



EX-24-002

Staff Report

Meeting Date: 9/12/2025

Applicant: Chris Bick

Re: Sidewalk, Curb, and Gutter Exception/Deferral

Property Address: 2701 E Brookburn Rd

Zone: R-1-21

Prepared By: Brad Sanderson, AICP and Francis Xavier Lilly, AICP

Scope of Decision: **Discretionary.** This is a legislative matter, to be decided by the Millcreek City Mayor upon receiving a recommendation from the Community Council(s), Public Works Department, and the Millcreek Planning Commission.

RECOMMENDATION AND FINDINGS

Chris Bick, on behalf of John Garff, is requesting an exception to Millcreek's code, as it pertains to property located at 2701 East Brookburn Road, which requires certain improvements (i.e., curb, gutter, park strip, sidewalk, asphalt, etc.) to be installed along the frontage of the property abutting Brookburn Road, as well as along portions of property abutting 2700 East.

The request for an exception was reviewed by the East Mill Creek Community Council and the Millcreek Planning Commission, pursuant to the ordinance requirements in effect at the time the application for an exception was filed.

COMMUNITY COUNCIL RECOMMENDATION:

The East Mill Creek Community Council held a meeting on October 3rd, 2024, wherein the council unanimously recommend to:

- Not install improvements along the north side of Brookburn but to work with the neighbors and staff to find an alternative means of installing sidewalk in areas along the south side which may include property acquisition and piping a ditch with additional discussion to install speed bumps and possibly consider making Brookburn as a one-way street.
- Grant the except on 2700 East without the protective curb, contrary to the public works director's recommendation.

PLANNING COMMISSION RECOMMENDATION:

At a public hearing held on October 16, 2024, the Millcreek Planning Commission voted unanimously recommended that the Mayor grant the exception as it pertains to 2700 East, with the suggestion to leave the wall alone (no curb or anything else) and the Planning Commission recommended that the mayor deny the exception with respect to Brookburn Road, but with the suggestion to not necessarily require sidewalk there, but to look at all of the options as far as designs go, potential deferral, [or] sidewalk potentially up next to the curb. The recommendation is to deny the exception but take into account all of the input and collaboration to try and find the ultimate solution.

Following the Planning Commission’s recommendation, staff worked with the applicant to design an installation of sidewalk on the south side of Brookburn Road in lieu of the standard requirement of sidewalk along the applicant’s property frontage.

RECOMMENDED FINDINGS:

Staff recommends approval of a sidewalk exception, subject to an agreement to install sidewalk on the south side of Brookburn Road, connect the edge of the existing sidewalk that terminates at 2748 East Brookburn Road to the corner of Brookburn Road and 2700 East, and makes the following recommended findings associated with this request for a sidewalk exception:

- 1) The existing stone wall and the open irrigation channel are historic resources pursuant to §18.97 of the Millcreek Code, and presents an unusual and exceptional aesthetic or historic attributes which justify preserving the wall and the irrigation channel. The neighborhood is proximate to the site of the historic Neff’s Mill on Millcreek, and is reflective of Millcreek’s early history.
- 2) The right-of-way vacations and dedications proposed by the applicant’s preliminary plat will simplify the boundary between the city’s right-of-way and the applicant’s property, which will make the city’s maintenance burden easier to meet, particularly with the inclusion of appropriate easements for maintenance and public access where necessary.
- 3) The presence of several significant trees on the north side of Brookburn Road similarly present an exceptional aesthetic attribute that justify an exception to curb, gutter, and sidewalk on the north side of Brookburn Road. In addition, there are evident topographical challenges along the north side of Brookburn Raod, due to a considerable slope running from the edge of the existing pavement to the Mill Creek.
- 4) There is an existing sidewalk along the south side of Brookburn Road, that terminates at approximately 2748 East Brookburn Road. The existing sidewalk on the south side of Brookburn Road, while not complete, is more complete than sidewalk on the north side of that street further east of the applicant’s property and east of the above-mentioned slope challenge. In meetings with the East Mill Creek Community Council and the Millcreek Planning Commission, the applicant represented that they would support the construction of a completed curb, gutter, and sidewalk from 2748 East Brookburn Road to the intersection at 2700 East, in lieu of the required improvements along their property frontage. Notably, if an exception were granted, the applicant has offered to pay for the installation of sidewalk along the south side of Brookburn Road, across from the subject property. This offer includes paying for acquisition of any required right of way and other modifications to the storm drain inlet and

irrigation headgate required to build a sidewalk which complies with city standards and meets ADA requirements. The offer and preliminary design for this alternative have been incorporated into an agreement proposed between the applicant and the city, subject to which the requested exception would be granted by the mayor. Additionally, the applicant has agreed to dedicate sufficient right of way to the city, if in the future, the city determines to construct an improvement to the curb along the north side of Brookburn Road where it intersects 2700 East, to address future deterioration of the existing blacktop curb designed to channel storm runoff between the existing concrete storm drain inlet on the north side of Brookburn Road, just east of the corner with 2700 East. Both the Community Council and Planning Commission encouraged staff to explore an alternative that provided for a completed sidewalk on the south side of Brookburn Road. This solution includes the provision of maintaining the open irrigation channel along the south side of Brookburn Road, which is a historic resource for the neighborhood and the community.

- 5) The sidewalks along Brookburn Road and 2700 East are a part of the Wasatch Junior High School Safe Routes to School program, and the City supports additional sidewalks in this area to provide safe pedestrian access to Wasatch Junior High School. The applicant’s offer to complete the missing section on the south side of Brookburn Road is the most effective means to provide a safe walking path between 2700 East and Wasatch Junior High School, rather than completing a disjointed section on the north side of Brookburn Road, where there is currently no sidewalk.
- 6) Unusual topographical considerations exist given the slope east of the subject property which would complicate extending sidewalk further east on the north side of Brookburn Road. The destruction of significant trees would be required along the north side. It is in the interest of the general welfare of Millcreek residents that a more complete sidewalk on the south side of Brookburn Road be constructed as an alternative. Since the applicant has offered to pay for its design and construction and given the understanding that the property owners on the south side of Brookburn Road would sell the property required for a south-side sidewalk and such will be dedicated to the city, I find the requested exception, subject to the agreement, is warranted.

The following section of Millcreek code apply to this request:

Section 15.28.010 Dedication and Improvement Required

“Except as otherwise provided in MKC 15.28.020, no building or structure shall be erected, reconstructed, structurally altered or enlarged, and no building permit shall be issued therefor, on any lot or parcel of land which abuts a major or secondary highway, as shown on the map entitled, "The City Transportation Improvement Plan," on file with the planning and development services division and made part of this chapter by reference, or other public street which does not conform to current city width standards, unless the portion of such lot or parcel within the right-of-way of the highway to be widened or additional required street width has been dedicated to the city and improved. The dedication and improvements shall meet the standards for such highway or street as provided in MKC 15.28.060.”

Section 19.76.210 Off-Site Improvements

“Off-Site Improvements Required. The applicant for a building or conditional use permit for all dwellings, commercial or industrial uses, and all other business and public and quasi-public uses shall provide curb, gutter and sidewalk along the entire property line which abuts any public road or street in cases where it does not exist at City standards. Vehicular entrances to the property shall be provided as required in MKC 14.12.110. Height, location, structural specifications, maximum and minimum cut radii, and minimum roadway approach angles to the centerline of the street are subject to the approval of the agency concerned.”

Section 18.04.010 Required Improvements

1. *The following improvements shall be required and adhere to the standards in the Millcreek Code of Ordinances.*
2. *Storm Water System*
3. *Public Sanitary Sewer*
4. *Storm Drainage to Comply with Low Impact Design Standards*
5. *Street Improvements*
6. *Street Lighting*
7. *Curb and Gutter*
8. *Utility and Facility Systems to be Undergrounded.*
9. *Sidewalks*
10. *Street Name Signs*
11. *Trails*
12. *Fire Hydrants*
13. *Stormwater Inlets*
14. *Fencing Along Right-of-Ways Where Lots Rear Public Streets*
15. *Undergrounding/piping of Canals Where Adjacent to Public Right-of-Way*

Section 14.12.025 of Millcreek’s Code “Curb Ramps, Ramps And Sidewalks To Comply With Standards”, states;

“All public and private curb ramp, ramp and sidewalk development located within the city subject to the jurisdiction of the city shall meet the requirements of this chapter”. . . .

Section 2.56.100 requires the Community Councils recommendations as stated:

“The city planning and zoning department shall submit to all members of the community council copies of the city planning commission public meeting agendas, text changes to the zoning ordinance, zoning or conditional use applications pertaining to territory located within each community district, and applications for extraordinary relief and exceptions to the city Code of Ordinances. Community councils are encouraged to make written recommendations concerning such applications to the community development department.”

Section 14.12.150 of Millcreek’s Code does allow some exceptions as stated;

“In cases where unusual topographical, aesthetic, or other exceptional conditions or circumstances exist, variations or exceptions to the requirements or this chapter may be approved by the mayor after receiving recommendations from the planning commission and the public works director; provided, that the variations or exceptions are not detrimental to the public safety or welfare.”

The Planning Commission staff report, which provides additional background information, is attached to this memorandum.



EX-24-002

Planning Commission Staff Report

Meeting Date: 10/16/2024

Applicant: Chris Bick

Re: Sidewalk, Curb, and Gutter Exception/Deferral

Property Address: 2701 E Brookburn Rd

Zone: R-1-21

Prepared By: Carlos Estudillo, Planner

Scope of Decision: **Discretionary.** This is a legislative matter, to be decided by the Millcreek City Mayor upon receiving a recommendation from the Community Council(s), Public Works Department, and the Millcreek Planning Commission.

REQUEST AND SYNOPSIS

Chris Bick, on behalf of John Garff, is requesting an exception to Millcreek's code, as it pertains to property located at 2701 East Brookburn Road, which requires certain improvements (i.e., curb, gutter, park strip, sidewalk, asphalt, etc.) to be installed along the frontage of the property abutting Brookburn Road, as well as along portions of property abutting 2700 East. The following section of Millcreek code apply to this request:

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entrances to the property shall be provided as required in MKC 14.12.110. Height, location, structural specifications, maximum and minimum cut radii, and minimum roadway approach angles to the centerline of the street are subject to the approval of the agency concerned.”

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“In cases where unusual topographical, aesthetic, or other exceptional conditions or circumstances exist, variations or exceptions to the requirements or this chapter may be approved by the mayor after receiving recommendations from the planning commission and the public works director; provided, that the variations or exceptions are not detrimental to the public safety or welfare.”

The applicant has made an application requesting an exception and has provided documentation supporting their request, (see attached).

PLANNING STAFF FINDINGS & RECOMMENDATION

Findings:

- The subject property has two street frontages and is approximately 4.155 acres in size. Millcreek’s Transportation Master Plan (TMP) requires Brookburn Rd to be built as a local roadway with a right of way (ROW) width of 50’ which would include 25’ of asphalt and 2.5’ of curb gutter, a 5’ park strip, and a 4’ sidewalk on both sides of Brookburn Rd. This application would only be responsible for the improvements from the centerline of Brookburn to the north.
- Millcreek’s TMP requires 2700 East to be built as a minor collector with a ROW width of 50’ which would include 41’ of asphalt and 2.5’ of curb gutter, a 5’ park strip, and a 4’ sidewalk on both sides of 2700 East. This application would only be responsible for the improvements from the centerline of 2700 East to the proposed property line of the subject property.



- The property frontage abutting 2700 East currently has an elevated park strip and sidewalk, which are retained by a rock wall, extending approximate 515 feet in length. There is no curb and gutter parallel to and the abutting 2700 East. Millcreek’s code would require removal of the retaining wall and widening of the public right-of-way (ROW) to conform with the 66’ (33’ half width) Minor Collector cross section as recommended by the Millcreek Transportation Master Plan (TMP). The wall currently sits anywhere between 18 and 8 feet within the TMP’s required ROW.
- The elevated sidewalk located at 2700 East is part of the Upland Terrace School and Wasatch Jr High Safe Routes to School (SRTS) program; Therefore, it is critical to keep and maintain the currently established wall and its sidewalk.
- According to the applicant, the wall was built approximately seventy (70) years ago (south end), to match a nearly 100-year-old wall at the north end of “The bend”. This winding portion of 2700 East is composed of two lanes (one in each direction). Given the current circumstances, the existing wall and landscaping has historically functioned as a barrier between vehicles and pedestrians.

- Widening the road to meet the current adopted standards would also create a safe environment for vehicles and pedestrians.
- As it pertains to the portion of property abutting Brookburn Road, there are storm drain inlets, hydrants, power poles, and other existing infrastructure already within what would be the future right of way. The location of these would seem to indicate the north side of Brookburn Rd. is intended for a future curb/gutter, sidewalk and park strip improvements, if and when, the property ever develops or when the city has sufficient funds to install such improvements.
- There is sidewalk on the north and south side of Brookburn Road which continues to the east and connects to Craig Dr. If the sidewalk is installed per the requirements of MKZ 19.76.210 there would be 500 feet between sidewalk connections, on the north side of Brookburn that would complete a continuous sidewalk from Craig Dr to 2700 E.
- There is a sidewalk along a portion of the south side of Brookburn Road, except for a 265-foot portion immediately east of 2700 East and an additional 465 feet further east of Tanner Garden Court. Other improvement, including possible right of way may also need to be considered.
- Brookburn Road is part of the Wasatch Jr High Safe Routes to School (SRTS) program; Therefore, the installation of a sidewalk and other improvements to Brookburn Road would achieve the goal of improving safety in the areas surrounding schools.
- The Salt Lake County parcel maps show a 50' public right of way (ROW) on Brookburn but the applicants survey shows the property line extending south over Brookburn Rd. Staff finds that **this is not a case where unusual topographical or, aesthetic conditions or circumstances exist** for an exception to be recommended, as improvements would be required to be installed in any other road located in Millcreek that may share the same “aesthetics”. Staff has not found a topographical condition, such as slopes over 30% or exceptional conditions/circumstances, such as drainage issues, that would impede the applicant from installing the required improvements. Therefore, curb, gutter, park strip, sidewalk, asphalt and property dedication will be required by the Public Works Department.
- Planning Staff notes that the installation of curb and sidewalk may cause the removal of up to 11 mature trees along Brookburn. These trees may be an “other exceptional condition or circumstance” that warrants additional consideration.
- According to the provided ALTA survey the portion of Brookburn Road abutting the main parcel being proposed for development has a length of 577 feet (approx.) and an elevation change of 36 feet (approx.) which is an average slope of 6.5%.
- According to Millcreek’s code (MKC 14.12.090) streets are allowed to have slopes up 10%.
- Brookburn Rd. does narrow further east beyond the portion of property being considered for development and does have a significant elevation change on the north side where slope may need to be addressed prior to the installation of the required improvements.

- Widening the road and installing improvements on Brookburn per the TMP requirements could help clear up obstructions that are currently within the proposed ROW allowing for better line of sight where Brookburn curves.

EAST MILL CREEK COMMUNITY COUNCIL RESPONSE

East Mill Creek Community Council held a meeting on October 3rd, 2024, wherein the council unanimously recommend to:

- Not install improvements along the north side of Brookburn but to work with the neighbors and staff to find an alternative means of installing sidewalk in areas along the south side which may include property acquisition and piping a ditch with additional discussion to install speed bumps and possibly consider making Brookburn as a one-way street.
- Grant the except on 2700 East without the protective curb, contrary to the public works director’s recommendation.

STAFF RECOMMENDATIONS:

Recommendations:

Planning staff recommends that Planning Commission review the staff memo and attachments for application EX-24-002 and forward a recommendation onto Millcreek’s Mayor, as follows:

Public Works Recommendation for 2700 East:

- The existing narrow bend located long this particular section of 2700 East does create somewhat of an “unusual” circumstance or condition. The historic nature of the existing decorative rock retaining wall located along 2700 East also has an unusual aspect as both an aesthetic feature as well as a safety measure for both pedestrians and vehicles by slowing down vehicles and creating an elevated separation for pedestrians. Staff recommends a 6” curb wall in leu of the required 2.5’ curb and gutter. The 6” curb wall would need to follow APWA standard 209 type P and be installed contiguously with the retaining wall to assist in the preservation and protection of the wall from being damaged from vehicles and/or through maintenance such as snow removal from snowplows:

Public Works Director’s Recommendation for Brookburn:

- The Millcreek Public Works Director, recommends to **not** grant an exception or deferral to install improvements (i.e sidewalk, park strip, curb, gutter, etc.) on the north side of Brookburn Road, due to the lack of evidence from the applicant that there is any “unusual” topographical, aesthetic, or other exceptional conditions or circumstances which would warrant an exception. Staff is aware of the safety concerns that already exist in this area and are concerned that any exception or deferral of improvements could be detrimental to the public safety and welfare of the residents that use the ROW in this area. The improvements would need to be installed per the local street cross section, shown in the 2019 Transportation Master Plan.
- Millcreek Planning Staff notes that the existing mature trees along the applicant’s property frontage on north side of Brookburn may constitute as a “other exceptional condition” that may warrant additional review. Planning Staff believes that, in light of this condition, a

deferral agreement may be warranted in this instance, to provide the certainty that Millcreek could accomplish a sidewalk along the frontage, if it chose to pursue a sidewalk project along the north side of Brookburn Road. A deferral agreement would allow the mature trees to remain in place now and could potentially give the City an opportunity to consider design alternatives that would preserve the existing vegetation along Brookburn Road.

SUPPORTING DOCUMENTS

- **Aerial Image**
- **ALTA Survey**
- **Letter from applicant with images**
- **Safe School Routes**
- **Applicant's Letters to Neighbors and Community Council**
- **Millcreek 2019 Transportation Master Plan**

Aerial Image



Subject Property

2700 East

Tanner Garden Ct.

Brookburn Rd.

Craig Drive

< Wed Aug 07 2024 >



Intent for Garff Millcreek Residence

The applicant respectfully requests, by way of special exception, that the City of Millcreek preserve the historic conditions of the roadways and surroundings at 2700 E and Brookburn Road, adjacent to 2701 Brookburn Road. It is crucial to maintain the historic character of this area, particularly the s-curve route known as "The Bend," the existing historical wall, and the country lane feel of Brookburn Road to not only honor its historical and cultural significance, but The Bend also controls the speed of traffic and provide a barrier between vehicles and pedestrians.

The s-curve, or "The Bend," is not only a distinctive road feature but a vital component of the community's heritage. This winding route, combined with the historically significant wall built ~70 years ago (south end of The Bend) to match the nearly 100-year-old wall on the north end of The Bend, has become a cherished landmark. It is important to note that UTA previously utilized "The Bend" for a bus route, which caused ongoing and substantial damage to the wall. Over a decade, John and Amy personally invested an average of \$10,000 annually, totaling ~\$100,000 to repair the wall from repeated bus impacts. UTA acknowledged the safety and property damage concerns and chose to re-route the bus route. Once the UTA re-route went into effect, the historic wall was meticulously restored at a substantial cost of \$125,000 by private Garff Family funds, reflecting the community's commitment to preserving this historic landmark.

The community has consistently expressed a desire to maintain these roadways in their current state, rejecting previous proposals from Salt Lake County to straighten "The Bend" for safety concerns. The argument against straightening emphasized that the existing curve reduced speeds as compared to a straightened road, where faster speeds could pose an even greater risk. The narrow nature of the road, along with two stop signs within 200 yards on both ends of The Bend, causes drivers to naturally feel the need to slow down. The smaller radius of the bend in the road also contributes to naturally slowing traffic down. Narrow roads with small radii are design criteria currently being used in modern day roadway design to encourage slower driving speeds which slows down traffic on the road. This is seen in the basic roundabout design which are becoming more frequently used in situations like these to force vehicles to slow down and be more alert.

The raised pedestrian path also largely contributes to the safety of the pedestrians by creating a barrier between them and vehicles on the road. The shaded trail behind the wall offers a scenic and enjoyable path that is widely used by residents and visitors. This design preserves the area's charm and historical value, making it a favored location for daily walkers, runners and bikers along with special local events such as the live Nativity on the church lawn and the 4th of July parade, which attracts hundreds of people who use "The Bend" for access.

Moreover, Brookburn Road and its country lane feel originated from its beginnings as an orchard lane (100+ years ago) and served as a connection path to the adjacent orchard and rose gardens (now Tanner Gardens Court). This orchard lane (which became a public access road in the 50s), remained mostly unchanged for 80+ years until the multi-home Tanner Gardens Court development in 2006. The integrity of this country lane feel on the northside of Brookburn Road has been conserved by its three property owners for nearly 100+ years. The unique character of Brookburn Road, The Bend, and its surroundings is a testament to the city's history and should remain preserved.

The historical and aesthetic value of the area cannot be overstated. Preserving the road's historic character significantly contributes to local quality of life and community beautification. As a practical alternative to

destroying an aesthetic landmark and country lane, we respectfully request that the resident be allowed to donate to a Millcreek sidewalk fund, or other community fund, which monies can then be deployed in other areas of the community where sidewalks are more urgently needed, such as major roads or near schools. As you consider the appropriate donation amount, please take into account the \$225,000 that Garff Family residents have already invested in the repair and preservation of the historic wall at The Bend as a goodwill credit.

In conclusion, the applicant respectfully requests that the City of Millcreek prioritize the preservation of the historic wall, "The Bend", with its contribution to slowing down traffic for the community, and the country lane feel of Brookburn Road. This area represents a crucial part of our community's heritage, and maintaining its current state is of utmost importance to the residents and other neighbors who cherish it.

Thank you for your thoughtful consideration to this matter.



February 1970 (Earliest Available Aerial Imagery)

Note: The Bend Garff residence and many beautiful trees along Brookburn



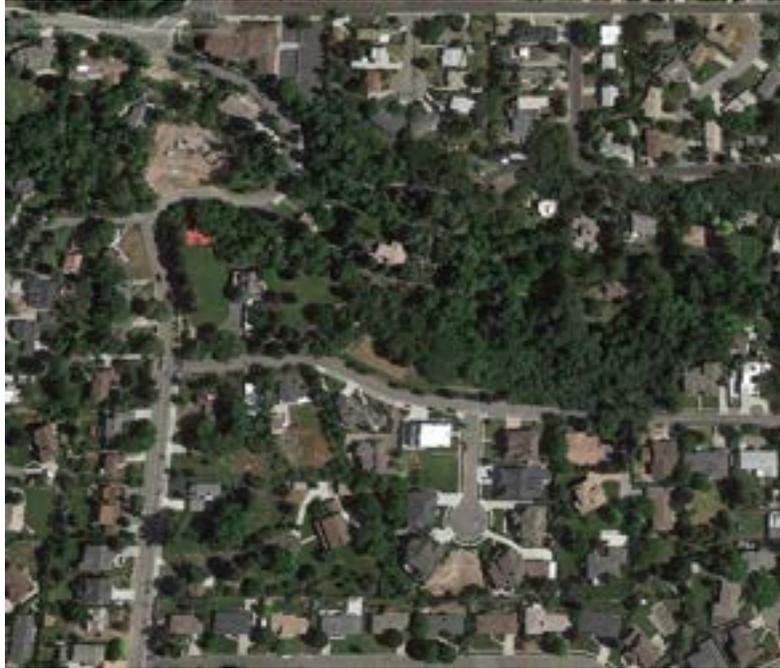
June 2005

Note: The many trees along Brookburn and The Bend and Garff Residence still very much the same.



August 2006 (sidewalks installed on the southside of Brookburn in
Conjunction with the multi-home development on Tanner Gardens Court)

Note: Trees gone to make way for sidewalk. Residents were very unhappy to lose those trees.



June 2015 (Additional home along The Bend)

Note: A new rock wall (boulders) was added along the northside of the lower Bend when this new residential home was built. This new rock wall was meant to compliment the historic wall.



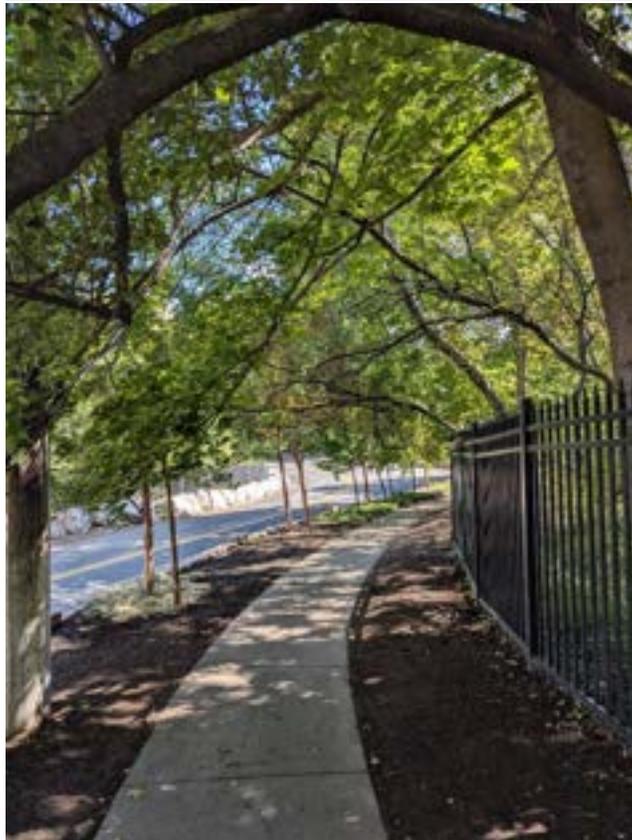
June 2024 (Current State)



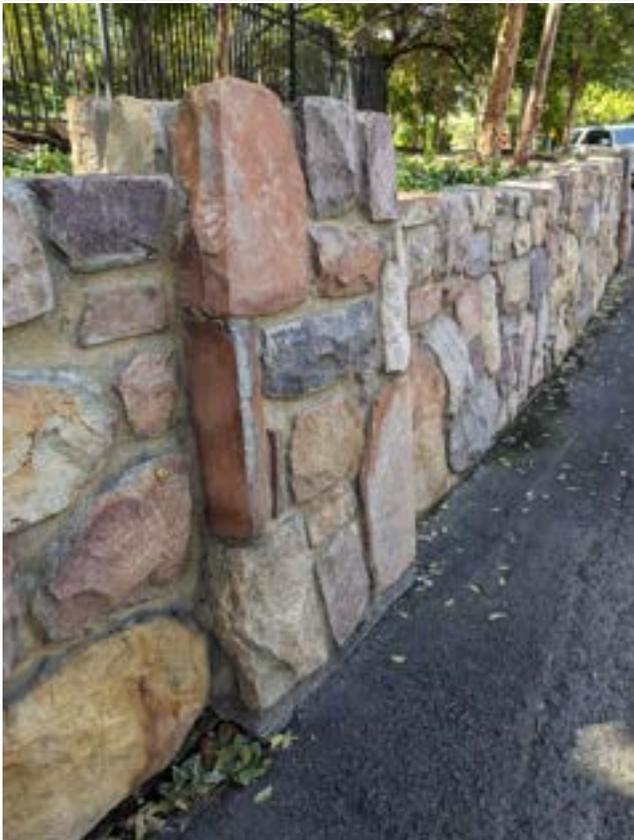














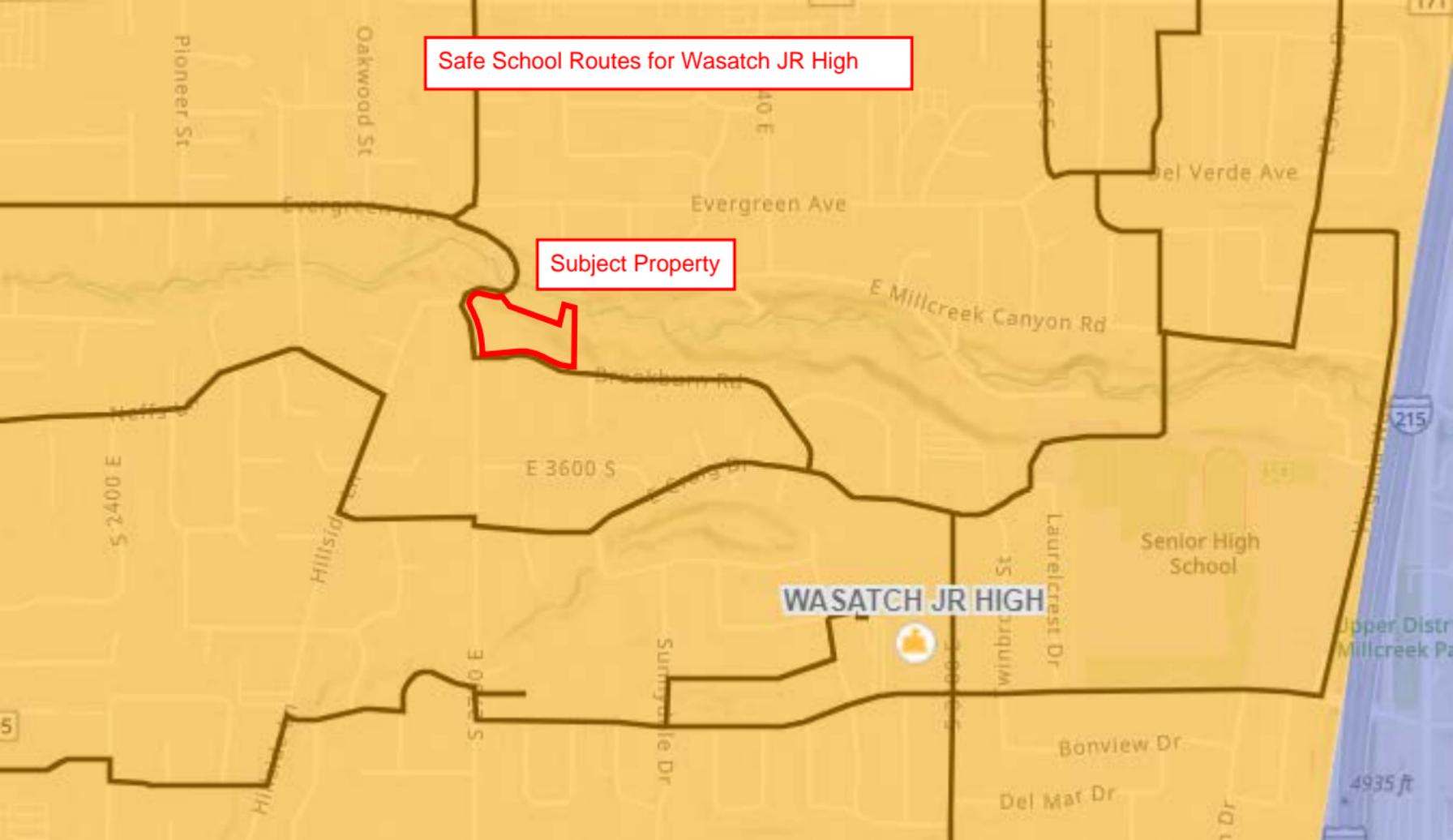




Safe School Routes for Wasatch JR High

Subject Property

WASATCH JR HIGH



Dear Neighbors:

As a courtesy heads up, we are planning to build a second home adjacent to our existing home. To do this, we need to subdivide our property into two parcels. That property subdivision comes along with a few building code issues that we are constructively addressing with Millcreek City. **Our request of Millcreek City is to work with us to maintain the integrity of the historic and aesthetic rock wall along 27th East and to maintain the 125+ year heritage of the country lane feel along the north side of Brookburn Road.** Exceptions and variances exist for every rule, and we are working collaboratively with Millcreek City through this variance process.

In sum:

- We are keeping our existing home
- We are building a second home adjacent to our existing home
- This action requires a lot division (so one house will be on each of the two parcels)
- The proposed lot division and new home requires that Millcreek City follow its building code requirements. More specifically, a requirement for us to install sidewalk, curb and gutter that complies with code along 2700 E (eliminating the historic rock wall); and installing sidewalk, curb and gutter along Brookburn Rd (eliminating the 125+ year country lane feel on the north side of Brookburn Rd. which will result in a truncated sidewalk).
- However, not all City standards and codes work for every situation. Hence, the primary reason why all cities and counties have a variance process, and a public hearing process is to discuss reasonable exceptions. In our case, these meetings will be on October 3rd (6:30p) and October 16 (5p) as posted by Millcreek City.

Our humble request of community leaders and neighbors: We are asking the EMC Community Council, the Millcreek Planning Commission and our Mayor to approve this variance request. Variance approval specifically means:

- That we can maintain the integrity of 2700 E; whereas the historic and aesthetic rock wall and sidewalk remain “as is”; and
- Allow the northside of Brookburn Rd. to retain its 125+ year country lane heritage and remain “as is” (no truncated sidewalk, curb and gutter).
 - Important Note: the existing asphalt berm and two storm drains on the northside of Brookburn Rd. function perfectly well “as is”. In addition, the existing country lane dirt strip serves several aesthetic and practical functions for pedestrians and dog-walkers.

We appreciate your support!

Amy and John Garff

Community Council Staff Memo (re 3500 S 2700 E “sidewalk, curb and gutter” exception request) – Property Owner’s respectful rebuttal to recommendations from the Planning Staff

2700 East

The 2700 East recommendation to install a 6” curb along the base of the wall is perhaps a well-meaning recommendation, but in 19 years, we haven’t had a single incident with a snowplow hitting the wall. 95% of the damage incidents and \$100K+ of repair money spent fixing the wall damage has either been due to UTA buses or semi-trucks. We are happy to take this issue off-line and work collaboratively with the City. However, the likely and responsible outcome will be to defer any added curb recommendation until the next time we spend \$125K restoring and rebuilding the wall so these two intended functions can be engineered to work together. At that time, the City will likely need to grind down the asphalt by 12” to eliminate several decades of layered asphalt. In the meantime, the minor drainage issues we had (post rebuilding the wall) were materially eliminated the last time the S-curve was paved; which coincidentally was about the same time we finished restoring and rebuilding the wall. A Millcreek City roadworks representative, at that time, worked with us to have the onsite paving company fill in the 12” gap and abut the asphalt with the rock wall. Furthermore, the City instructed the paving company to cut out an asphalt trough (that remains intact today) to connect the one outlying low point on the road with the existing storm drain.

- **Our Recommendation to the Council: Let’s maintain the perfectly functional, historic and aesthetic integrity of 2700 E by approving the “Sidewalk, Curb, and Gutter Exception” (as provided per Millcreek Code Section 14.12.150).**

Brookburn Road

John Miller’s recommendation that “Brookburn Road does not meet the criteria set forth in Section 14.12.150” is objectively inaccurate. It is our opinion that every standard of this variance is met in our situation.

Section 14.12.150 reads: “In cases where unusual topographical, aesthetic, or other exceptional conditions or circumstances exist, variations or exceptions to the requirements of this chapter may be approved by the mayor after receiving recommendations from the planning commission and the public works director; provided that the variations or exceptions are not detrimental to public safety or welfare.”

“Aesthetic” defined

- concerned with beauty or the appreciation of beauty
- is used to talk about beauty or art, and people's appreciation of beautiful things
- ornamental, artistic, pleasing, pretty

The 200-yard frontage along the northside of Brookburn Rd objectively meets every definition of “aesthetic”. There is nothing like it in Millcreek, nor in SLC, which makes this historic country lane both unique and pleasing.

Exceptional Conditions “Historic Integrity”

Brookburn Road, is in fact, a 125+ year old historic property of the Neff family (John Neff II by most accounts, but the Neff family nonetheless). Brookburn Road was the farm / orchard service road for many years before it became a county road. The “country lane” feel is as much part of the historic and aesthetic integrity as is the rock wall on 2700 E. In addition, 2811 E. Brookburn is an adjacent property we acquired a few years ago. The Brookburn frontage of this property extends the historic and aesthetic “country lane” feel for nearly 200 yards along the north side of Brookburn Road. Simply stated, preserving historic and aesthetic integrity is very important to us and other like-minded people that want to protect and preserve history where practical.

Unusual Topographical

The Unusual Topography is that there is a 40’ drop from the elevation of Brookburn Road to the driveway access of 2811 Brookburn and a 50’+ drop to the irrigation ditch. The only “things” keeping an errant vehicle from rolling down that hill are the trees that line Brookburn Road. It is important to note that none of the trees are scared from cars, nor have there been any issues of cars rolling down the hill. The trees act as a natural barrier and the narrowness of the road acts as a natural way to get cars to slow down. Not every public right-of-way can be 50’ wide and meet all code requirements. Brookburn is one of those obvious exceptions. This is highly relevant when considering how the natural topography is requisite to roadwork constraints and how public safety elements are achieved with reasonable alternatives.

Public Safety

Brookburn Road is approximately 28’ wide where it intersects with 2700 E. As one travels East, Brookburn consistently narrows in a funnel-like manner to a choke point in the road, where at approximately 2828 E. Brookburn / 2811 E. Brookburn, the road narrows to 15’ (with no sidewalk on either side). This same choke point happens to be where the steepest topographical drop-off exists. There is simply no practical option to widen the road or add a sidewalk in that narrow stretch. Any suggestion or attempt to widen the lower half of Brookburn Road now or in the future is pure folly, as it will only increase speeds and make

this funnel-effect at the choke point more dangerous. The best and simplest option for public safety is for the City to post Brookburn as a 15 MPH speed zone.

Other Circumstances

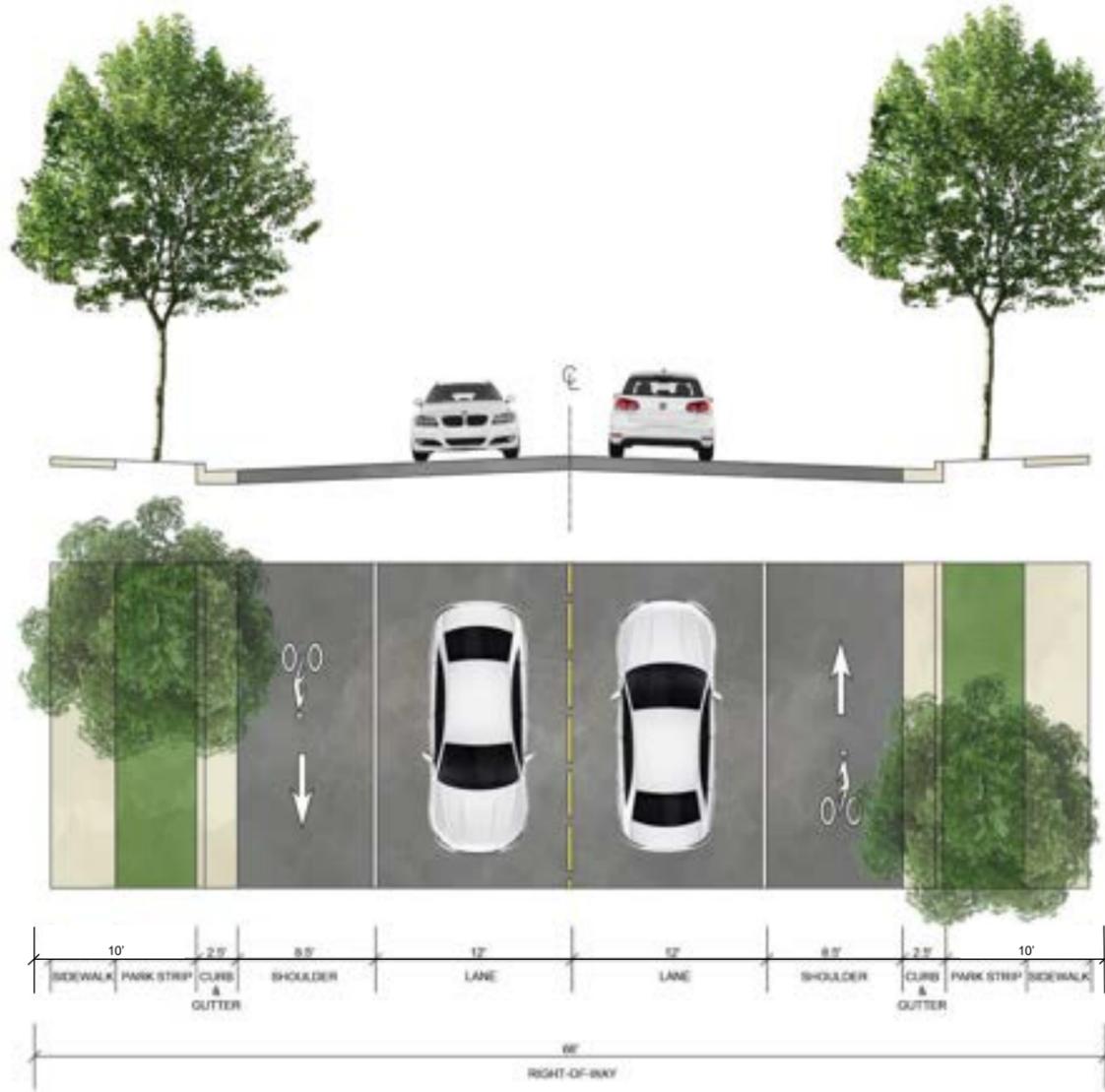
There is a 4'-5' dirt strip that extends 150-yards up the north side of Brookburn Road. At 2811 E. Brookburn, this dirt strip extends another 50-yards (200+ yard in total). Not only is this an aesthetic "country lane" feel, but it is highly functional for dog-walkers and a practical option for pedestrians to get off the road, if desired.

Regarding the "curb and gutter" question, a non-traditional solution already exists, and it functions perfectly "as is" to funnel the storm water to the existing storm drains. A combination of: the natural slope of the road, current asphalt berm on the northside, two existing storm drains, and natural separation between the asphalt and the dirt strip along northside of Brookburn Road performs all the same water drainage functions as a modern day "curb and gutter".

- **Our Recommendation to the Council: Let's maintain the perfectly functional, historic and aesthetic integrity of Brookburn Road by approving the "Sidewalk, Curb, and Gutter Exception" (as it objectively meets every requirement outlined in Millcreek Code Section 14.12.150).**

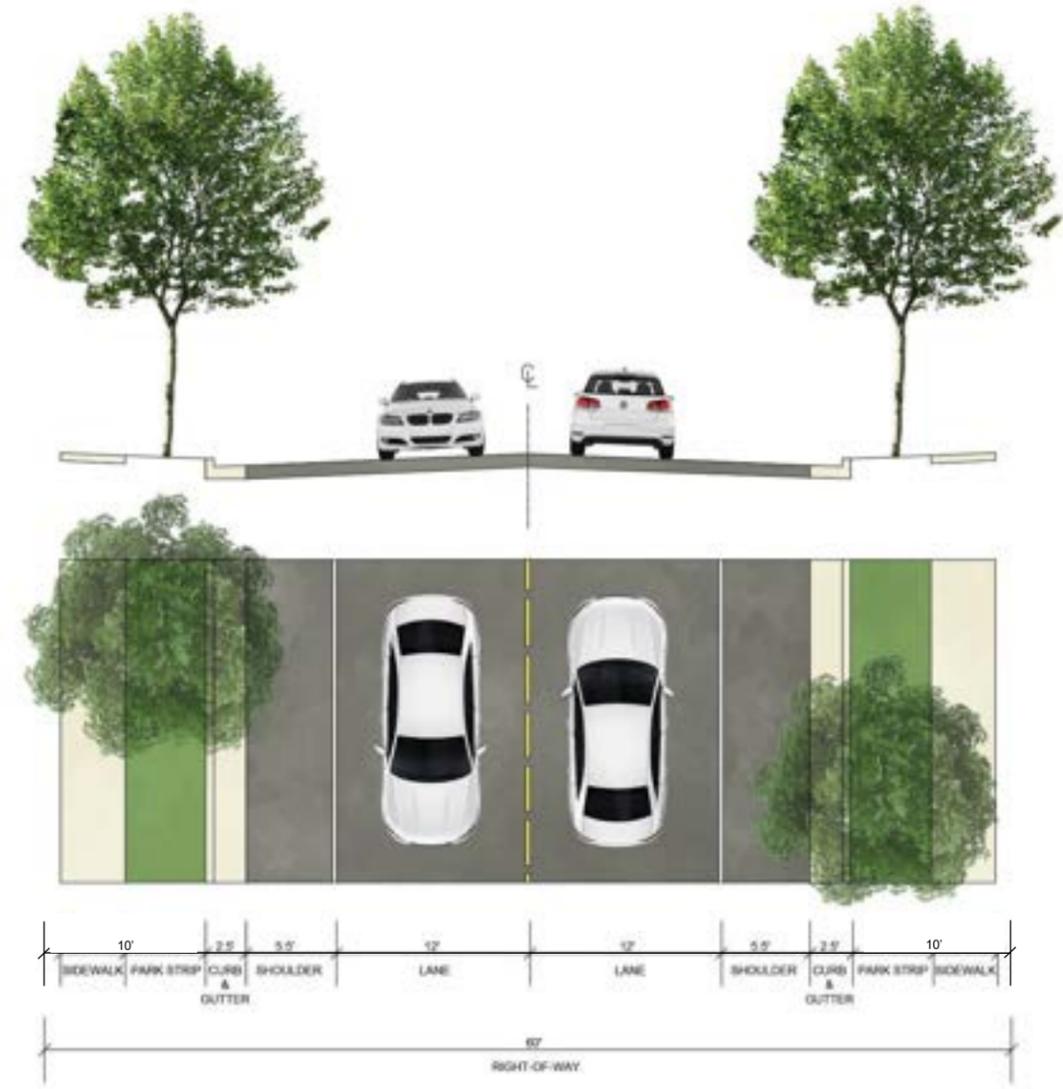
Respectfully,

Amy and John Garff



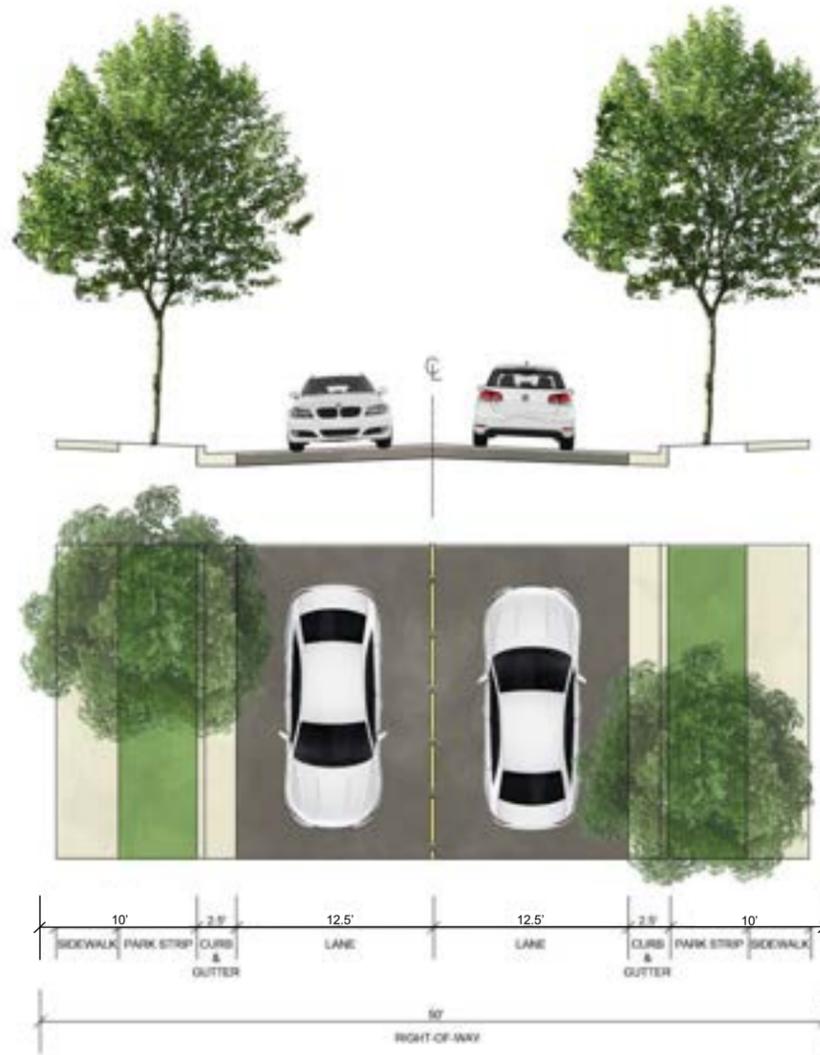
MINOR COLLECTOR: 66-FOOT (TYPICAL)
2 LANES 25-35 MPH

BIKE LANES ARE NOT TYPICAL EXCEPT AS IDENTIFIED IN THE GENERAL PLAN.

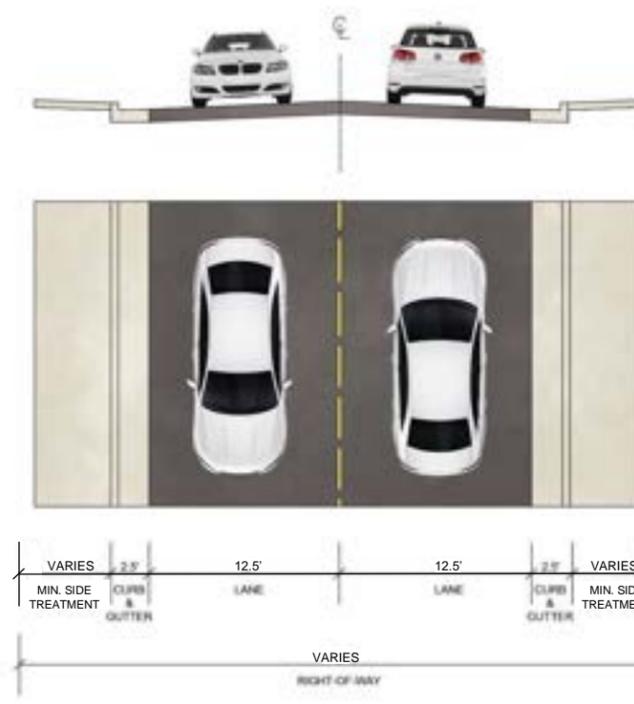


LOCAL STREET: 60-FOOT
2 LANES ≤ 25 MPH





LOCAL STREET: 50-FOOT (TYPICAL)
2 LANES ≤ 25 MPH



PRIVATE STREET: VARIES (BY APPROVAL ONLY)
2 LANES ≤ 25 MPH