand is low, there may be little activity at the Ash Grove Property. Given the nature of the concrete business, if the Planning Commission rezones the Property and designates the present uses on the Property as "non-conforming," Ash Grove's and Geneva Rock's business costs would significantly increase because they would be required to continuously operate and use the facility upon the Ash Grove Property year round and during periods of low concrete use. There is real risk that such a requirement would make its current uses economically unfeasible. In addition, the Property's current zoning is essential because Ash Grove and Geneva Rock need the ability to expand or adapt their operations upon the Property in the future as demand and product requirements dictate, which would be impossible if the Property is rezoned R-M. Consequently, it is critical to Ash Grove and Geneva Rock's businesses to maintain the current zoning on the Property.

**B. The Property is Uniquely Situated for its Present Business Use and Would Be Impossible to Replicate.**

The Property is exceptionally well located for Ash Grove and Geneva Rock's businesses. The Property is centrally located in Salt Lake County, has close access to major freeways such as I-15, and has a rail spur and rail service through the nearby light rail. Ash Grove and Geneva Rock have searched for similar available properties in Salt Lake County and has been unsuccessful locating any property that meets these criteria, and in that sense, the Property is absolutely unique to their requirements. In short, the Property is irreplaceable for Ash Grove and Geneva Rock, and as summarized above, the current zoning is critical to Ash Grove and Geneva Rock's business operations in this area.

**C. The Current Zoning of the Property Has No Adverse Impacts on the Surrounding Areas.**

The Property is presently surrounded by many other industrial uses. These businesses are operated in this area for important reasons, namely the Property's central location in Salt Lake County and its close proximity to major freeways and rail lines. No serious claim can be made that Ash Grove and Geneva Rock's current business uses of the Property are negatively impacting the surrounding areas in a material way. Specifically, Ash Grove and Geneva Rock's uses are "low traffic" and are "clean" -- i.e. all transfers of materials are received, stored and shipped through closed containers and sealed steel silos.

Millcreek Township Planning Commission  
June 15, 2016  
Page 3

Based on the foregoing, Ash Grove and Geneva Rock urge the Planning Commission to reject the Rezone Request and maintain the current zoning on the Property.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Chad Pugh". The signature is written in a cursive style with a large, sweeping flourish at the end.

R. Chad Pugh



*Via E-mail*

Salt Lake County Council  
Max Burdick, Chair  
[mburdick@slco.org](mailto:mburdick@slco.org)  
2001 South State Street N2-200  
Salt Lake City, Utah 84114-4575

*Re: Application No. 29972: Rezone Application for Meadowbrook Acres,  
Approx. 22.20 Acres*

Dear Honorable Salt Lake County Council,

The Millcreek Township Council and all four community councils in Millcreek Township previously recommended to the Millcreek Township Planning Commission rezoning of the property in the above-referenced application from M1 or M2 to MD3 to accommodate multiuse development consistent with the Meadowbrook Small Area Plan. In deliberating regarding this matter the Planning Commission subsequently determined to recommend a zone change to the Salt Lake County Council of only part of the property subject to this application. The Planning Commission specifically excluded property owned by property owners who objected to the change, who already have existing manufacturing uses on their property. The Planning Commission did recommend a zone change for the remaining property in the application.

The Millcreek Township Council, with half of the candidates for Millcreek City office in attendance, considered this matter again at its regular meeting on August 23, 2016. It is the unanimous recommendation of those candidates present as well as the Millcreek Township Council that you approve the zone change as recommended by the Millcreek Township Planning Commission. We believe that this zone change is necessary to preserve the benefits to our community and our future city of the Meadowbrook Small Area Plan and that the zone change from manufacturing to a mixed use zone is consistent with that plan. Particularly given pressures for development threatening new manufacturing uses which would stall implementation of the Meadowbrook Small Area Plan for many years, we believe it is imperative that the County Council act upon this now and prior to any moratorium regarding rezoning comes in to effect pursuant to county ordinance or otherwise. We unanimously recommend that you approve the zone change recommended by the Planning Commission for this application.

Sincerely,

Millcreek Township Council

A handwritten signature in blue ink, appearing to read "Jeff Silvestrini", is written over the printed name.

Jeff Silvestrini, Treasurer

**SALT LAKE COUNTY  
ORDINANCE**

ORDINANCE NO. \_\_\_\_\_, 2016

AN ORDINANCE, AMENDING TITLE 19, ENTITLED "ZONING" OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, BY RECLASSIFYING CERTAIN PROPERTY LOCATED IN SALT LAKE COUNTY FROM THE M-1 & M-2 ZONE TO THE MD-3 ZONE

The Salt Lake County Council of Salt Lake County, State of Utah, ordains as follows:

Section 1: Section, 19.06.020, The Zoning Map of Salt Lake County, Salt Lake County Code of Ordinances 2001, is hereby amended, as follows:

The property described in **Application #29972** filed by Salt Lake County Township Services, Economic Development Department, located at approximately **4186 South Main Street** within Salt Lake County, is hereby reclassified from the M-1 & M-2 Zones (MANUFACTURING) to the MD-3 Zone (MIXED DEVELOPMENT), said property being described as follows:

PARCEL NOS:

Parcel #'s	Current Zone		Parcel #'s	Current Zone
21-01-226-005	M-2		21-01-228-011	M-2
21-01-226-008	M-2		21-01-228-014	M-2
21-01-226-009	M-2		21-01-228-015	M-1 & M-2
21-01-226-003	M-2		21-01-228-002	M-1
21-01-226-006	M-2		21-01-228-003	M-1
21-01-226-007	M-2		21-01-228-007	M-1
21-01-226-004	M-2		21-01-228-008	M-1
21-01-228-012	M-2		21-01-228-006	M-1

LEGAL DESCRIPTIONS:

**Parcel #1**

VTDI 21-01-226-005-0000

LOC: 165 W CENTRAL AVE

SUB: UNKNOWN

TYPE UNKN PLAT

08/02/2016 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY

BEG 1320 FT W FR SE COR SEC 36, T 1S, R 1W, S L M; E 232.32

FT; S 9-10' E 278.77 FT; W 276.73 FT; N 275.21 FT TO BEG.

1.61 AC.

**Parcel #2**

VTDI 21-01-226-006-0000  
LOC: 165 W CENTRAL AVE  
SUB: BLK 010 10ACRE PLAT A TYPE PLOT PLAT  
08/02/2016 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY  
BEG 1087.68 FT W FR SE COR OF SEC 36, T 1S, R 1W, S L M; E  
54.18 FT; S 9-21' E 278.92 FT; W 55.08 FT; N 9-10' W 278.77  
FT TO BEG. 0.35 AC

**Parcel #3**

VTDI 21-01-226-008-0000  
LOC: 155 W CENTRAL AVE  
SUB: UNKNOWN TYPE UNKN PLAT  
08/02/2016 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY  
BEG 1320 FT W & 275.21 FT S FR SE COR SEC 36, T 1S, R 1W,  
SLM; E 276.73 FT; S 9-10' E 25.45 FT; W 280.78 FT; N 25.12  
FT TO BEG. 0.16 AC

**Parcel #4**

VTDI 21-01-226-009-0000  
LOC: 155 W CENTRAL AVE  
SUB: BLK 010 10ACRE PLAT A TYPE PLOT PLAT  
08/02/2016 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY  
BEG 1320 FT W & 300.33 FT S FR SE COR SEC 36, T 1S, R 1W,  
SLM; E 280.78 FT; S 9-10' E 245 FT; W 314.12 FT; N 18.77 FT  
TO CEN BIG COTTONWOOD STREAM; N 23-58'30" E 45.5 FT; N  
8-01'30" W 171.12 FT; N 12.1 FT TO BEG. 1.60 AC.

**Parcel #5**

VTDI 21-01-226-003-0000  
LOC: 145 W CENTRAL AVE  
SUB: UNKNOWN TYPE UNKN PLAT  
08/02/2016 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY  
BEG 1087.68 FT W & 549.23 FT S 9-10' E FR SE COR SEC 36, T  
1S, R 1W, S L M; S 9-10' E 161 FT TO CEN BIG COTTONWOOD  
CREEK; S 15-24' W 30.73 FT; S 21-26' E 238 FT; S 59- W 41.6  
FT; N 81-30' W 25 FT; N 55-30' W 40.80 FT; N 68-37' W 186.6  
FT; S 85-26' W 105.13 FT; SW'LY 57.94 FT; N 48-14' W 55 FT;  
N 7-50' W 170 FT; N 31-37' W 118 FT; N 14-50' E 83.5 FT M OR  
L; S 76-33' E 84 FT; N 72-06' E 29.5 FT; THENCE LEAVING SD  
CREEK S 18.71 FT; E 314.42 FT TO BEG. 3.9 AC M OR L.



**Parcel #6**

VTDI 21-01-226-004-0000

LOC: 145 W CENTRAL AVE

SUB: BLK 010 10ACRE PLAT A TYPE PLOT PLAT

08/02/2016 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY  
BEG 1087.68 FT W & 549.23 FT S 9-10' E FR SE COR SEC 36, T  
1S, R 1W, S L M; E 55.96 FT; S 9-21' E 124.15 FT TO CEN BIG  
COTTONWOOD STREAM; S 66-40' W 49.98 FT; S 15-24' W 17.27 FT;  
LEAVING CEN SD STREAM N 09-10' W 161 FT TO BEG. 0.17 AC

**Parcel #7**

VTDI 21-01-226-007-0000

LOC: 153 W CENTRAL AVE

SUB: UNKNOWN TYPE UNKN PLAT

08/02/2016 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY  
BEG 1087.68 FT W & S 9-10' E 278.77 FT FR SE COR OF SEC 36,  
T 1S, R 1W, S L M; S 9-10' E 270.45 FT; E 55.96 FT; N 9-10'  
W 270.31 FT; W 55.08 FT TO BEG. 0.34 AC M OR L.

**Parcel #8**

VTDI 21-01-228-011-0000

LOC: 81 W CENTRAL AVE

SUB: UNKNOWN TYPE UNKN PLAT

08/02/2016 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY  
BEG S 41-47'06" E 50.05 FT & N 89-58'30" W 450 FT & S  
0-01'30" W 33 FT FR NE COR OF SEC 1, T 2S, R 1W, S L M;  
NW'LY ALG CURVE TO R 283.43 FT; S 0-04'53" W 15.49 FT; S  
89-58'30" E 282.88 FT TO BEG. 0.034 AC M OR L.

**Parcel #9**

VTDI 21-01-228-012-0000

LOC: 81 W CENTRAL AVE

SUB: BLK 010 10ACRE PLAT A TYPE PLOT PLAT

08/02/2016 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY  
BEG S 41-47'06" E 50.05 FT & N 89-58'30" W 450 FT & S  
0-01'30" W 33 FT & NW'LY ALG CURVE TO R 3.13 FT FR NE COR OF  
SEC 1, T 2S, R 1W, S L M; S 0-05'39" W 157.15 FT; S  
89-14'06" E 212.51 FT; S 0-45'54" W 35 FT; N 89-14'06" W  
714.57 FT TO E'LY R OF W OF UNION PACIFIC RR; N 09- 02'48" W  
52.81 FT; NW'LY ALG CURVE TO L 182.66 FT; S 83-15'40" E  
244.61 FT; SE'LY ALG CURVE TO L 300.4 FT TO BEG. EXCEPT BEG  
S 41-47'06" E 50.05 FT & N 89-58'30" W 450 FT & S 0-01'30" W  
33 FT FR NE COR OF SD SEC 1; NW'LY ALG CURVE TO R 283.43 FT;  
S 0-04'53" W 15.49 FT; S 89-58'30" E 282.88 FT TO BEG. 2.62  
AC M OR L.

**Parcel #10**

VTDI 21-01-228-014-0000

LOC: 41 W CENTRAL AVE

SUB: BLK 010 10ACRE PLAT A TYPE PLOT PLAT

08/02/2016 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY

BEG S 41-47'06" E 50.05 FT & N 89-58'30" W 206.9 FT & S 0-01'30" W 33 FT FR NE COR SEC 1, T 2S, R 1W, S L M; N 89-58'30" W 243.1 FT; W'LY 3.13 FT ALG A 2590.25 FT RADIUS CURVE TO R; S 0-05'39" W 157.5 FT; S 89-14'06" E 212.51 FT; S 0-45'54" W 35 FT; S 89-14'45" E 36.56 FT M OR L TO W BDRY LINE GORDON SOUTH LAWN ADD; N 3-50' E 186.41 FT; N 56-13'07" W 17.51 FT TO BEG. 0.96 AC M OR L.

**Parcel #11**

VTDI 21-01-228-015-0000

LOC: 4186 S MAIN ST

SUB: UNKNOWN TYPE UNKN PLAT

08/02/2016 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY

BEG N 87-01'34" E 16.16 FT & N 0-15'54" E 1741.07 FT & N 76-16'11" W 33.93 FT FR E 1/4 COR SEC 1, T 2S, R 1W, S L M; N 76-16'11" W 23.32 FT; N 40-00'30" W 154.8 FT; N 68-26'54" W 290.8 FT; N 76-57'23" W 457 FT; S 29-13'33" W 51.05 FT; N 8-59' W 359.4 FT; S 89-14'45" E 748.55 FT M OR L; S 3-50' W 368.14 FT; N 85-15' E 197.01 FT; S 0-15'54" W 283.64 FT TO BEG. 7.05 AC M OR L

**Parcel #12**

VTDI 21-01-228-002-0000

LOC: 4142 S MAIN ST

SUB: GORDON SOUTH LAWN ADDITION TYPE UNKN PLAT

08/02/2016 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY

LOTS 1 THRU 10, BLK 4, GORDON SOUTH LAWN ADD, 0.98 AC

**Parcel #13**

VTDI 21-01-228-003-0000

LOC: 4150 S MAIN ST

SUB: GORDON'S SOUTH LAWN ADD. TYPE UNKN PLAT

08/02/2016 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY

LOTS 11 12 & 13 BLK 4 GORDON'S SOUTH LAWN ADD, 0.32 AC

**Parcel #14**

VTDI 31-01-228-007-0000

LOC: 4170 S MAIN ST

SUB: GORDONS SOUTH LAWN ADDN TYPE SUBD PLAT

08/02/2016 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY

LOTS 14, THRU 16, BLK 4, GORDON SOUTH LAWN ADDITION, 0.32 AC

**Parcel #15**

VTDI 21-01-228-008-0000

LOC: 4176 S MAIN ST

SUB: GORDON'S SOU TYPE UNKN PLAT

08/02/2016 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY

LOTS 17 & 18, BLK 4, GORDON'S SOUTH LAWN ADD, 0.22 AC

**Parcel #16**

VTDI 21-01-228-006-0000

LOC: 4180 S MAIN ST

SUB: GORDON'S SOUTH LAWN ADD. TYPE UNKN PLAT

08/02/2016 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY

LOTS 19 20 & 21 BLK 4 GORDON'S SOUTH LAWN ADD, 0.44 AC

The above-described entire tract contains 22.2 acres more or less.

Section 2: The map showing such change shall be filed with the Salt Lake County Planning Commission in accordance with Section 19.06.020 of the Salt Lake County Code of Ordinances, 2001.

Section 3: This ordinance shall take effect fifteen (15) days after its passage and upon at least one publication in a newspaper published in and having general circulation in Salt Lake County, and if not so published within fifteen (15) days then it shall take effect immediately upon its first publication.

IN WITNESS WHEREOF, the Salt Lake County Council has approved, passed and adopted this ordinance this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

SALT LAKE COUNTY COUNCIL

\_\_\_\_\_  
Max Burdick, Chair

ATTESTED:

\_\_\_\_\_  
Sherrie Swensen, County Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
R. Christopher Preston  
Deputy District Attorney  
Date : \_\_\_\_\_

ORDINANCE HISTORY

Council Member Bradley voting	_____
Council Member Bradshaw voting	_____
Council Member Burdick voting	_____
Council Member DeBry voting	_____
Council Member Granato voting	_____
Council Member Jensen voting	_____
Council Member Newton voting	_____
Council Member Snelgrove voting	_____
Council Member Wilson voting	_____

Vetoed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor Ben McAdams or Designee

(Complete as Applicable)

Veto override: Yes \_\_\_ No \_\_\_ Date: \_\_\_\_\_

Ordinance published in newspaper: Date: \_\_\_\_\_

Effective date of ordinance: \_\_\_\_\_

File # 29971

## Rezone Summary and Recommendation

**Public Body:** County Council

**Parcel ID:** 22-05-432-001

**Property Address:** 1212 East 4500 South

**Request:** Rezone

**Community Council:** Millcreek

**Planner:** Spencer Hymas

**Planning Commission Recommendation:** Approval with Zoning Condition

**Community Council Recommendation:** Approval

**Planning Staff Recommendation to Planning Commission:** Approval

**Applicant Name:** Michael Smith

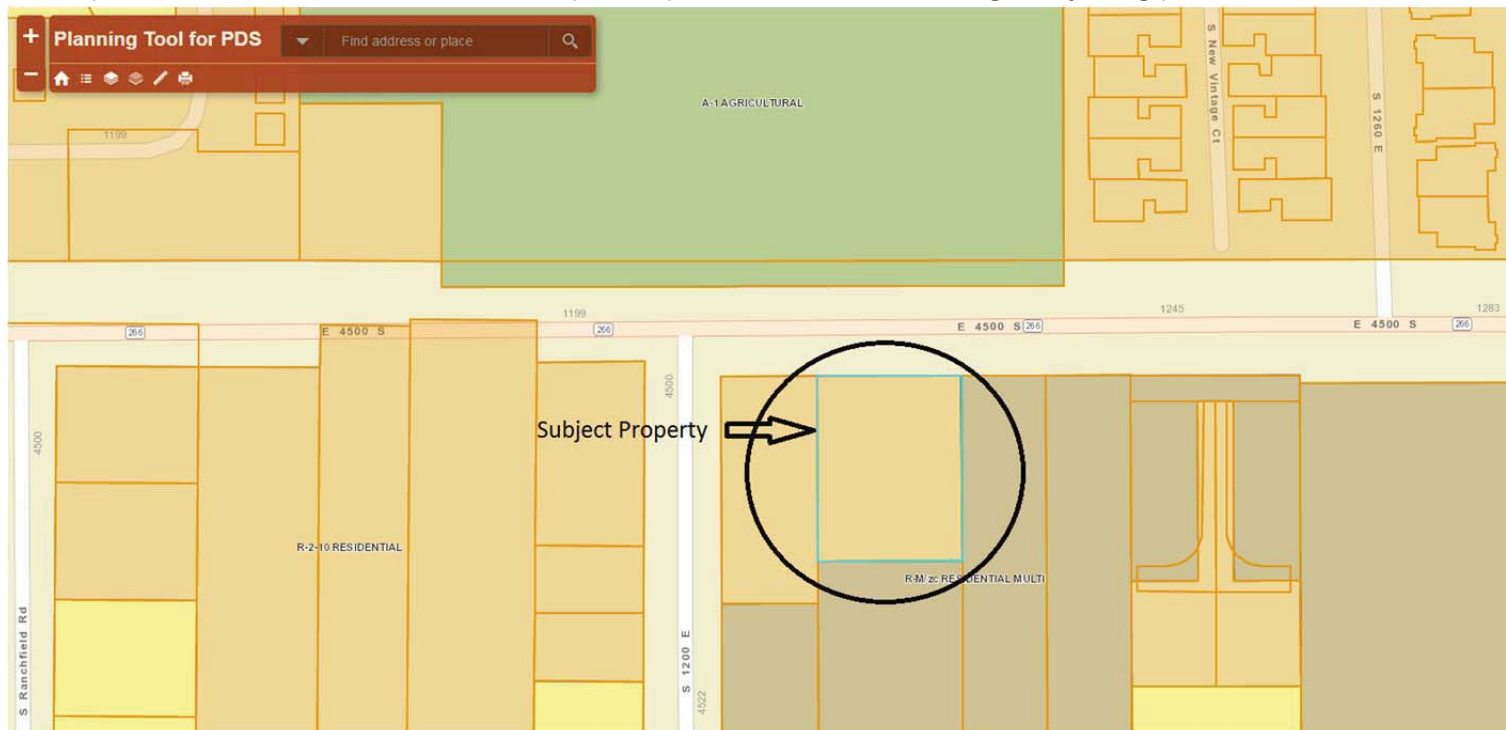
**Meeting Date:** August 30, 2016

**Current Zone:** R-2-10 **Proposed Zone:** R-M

**Township:** Millcreek

### PROJECT DESCRIPTION

The rezone proposal is to rezone 0.32 acres from R-2-10 (Residential – Medium Density) to R-M (Residential – High Density). The rezone, if approved, would open up the opportunity for the development application of a dental/medical office development. This rezone proposal is in a stable area but along the 4500 South corridor. The request is in line with the Millcreek General plan map and consistent with zoning of adjoining parcels.



## SITE & VICINITY DESCRIPTION (see attached map)

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There are various uses in the vicinity. To the North is the 5 acre Garden Terrace assisted living center. To the West is a single family home zoned R-2-10. To the East is a single family home zoned R-M. To the South is a vacant lot zoned R-M and a Church. All of the R-M zoning surrounding the property has a zoning condition which limits density to 12 units per acre and a height limitation to 35 feet.

## GENERAL PLAN CONSIDERATIONS

---

The Millcreek General Plan map identifies this parcel as being stable, however, it is also along the 4500 South corridor which allows adaptive/flexible changes.

Redevelopment of this area may contribute to the following goals and objectives identified in the general plan:

**Objective 4.3:** Develop neighborhood level retail, commercial activity and professional services for quick and easy access by residents.

**Objective 4.6:** Improve the quality of streetscape along key corridors in Millcreek's neighborhoods, especially along major arterial streets.

The Plan also encourages pedestrian-friendly mixed-use along major corridors. The appropriate mix of uses and density is dependent on the location, surrounding land uses and the specific development proposal. Allowing mixed-use development will encourage twenty-four hour human activity, resulting in healthier, safer, more active communities.

Planning staff believes that the rezone proposal is in harmony with the general plan.

## ZONE CONSIDERATIONS

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Requirement	Existing Zone (R-2-10)	Proposed Zone (R-M)
Height	35 feet	75 feet
Front Yard Setback	30 feet	25 feet
Side Yard Setback	8 feet	8 & 10 feet
Rear Yard Setback	30 feet	30 feet
Lot Width	65 feet	50 feet
Lot Area	5,000 square feet for a lot containing 1 unit of a two-family dwelling 10,000 square feet for any other main building	5,000 square feet

Compliance with the General Plan.	Yes
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## NEIGHBORHOOD RESPONSE

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No negative responses have been received at the time of this report, July 6, 2016.

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## COMMUNITY COUNCIL RESPONSE

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This proposal was heard by the Millcreek Community Council at their July 5<sup>th</sup>, 2016 meeting and received a favorable recommendation with the zoning condition to limit density to 12 D/U per acre and max height 35 feet.

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## PLANNING COMMISSIONS' RESPONSE

---

On July 13, 2016, the Millcreek Planning Commission recommended approval with a zoning condition to limit the density to 12 Dwelling Units per acre and a maximum height of 35 feet.

---

## REVIEWING AGENCIES RESPONSE

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AGENCY: Planning

DATE: 7/6/16

RECOMMENDATION: Approval

The uses associated with the R-M rezone proposal is compatible with adjacent properties. The proposal is along the 4500 South corridor and in harmony with the goals and objectives identified in the general plan.

Compliance with current building, construction, engineering, fire, health, landscape and safety standards will be verified prior to final approval.

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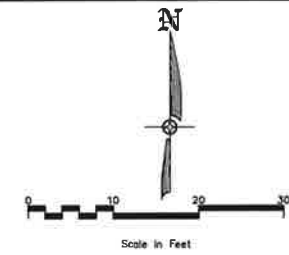
## PLANNING STAFF RECOMMENDATION TO MILLCREEK PLANNING COMMISSION

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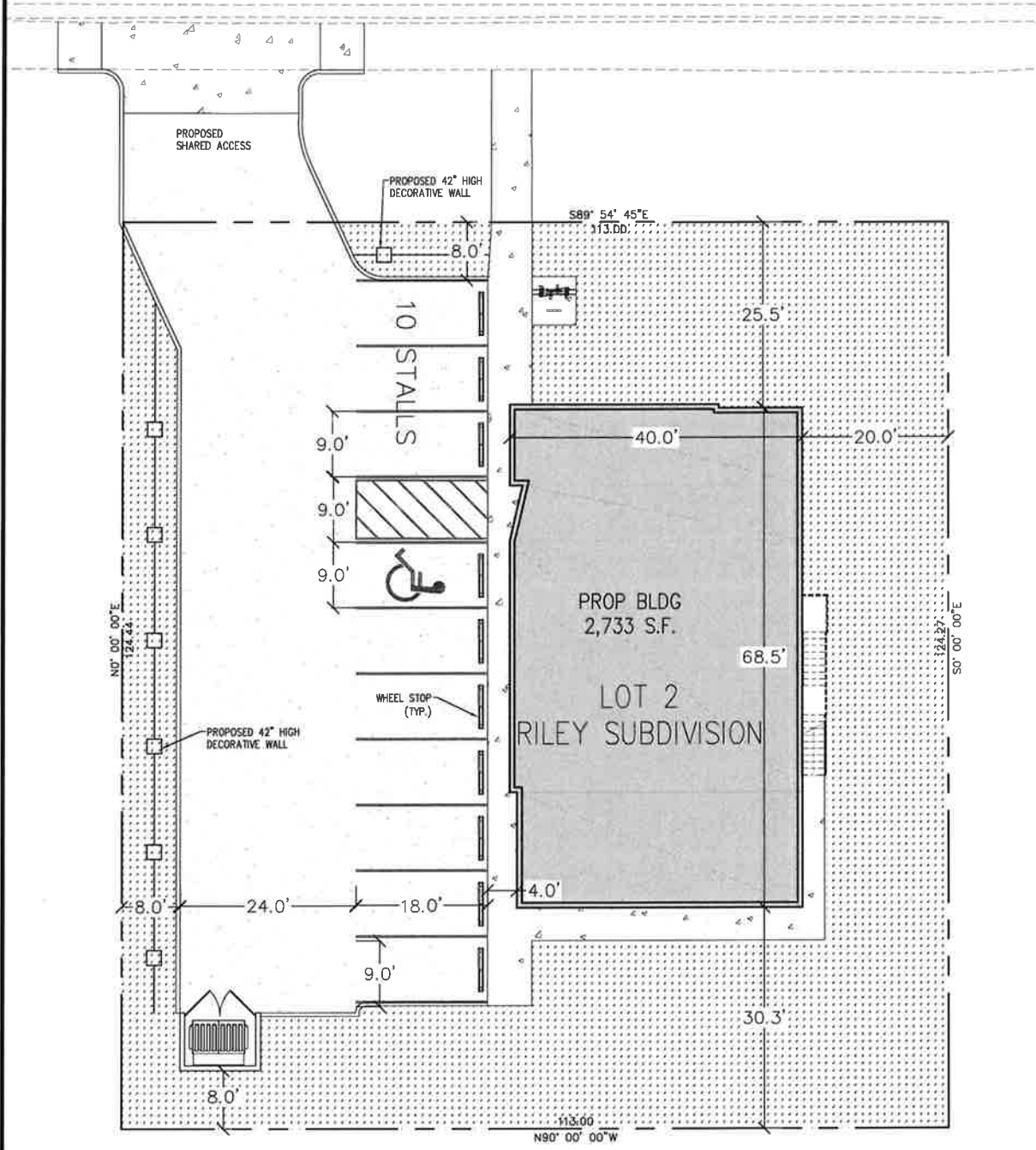
Planning Staff has reviewed the request to rezone this parcel from R-2-10 to R-M and recommends approval of the rezone.

CONCEPTUAL SITE PLAN - HAS NOT BEEN REVIEWED/APPROVED BY PLANNING STAFF FOR COMPLIANCE

4500 SOUTH STREET



- LEGEND**
- PROPOSED 6" CURB WALL
  - PROPOSED CURB & GUTTER
  - PROPERTY LINE
  - EASEMENT LINE
  - PROPOSED CONCRETE
  - PROPOSED ASPHALT
  - PROPOSED LANDSCAPING



**LOT AREAS:**

LOT	SQ. FT. / ACRES
BUILDING FOOTPRINT	2,733 SQ. FT. / 0.32 ACRES
ASPHALT	4,448 SQ. FT.
TOTAL LANDSCAPING	5,882 SQ. FT. (42.6%)
CONCRETE	989 SQ. FT.

NOTE:  
1. ALL AREA CALCULATIONS ARE APPROXIMATE AND CAN CHANGE DUE TO CONSTRUCTION TOLERANCES.

**CIR**  
ENGINEERING, L.L.C.  
3032 SOUTH 1030 WEST, SUITE 202  
SLC, Utah 84119

DR. SMITH DENTAL OFFICE  
1212 EAST 4500 SOUTH, MILLCREEK, UTAH  
SITE PLAN

SHEET NO.	
C1	
PROJECT ID	DATE
S1013-01	05/06/16
FILE NAME	SCALE
PRJ-DSM	1"=10'

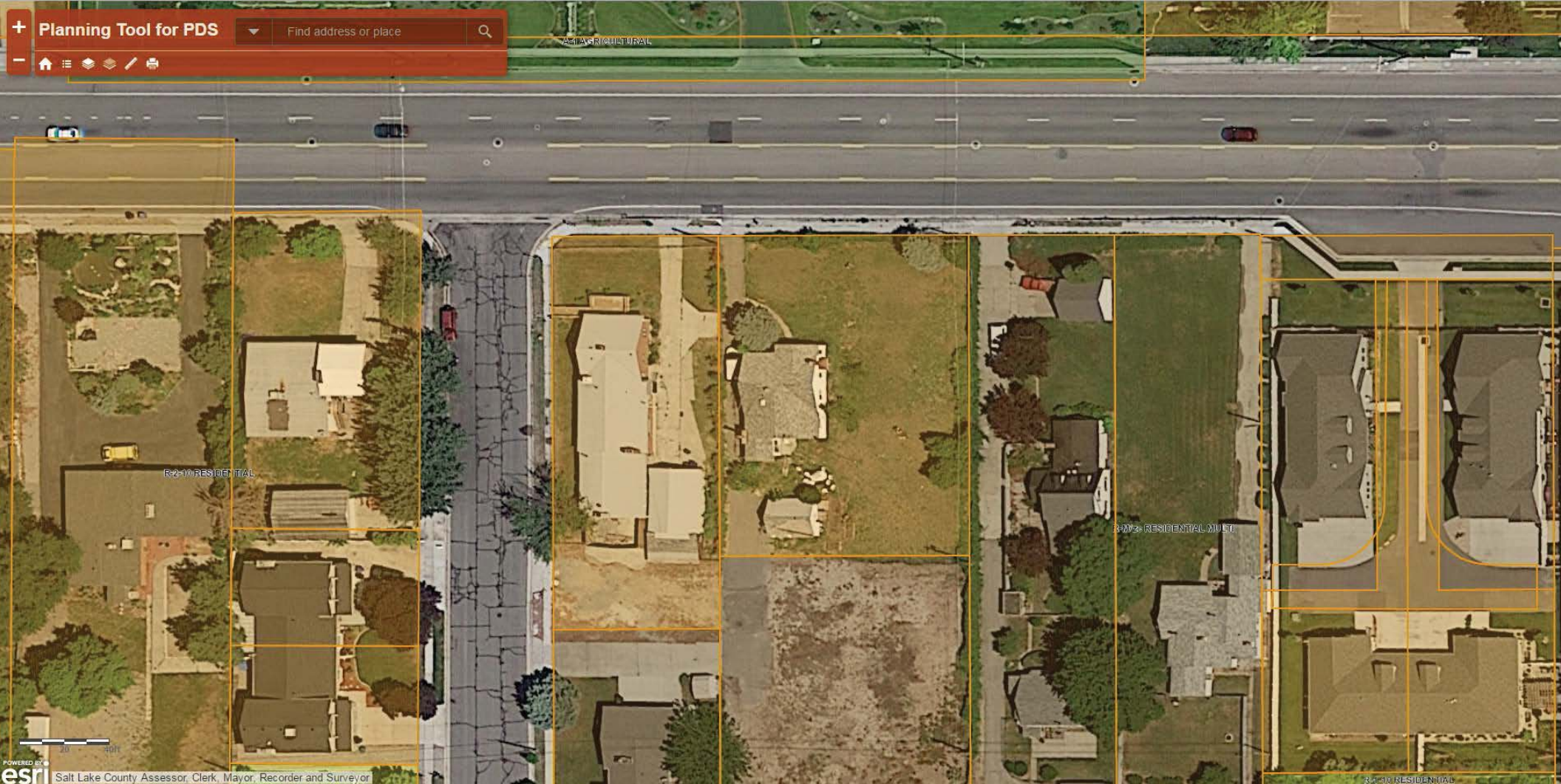
DESIGNER	NO.	REVISIONS	BY	DATE
PROJECT ENGINEER	SDT			





**+** Planning Tool for PDS **-** Find address or place **Q**

**-**

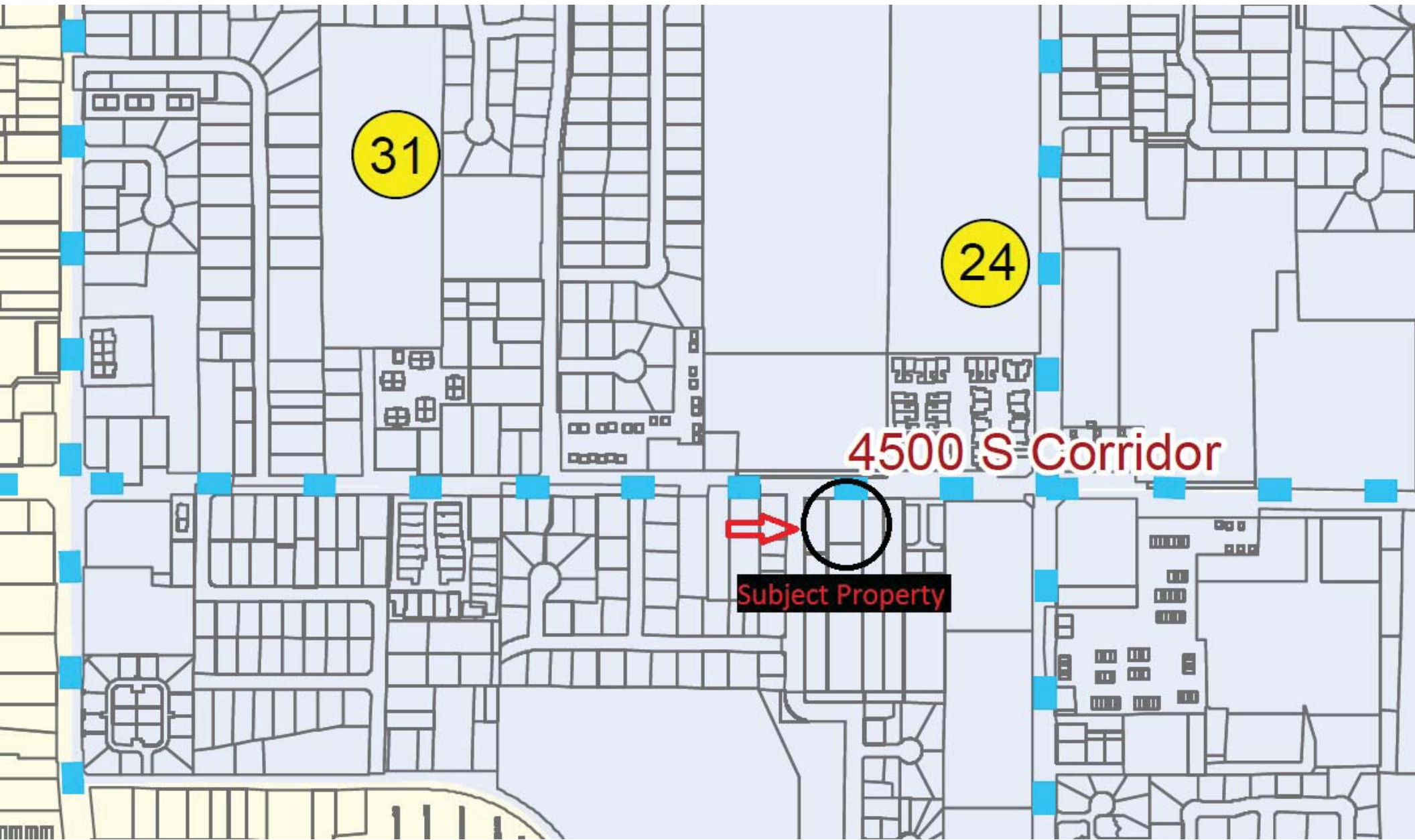


AGRICULTURAL

R-2-10 RESIDENTIAL

R-10-30 RESIDENTIAL MULT

R-4-30 RESIDENTIAL



31

24

4500 S Corridor

Subject Property

**SALT LAKE COUNTY  
ORDINANCE**

ORDINANCE NO. \_\_\_\_\_, 2016

AN ORDINANCE, AMENDING TITLE 19, ENTITLED "ZONING" OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, BY RECLASSIFYING CERTAIN PROPERTY LOCATED IN SALT LAKE COUNTY FROM THE R-2-10 ZONE TO THE R-M ZONE

The Salt Lake County Council of Salt Lake County, State of Utah, ordains as follows:

Section 1: Section, 19.06.020, The Zoning Map of Salt Lake County, Salt Lake County Code of Ordinances 2001, is hereby amended, as follows:

The property described in **Application #29971** filed by MICHAEL SMITH, and located at **1212 East 4500 South** within Salt Lake County, is hereby reclassified from the R-2-10 Zone to the R-M Zone, said property being described as follows:

PARCEL NO: 22-05-432-001-0000

LEGAL DESCRIPTION:

**Parcel 22054320010000 Legal description**

**LOT 2, RILEY SUBDIVISION**

Contains approximately 0.32 Acres

Section 2: The map showing such change shall be filed with the Salt Lake County Planning Commission in accordance with Section 19.06.020 of the Salt Lake County Code of Ordinances, 2001.

Section 3: This ordinance shall take effect fifteen (15) days after its passage and upon at least one publication in a newspaper published in and having general circulation in Salt Lake County, and if not so published within fifteen (15) days then it shall take effect immediately upon its first publication.

IN WITNESS WHEREOF, the Salt Lake County Council has approved, passed and adopted this ordinance this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

SALT LAKE COUNTY COUNCIL

\_\_\_\_\_  
Max Burdick, Chair

ATTESTED:

\_\_\_\_\_  
Sherrie Swensen, County Clerk

APPROVED AS TO FORM

By Tach Man Tach Straw  
Deputy District Attorney

Date : 7-22-16

Vetoed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor Ben McAdams or Designee

(Complete as Applicable)

Veto override: Yes \_\_\_ No \_\_\_ Date: \_\_\_\_\_

Ordinance published in newspaper: Date: \_\_\_\_\_

Effective date of ordinance: \_\_\_\_\_

Council Member Bradley voting \_\_\_\_\_  
Council Member Bradshaw voting \_\_\_\_\_  
Council Member Burdick voting \_\_\_\_\_  
Council Member DeBry voting \_\_\_\_\_  
Council Member Granato voting \_\_\_\_\_  
Council Member Jensen voting \_\_\_\_\_  
Council Member Newton voting \_\_\_\_\_  
Council Member Snelgrove voting \_\_\_\_\_  
Council Member Wilson voting \_\_\_\_\_

File # 29759

## Rezone Summary and Recommendation

**Public Body:** Salt Lake County Council – To be Heard      **Meeting Date:** To be Set – August 30, 2016

**Parcel ID:** 16-32-376-026, 16-32-376-030, 22-05-126-003,

22-05-126-002, 16-32-376-029, 16-32-376-028,

and 16-32-376-027

**Current Zone:** R-2-10

**Proposed Zone:** R-M

**Property Address:** 4102, 4108 and 4120 South 900 East,

and 875, 865, 857, & 849 East 4125 South

**Request:** Rezone from R-2-10 (Medium Density Residential) to R-M (High Density Residential)

**Community Council:** Millcreek

**Township:** Millcreek Township

**Planner:** Jeff Miller

**Planning Commission Recommendation:** Not yet received

**Community Council Recommendation:** Approval with condition

**Planning Staff Recommendation:** Approval with condition

**Applicant Name:** Richard Smith

### PROJECT DESCRIPTION

Richard Smith is requesting a rezone from R-2-10 to R-M. The requested rezone includes two parcels, which are owned by Richard Smith, as well as five other parcels owned by adjoining property owners. The seven parcels total 2.28 acres. The requested rezone will correct a zoning violation for the parcel located at 4108 South in regards to case #19979. In addition, the applicant has informed Planning Staff that the rezone of all seven parcels will encourage redevelopment of the parcel to the north, located at 4102 South, which is currently a narrow and long parcel with limited options for redevelopment. The Residential Compatibility Overlay Zone (RCOZ) does not apply in the R-M zone.

### SITE & VICINITY DESCRIPTION (see attached map)

The proposed parcels to be rezoned R-M are surrounded by large areas zoned R-M directly north on both sides of 900 East. Some of these parcels are used as high-density residential, and others are primarily used as single-family residential. Directly to the east is a large area zoned R-1-10, which is currently undeveloped and appears to be used for some type of agricultural purpose. Southeast of the parcels to be rezoned are three parcels that are zoned R-M. Surrounding the parcels on the south and on the west are parcels zoned R-2-10, and used as single-family residential. Further south are large areas zoned R-1-5 and R-1-8, and used as single-family residential.

## GENERAL PLAN CONSIDERATIONS

The proposed parcels are located in an area of "Moderate Change" according to the Millcreek Township General Plan. Moderate changes in land uses will occur in this area, and may represent reasonable changes to the typical land uses for the area/corridor. Changes may occur in clusters, while the land uses of the overall area/corridor will remain largely consistent. Growth in these areas will begin to trend upward, allowing for a transition to more intensive land uses.

## ZONE CONSIDERATIONS

Requirement	Existing Zone (R-2-10)	Proposed Zone (R-M)
Height	35 feet	75 feet
Front Yard Setback	30 feet	25 feet
Side Yard Setback	8 feet, no setback between two units of a family dwelling. Minimum of 20 feet facing a public street	8 feet, no less than 18 feet
Rear Yard Setback	15 feet with garage, 30 feet without	Buildings: 30 feet Accessory buildings: 1 foot (10 feet on corner lots)
Lot Width	65 feet, at a distance 30 feet from the front lot line	50 feet, 25 feet from the front lot line
Lot Area	5,000 square feet for a lot containing 1 unit of a two-family dwelling. 10,000 square feet for any other main building	The minimum lot area in the R-M zone shall be five thousand square feet for each one-family dwelling, with seven hundred fifty additional square feet for each additional dwelling unit in a dwelling structure having more than one dwelling unit. For group dwellings, the minimum lot area shall be not less than five thousand square feet for the first separate dwelling structure, with three thousand square feet for each additional separate dwelling structure, and with seven hundred fifty square feet additional for each additional dwelling unit in excess of one dwelling unit in each separate dwelling structure, not less than five thousand square feet for any other main building.

Compliance with the General Plan.	Yes
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## ISSUES OF CONCERN/PROPOSED MITIGATION

The allowable height of 75 feet in the R-M zone could be an issue of concern for the owners of the single-family homes surrounding the property to the south and to the west. In order to mitigate against this concern, Planning Staff recommends limiting the height of the proposed parcels to be rezoned to a maximum height of 35 feet.



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## **NEIGHBORHOOD RESPONSE**

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The property owner of the parcel located at 4102 South, which is the narrow parcel to the north, called and spoke to Planning Staff regarding the application. He wanted to clarify a few things that were mentioned regarding his property at the last Millcreek Township Planning Commission, where this requested rezone was discussed and continued.

He wanted it to be made known that the reason that he has had so much construction equipment in the back of his property is because he had to relocate some of his equipment for his construction company from a storage facility during the recession. Also, he wanted to mention that for a number of years he allowed an income limited family to rent his home towards the front of the property at a price below market value, and has been in the process of remodeling the home since the tenant has vacated the property.

---

## **COMMUNITY COUNCIL RESPONSE**

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The Millcreek Community Council has discussed this item at three separate meetings (March 1<sup>st</sup>, June 7<sup>th</sup>, and July 5<sup>th</sup>) due to the applicant making various changes to the properties that were to be included in the requested rezone. At all three meetings, the Millcreek Community Council gave a favorable recommendation of approval for the rezone request. The motions also included a recommendation to limit the maximum height to 35 feet.

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## **PLANNING COMMISSIONS' RESPONSE**

---

This item was heard by the Millcreek Township Planning Commission on April 13, 2016 and was continued to a future meeting, so that the applicant could finalize a few details regarding his requested rezone proposal. Additionally, it was requested that the applicant provide conceptual plans for his future development. Please see the attached conceptual site plan and conceptual rendering which have been provided by the applicant. Planning Staff has not thoroughly analyzed these conceptual plans for feasibility. Any future proposal by the applicant will be taken through the conditional use approval process.

When this item was heard by the Millcreek Township Planning Commission on July 13, 2016 they gave a 5-2 recommendation of approval to the Salt Lake County Council. The motion also requested the following condition of approval, "Heights of structures are limited to 35 feet to peak or ridgeline of the structure."

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## **REVIEWING AGENCIES RESPONSE**

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Compliance with current building, construction, engineering, fire, health, landscape and safety standards will be verified prior to final approval of any proposed structures to be built on these parcels.

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## **PLANNING STAFF ANALYSIS**

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Planning Staff has analyzed the proposed rezone from R-2-10 to R-M, and has found that the request may be cohesive with the surrounding uses and zones, with the exception of reducing the allowable height to 35 feet to be more compatible with the surrounding single-family residential areas.

Please see the attached exhibits below for the permitted uses and conditional uses, which are allowed in the R-M zone.

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## **PLANNING STAFF RECOMMENDATION TO THE PLANNING COMMISSION**

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*County Ordinance [19.90.030] "The county council, after review of the recommendation of the planning commission, may approve, deny, alter or remand for further review and*

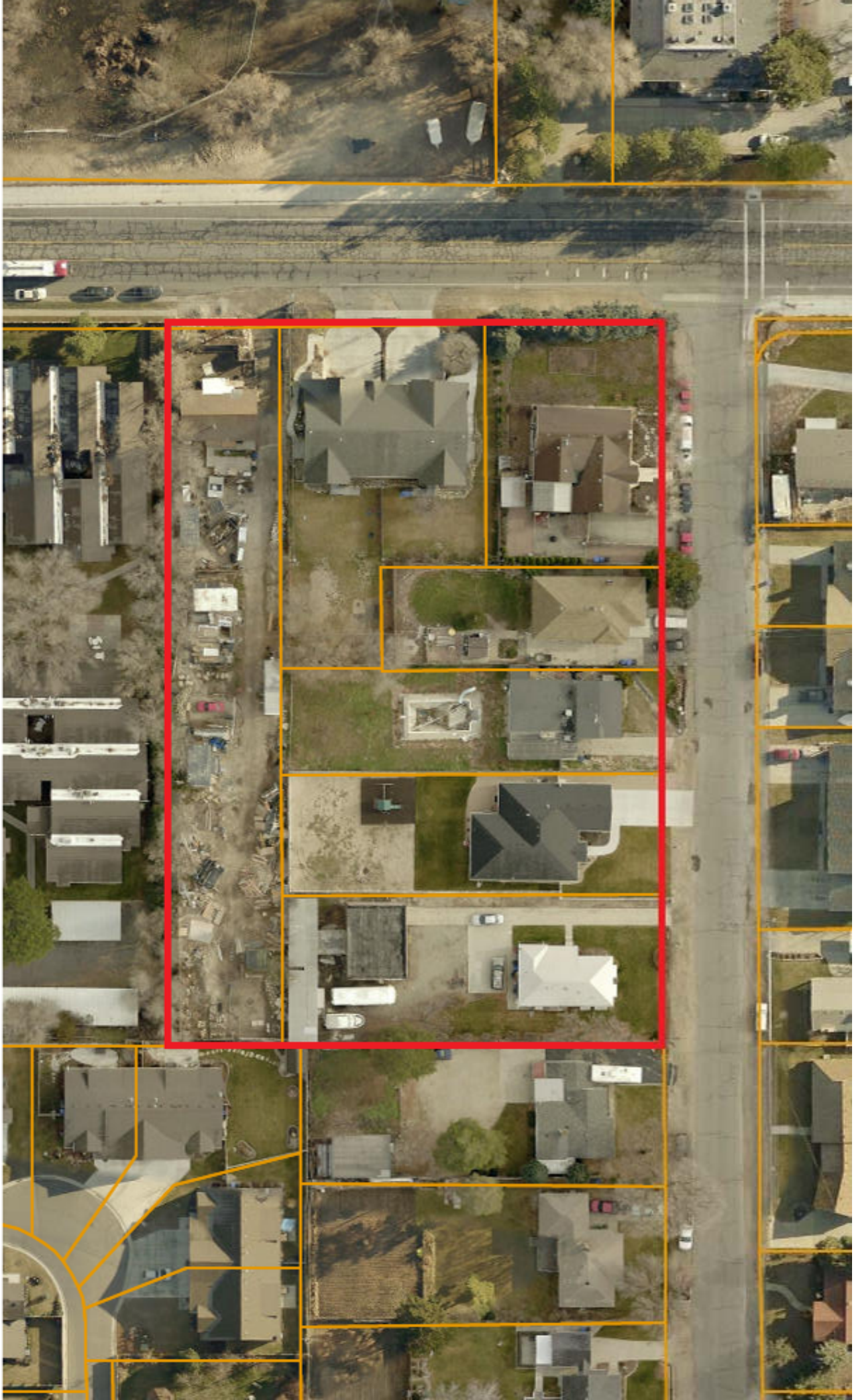
**Request:** Rezone from R-2-10 (Medium Density Residential) to R-M (High Density Residential) **File #:** 29759

*consideration any application for zone change referred to the council by the planning commission.”*

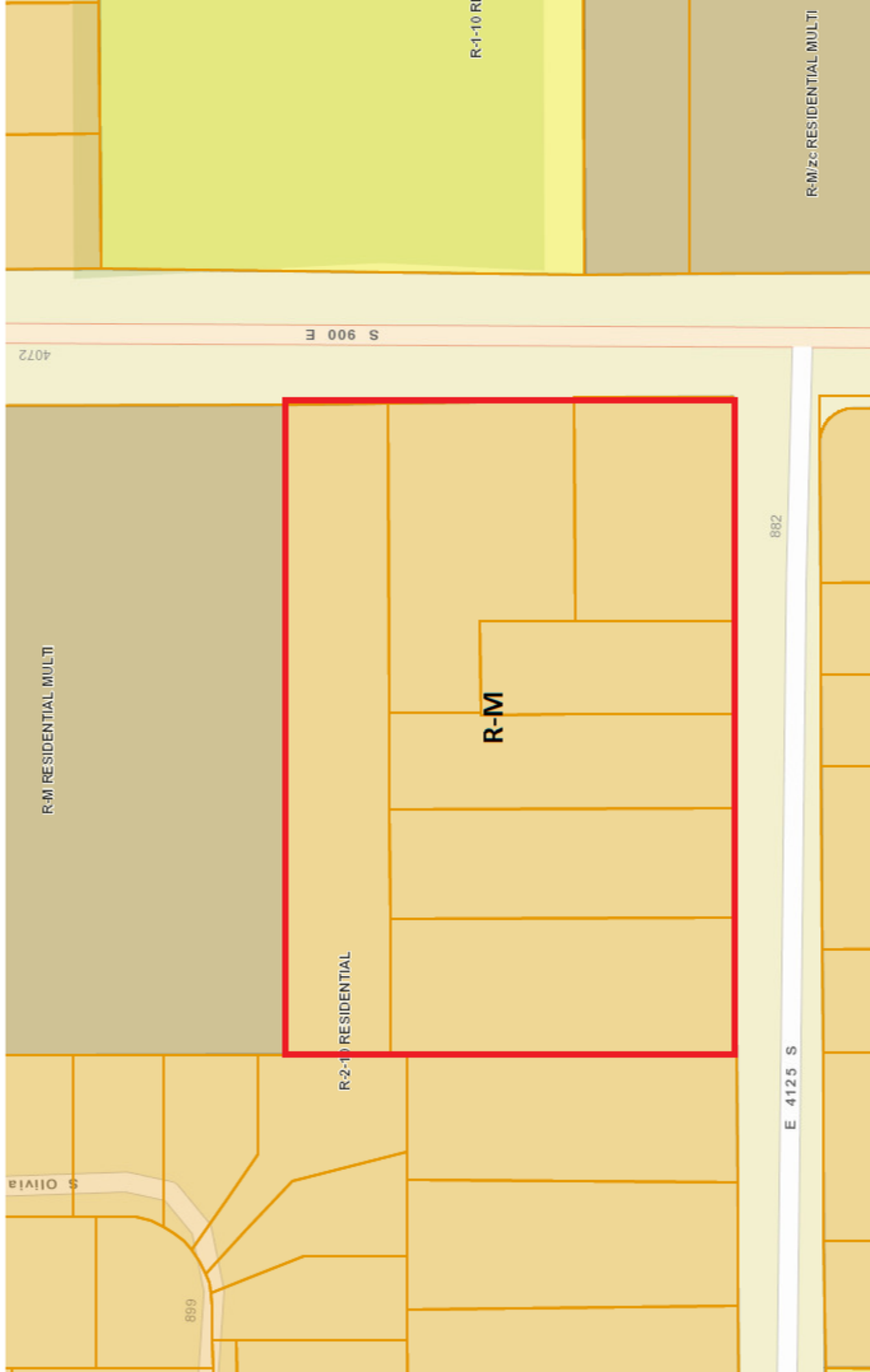
Planning Staff has reviewed this rezone request for compliance with the Millcreek Township General Plan, standards set forth in the Salt Lake County Zoning Ordinance (Title 19), and for compatibility with existing neighboring land uses, and recommended to the Millcreek Township Planning Commission that they provide a favorable recommendation to the Salt Lake County Council to approve the rezone request from R-2-10 to R-M with the following condition of approval:

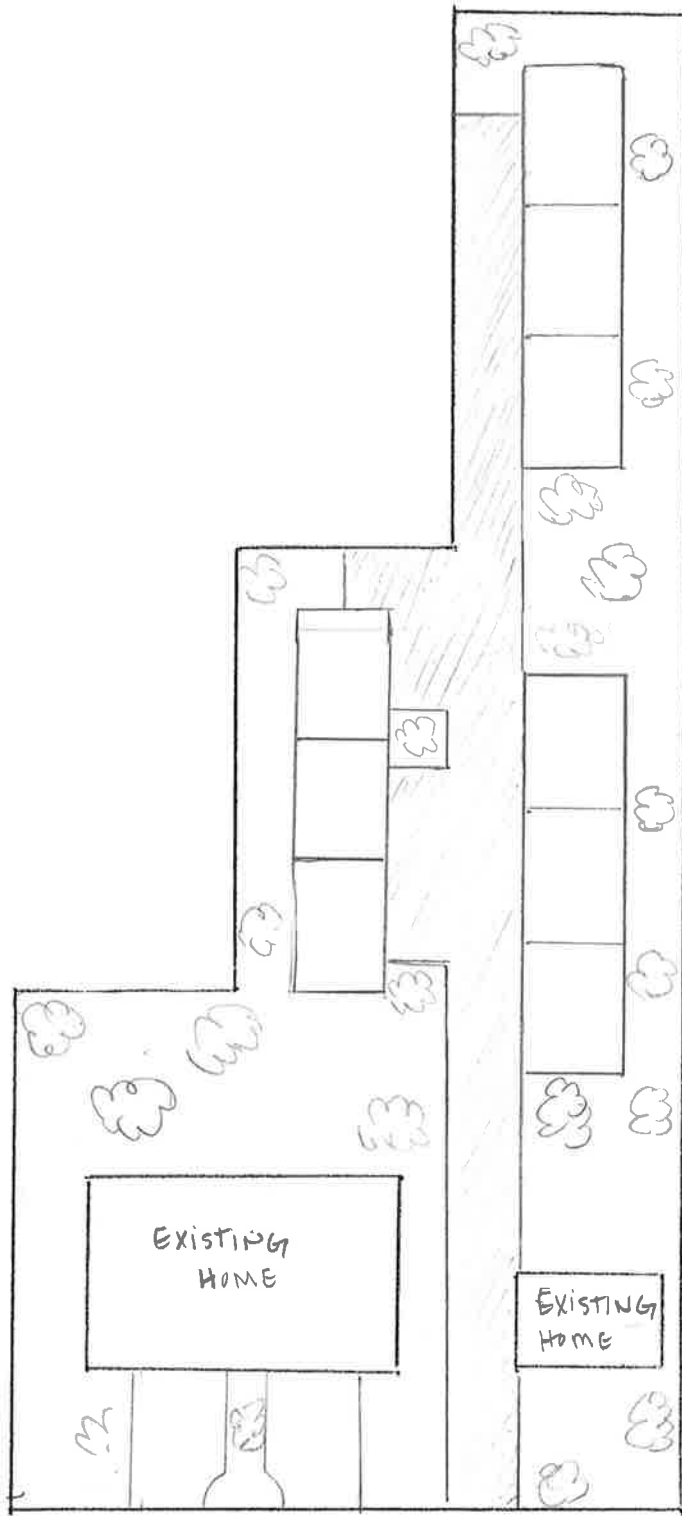
1. Heights of structures are limited to 35 feet to peak or ridgeline of the structure.

29759 - Aerial Map



# 29759 - Zoning Map







#### 19.44.020 - Permitted uses.

Permitted uses in the R-M zone include:

- Agriculture;
- Home business, subject to Chapter 19.85;
- Home day care/preschool, subject to Section 19.04.293;
- Household pets;
- Residential development, with a maximum number of two units per structure per lot;
- Residential facility for elderly persons.

(Ord. 1535 § 4 (part), 2004; Ord. 1200 § 5 (part), 1992; Ord. 1179 § 5 (part), 1992; § 1 (part) of Ord. passed 2/1/84; prior code § 22-22-2)

#### 19.44.030 - Conditional uses.

Conditional uses in the R-M zone include:

- Airport;
- Apartments;
- Apartments for elderly persons;
- Banks;
- Bed and breakfast homestay (provided it is located on a lot which has a minimum area of ten thousand square feet);
- Bed and breakfast inn, which may include conference meeting rooms;
- Boardinghouse;
- Cemetery, mortuary, etc.;
- Day care/preschool center;

- Dwelling group.
- A. The development shall comply with the maximum allowable density for the R-M zone.
- B. The distance between the principal buildings shall be equal to the total side yards required in the zone; provided, however, that at the option of the developer the distance between the principal structures may be reduced to ten feet, provided that the difference between ten feet and the required side yards is maintained as permanently landscaped open space elsewhere on the site. The distance between principal buildings and the nearest perimeter lot line shall not be less than fifteen feet unless demonstrated by the development plan that the yard required for a principal building in the district in which it is located is more appropriate. The distance between the building and a public street shall be not less than the front yard required in the zoning district, except for corner lots the side yard which faces on a public street shall be not less than twenty feet.
- C. Access shall be provided by a private street or right-of-way from a public street; such private street or right-of-way shall not be less than twenty feet wide for one or two rear dwelling units, and not less than thirty feet wide for three or more dwelling units.
- D. A minimum of two parking spaces shall be provided for each dwelling unit. Parking spaces and vehicular maneuvering areas shall be designed to comply with county standards.
- E. Every dwelling in the dwelling group shall be within sixty feet of an access roadway or drive.
- F. The development plan shall provide landscaping as specified in Chapter 19.77 of this title. Solid visual barrier fences shall be provided along all property lines unless the planning commission approves otherwise by deleting or modifying the fence requirement.
- G. The development shall be approved by the development services director and the county fire chief before final approval is given by the planning commission.
  - Electrolysis of hair;
  - Golf course;
  - Gymnastics, dance, dramatic, cosmetic, modeling and art studios for instructional purposes only;
  - Home day care/preschool, subject to Section 19.04.293;
  - Hospital;
  - Hotel;
  - Lodginghouse;
  - Massage (every massage technician shall be licensed by the state);



- Medical, optical and dental laboratories, but not to include the manufacture of pharmaceutical or other products for general sale or distribution, and also not to include the use of animals;
- Mobile home park;
- Nursery and greenhouse, excluding retail sales;
- Nursing home;
- Office, business and/or professional;
- Parking lot;
- Pigeons, subject to health department regulations;
- Planned unit development;
- Private educational institutions having an academic curriculum similar to that ordinarily given in public schools;
- Private nonprofit recreational grounds and facilities;
- Public and quasi-public uses;
- Rail transit mixed-use, provided it meets the following requirements:
  - A. The planning commission shall determine the density based on the specific development proposal, site location and surrounding land uses.
  - B. The property is located within one-quarter mile of a rail station.
  - C. Buildings and impervious areas shall not cover more than eighty percent of the site.
  - D. Office uses shall be allowed on the first and second floor of buildings fronting on a public street.
  - E. Parking is not allowed between the building and the public street.
  - F. The front yard setback shall be fifteen feet and the side and rear yards shall be twenty feet minimum. Corner lots are deemed to have two front yards.
  - G. The front yard setback is the build-to-line. At least fifty percent of the front elevation of the building must be built within ten feet of the build-to-line or as approved by the planning commission.
  - H. The planning commission shall determine the amount of parking required based on projected transit usage and other guidelines found in Section 19.80.090, "Planning Commission Exceptions."

- I. All development in the rail transit mixed-use area shall conform to the Rail Transit Mixed-Use Development Guidelines adopted by the planning commission. The planning commission has the authority to modify or waive guidelines as necessary during development review.
  - Reception center and/or wedding chapel;
  - Reiki business provided it meets the following requirements:
    - A. Hours of operation shall be between 7:00 a.m. and 10:00 p.m.
    - B. Each practitioner that is not an employee of the business licensee shall have a Salt Lake County business license.
    - C. Neither clients nor practitioners shall appear on the premises in a state of nudity or semi-nudity, as defined in the Sexually Oriented Business Chapter of Title 5 of this Code; and
    - D. The premises shall not be used for any conduct that violates Section 58-47b-501 of the Utah Massage Therapy Practice Act (2013) or sexual conduct that violates Title 76 of the Utah Criminal Code.
  - Residential development with any number of dwelling units per structure per lot, pursuant to Section 19.44.040;
  - Shared parking;
  - Short-term rental provided:
    - A. A full-time manager lives on the property. The full-time manager may be the owner of the property; and
    - B. Except for the manager's dwelling unit, all of the dwelling units on the property, lot, planned unit development, or dwelling group shall be rental units, short-term or long-term.
  - Sportsman's kennel (minimum lot area one acre);
  - Tanning studio;
  - Temporary buildings for uses incidental to construction work, which buildings must be removed upon the completion or abandonment of the construction work. If such buildings are not removed within ninety days upon completion of construction and thirty days after notice, the buildings will be removed by the county at the expense of the owner;
  - Veterinary; provided, that:
    - A. The operation is completely enclosed within an air-conditioned soundproofed building. The noise from the animals shall not be audible at the property line,
    - B. There is no sale of merchandise on the premises, and

C. There is no overnight boarding of animals.

(Ord. No. 1779 § III, 1-6-2015; Ord. No. 1753, § VI, 8-6-2013; Ord. 1609, § 10, 2007; Ord. 1574, § 2 (part), 2005; Ord. 1539, § 12, 2004; Ord. 1535, § 5 (part), 2004; Ord. 1473 (part), 2001; Ord. 1416, § 2 (part), 1998; Ord. 1367, § 7, 1996; Ord. 1331, § 4, 1996; Ord. 1293, § 2, 1995; Ord. 1228, § 2 (part), 1993; Ord. 1216, § 2, 1992; Ord. 1198, §§ 9 (part), 11, 1992; Ord. 1179, § 6 (part), 1992; Ord. 1118, § 6 (part), 1990; Ord. 1115, § 5 (part), 1990; Ord. 1088, § 6 (part), 1989; (part) of Ord. passed 12-15-1982; prior code § 22-22-3)



**SALT LAKE COUNTY  
ORDINANCE**

ORDINANCE No. \_\_\_\_\_, 2016

AN ORDINANCE AMENDING TITLE 19, ENTITLED "ZONING", OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, BY RECLASSIFYING CERTAIN PROPERTY LOCATED IN SALT LAKE COUNTY FROM THE R-2-10 (MEDIUM DENSITY RESIDENTIAL) ZONE TO R-M (HIGH DENSITY RESIDENTIAL) ZONE.

The Salt Lake County Council of Salt Lake County, State of Utah, ordains as follows:

Section 1: Section, 19.06.020, Zoning Maps of Salt Lake County Code of Ordinances 2001, is hereby amended, as follows:

The properties described in Application #29759 filed by Richard Smith, and located at 4102 South 900 East, 4108 South 900 East, 4120 South 900 East, 875 East 4125 South, 865 East 4125 South, 857 East 4125 South, and 849 East 4125 South, within Salt Lake County (the "Properties"), are hereby reclassified from the R-2-10 (MEDIUM DENSITY RESIDENTIAL) zone to the R-M (HIGH DENSITY RESIDENTIAL) zone with the following condition to be added as a zoning condition:

- Heights of structures are limited to 35 feet to peak or ridgeline of the structure.

The Properties are more particularly described as follows:

**LEGAL DESCRIPTIONS**

Parcel No. 16-32-376-026:

BEG N 0°04' E 168.2 FT FR SE COR LOT 12, BLK 5, 10 AC PL A, BF SUR; S 0°04' W 58 FT; S 89°54' W 379.5 FT; N 0°04' E 58 FT; N 89°54' E 379.4 FT TO BEG. 0.51 AC.

Parcel No. 16-32-376-030:

COM AT SE COR LOT 12 BLK 5 10 AC PLAT A BIG FIELD SUR N 0°04' E 110.2 FT S 89°54' W 185.5 FT S 0°04' W 55.04 FT E 54.5 FT S 0°04' W 55.2 FT E 131 FT TO BEG 0.4 AC

Application No. 29759

Parcel No. 22-05-126-003:

COM AT NE COR LOT 13 BLK 5 10 AC PLAT A BIG FIELD SUR S 93 FT; W 131 FT; N 93 FT; E 131 FT TO BEG. 0.28 AC.

Parcel No. 22-05-126-002:

BEG 131 FT W OF SE COR LOT 12, BLK 5, TEN AC PLAT A, BIG FIELD SUR; N 0°04' E 55.2 FT; S 89°54' W 54.5 FT; S 0°04' W 148.2 FT; E 54.5 FT; N 93 FT TO BEG 0.18 AC M OR L

Parcel No. 16-32-376-029:

BEG 185.5 FT W OF SE COR LOT 12, BLK 5, 10 AC PLAT A, BIG FIELD SUR; N 0°04' E 110.2 FT; S 89°54' W 54.4 FT; S 0°04' W 203.2 FT; E 54.5 FT; N 93 FT TO BEG. 0.25 AC

Parcel No. 16-32-376-028:

COM 240 FT W FR NE COR LOT 13 BLK 5 10 AC PLAT A BIG FIELD SUR S 93 FT W 64.5 FT N 203.2 FT E 64.5 FT S 110.2 FT TO BEG 0.3 AC.

Parcel No. 16-32-376-027:

COM 304.5 FT W FR SE COR LOT 12 BLK 5 10 AC PLAT A BIG FIELD SUR N 110.2 FT W 79.18 FT S 203.3 FT E 79.18 FT N 93 FT TO BEG. 0.37 AC.

Section 2: The map showing such change shall be filed with the Salt Lake County Planning Commission in accordance with Section 19.06.020 of the Salt Lake County Code of Ordinances, 2001.

Section 3: This ordinance shall take effect fifteen (15) days after its passage and upon at least one publication in a newspaper published in and having general circulation in Salt Lake County, and if not so published within fifteen (15) days then it shall take effect immediately upon its first publication.

IN WITNESS WHEREOF, the Salt Lake County Council has approved, passed and adopted this ordinance this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**SALT LAKE COUNTY COUNCIL**

By: \_\_\_\_\_  
Max Burdick, Chair  
Salt Lake County Council

ATTESTED:

\_\_\_\_\_  
Sherrie Swensen, County Clerk

Approved as to Form:

\_\_\_\_\_  
R. Christopher Preston  
Deputy District Attorney  
Date: \_\_\_\_\_

**ORDINANCE HISTORY**

Council Member Wilson \_\_\_\_\_  
Council Member Snelgrove \_\_\_\_\_  
Council Member Bradley \_\_\_\_\_  
Council Member Bradshaw \_\_\_\_\_  
Council Member Jensen \_\_\_\_\_  
Council Member Newton \_\_\_\_\_  
Council Member Granato \_\_\_\_\_  
Council Member DeBry \_\_\_\_\_  
Council Member Burdick \_\_\_\_\_

Vetoed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

By \_\_\_\_\_  
Mayor Ben McAdams or Designee

(Complete As Applicable)

Veto override: Yes\_\_ No\_\_ Date \_\_\_\_\_  
Ordinance published in newspaper: Date \_\_\_\_\_  
Effective date of ordinance: \_\_\_\_\_

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**OFFICE OF TOWNSHIP SERVICES**

Planning and Development Services  
2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050  
Phone: (385) 468-6700 • Fax: (385) 468-6674  
[www.pwpds.slco.org](http://www.pwpds.slco.org)

**File # 29887**

## Rezone Summary and Recommendation

**Public Body:** Salt Lake County Council – To be Heard      **Meeting Date:** To be Set – August 30, 2016  
**Parcel ID:** 20-12-102-014 & 20-12-102-007      **Current Zone:** M-1    **Proposed Zone:** C-2  
**Property Address:** 5405 West 4700 South  
**Request:** Rezone from M-1 (Manufacturing) to C-2 (Commercial)

**Community Council:** Kearns      **Township:** Kearns Township  
**Planner:** Jeff Miller  
**Planning Commission Recommendation:** Approval with conditions  
**Community Council Recommendation:** Approval with condition  
**Planning Staff Recommendation:** Approval with condition  
**Applicant Name:** Angel Juarez-Aguilar

### PROJECT DESCRIPTION

Angel Juarez-Aguilar is requesting a rezone from M-1 (Manufacturing) to C-2 (Commercial) for two parcels, which total 1.09 acres. The applicant has informed Planning Staff that the intent of the requested zone change is to allow a change of use for the currently vacant building at this location. The vacant building was previously used as a manufacturing factory for pasta. The change of use would be for a grocery store, which is a permitted use in the C-2 zone, and warrants the need for the rezone. Since the proposed parcels to be rezoned are over one acre in size, the application would be required to go through the conditional use approval process.

### SITE & VICINITY DESCRIPTION (see attached map)

The proposed parcels are located on 4700 South, roughly two blocks east of 5600 West. Directly north of the subject property is a large parcel, which is located in West Valley City, and used for wood manufacturing/retail. Further north, is a large area of single-family homes. Directly northeast of the subject property is another large area of single-family homes in West Valley City. Surrounding the subject property on the east, south and west are large areas zoned mostly M-1 and M-2, with a mixture of industrial uses, and vacant lots. Further past these industrial areas are large areas of single-family residential to the east, south and west.

### GENERAL PLAN CONSIDERATIONS

The subject property is located in a “Focused Area of Change” according to the Kearns Township General Plan. While not technically part of an RDA project or an RDA area, this rezone and the proposed change of use as a grocery store has the support of the Salt Lake County Economic Development team (please see attached letter). “Salt Lake County Economic Development has focused its efforts towards actively marketing this area for new and relocating businesses to help provide jobs and services to the residents of Kearns Township.”

**ZONING CONSIDERATIONS**

Requirement	Existing Zone (M-1)	Proposed Zone (C-2)
Height	None	No building or structure shall contain more than six stories, or exceed 75 feet in height. (Staff recommends 35 feet)
Front Yard Setback	None, See Lot Width Below	Multiple or Group Dwellings: 25 feet Other Buildings: 20 feet
Side Yard Setback	None, See Lot Width Below	Multiple or Group Dwellings: 8 feet, 18 feet combined. Other Buildings: None
Rear Yard Setback	None, See Lot Width Below	Multiple or Group Dwellings: 30 feet Other Buildings: None
Lot Width	<p>Single-family Dwelling on the Same Lot With Other Uses:</p> <ol style="list-style-type: none"> <li>1. The required fence shall constitute the property line for the purpose of yard requirements where an actual property line does not exist.</li> <li>2. The minimum side yard shall be five feet, and the total of the two required side yards' width shall not be less than sixteen feet. On corner lots, the side yard which faces on a street shall not be less than twenty feet.</li> <li>3. The minimum depth of the rear yard shall not be less than fifteen feet.</li> <li>4. The width of the yard at any point shall be equal to, or greater than the maximum width of the dwelling, plus the required side yards.</li> </ol> <p>Single-family Dwellings Retained on a Separate Lot:</p> <ol style="list-style-type: none"> <li>1. The minimum side yard shall be five feet, and the total width of the two required side yards shall be not less than sixteen feet. On corner lots, the side yard which faces on a street shall not be less than twenty feet.</li> <li>2. The minimum depth of the rear yard shall be fifteen feet.</li> </ol>	<p>Multiple or Group Dwellings: 50 feet, 25 feet from the front lot line. Other Buildings: None</p>

	<p>3. The minimum depth of the front yard shall be twenty feet.</p> <p>4. The minimum width of the lot shall be sixty feet.</p> <p>5. Access shall be from a private right-of-way or public street with a minimum width of thirty feet.</p> <p>Other Uses. None, except that no commercial or industrial building or structure shall be located closer than twenty feet to any street.</p>	
Lot Area	<p>A single-family dwelling on the same lot with another use(s) allowed in the zone shall occupy a minimum area of five thousand square feet, separated from the other use(s) with a permanent fence.</p> <p>Single-family dwellings retained on a separate lot from other use(s) shall be a minimum of twenty thousand square feet, exclusive of access rights-of-way.</p> <p>Other uses: None</p> <p>Industrial developments over one acre must follow the conditional use permit procedure pursuant to Section 19.84.020 of this title.</p>	<p>A. Multiple and/or Group Dwellings. The minimum lot area shall be not less than five thousand square feet for the first separate dwelling structure, with three thousand square feet for each additional separate dwelling structure, and with seven hundred fifty square feet additional for each additional dwelling unit in excess of one dwelling unit in each separate dwelling structure;</p> <p>B. Other Buildings and Structures. None.</p>
Lot Coverage	In the M-1 zone, no building, structure or group of buildings, with their accessory buildings, shall cover more than eighty percent of the area of the lot.	No building or group of buildings, with their accessory buildings, shall cover more than sixty percent of the area of the lot.

Compatibility with existing buildings in terms of size, scale and height.	Yes
Compliance with Landscaping Requirements Verified.	N/A
Compliance with the General Plan.	Yes

### ISSUES OF CONCERN/PROPOSED MITIGATION

Most of the surrounding uses in the vicinity of the subject property are of an industrial nature. However, there are single-family homes located immediately northeast of the subject property. As such, Planning Staff feels that the allowable height of 75 feet in the C-2 zone would be an issue of concern. Staff recommends limiting the height for the rezoned parcels to a maximum height of 35 feet. There are two existing silos on the subject property that appear to be over the 35 feet in height. However, the applicant has informed Planning Staff that these silos would be removed from the premises, in order to accommodate additional parking spaces on the property.

There is also a concern that the outer boundary descriptions for the two parcels could be inaccurate. To mitigate against this concern, Planning Staff recommends that as a condition of approval that the applicant works with Planning Staff to ensure that the outer boundary descriptions are accurate. If a discrepancy is found, the outer boundary descriptions must be corrected and recorded before the application can be presented to the Salt Lake County Council for potential adoption of the rezone.

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### **NEIGHBORHOOD RESPONSE**

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No response from the neighborhood has been received as of the completion of this report on April 6, 2016.

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### **COMMUNITY COUNCIL RESPONSE**

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The Kearns Community Council discussed this item at their April 5, 2016 meeting. They gave a unanimous recommendation of approval. They also recommended that the allowable height for the C-2 zone be limited to 35 feet as a condition of approval.

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### **PLANNING COMMISSION RESPONSE**

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This item was heard by the Kearns Township Planning Commission on April 11, 2016. They gave a recommendation of approval with the following conditions:

- Heights of structures are limited to 35 feet to peak or ridgeline of the structure.
- The applicant works with Planning Staff to ensure that the outer boundary descriptions for the subject property are accurate or made accurate before the rezone request is presented to the Salt Lake County Council for potential adoption.

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### **REVIEWING AGENCIES RESPONSE**

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Compliance with current building, construction, engineering, fire, health, landscape and safety standards will be verified prior to final approval of any modifications to the vacant structure located on these parcels.

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### **PLANNING STAFF ANALYSIS**

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Planning Staff has analyzed the proposed rezone from M-1 to C-2, and has found that the request is cohesive with the surrounding uses and zones, with the exception of reducing the allowable height to 35 feet to be more compatible with the neighboring single-family residential area to the northeast.

Please see the attached exhibits below for the permitted uses and conditional uses, which are allowed in the C-2 zone.

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### **PLANNING STAFF RECOMMENDATION**

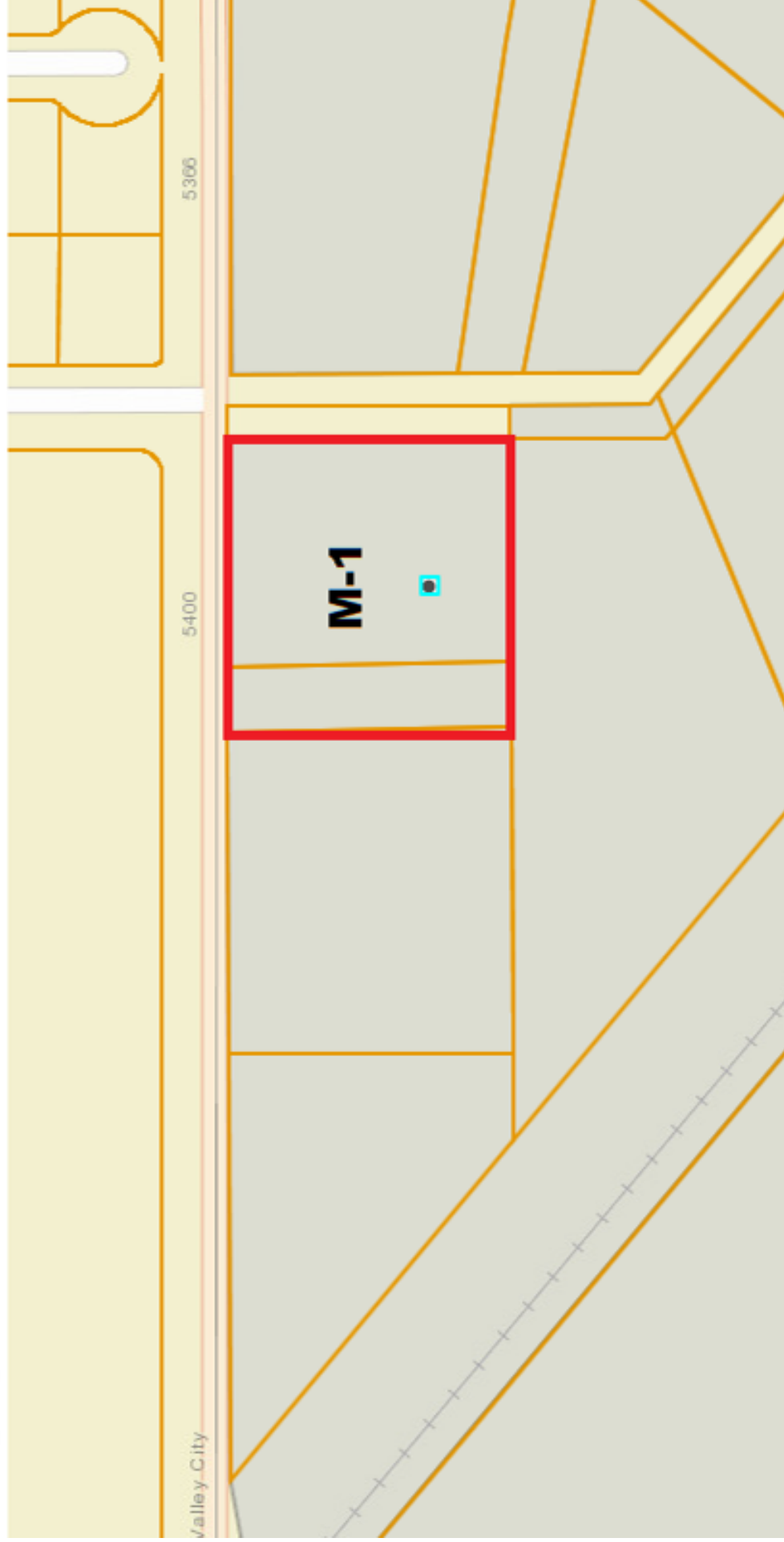
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*County Ordinance [19.90.030] “The county council, after review of the recommendation of the planning commission, may approve, deny, alter or remand for further review and consideration any application for zone change referred to the council by the planning commission.”*

Planning Staff has reviewed this rezone request for compliance with the Kearns Township General Plan, standards set forth in the Salt Lake County Zoning Ordinance (Title 19), and for compatibility with existing neighboring land uses, and recommended to the Kearns Township Planning Commission that they provide a favorable recommendation to the Salt Lake County Council to approve the rezone request from M-1 to C-2 with the following condition of approval:

1. A zoning condition limits the maximum allowable height for the rezoned parcels to 35 feet.

**29887**  
**Zoning Map**



**29887**

**Aerial Map**



**CERTIFICATE**

I, VON R. HILL, A PROFESSIONAL LAND SURVEYOR ACCORDING TO THE LAWS OF THE STATE OF UTAH, DO CERTIFY THAT I HAVE SURVEYED THE PARCEL OF GROUND SHOWN HEREON ACCORDING TO UTAH STATE CODE 17-23-17.



181 North 200 West, Suite #4  
Bountiful, Utah 84010  
Phone 801-298-2236  
Fax 801-298-5983



LOCATED IN THE NW 1/4 OF SECTION 12, T.25S., R.21W., S.11B.&M.  
KEARNS, SALT LAKE COUNTY, UTAH

**RODOLFO RANGEL**

DESCRIPTION

DATE: BY:  
DRAWN: JRC 07/14/2016  
APPROVED: RHI 07/14/2016  
PROJECT: 1316001  
1316001 BOUNDARY.dwg

**C201**  
BOUNDARY SURVEY

**DESCRIPTIONS**

PROVIDED DESCRIPTIONS FROM TITLE REPORT, LANDMARK TITLE NO. 56429, EFF. FEB. 5, 2016

**PARCEL 1:**  
BEGINNING 1319.48 FEET NORTH 89°59'30" WEST AND 33 FEET SOUTH 00°00'30" WEST FROM THE NORTH QUARTER CORNER OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 00°00'30" WEST 219.1 FEET TO THE CENTERLINE OF A RAILROAD SPUR TRACK; THENCE ALONG SAID CENTERLINE NORTH 89°59'30" WEST 198.813 FEET; THENCE LEAVING SAID TRACK NORTH 00°00'30" EAST 219.1 FEET; THENCE SOUTH 89°59'30" EAST 198.813 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE NORTH 7 FEET OF SAID PROPERTY.

ALSO EXCEPTING THEREFROM THE FOLLOWING:  
A TRACK OF LAND BEING A PORTION OF THE MACARONI FACTORY PROPERTY LOCATED AT 5405 WEST 4700 SOUTH, IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, KEARNS CITY, SALT LAKE COUNTY, STATE OF UTAH.

BEGINNING AT A POINT ON THE SOUTH RIGHT OF WAY LINE OF 4700 SOUTH STREET, WHICH POINT BEING 1319.48 FEET NORTH 89°59'30" WEST AND 33 FEET SOUTH 00°00'30" WEST FROM THE NORTH QUARTER CORNER OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 00°00'30" WEST 219.1 FEET TO A POINT ON THE CENTERLINE OF AN ABANDONED RAILROAD; THENCE ALONG SAID RAILROAD NORTH 89°59'30" WEST 25.00 FEET; THENCE NORTH 00°00'30" EAST 219.10 FEET TO THE SAID SOUTH RIGHT-OF-WAY LINE OF 4700 SOUTH STREET; THENCE ALONG SAID RIGHT OF WAY SOUTH 89°59'30" EAST 25.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THE NORTHERLY 7 FEET, MORE OR LESS, AS PREVIOUSLY CONVEYED TO SALT LAKE COUNTY IN RIGHT-OF-WAY DEED RECORDED SEPTEMBER 7, 1976 AS ENTRY NO. 2852926 IN BOOK 4325 AT PAGE 494 OF THE OFFICIAL RECORDS.

**PARCEL 2:**  
BEGINNING AT A POINT SOUTH 00°00'30" WEST 33 FEET AND NORTH 89°59'30" WEST 1520.29 FEET FROM THE NORTH QUARTER CORNER OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 00°00'30" WEST 219.1 FEET; THENCE NORTH 89°59'30" WEST 50.0 FEET; THENCE NORTH 00°00'30" EAST 219.1 FEET; THENCE SOUTH 89°59'30" EAST 50.0 FEET TO THE POINT OF BEGINNING.

NEW COMBINED DESCRIPTION:  
BEGINNING AT A POINT ON THE SOUTH LINE OF 4700 SOUTH STREET, SAID POINT BEING 1319.48 FEET NORTH 89°59'30" WEST AND 33 FEET SOUTH 00°00'30" WEST FROM THE NORTH QUARTER CORNER OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, AND RUNNING THENCE SOUTH 00°00'30" WEST 40.00 FEET FROM THE NORTH QUARTER CORNER OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, AND RUNNING THENCE SOUTH 00°00'30" WEST 173.81 FEET TO A POINT ON THE CENTERLINE OF A RAILROAD SPUR TRACK; THENCE NORTH 00°00'30" WEST 212.10 FEET TO THE CENTERLINE OF A RAILROAD SPUR TRACK; THENCE NORTH 89°59'30" WEST 225.81 FEET ALONG SAID CENTERLINE; THENCE NORTH 00°00'30" EAST 212.10 FEET; THENCE SOUTH 89°59'30" EAST 225.81 FEET TO THE POINT OF BEGINNING, CONTAINING 1.100 ACRES.

7-FOOT STRIP FOR ROAD.  
BEGINNING AT A POINT WHICH IS NORTH 89°59'30" WEST 1518.29 FEET ALONG THE SECTION LINE AND SOUTH 00°00'30" WEST 33.00 FEET FROM THE NORTH QUARTER CORNER OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH AND RUNNING THENCE SOUTH 00°00'30" WEST 7.00 FEET; THENCE NORTH 89°59'30" WEST 52.00 FEET; THENCE NORTH 00°00'30" EAST 7.00 FEET; THENCE SOUTH 89°59'30" EAST 52.00 FEET TO THE POINT OF BEGINNING.

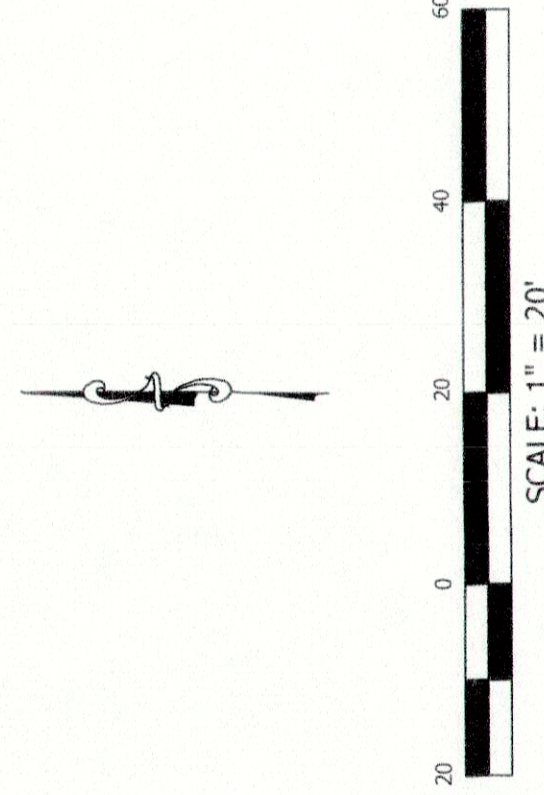
**NARRATIVE**

THE PURPOSE OF THE SURVEY WAS TO COMBINE TWO PARCELS. THIS WAS DONE USING THE SECTION MONUMENTS, AS SHOWN. THERE IS A 2-FOOT GAP BETWEEN THE TWO PARCELS THAT WERE DEEDED FROM THE CHURCH. THIS 2-FOOT GAP WAS ADDED TO THE WESTERLY PARCEL, AS SHOWN. THIS SOLUTION MATCHES EXISTING IMPROVEMENTS VERY WELL.

WE ALSO REVIEWED A 2004 FLINT SURVEY OVER THE SAME PARCEL, SURVEY # S2004-11-0084.

A DESCRIPTION WAS PREPARED TO CONVEY A 7-FOOT STRIP ALONG THE NORTHERLY PORTION OF THE WEST PARCEL. THIS IS CONSISTENT WITH A SIMILAR CONVEYANCE ON THE PARCELS DESCRIBED TO THE EAST.

LEGEND	
PROPERTY LINE	—
ADJACENT PROPERTY	---
SECTION LINE	----
TIE TO MONUMENT	.....
CURB, GUTTER, SIDEWALK	- - - - -
CHAIN LINK FENCE LINE	- - - - -
RAILROAD TRACK	+++++
WALL	
RECORD CALLS ( )	( )
SET 5/8" REBAR WITH H&A CAP, LS #166385, AT CORNER (UNLESS OTHERWISE NOTED)	●
FOUND PROPERTY MARKER (AS NOTED)	○





**Ben McAdams**

Mayor

**Lori Bays**

Deputy Mayor

**Russ Wall**

Acting Township Executive



**Scott R. Baird, P.E.**, Director  
Engineering Services

**Rolen Yoshinaga**, Director  
Planning & Development Services

**Alison Weyher**, Director  
Economic Development

April 5, 2016

Re: Application 29887  
Rezone from M-1 to C-2

To whom it may concern:

This letter is to confirm our support for the rezone and proposed new use of the property located at 5405 West 4700 South (the former Pasta Plant).

The property is located within the Camp Kearns boundaries and is shown on the Kearns Township General Plan Official Map as a "Focused Area of Change". As such, Salt Lake County Economic Development has focused its efforts towards actively marketing this area for new and relocating businesses to help provide jobs and services to the residents of Kearns Township.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Alison Weyher', is written over the typed name and title.

Alison Weyher, Director  
Economic Development  
Township Services

### 19.62.030 - Permitted uses.

Permitted uses in the C-2 zone include:

- Accessory uses and buildings customarily incidental to permitted uses;
- Addressograph shop;
- Antique shop without outside display;
- Archery shop and range, providing the use is conducted within a completely enclosed building;
- Art needlework shop;
- Art shop and/or artist supply;
- Athletic goods store;
- Automobile service station;
- Awning sales and repair;
- Baby formula service; baby diaper service; babysitter agency;
- Bakery;
- Bank;
- Barbershop;
- Beauty shop;
- Bicycle shop;
- Blueprinting and/or photostating;
- Bookstore;

- Bowling alley, including billiard and/or pool tables;
- Bus terminal;
- Cafeteria; catering establishment;
- Candy store; confectionery;
- Carbonated water sales;
- Class A beer outlet;
- Class B beer outlet;
- Clothes cleaning, dyeing and pressing;
- Clothing store;
- Coal and fuel sales office;
- Costume rental;
- Dancing;
- Department store;
- Delicatessen;
- Dog training, provided all training is within a completely enclosed building;
- Dramatics school;
- Drapery and/or curtain store;
- Dressmaking;
- Drive-in refreshment stand;
- Drugstore;

- Dry goods store;
- Electrical and heating appliances and fixture sales and repair;
- Egg candling and sales;
- Employment agency;
- Film exchange;
- Five-and-ten cent store;
- Fix-it shop;
- Flooring or floor repair shop;
- Florist shop;
- Fountain equipment supply;
- Frozen food lockers;
- Fruit or fruit juice store; fruit and/or vegetable stand;
- Fur sales, storage and/or repair;
- Furniture sales and/or repair;
- Gift shop;
- Greenhouse and nursery; plant materials; soil and lawn service;
- Grocery;
- Gunsmith;
- Gymnasium;
- Hardware store, not including the sale of lumber;

- Health food store;
- Hobby and/or crafts shop;
- Home day care/preschool, subject to [Section 19.04.293](#);
- Hospital supplies;
- House cleaning and repair; house equipment display;
- Ice cream shop;
- Ice vendor units and/or reach-in ice merchandiser units; electrical icemaker units; ice storage of not more than five tons' capacity;
- Insulation sales;
- Interior decorating store;
- Jewelry store;
- Janitorial service;
- Key and lock service;
- Laundry, automatic self-help type; laundry agency;
- Leather goods sales;
- Linen shop;
- Luggage shop;
- Machine tools sales;
- Manicuring, pedicuring and electrolysis of hair;
- Medical and dental clinic and laboratory;
- Milk distributing station and sale of dairy products, excluding processing or bottling;

- Military store;
- Mobile lunch agency;
- Monument sales, retail;
- Motorboat sales;
- Music store;
- Newsstand;
- Notions;
- Novelty shop;
- Numismatic shop; gold, silver and platinum dealer;
- Nurses' agency;
- Office, business or professional; office supply; office machines sales and repair;
- Oil burner shop;
- Optometrist and/or oculist;
- Ornamental iron, sales only;
- Painter and/or paint store;
- Pest extermination and control office;
- Pet shop;
- Photographer and/or sale of photographic supplies;
- Popcorn and/or nut shop;
- Radio and television sales and repair and/or station;

- Residential facility for elderly persons;
- Restaurant;
- Roofing sales;
- Safe sales;
- Secondhand shop;
- Shoe shop; shoeshine shop; shoe repair shop;
- Sewing machine shop;
- Stationery and greeting card sales;
- Swimming pool;
- Tailor shop;
- Taxidermist;
- Taxi stand;
- Tire shop, sales only;
- Theater, indoor;
- Tobacco shop;
- Towel and linen supply service;
- Travel bureau;
- Upholstery shop;
- Variety store;
- Wallpaper store;

— Weather-stripping shop.

(Ord. 1323 § 2 (part), 1995; Ord. 1200 § 5 (part), 1992; Ord. 1179 § 5 (part), 1992; Ord. 978 § 3, 1986; 1986 Recodification: §§ 1 (part) and 2 (part) of Ord. passed 3/20/85; § 1 (part) of Ord. passed 2/1/84; (part) of Ord. passed 4/22/82; prior code § 22-27-3)

19.62.040 - Conditional uses.

Conditional uses in the C-2 zone include:

- Agency for the sale of new motor vehicles, trailers and campers, including the incidental sale of used motor vehicles, trailers and campers, provided this use is incidental and located on the same property as the primary use of new motor vehicle sales; agency for the rental of motor vehicles, trailers or campers;
- Ambulance service;
- Apartments for elderly persons;
- Arcade, not to be located within a one thousand foot distance, via the most direct pedestrian route, of the property line of any school or private educational institution having an academic curriculum similar to that ordinarily given in public schools. For purposes of measuring distance, a pedestrian route shall not include a route which requires crossing a physical barrier such as a fence, canal or freeway, or include trespassing across private property.
- Athletic club and/or health club;
- Automobile repair, including incidental body and fender work, painting and upholstering and/or welding; automatic automobile wash;
- Automobile service center, which is limited to tune-ups, lubrication and oil change, front-end alignment, brake repair, and muffler repair, providing there is not outside storage of parts or materials;
- Baking, ice cream making and/or candy making;
- Bath and massage (every massage technician shall be licensed by the state);
- Bed and breakfast inn, which may include a restaurant and conference meeting rooms;
- Cat and dog grooming, excluding overnight boarding;
- Cemetery, mortuary, etc.;



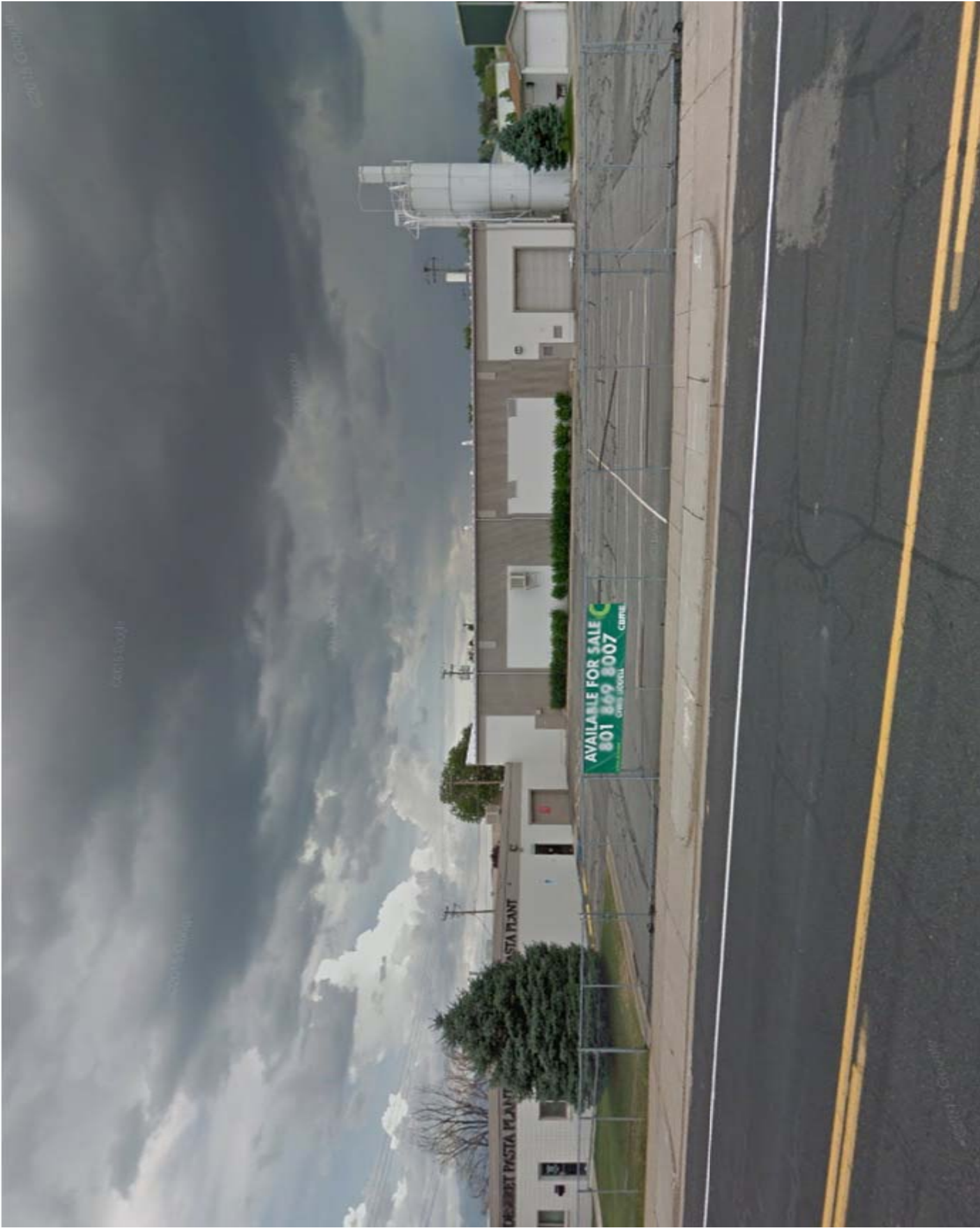
- Check cashing, provided that each check cashing business shall be located a minimum distance of six hundred feet from any other similarly licensed facility;
- Class C fireworks store;
- Copy service;
- Day care/preschool center;
- Golf course;
- Hardware store, including the sale of lumber, providing all storage of lumber is within a completely enclosed building;
- Home day care/preschool, subject to Section 19.04.293;
- Home occupation;
- Hospital;
- Hotel and apartment hotel;
- Indoor firearms and/or archery range;
- Mini-storage units, secondary to the main use of the parcel;
- Mobile home park;
- Mobile store provided it meets the following requirements:
  - A. A location on improved property including a main building with paved parking, and landscaping, curb, gutter and sidewalk if required by the county.
  - B. A maximum display area of one hundred square feet outside the portable structure, a minimum of ten feet behind the property line, not on landscaped areas, and not obstructing access to the property.
  - C. Compliance with the sign ordinance.
  - D. The structures comply with the yard requirements of the zone.
  - E. The mobile store including display area shall not be located within the clear view of intersecting streets.
  - F. Written approval from the property owner to locate on the site.

- Motel;
- Multiple dwellings; group dwellings;
- Neighborhood storage;
- Open storage for recreational vehicles only (campers, snowmobiles, etc.), but not to include the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery, or parts thereof, as in an impound lot or junkyard, etc.; and such use will be required to install a six-foot solid visual barrier fence or masonry wall around the entire storage area (chain-link with slats is acceptable) as a conditional use in the commercial C-2 zone, and as an accessory use only to a main use, such as a service station, carwash or similar use. Gravel or grass surfacing will be allowed for the storage area;
- Package agency;
- Parking lot;
- Planned unit development;
- Plumbing shop;
- Printing shops;
- Private nonprofit locker club;
- Private post office box service;
- Private school;
- Public and quasi-public use;
- Rail transit mixed-use, provided it meets the following requirements:
  - A. The planning commission shall determine the density based on the specific development proposal, site location and surrounding land uses.
  - B. The property is located within one-quarter mile of a rail station.
  - C. Buildings and impervious areas shall not cover more than eighty percent of the site.
  - D. Commercial uses shall be allowed on the first floor of buildings fronting on a public street.

- E. Office uses shall be allowed on the first and second floor of buildings fronting on a public street.
- F. Parking is not allowed between the building and the public street.
- G. The front yard setback shall be fifteen feet and the side and rear yards shall be twenty feet minimum. Corner lots are deemed to have two front yards.
- H. The front yard setback is the build-to-line. At least fifty percent of the front elevation of the building must be built within ten feet of the build-to-line or as approved by the planning commission.
- I. The planning commission shall determine the amount of parking required based on projected transit usage and other guidelines found in Section 19.80.090, "Planning Commission Exceptions."
- J. All development in the rail transit mixed-use area shall conform to the Rail Transit Mixed-Use Development Guidelines adopted by the planning commission. The planning commission has the authority to modify or waive guidelines as necessary during development review.
  - Reception center and/or wedding chapel;
  - Recreation, commercial;
  - Reiki business provided it meets the following requirements:
    - A. Hours of operation shall be between 7:00 a.m. and 10:00 p.m.
    - B. Each practitioner that is not an employee of the business licensee shall have a Salt Lake County business license.
    - C. Neither clients nor practitioners shall appear on the premises in a state of nudity or semi-nudity, as defined in the Sexually Oriented Business Chapter of Title 5 of this Code; and
    - D. The premises shall not be used for any conduct that violates Section 58-47h-501 of the Utah Massage Therapy Practice Act (2013) or sexual conduct that violates Title 76 of the Utah Criminal Code.
  - Rent-all store, provided that there is not outside storage;
  - Resource recycling collection point provided it meets the following requirements:
    - A. A location on improved property including a main building with paved parking, and landscaping, curb, gutter and sidewalk if required by the county.
    - B. All material shall be contained within an enclosed container.
    - C. The structures or bins comply with the yard requirements of the zone.
    - D. Written approval from the property owner to locate on the site.
    - E. Maintenance of the site in a clean, neat and orderly manner.

- Restaurant liquor license;
- Seed and feed store;
- Shared parking;
- Sign-painting shop;
- Single-family dwelling in conjunction with a service station;
- State store;
- Swap meets and flea markets within drive-in theaters or enclosed buildings;
- Tanning studio;
- Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work;
- Theaters, outdoor, providing:
  - A. A solid fence or masonry wall with a minimum height of six feet shall be constructed on all sides.
  - B. Driveways and parking areas shall be provided with properly maintained dustless surfaces.
  - C. Automobile off-street storage areas for automobiles awaiting entrance to the theater shall have a capacity of at least fifteen percent of the number of automobile parking spaces provided inside the theater.
  - D. Minimum area for a single-screen theater shall be ten acres; minimum area for a two-screen theater shall be twelve acres.
- Transfer company, provided trucks no larger than two tons' capacity are used;
- Unoccupied model buildings for display, accessory to a sales office;
- Veterinary, providing operation is completely enclosed within an air-conditioned building.

(Ord. No. 1779, § V, 1-6-2015; Ord. 1639 § 2, 2008; Ord. 1574 § 2 (part), 2005; Ord. 1416 § 2 (part), 1998; Ord. 1331 § 5, 1996; Ord. 1198 § 8 (part), 1992; Ord. 1188 § 2, 1992; Ord. 1179 § 6 (part), 1992; Ord. 1170 § 2 (part), 1991; Ord. 1169 § 3, 1991; Ord. 1042 §§ 3 (part), 6 (part), 1988; Ord. 1008 § 3 (part), 1987; Ord. 978 § 2, 1986; 1986 Recodification; § 3 (part) of Ord. passed 3/20/85; (part) of Ord. passed 10/5/83; (part) of Ord. passed 12/22/82; (part) of Ord. passed 3/3/82; (part) of Ord. passed 8/21/80; prior code § 22-27-4)



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CELESTY PASTA PLANT

PASTA PLANT

AVAILABLE FOR SALE  
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CBRE

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**SALT LAKE COUNTY  
ORDINANCE**

ORDINANCE NO. \_\_\_\_\_, 2016

AN ORDINANCE AMENDING TITLE 19, ENTITLED "ZONING", OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, BY RECLASSIFYING CERTAIN PROPERTY LOCATED IN SALT LAKE COUNTY FROM THE M-1 (MANUFACTURING) ZONE TO C-2 (COMMERCIAL) ZONE.

The Salt Lake County Council of Salt Lake County, State of Utah, ordains as follows:

Section 1: Section, 19.06.020, Zoning Maps of Salt Lake County Code of Ordinances 2001, is hereby amended, as follows:

The properties described in Application #29887 filed by Angel Juarez-Aguilar, located at 5405 West 4700 South within Salt Lake County (the "Property"), are hereby reclassified from the M-1 (MANUFACTURING) zone to the C-2 (COMMERCIAL) zone with the following condition to be added as a zoning condition:

- Heights of structures are limited to 35 feet to peak or ridgeline of the structure.

The Property is more particularly described as follows:

PARCELS # 20-12-102-007 and 20-12-102-014

LEGAL DESCRIPTION (20-12-102-007):

BEGINNING AT A POINT SOUTH 00°00'30" WEST 33 FEET AND NORTH 89°59'30" WEST 1520.29 FEET FROM THE NORTH QUARTER OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 00°00'30" WEST 219.1 FEET; THENCE NORTH 89°59'30" WEST 50.0 FEET; THENCE NORTH 00°00'30" EAST 219.1 FEET; THENCE SOUTH 89°59'30" EAST 50.0 FEET TO THE POINT OF BEGINNING

LEGAL DESCRIPTION (20-12-102-014):

BEGINNING 1319.48 FEET NORTH 89°59'30" WEST AND 33 FEET SOUTH 00°00'30" WEST FROM THE NORTH QUARTER OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 00°00'30" WEST 219.1 FEET TO THE CENTERLINE OF A RAILROAD SPUR TRACK; THENCE ALONG SAID CENTERLINE NORTH 89°59'30" WEST 198.813 FEET; THENCE LEAVING SAID TRACK NORTH 00°00'30" EAST 219.1 FEET; THENCE SOUTH 89°59'30" EAST

198.813 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE NORTH 7 FEET OF SAID PROPERTY.

ALSO EXCEPTING THEREFROM THE FOLLOWING:

A TRACK OF LAND BEING A PORTION OF THE MACARONI FACTORY PROPERTY LOCATED AT 5405 WEST 4700 SOUTH, IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, KEARNS CITY, SALT LAKE COUNTY, STATE OF UTAH.

BEGINNING AT A POINT ON THE SOUTH RIGHT OF WAY LINE OF 4700 SOUTH STREET, WHICH POINT BEING 1319.48 FEET NORTH 89°59'30" WEST ALONG THE SECTION LINE AND 33 FEET SOUTH 00°00'30" WEST FROM THE NORTH QUARTER CORNER OF SAID SECTION 12; AND RUNNING THENCE SOUTH 00°00'30" WEST 219.10 FEET TO A POINT ON THE CENTERLINE OF AN ABANDONED RAILROAD; THENCE ALONG SAID RAILROAD NORTH 89°59'30" WEST 25.00 FEET; THENCE NORTH 00°00'30" EAST 219.10 FEET TO THE SAID SOUTH RIGHT-OF-WAY LINE OF 4700 SOUTH STREET; THENCE ALONG SAID RIGHT OF WAY SOUTH 89°59'30" EAST 25.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THE NORTHERLY 7 FEET, MORE OR LESS, AS PREVIOUSLY CONVEYED TO SALT LAKE COUNTY IN RIGHT-OF-WAY DEED RECORDED SEPTEMBER 7, 1976 AS ENTRY NO. 2852926 IN BOOK 4325 AT PAGE 494 OF THE OFFICIAL RECORDS.

COMBINED LEGAL DESCRIPTION (20-12-102-007 and 20-12-102-014):

BEGINNING AT A POINT ON THE SOUTH LINE OF 4700 SOUTH STREET, SAID POINT BEING NORTH 89°59'30" WEST 1344.48 FEET ALONG THE SECTION LINE AND SOUTH 00°00'30" WEST 40.00 FEET FROM THE NORTH QUARTER CORNER OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, AND RUNNING THENCE SOUTH 00°00'30" WEST 212.10 FEET TO THE CENTERLINE OF A RAILROAD SPUR TRACK; THENCE NORTH 89°59'30" WEST 225.81 FEET ALONG SAID CENTERLINE; THENCE NORTH 00°00'30" EAST 212.10 FEET; THENCE SOUTH 89°59'30" EAST 225.81 FEET TO THE POINT OF BEGINNING, CONTAINING 1.100 ACRES.

Section 2: The map showing such change shall be filed with the Salt Lake County Planning Commission in accordance with Section 19.06.020 of the Salt Lake County, Code of Ordinances, 2001.

Section 3: This ordinance shall take effect fifteen (15) days after its passage and upon at least one publication in a newspaper published in and having general circulation in Salt Lake County, and if not so published within fifteen (15) days then it shall take effect immediately

Application No. 29887

upon its first publication.

IN WITNESS WHEREOF, the Salt Lake County Council has approved, passed and adopted this ordinance this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**SALT LAKE COUNTY COUNCIL**

By: \_\_\_\_\_  
Max Burdick, Chair  
Salt Lake County Council

ATTESTED:

\_\_\_\_\_  
Sherrie Swensen, County Clerk

Approved as to Form:

\_\_\_\_\_  
R. Christopher Preston  
Deputy District Attorney  
Date: \_\_\_\_\_

**ORDINANCE HISTORY**

Council Member Bradley voting \_\_\_\_\_  
Council Member Bradshaw voting \_\_\_\_\_  
Council Member Burdick voting \_\_\_\_\_  
Council Member DeBry voting \_\_\_\_\_  
Council Member Granato voting \_\_\_\_\_  
Council Member Jensen voting \_\_\_\_\_  
Council Member Newton voting \_\_\_\_\_  
Council Member Snelgrove voting \_\_\_\_\_  
Council Member Wilson voting \_\_\_\_\_

Vetoed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

By \_\_\_\_\_  
Mayor Ben McAdams or Designee

(Complete As Applicable)

Veto override: Yes\_\_ No\_\_ Date \_\_\_\_\_  
Ordinance published in newspaper: Date \_\_\_\_\_  
Effective date of ordinance: \_\_\_\_\_