

MILLCREEK, UTAH
ORDINANCE NO. 23-32

**AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT
APPROXIMATELY 3179 SOUTH HIGHLAND DRIVE FROM R-1-8 (RESIDENTIAL)
TO C-3 (COMMERCIAL)**

WHEREAS, the Millcreek Council (“Council”) met in regular session on September 25, 2023, to consider among other things, an ordinance rezoning certain property located at approximately 3179 South Highland Drive from R-1-8 (Residential) to C-3 (Commercial); and

WHEREAS, Utah Code Ann. § 10-9a-503 provides in part that the Council may make zoning map amendments; and

WHEREAS, Utah Code Ann. § 10-9a-503 also provides that the Council may not make any amendment to its land use ordinances unless the amendment was first submitted to the planning commission for its recommendation; and

WHEREAS, Utah Code Ann. § 10-9a-503 also provides that the Council shall comply with the procedure specified in Utah Code Ann. § 10-9a-502 in preparing and adopting an amendment to a land use regulation; and

WHEREAS, Utah Code Ann. § 10-9a-502 provides planning commission shall provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable, Subsection 10-9a-205(4) and hold a public hearing on the proposed land use ordinances; and

WHEREAS, on July 27, 2023, the required notice was published; and

WHEREAS, on August 16, 2023, the proposed amendment was submitted to the planning commission for its recommendation; and

WHEREAS, on August 16, 2023, the planning commission held the required public hearing with respect to this rezone; and

WHEREAS, at the August 16, 2023, planning commission meeting the Millcreek Planning Commission recommended approval of the proposed rezone; and

WHEREAS, the Millcreek Code of Ordinances, provides among other things, that before finally adopting any such rezone, the Council shall consider the application during a public meeting which has been properly noticed in compliance with the provisions of Title 52, Chapter 4, of the Open and Public Meetings Act; and

WHEREAS, on September 20, 2023, the Council caused the required notice to be given; and

WHEREAS, on September 25, 2023, the Council considered the rezone during a public meeting; and

WHEREAS, Section 19.06.020 of the Millcreek Code of Ordinances provides that each of the sections of the City which are amended or zoned be shown on the maps on file with Millcreek; and

WHEREAS, Council finds that it is in the best interest of the citizens of Millcreek to adopt the rezone/map change as recommended by the Planning Commission.

NOW THEREFORE, BE IT ORDAINED by the Council that the property described in File # ZM-23-001 and located at approximately 3179 South Highland Drive is hereby rezoned/reclassified from R-1-8 (Residential) to C-3 (Commercial) such property being more particularly described as follows:

Legal Description

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, BEING DESCRIBED AS FOLLOWED: BEGINNING AT A POINT WHICH IS SOUTH 1026.93 FEET AND EAST 615.49 FEET FROM THE WEST QUARTER CORNER OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 187.71 FEET; THENCE EAST 159.20 FEET; THENCE SOUTH 72°40'00" EAST 69.14 FEET; THENCE SOUTH 158.40 FEET; THENCE WEST 107.25 FEET; THENCE SOUTH 8.71 FEET; THENCE WEST 117.95 FEET TO THE POINT OF BEGINNING. CONTAINS 40,657 SQ. FT. OR 0.93 ACRES

BE IT FURTHER ORDAINED, that pursuant to Section 19.90.060 of the Millcreek Code of Ordinances that the following zone condition be attached to the zoning map amendment enacted hereby:

1. Property is limited to retail, office, and medical/dental uses only.

BE IT FURTHER ORDAINED, that pursuant to Section 19.06.020 of the Millcreek Code of Ordinances that the official zoning map showing the change enacted hereby be filed as provided in Section 19.06.020.

This Ordinance assigned Ordinance No. 23-32 shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder.

PASSED AND APPROVED this 25th day of September, 2023.

MILLCREEK COUNCIL

By: Jeff Silvestrini
Jeff Silvestrini, Mayor

ATTEST:



Elyse Sullivan
Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	<u>Yes</u>	No
Catten	<u>Yes</u>	No
DeSirant	<u>Yes</u>	No
Jackson	<u>Yes</u>	No
Uipi	<u>excused</u>	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 23-32: REZONING CERTAIN PROPERTY LOCATED AT
APPROXIMATELY 3179 SOUTH HIGHLAND DRIVE FROM R-1-8 (RESIDENTIAL) TO
C-3 (COMMERCIAL) was adopted the 25th day of September, 2023 and that a copy of the
foregoing Ordinance 23-32 was posted in accordance with Utah Code 10-3-711 this 26 day of
September, 2023.

Elyse Sullivan
Elyse Sullivan, City Recorder