**MILLCREEK, UTAH**
**ORDINANCE NO. 24-48**

**AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT APPROXIMATELY 877 E 4500 S, 4430-4438 S 900 E, 851 E 4500 S, 4402-4410 S 900 E, 814 E WILLIAMS WAY, 739 E WILLIAMS WAY # X FROM THE C-2/ZC (COMMERCIAL 2 / ZONE CONDITION) ZONE TO THE C-2 (COMMERCIAL 2) ZONE**

**WHEREAS**, the Millcreek Council ("Council") met in a regular meeting on October 14, 2024, to consider, among other things, an ordinance rezoning certain property located at approximately 877 E 4500 S, 4430-4438 S 900 E, 851 E 4500 S, 4402-4410 S 900 E, 814 E Williams Way, 739 E Williams Way # X from the C-2/zc (Commercial 2 / zone condition) to C-2 (Commercial 2); 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 August 28, 2024, the required public hearing notice was published; and

**WHEREAS,** on September 11, 2024, the proposed amendment was submitted to the planning commission for its recommendation; and

**WHEREAS,** on September 18, 2024, the planning commission held the required public hearing with respect to this rezone; and

**WHEREAS,** at the September 18, 2024, 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 October 9, 2024, the Council caused the required notice to be given; and

**WHEREAS,** on September 23, 2024, the Council discussed the rezone application, and on October 14, 2024, 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**, the 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-24-010 filed by Millcreek, the property located at 877 E 4500 S, 4430-4438 S 900 E, 851 E 4500 S, 4402-4410 S 900 E, 814 E Williams Way, 739 E Williams Way # X is hereby rezoned/reclassified from the C-2/zc zone to the new C-2 zone, such property being more particularly described as follows:

**739 E Williams Way #X - 22051540170000**
BEG N 0^05'44" E 582.17 FT & S 89^54'14" W 681.53 FT FR SE COR OF LOT 1, BLK 5, TEN ACRE PLAT A, BIG FIELD SUR; S 89^54'14" W 89 FT; S 0^09'58" W 22.03 FT; S 89^46'10" E 89 FT; N 0^09'58" E 22.54 FT TO BEG. 0.05 AC M OR L. 5758-1792,1794, 1790

**814 E Williams Way - 22051540250000**
BEG 582.17 FT N 0^05'44" E & 641.01 FT S 89^54'15" W FR SE COR OF LOT 1, BLK 5, TEN ACRE PLAT A, BIG FIELD SUR; S 0^09'58" W 228.57 FT; S 89^54'14" W 30 FT; N 0^09'58" E 112.77 FT; S 89^54'14" W 10.01 FT; N 0^09' 58" E 115.8 FT; N89^54'14" E 40.01 FT TO BEG. 0.18 AC 5783-2081, 5789-549

**877 E 4500 S - 22053020200000**
BEG 107 FT S 89^53' W & 20 FT N 0^05'44" E FR SE COR OF LOT 1, BLK 5, TEN ACRE PLAT A, BIG FIELD SUR; S 89^53' W 120 FT;N 0^05'44" E 145 FT; N 89^53' E 120 FT; S 0^05'44" W 145 FT TO BEG. EXCEPT BEG 115 FT S 89^53' W & 30 FT N 0^05'44" E FRSE COR OF SD LOT 1; N 0^05'44" E 20 FT; S 89^53' W 6 FT; S 0^05'44" W 20 FT; N 89^53' E 6 FT TO BEG. 5822-0123 6268-371, 373 6268-0375

**851 E 4500 S - 22051770230000**
BEG N 0^05'44" E 319.75 FT & S 89^54'14" W 2.00 FT FR SE COROF LOT 1, BLK 5, TEN ACRE PLAT A, BIG FIELD SUR; S 89^54'14"W 70.10 FT M OR L; N 0^05' 44" E 165.24 FT; N 89^54'14" E 72.1 FT; S 0^05'44" W 4.84 FT M OR L; S 89^54'16" W 3 FT; S 0^05'44" W 8 FT; N 89^54'16" E 3 FT; S 0^05'44" W 141.50 FT M OR L; S 17^11'54" W 6.80 FT; S 0^05'44" W 4.41 FT TO BEG

**4402-4410 S 900 E - 22051770180000**
BEG 304.75 FT N 0^05'44" E & 7 FT S 89^54'14" W & S 89^54'14" W 2.00 FT FR SE COR OF LOT 1, BLK 5, TEN ACRE PLATA, BIG FIELD SUR; S 89^54'14" W 128.42 FT M OR L;

S 44^59'59" W 37.19 FT; S 89^54'14" W 117.6 FT; N 0^05'46" W 221.49 FT; N 89^54'14" E 275 FT; S 0^05'44" W 15 FT; S 89^54'14" W 72.1 FT; S 0^05'44" W 165.24 FT; N 89^ 54'14" E 70.1 FT M OR L; S 0^05'44" W 15 FT TO BEG.

**4430-4438 S 900 E - 22053020330000**
BEG 189.75 FT N 0^05'44" E & 7 FT S 89^54'14" W FR SE COR OFLOT 1, BLK 5, TEN ACRE PLAT A, BIG FIELD SUR; S 89^54'14" W 100 FT; S 0^05'44" W 24.79 FT; S 89^53' W 30 FT; N 0^05' 44"E 104.8 FT; N 44^59'59" E 28.33 FT; N 89^54'14" E 108 FT M OR L; S 0^05'44" W 19.59 FT; S 89^54'16" E 2 FT; S 0^05'44" W 80.40 FT M OR L TO BEG.

**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 no. 24-48, 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 14th day of October, 2024.

**MILLCREEK COUNCIL**

By: _____
Jeff Silvestrini, Mayor

**ATTEST:**

_____
Elyse Sullivan, City Recorder

| Roll Call Vote: | | |
|---|---|---|
| Silvestrini | Yes | No |
| Catten | Yes | No |
| DeSirant | Yes | No |
| Jackson | Yes | No |
| Uipi | Yes | No |

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 24-48: AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT APPROXIMATELY 877 E 4500 S, 4430-4438 S 900 E, 851 E 4500 S, 4402-4410 S 900 E, 814 E WILLIAMS WAY, 739 E WILLIAMS WAY # X FROM THE C-2/ZC (COMMERCIAL 2 / ZONE CONDITION) ZONE TO THE C-2 (COMMERCIAL 2) ZONE

was adopted the 14th day of October, 2024 and that a copy of the foregoing Ordinance 24-48 was posted in accordance with Utah Code 10-3-711 this ____ day of October, 2024.

_____
Elyse Sullivan, City Recorder

**Millcreek City Hall**
1330 E Chambers Ave
Millcreek, Utah 84106
millcreekut.gov

**Planning & Zoning**
(801) 214-2700
planner@millcreekut.gov

**ZM-24-010**

# Staff Report – Second Reading

| | |
|---|---|
| **Applicant:** | **Millcreek** |
| **Date:** | **10/14/24** |
| **Re:** | **Rezone to remove a zoning condition in the C-2 zone** |
| **Property Address:** | **877 E 4500 S, 4430-4438 S 900 E, 851 E 4500 S, 4402-4410 S 900 E, 814 E Williams Way, 739 E Williams Way # X** |
| **Zone:** | **C-2/zc** |
| **Prepared By:** | **Sean Murray** |
| **Scope of Decision:** | **Discretionary.** This is a legislative matter, to be decided by the Millcreek City Council upon receiving a recommendation from the Community Council(s) and the Millcreek Planning Commission. Your recommendation can be broad in scope, but should consider prior adopted policies, especially the Millcreek General Plan. |

## REQUEST AND SYNOPSIS

Millcreek has initiated a rezone application for six (6) properties to remove a zoning condition that was enacted in 1986. The zoning condition limits the uses allowed in the C-2 zone to a short list of permitted and conditional uses. Since 1986, the C-2 zone has been updated to include better standards and uses than those listed in the zone condition.

When enacted in 1986, it was part of a rezone from a low density residential to commercial zoning classification. Commercial uses were already in place at the time, however, the County Commissioners added the additional zoning conditions during the rezone process. Only some of the properties received this added zoning condition while others maintained the uses allowed within the C-2 zoning designation.

The current zone conditions do not align with the uses on the ground and are not in line with the neighboring C-2 zoning designations found on all the corners of 4500 S and 900 E, north and south of the outlined properties, or behind the properties where the Smiths is currently located.

The properties on Williams Way are shown to be owned by Salt Lake County and do not have any proposed buildings or uses at this time. One of the parcels falls in the public right of way and will never be developed. The other property, at 814 E Williams Way, is a narrow strip of land that is currently empty. The piece was

envisioned as a road a long time ago before the area fully developed. This is a publicly owned piece of land that has no development pressure on it. Were someone to ever try and develop it, they would run into considerable restrictions in terms of fencing, setbacks, and landscaping requirements.

Staff spoke with the property manager who oversee three of the subject properties that would have this zone condition removed. The property manager welcomed the change as it would make it easier for people to get business licenses and follow the code.

The document that outlines the zone conditions has been added to the end of this document as well as a map that shows the properties that currently have this zone condition applied to them.

## GENERAL PLAN CONSIDERATIONS

***BUSINESS CULTURE. GOAL E-2:*** Cultivate a business culture that allows existing establishments to grow in place, draws new firms to Millcreek and encourages more homegrown enterprises.

> **Strategy 2.2:** Support the establishment and expansion of commercial businesses that produce goods locally, increase local spending and provide needed goods and services to local residents and businesses in Millcreek.

Removing the zoning conditions will allow for more businesses to operate in an area that is designated for commercial uses. Neighboring parcels do not have the same zoning conditions that limit use. Removing these zoning conditions makes the commercial use on this corner consistent.

## COMMUNITY COUNCIL

During their regularly scheduled meeting on September 3rd, the Millcreek Community Council heard the request to remove the zone condition on the six properties listed in this report. Council members had questions on how it would affect the existing businesses and why the zone conditions were put in place in the first place. Staff explained that all businesses currently licensed in the affected areas would not notice any change and would be allowed to continue to operate as they have been. Staff also explained that the conditions were imposed in 1986 when the subject areas were rezoned from mainly residential zoning (R-1-8) to commercial zoning. The community council voted to recommend removing the zoning condition as proposed by staff. The motion passed unanimously, 10-0.

## PLANNING COMMISSION

During their regularly scheduled meeting on the 18th of September, the Millcreek planning commission heard application ZM-24-010 regarding removing the zoning condition at six separate properties roughly located at 4500 S 900 E. The commission had no questions or objections to the removal of the zoning conditions. There were several public comments from a business owner and associates surrounding the opening of a martial arts studio in one of the properties that currently has the zone condition. The zoning condition limits the business owner from obtaining a business license. All of the comments were in support of removing the zoning condition. Planning commission voted unanimously to recommend removing the zoning condition as proposed to the City Council.

## PLANNING STAFF RECOMMENDATIONS

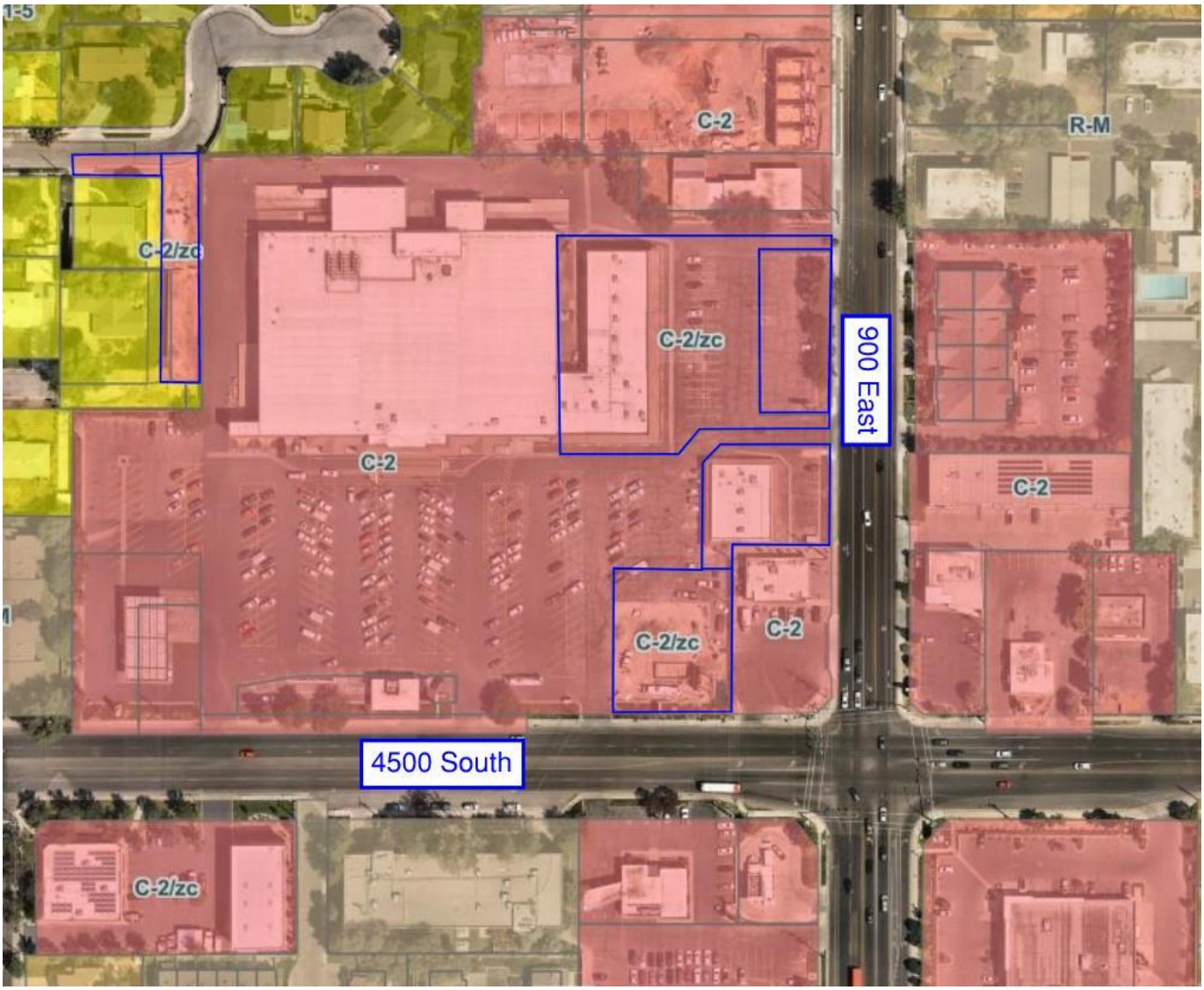
The zoning conditions on the parcels do not align with the uses on the ground and do not represent the best uses for the area. Many of the businesses licensed in the subject area were transferred to Millcreek from Salt Lake County when the city incorporated. Many of these business licenses do not align with the rules laid out in the zoning condition. Millcreek wants to rectify this discrepancy and make sure other businesses are able to operate without having to jump though extra hoops.

Planning staff recommends that the Millcreek Planning Commission forwards a positive recommendation to the City Council that the zoning conditions should be removed from the listed properties. The current C-2 zone has better standards and uses for commercial properties than the zoning condition outlines for the listed properties.

## SUPPORTING DOCUMENTS

- **Map of properties with the zone condition**
- **Zoning condition document**
- **Current C-2 code**

**Map of properties with the zoning condition**



# Salt Lake County Commissioners

April 9, 1986

BART BARKER, CHAIRMAN
M. TOM SHIMIZU
D. MICHAEL STEWART

Mr. Ken Jones
Director
Development Services
County Complex
Salt Lake City, Utah

Dear Mr. Jones:

The Board of County Commissioners, at its meeting held this day, approved zoning application #PL-85-4110, submitted by Tom Welch to change the map of Salt Lake County, by reclassifying property located at 4500 South and 900 East from Residential R-1-5 and R-1-8 to Commercial C-2/zc and R-M/zc.

The ordinance on this application has been signed and published and the County Recorder is authorized to record same and return to the Commission Clerk.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

H. DIXON HINDLEY, COUNTY CLERK

By Isabelle V. Vasquez
Deputy Clerk

cc: Tom Welch
1550 South Redwood Road
Salt Lake City, Utah 84104

County Recorder

RECEIVED
APR 10 1986
SALT LAKE COUNTY
PLANNING COMMISSION

AN ORDINANCE, AMENDING TITLE XXII, OF THE REVISED ORDINANCES OF SALT LAKE COUNTY AS AMENDED, CHANGING CERTAIN PROPERTY IN SALT LAKE COUNTY FROM RESIDENTIAL ZONE R-1-5 & RESIDFNTIAL ZONE R-1-8 TO COMMERCIAL ZONE C-2/zc & RESIDENTIAL ZONE R-M/zc.

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

Section 1: Section 22-8-4, Revised Ordinances of Salt Lake County, 1966, as amended, is hereby amended as follows:

The property described in Application #PL-85-4110, filed by Tom Welch, and located within Salt Lake County, is hereby reclassified from Residential Zone R-1-5 & Residential Zone R-1-8 to Commercial Zone C-2/zc & Residential Zone R-M/zc, said property being described as follows:

Parcel 1 (C-2/zc)
A part of Block 5, 10 Acre Plat "A" Big Field Survey in Section 5, Township 2 South, Range 1 East, Salt Lake Base & Meridian, U.S. Survey: Beginning at a point 189.75 feet North 0° 05'44" East along the East line of Lot 1 in Said Block 5 from the Southeast corner of said Lot 1; said point of beginning being 33.00 feet perpendicularly distant Westerly from the centerline of 900 East Street; and running thence North 0° 05'44" East 335.24 feet along said East line of Lot 1; thence South 89° 54'14" West 200.00 feet; thence North 0° 05'44" East 57.18 feet; thence South 89° 54'14" West 570.22 feet to the East line of 4390 South Street; thence South 0° 09'58" West 22.03 feet along said East line; thence South 89° 46'10" East 89 feet; thence South 0°09'58" West 90 feet; thence South 1° 23'44" West 2.33 feet; thence South 0'05'44" West 57.18 feet; thence North 89° 54'14" East 11.41 feet; thence South 0° 05'44" West 57.18 feet; thence North 89° 54'14" East 28.328 feet, more or less, to the Northwest corner of the Leroy Roundy property; thence South along the West line of said Roundy property 67.75 feet; thence North 89° 53' East 100.00 feet; thence South 287.00 feet to the South line of Lot 1 in said Block 5; said point being 33.00 feet perpendicularly distant Northerly from the centerline of 4500 South Street; thence North 89°53' East 434.722 feet, more or less, along said South line of Lot 1 to a point being 107 feet South 89° 53' West from the Southeast corner of said Lot 1; thence North 189.75 feet, more or less, along the East line of the Hiroshi Mitsunaga property; thence North 89° 54'14" East 107 feet, more or less, to the point of beginning, including one-half of adjacent streets. Contains 7.44 Acres

Parcel 2 (R-M/zc)
A part of Block 5, 10 Acre Plat "A" Big Field Survey in Section 5, Township 2 South, Range 1 East, Salt Lake Base & Meridian, U.S. Survey: Beginning at a point 641.722 feet South 89° 53' West along the South line of Lot 1 in said Block 5 from the Southeast corner of said Lot 1; said point of beginning being 33.00 feet perpendicularly distant Northerly from the centerline of 4500 South Street and on the West line of the Leroy Roundy Property and running thence North 89° 53' East 100.00 feet along said South line of Lot 1; thence North 287.00 feet; thence South 89° 53' West 100.00 feet to the West line of said Roundy Property; thence South along said West line 287.00 feet to the point of beginning, including one-half adjacent streets. Contains 0.66 Acre

Section 2: Pursuant to Section 22-1-8(6) of the Revised Ordinances of Salt Lake County, 1966, as amended, development of said property is subject to

The following uses will be allowed:

Art needlework shop
Art shop and/or artist supply
Athletic goods store
Baby formula service; baby diaper service; babysitter agency
Bakery
Bank
Barber shop
Beauty shop
Blueprinting and/or photostating
Book store
Candy store; confectionery
Clothing store
Delicatessen
Dressmaking
Drugstore
Dry goods store
Employment agency
Five-and-ten cent store
Fix-it shop
Florist shop
Fruit or fruit juice store; fruit and/or vegetable stand
Fur sales, storage and/or repair
Greenhouse and nursery; plant materials; soil and lawn service
Grocery
Gunsmith
Hardware store, not including the sale of lumber
Healthfood storey
Hobby and/or craft shop
Hospital supplies
Ice cream shop
Interior decorating store
Jewelry store
Key and lock service
Laundry, automatic self-help type; laundry agency
Leather goods sales
Linen shop
Luggage shop
Medical and dental clinic and laboratory
Milk distributing station and sale sale of dairy products, excluding processing or bottling
Music store
Newsstand
Notions
Novelty shop
Nurses agency
Office, business or professional; office supply; office machines sales and repair
Optometrist and/or oculist
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
Shoe shop; shoeshine shop; shoe repair shop
Sewing machine shop
Stationery and greeting card sales
Tailor shop
Tobacco shop
Travel bureau
Variety store
Wallpaper store
Accessory uses and buildings customarily incidental to the above
Beauty parlor for dogs and cats
Class "A" beer outlet
Antique shop without outside display
Manicuring, pedicuring, and electrolysis of hair
Nuismatic shop; gold, silver and Platinum dealer
Tanning studio

The following conditional uses will be allowed:

Baking, ice cream making and/or candy making
Plumbing shop
Public and quasi-public use
Sign painting shop
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.

The following conditional uses are administrative determinations and would be allowed:

Private post office box service
Copy service

Section 3: The map showing such change shall be filed with the Salt Lake County Planning Commission in accordance with Section 22-8-2 of the Revised Ordinances of Salt Lake County, 1966, as amended.

Section 4: 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 Board of County Commissioners has approved, passed and adopted this ordinance this 9th day of September, 1986.

BOARD OF COUNTY COMMISSIONERS
OF SALT LAKE COUNTY

Commissioner Bart Barker, Voting "Aye"

Commissioner M. Tom Shimizu, Voting "Aye"

Commissioner D. Michael Stewart, Voting "Aye"

ATTESTED:

County Clerk

# Chapter 19.60 COMMERCIAL ZONES

19.60.010 Purpose Statements
19.60.020 Permitted And Conditional Uses
19.60.030 Prohibited Uses, Limitations, And Special Requirements
19.60.040 Accessory Uses
19.60.050 Bulk And Yard Regulations
19.60.060 Special Regulations For Commercial Zones
19.60.065 Application Process For Conditional Uses For New Development
19.60.070 General Standards Of Applicability

## 19.60.010 Purpose Statements

A. Purpose of C-1 Commercial Zone. The purpose of the C-1 Commercial Zone is to provide areas for lower intensity neighborhood commercial development that accommodates the everyday needs of nearby residents. Such zones do not usually generate traffic from regional markets.

B. Purpose of C-2 Commercial Zone. The purpose of the C-2 Commercial Zone is to provide areas for larger-scale community commercial development. Such zones cater to regional markets and generate traffic from a much larger regional area.

C. Purpose of C-3 Commercial Zone. The purpose of the C-3 Commercial Zone is to provide areas for other commercial uses with the potential for greater impacts, and to act as a transition to other zoning districts such as manufacturing or areas with major traffic congestion such as State Street.

HISTORY
*Repealed & Reenacted by Ord. 17-35 on 7/10/2017*

## 19.60.020 Permitted And Conditional Uses

A. Due to the greater potential for detrimental effects, permitted uses in the C-1, C-2 and C-3 zones over one acre in size shall follow the conditional use procedure in MKZ 19.84.

B. Table 19.60-1: Commercial Zoning Districts Permitted and Conditional Uses lists permitted and conditional uses for the commercial zoning districts. "P" indicates that a use is permitted within that zoning district. "C" indicates that a use is a conditional use in that zoning district and a conditional use permit shall be obtained as required in MKZ 19.84. No letter (i.e., a blank space), or the absence of the use from the table, indicates that use is not a permitted use nor a conditional use within that zoning district. Uses may be subject to additional restrictions and limitations found in MKZ 19.60.030 PROHIBITED USES, LIMITATIONS.

TABLE 19.60-1

| USES | C-1 | C-2 | C-3 | SPECIFIC USE STANDARDS |
|---|---|---|---|---|
| Indoor or outdoor archery range | | C | C | |
| Residential facility for the elderly or persons with a disability, assisted care facility nursing facility | P | P | P | |

| | | | | |
|---|---|---|---|---|
| Hotel, Bed & Breakfast | | C | C | No Hotels are allowed in the C-1 zone. Hotels must be located on development sites with at least 100 feet of frontage along a major collector, minor arterial, or other principal arterial road as identified in the Roadway Functional Classification Map of the Millcreek Transportation Master Plan. |
| Public, quasi-public use, and Civic uses | P | P | P | Not including private schools |
| Transit Station | | P | P | |
| Hospital and all other medical, dental facilities | | P | P | |
| School, public, charter, private | P | P | P | |
| Neighborhood Retail | P | P | P | No commercial building over 20,000 square feet is allowed in the C-1 zone. In addition, no business in the C-1 zone shall occupy a space greater than 5000 square feet. |
| General Retail and Entertainment | | C | C | See table 19.60-2 for additional limitations |
| Retail Food Trucks, Farmers Market including vegetable stands | C | C | C | As an accessory use on private property and not within a front or side yard setback. On-street locations may be allowed on a non-UDOT street in a C-2 and C-3 zone. |
| Drive up uses with outside order windows or structures, such as restaurants, banks, etc. | | C | C | No order window or structure is allowed within 150' of a residential use. Speakers to be oriented away from adjacent uses. |
| Neighborhood Service | P | P | P | See definition |
| General Service | P | P | P | See definition |
| Vehicle Service and repair | | C | P | |
| Office | P | P | P | |
| Mixed Use (commercial, or office and/or residential use within the same building or located adjacent within a unified site plan) | | C | C | Mixed use allowed subject to requirements of this chapter. |

| | | | | |
|---|---|---|---|---|
| Commercial parking lot and/or garage | | C | C | Parking garages shall include non-residential uses for at least 75% of the ground floor facing a public street. |
| Fireworks | | C | C | Temporary stands to be located on private property and subject to the Uniform Fire Code |
| Caretaker Dwelling | P | P | P | a. Property owner shall record an affidavit stating the caretaker dwelling will not be leased, rented, or sold separately.<br>b. Caretaker dwelling shall consist of a minimum habitable floor area of 600 square feet and not to exceed a maximum habitable floor area of 1,200 square feet.<br>c. Shall be subject to the off-street parking requirements Chapter 19.80 of the MKZ.<br>d. Parking spaces for caretaker dwelling cannot be included in any parking reduction request including shared parking.<br>e. Home businesses with a customer base visiting the caretaker dwelling shall be prohibited. |

HISTORY
*Repealed & Reenacted by Ord. 17-35 on 7/10/2017*
*Amended by Ord. 18-46 on 8/13/2018*
*Amended by Ord. 20-49 on 9/28/2020*
*Amended by Ord. 21-01 on 1/11/2021*
*Amended by Ord. 21-55 on 12/20/2021*

## 19.60.030 Prohibited Uses, Limitations, And Special Requirements

Notwithstanding the permitted and conditional uses in TABLE 19.60-1 and other ordinances found in this Title, the following specific prohibitions and/or limitations apply:

**Table 19.60-2**

| USES | SPECIFIC USE LIMITATIONS OR SPECIAL REQUIREMENTS |
|---|---|
| Detention facility/jail as a principal use | Not allowed |
| Indoor and/or outdoor gun ranges | Not allowed |
| Outside storage within view of the street or in any front or side yard facing a street. | Storage that is not considered "display". Includes storage containers. Such storage requires a minimum 6' opaque fence. |
| Displays (products held for sale) over five feet in horizontal distance from the main building. | Not allowed |
| Equipment, car or truck rental | Not allowed in the C-1 zone |

| | |
|---|---|
| Commercial wireless communication facilities | Only stealth type towers and accessory structures are allowed in the C zones |
| Drive-Up uses with outside order windows | Not allowed as part of a vertically-integrated mixed use development or a mixed use development in a unified site plan. |
| Outdoor kennel | Not allowed in a C-1 zone or within 300' of a residential use |
| Sexually oriented businesses | Subject to MKZ 19.91.11 and not allowed in the C zones |
| Pawnshop, smoke shops and related products, and retail tobacco as the principal use ( see note 1) | Not allowed in a C-1 zone or within 300' of an arterial/major intersection in the C-2, C-3 zones and not within 2640' of an established substantially<br>similar business. |
| Tattoo businesses (see note 1) | Not allowed in a C-1 zone or within 300' of an arterial/major intersection in the C-2, C-3 zones and not within 500' of an established substantially similar business. |
| Licensed Massage Therapy Practices | Allowed, subject to the following requirements:<br><br>A. Each Licensed Massage Therapist who is not an employee of the business licensee shall have a Millcreek business license; and<br>B. 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. |
| Reiki as a principal use | Not allowed |
| Sale of lease of new or used vehicles of all types, moving trucks, watercraft, mobile homes, travel trailers, campers, motorcycles and other recreational vehicles | Not allowed in C-1, C-2 zones. 20,000 square foot minimum lot size including an on-site office is required. |
| Secondhand stores including general merchandise, precious metal dealer/processor and/or precious gem dealer, military surplus | Limited to a maximum of 2500 square feet in a C-1 zone and 10,000 square feet in a C-2 zone. |
| Self-storage facility of all types, including mini-storage units, neighborhood storage and temperature controlled storage facilities (see note 1) | Not allowed in a C-1 zone and not within 300' of an arterial intersection in C-2, C-3 zones or within 1,320' of an established substantially similar business, no additional facilities allowed on 3300 South, and no additional facilities allowed east of 2300 East on 4500 south and 3900 South |
| Taxicab and/or Limousine business | Not allowed in a C-1 zone |
| Tavern, as defined by State Code | Not allowed in a C-1 zone |
| Sororities and fraternities | Not allowed |
| Manufactured Home park or manufactured home subdivision | Not allowed |
| Short term ("payday", "car" title, check cashing and similar) loan service (see note 1) | Not allowed in the C-1 zone and not within 300' of an arterial intersection or within 2640' of an established substantially similar business.<br><br>See MKC 5.13.030 Business Licensing for additional restrictions. |

| | |
|---|---|
| Flea markets, swap meets | Not allowed in the C-1 zone |
| Outdoor commercial recreation, outdoor commercial amusement, or outdoor commercial entertainment | Not allowed in the C-1, C-2 zones and not allowed within 150' of a residential use or zone. This limitation excludes outdoor music as per MKZ 19.60.060 A.1. |
| Recreational vehicle campgrounds | Not allowed in the C-1, C-2 zones |
| Impound, Vehicle Recycling, and/or junk yards | Not allowed in the C zones |
| Short-term rentals | Not allowed unless part of a mixed use development |

TABLE 19.60-2: NOTES:

A. Arterial intersections are defined as those major intersections where Murray-Holladay Rd., 4500 S, 3900 S, and 3300 S intersect with 300 W, West Temple, Main Street, State Street, 500 East, 700 East, 900 East, 1100 East, 1300 East, Highland Drive, 2000 East, 2300 East, 2700 East, and Wasatch Boulevard. Distance is measured as a radius from the applicant's nearest property line to the arterial intersection ROW line and/or to the property line of the nearest substantially similar business. Any overlap of the radius onto the applicant's property excludes the entire property.

HISTORY
*Repealed & Reenacted by Ord. 17-35 on 7/10/2017*
*Amended by Ord. 18-28 on 5/14/2018*
*Amended by Ord. 18-75 on 12/10/2018*
*Amended by Ord. 20-49 on 9/28/2020*

## 19.60.040 Accessory Uses

Accessory uses and structures shall be subordinate/incidental to the main use and structure. Other than food trucks such uses shall not be allowed in the front or side yards facing a street.

HISTORY
*Repealed & Reenacted by Ord. 17-35 on 7/10/2017*

## 19.60.050 Bulk And Yard Regulations

Bulk and Yard Regulations establishes bulk and yard regulations for the commercial zoning districts.

**Table 19.60-3 BULK & YARD REGULATIONS**

| | C-1 | C-2 | C-3 |
|---|---|---|---|
| MINIMUM LOT AREA | None required | None Required #1 | None Required #1 |
| MINIMUM LOT WIDTH | None Required | None Required #2 | None Required #2 |
| MAXIMUM BUILDING HEIGHT, including fire walls, parapets, skylights, towers, steeples, flagpoles, shade structures, and all other architectural features. | 35 Feet, subject to height transition requirements. | 45 Feet, subject to height transition requirements. | 45 Feet, subject to height transition requirements. |
| MAXIMUM LOT COVERAGE | 70 Percent | 80 Percent | 80 Percent |
| MINIMUM BUILDING HEIGHT | 1 story | 1 story | 1 story |
| MINIMUM FRONT YARD | 20 Feet | 20 Feet | 20 feet |

| | | | |
|---|---|---|---|
| MINIMUM REAR YARD | If located adjacent to residential zone boundary, 25 feet, otherwise not required | If located adjacent to a residential zone boundary 25 feet, otherwise not required | If located adjacent to residential zoning, 25 feet, otherwise not required |
| MINIMUM INTERIOR SIDE YARD | If located adjacent to residential zone boundary, 10 feet, otherwise not required | If located adjacent to residential zone boundary, 10 feet, otherwise not required | If located adjacent to residential zone boundary, 10 feet, otherwise not required |
| MINIMUM CORNER SIDE YARD | 20 Feet | 20 Feet | 20 Feet |
| ACCESSORY STRUCTURES: REAR AND INTERIOR SIDE YARD | 1 Foot | 1 Foot | 1 Foot |
| ACCESSORY STRUCTURES: REAR AND INTERIOR SIDE YARD WHEN ABUTTING RESIDENTIAL USE | 10 Feet | 10 Feet | 10 Feet |

**Table 19.60-4 BULK & YARD REGULATIONS FOR VERTICALLY-INTEGRATED MIXED USE BUILDINGS AND MIXED USE DEVELOPMENTS IN UNIFIED SITE PLANS**

| | **C-2** | **C-3** |
|---|---|---|
| MINIMUM LOT AREA | 21,000 square feet | 21,000 square feet |
| MINIMUM LOT WIDTH | None Required, subject to minimum frontage requirements. | None Required, subject to minimum frontage requirements. |
| MAXIMUM BUILDING HEIGHT | 45 feet, subject to height transition requirements | 45 feet, subject to height transition requirements |
| MINIMUM NUMBER OF STORIES | 2 | 2 |
| MAXIMUM NUMBER OF STORIES | 4, subject to height transition requirements | 4, subject to height transition requirements |
| MAXIMUM LOT COVERAGE | 70 percent | 70 percent |
| MAXIMUM BUILDING LENGTH | 200 feet | 200 feet |
| MINIMUM FRONT YARD | 25 feet, subject to 19.60.060 (C)(12) | 25 feet, subject to 19.60.060 (C)(12) |
| MINIMUM REAR YARD | 25 feet | 25 feet |
| MINIMUM INTERIOR SIDE YARD | None required, unless subject to residential zone boundary setback | None required, unless subject to residential zone boundary setback |
| Minimum Interior Side Yard Setback, where subject property shares a side property boundary with an R-1, R-2, R-4, A-1, or A-2 Zone Boundary | 10 feet | 10 feet |
| MINIMUM CORNER SIDE YARD | 20 Feet | 20 Feet |
| ACCESSORY CORNER SIDE YARD | 1 Foot | 1 Foot |
| ACCESSORY STRUCTURES: REAR AND INTERIOR SIDE YARD WHEN ABUTTING RESIDENTIAL USE | 10 Feet | 10 Feet |

HISTORY
*Repealed & Reenacted by Ord. 17-35 on 7/10/2017*
*Amended by Ord. 18-46 on 8/13/2018*
*Amended by Ord. 20-49 on 9/28/2020*

## 19.60.060 Special Regulations For Commercial Zones

A. General Conditions in the C-1 Zone. Stores, shops or businesses in C-1 zones shall be retail or neighborhood service establishments only, and shall be permitted only under all of the following conditions:

1. Business shall be conducted wholly within an enclosed building, except for the parking and servicing of automobiles, and service to people in automobiles, except that any type of restaurant may have outdoor dining. Outdoor music associated with the restaurant, shall comply with the Salt Lake County Health Department Noise ordinance.

2. All products, whether primary or incidental, shall be sold at retail on the premises.

B. Business Uses and Conditions in the Commercial Zones shall be free from objectionable and unreasonable odor, dust, smoke, noise, vibration, or similar problems.

C. Design Standards for C-1, C-2, C-3 zones

1. Entrances and Windows. Commercial and residential entrances to the first floor of commercial and mixed use buildings shall front on the street. On double or triple-frontage lots, entrances are required where the greatest amount of pedestrian traffic is anticipated, but in all cases must front on a street. Windows shall constitute at least 50 percent of first floor street-facing facades, and windows shall be at least 50 percent transparent. On double or triple-frontage lots, living screens may replace up to 50 percent of the window requirement for the façade along the lowest anticipated pedestrian traffic frontage. Windows shall constitute at least 25 percent of all upper story street-facing facades.

2. Frontage. For the purposes of this chapter, any façade that is parallel to or within 60 degrees of the property frontage along a street as defined in MKZ 19.04 is deemed to front the street.

3. No more than one row of parking is allowed between the building(s) and the street within 300' of any major intersection. No parking is allowed between the street and the building in any town center area.

4. Corner lots are considered to have two front yards.

5. Build-To-Line. The front yard setback is the build-to-line within 300' of any arterial/major intersection (see MKZ 19.60.030 Prohibited Uses, Limitations And Special Requirements for the definition of an arterial/major intersection). At least 50 percent of the front elevation of the building(s) must be built within 10 feet of the build-to-line. A build-to-line is defined as the line at which construction of a building facade is to occur on a lot, running parallel to the front property line, and ensuring a uniform or consistent building facade line on the street. Build-to-lines may not encroach upon the front yard setbacks established in this Chapter.

6. Signage for commercial or office uses is defined in MKZ 19.82.

7. Garbage and Recycling. The development shall be designed to accommodate and efficiently manage the collection, storage, and removal of garbage in harmony with the neighborhood so as to minimize detrimental effects of the collection, storage, and removal on any residence within the development or abutting neighborhoods. If dumpster enclosures are provided for the development, no refuse dumpster or dumpster enclosure structure shall be located closer than 10 feet to any perimeter property line. Enclosure structures must have a minimum of four sides that reflect or emulate the materials, design, and quality of the overall development. All developments shall provide recycling services. Signage for commercial or office uses is defined in MKZ 19.82.

8. Parking for Mixed Use developments is subject to MKZ 19.80 and may be reduced, pursuant to the standards in that Chapter.

9. Building Materials. Exterior materials of a durable or resilient nature such as brick, stone, stucco, prefinished panel, composite materials, or other materials of similar quality, hardiness, and low maintenance characteristics shall be used. No single material is allowed to exceed 50 percent on all street-facing facades, excluding windows. Windows are not allowed to be less than 50% of the gross street-facing facade square footage. Other materials may be considered for soffits, or as an accent or architectural feature. Twenty-five year guarantee, architectural shingles and/or other longer lasting roof materials are required. Stucco, EIFS, unfinished concrete, or metal siding shall comprise no more than 20 percent of any façade visible from a street or from an abutting property that is located in an R-1, R-2, R-4, A-1, or A-2 zone ("residential zone"). A change of materials is required between the ground story and all upper stories.

10. Building Massing and Façade Articulation. All buildings shall be designed to have at least three of the following massing or façade design elements:

    a. Visual breaks along the street-facing façade such as horizontal articulation in the plane of the façade by at least 2 feet.

    b. Change in height at the top of the building by at least 10 feet for every 30 feet of façade length.

    c. Changes in materials, color, texture or pattern for greater than 50 percent of the building facade.

    d. Indentations/recesses at least 5 feet in depth along the street facing facades at 50-foot intervals.

    e. Unless required as a stepback, usable terraces (a larger balcony intended as a private resident leisure space or commercial leisure space) at least 10 feet in depth along the street facing facades.

    f. Columns or pilasters with a minimum 4-inch horizontal depth from the plane of the façade and spaced at a minimum interval of 50 feet.

    g. Vertical landscaping on trellises attached to the wall that cover at least 20 percent of a wall facing a street.

    h. Stepbacks where not otherwise required.

11. Setbacks. For the purposes of this chapter, where setbacks are measured from a right-of-way containing a fully improved sidewalk, setbacks from a right of way shall be measured from the edge of the sidewalk that is closest to the front facade of the building. Where fifty percent or more of the immediately adjacent lot frontage is developed, the front yard setback shall not be less than the average of existing buildings located within 300 feet on the same side of the street, as measured in both directions from the center point of the frontage to be developed, but a front setback shall never be less than fifteen feet.

12. Stepbacks along Streets, Property Frontages, and Residential Zone Boundaries. Buildings greater than 35 feet in height shall have a 10 foot stepback between the first or second stories and third story.

13. Landscaping on Public Right-of-Way. Where a development is adjacent to a public right-of-way, a permanent open space shall be required along any front, side, or rear yard adjacent to said right-of-way. This area shall be kept free of buildings and structures (except fences, as per MKZ 19.77.050, and approved by the Planning Commission), and permanently maintained with street trees and other landscaping, screened or protected by natural features, as per MKZ 19.77. If such areas are the result of double frontage lot designs with inadequate access to the street, such areas shall be landscaped as per MKZ 19.77 with a minimum of a five foot landscaped area next to the public ROW. Fences shall not be located within this five foot landscaped area. Aesthetic entrance features are encouraged. Additional landscape treatments or buffers may also be required with width and landscaping specifications as per MKZ 19.77. Double frontage lots with parking lots

adjacent to the street may substitute a screen wall a minimum of 3' in height for this fencing requirement.

14. Street Trees. Street trees are required in planting areas or tree grates every 40 feet, depending on tree type, on center and within 15 feet of back of curb along the street. Trees must be 2-inch minimum caliper canopy type, at least 30 feet in height at maturity and maintained with a limb clearance of 8 feet above a sidewalk and fourteen and one half (14.5) feet above the street surface. A Street Tree planting plan is required, which may modify the minimum separation requirement above, depending on the width of the tree canopy at maturity.

15. Perimeter Fencing. Fencing is required for non-residential uses located adjacent to residential uses and mixed use developments. Acceptable fencing materials include architecturally designed brick, stone, or block, or pre-cast concrete. Fencing with materials using composite products, wrought iron, wood, or vinyl may be allowed with a minimum two foot wide, six foot tall brick or stone pillars spaced every ten feet on center. Unless otherwise allowed by the Planning Commission, exterior fencing along a public right of way shall be limited to brick, stone, or block, or pre-cast concrete and be setback a minimum of 5 feet from the property line to allow for a landscaping buffer designed in accordance with MKZ 19.77 to soften long expanses of walls.

16. Lighting.

    a. Interior Street Lights. Street and pedestrian lighting for streets on the interior of the development is required. All lighting fixtures shall be directed downward with mechanisms to prevent dark sky illumination. The applicant must submit a photometric plan for review which indicates the type and location of lights in relation to the development and designed for pedestrian safety. Minimum Average Foot-Candles for interior streets shall be shall be 0.3 and the fixture height shall not exceed 25 feet. No on-site light poles may be located closer than 10 feet from the public right of way.

    b. Dark Sky Compliant Lighting Required. All lighting fixtures, including street lights and pedestrian lighting, shall be directed downward with mechanisms to prevent dark sky illumination.

17. Access between uses. Vehicular and pedestrian access between uses that does not force vehicles out to the adjacent street is required.

18. Reduced Setback Provisions. Front yards may also be reduced based on enhanced landscaping as per section MKZ 19.77.050. Where a front yard setback is reduced below 20 feet per MKZ 19.77.050, a ten foot stepback is required between the first story and upper stories of the building.Access between uses. Vehicular and pedestrian access between uses that does not force vehicles out to the adjacent street is required.

19. Utilities. All utilities shall be located underground. Utility equipment shall be screened from view. Overhead telephone, cable, fiber optic, or transmission power lines must be located underground.

20. Height Transition Requirements. For any development adjacent to an R-1, R-2, R-4, A-1, or A-2 zone (“residential zone”), the maximum height, as measured per Table 19.60-3, for buildings or structures within 100 feet of a residential zone boundary shall not exceed 35 feet. No vertically-integrated mixed use building or commercial building within 100 feet of a residential zone boundary may have more than two stories.

21. Design Standards for Gasoline Pumps. For automobile service station uses, gasoline pumps shall be set back not less than twenty-four feet from any street property line, and not less than thirty feet from any residential zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line. In addition, canopies constructed to provide a weather shield over gasoline pump islands shall be set back not less than 4' feet from any required setback.

22. Measurement of Building Height. Notwithstanding contrary definitions found in MKZ 19.76.190 ,building height is measured from the natural grade original ground surface to the highest point of

the roof, including firewalls, parapets, skylights, towers, steeples, flagpoles, shade structures, and all other architectural features.

D. Additional Requirements for Vertically-Integrated Mixed Use Buildings and Mixed Use Developments in Unified Site Plans. Mixed use buildings and developments that contain residential uses must comply with the bulk and yard requirements and design standards listed in this chapter, and with the following standards:

1. Mixed Use Configuration. Mixed Use Buildings and Developments that Contain Residential Uses must be configured in one of the following manners:

    a. Vertically-Integrated A vertically-integrated mixed use building shall consist of commercial uses on the ground story with residential uses on upper stories.

    b. Unified Site Plan. A unified site plan shall consists of separate residential and commercial or vertically-integrated buildings in a site plan that features consistent approaches to lighting, landscaping, signage, building design, and materials use. Commercial buildings in a unified site plan must occupy at least 30 percent of the gross ground story floor area of the unified site plan, and must occupy at least 50 percent of the of the building frontages along a right-of way. Vertically-integrated mixed use buildings in a unified site plan shall meet the requirements of vertically-integrated mixed use buildings, and shall abut a public right-of-way. Residential buildings in a unified site plan shall comply with the requirements set forth in MKC 19.44.050 (E) (13), (14), or (15).

2. Minimum Frontage Requirement. In a mixed use building or development that includes residential uses, the mixed use site must have at least 100 feet of frontage along a major collector, minor arterial, or other principal arterial road as identified in the Roadway Functional Classification Map of the Millcreek Transportation Master Plan.

3. Balconies or Patios. At least 60 percent of residential units shall have a private outdoor space in the form of a balcony and/or patio with a minimum of 60 square feet with a minimum 5 foot depth. Each ground floor patio shall have a privacy fence at a depth and height sufficient to provide privacy from adjacent residents.

4. Rooftop Gardens and Rooftop Patios. For any development adjacent to an R-1, R-2, R-4, A-1, or A-2 zone (“residential zone”), rooftop gardens or rooftop patios are prohibited within 100 feet of a residential zone boundary, unless the rooftop garden, patio or amenity space is not located above the highest occupied floor of a building, or is obstructed from view from the zone boundary by at least 20 feet of occupied floor space.

5. Ground Story Use Requirements. The ground floor of a mixed use shall comply with the following requirements.

    a. Minimum Commercial Floor Area Required. A mixed use development shall have at least 1,500 square feet of commercial floor area.

    b. Commercial Frontage and Minimum Depth of Ground Story Commercial Space.

        (1) Vertically-Integrated Mixed Use Buildings. For vertically-integrated mixed use buildings with frontage along a roadway identified in the Roadway Functional Classification Map in the Millcreek Transportation Master Plan as a Major Collector, a Minor Arterial or an Other Principal Arterial, no less than 50 percent of the building’s front façade shall be occupied by commercial uses, in one of the following configurations:

            (A) Commercial spaces with a minimum depth of 30 feet as measured perpendicular to the frontage shall occupy at least 80 percent of a building’s ground floor front façade.

            (B) Commercial spaces with a minimum depth of 40 feet as measured perpendicular to the frontage shall occupy at least 50 percent of a building’s

ground floor front façade.

(C) Commercial spaces that occupy a minimum of two stories and shall have a minimum depth of 30 feet as measured perpendicular to the frontage and shall occupy at least 30 percent of a building's ground floor front façade. In no event shall the minimum required commercial square footage be less than 3,000 square feet.

(D) Commercial spaces in a live/work unit shall have a minimum depth of 12 feet as measured perpendicular to the frontage, provided the commercial space in a live/work unit is a minimum of two stories and is not located within 500 feet of a major intersection as identified in the Millcreek General Plan.

(2) Mixed Use in a Unified Site Plan. For a unified site plan with frontage along a roadway identified in the Roadway Functional Classification Map in the Millcreek Transportation Master Plan as a Major Collector, a Minor Arterial, or an Other Principal Arterial, commercial uses shall occupy one of the following configurations:

(A) Single-story commercial spaces of at least 1,500 square feet in ground floor area must occupy at least 50 percent of the building frontages along a public street.

(B) Commercial spaces of at least 2,000 square feet in ground floor area or commercial spaces that are a minimum of two stories shall occupy at least 30 percent of the building frontages along a public street.

6. Additional Commercial Use Requirements for Commercially Significant Development Sites. Any Mixed Use Development on a Commercially Significant Development Site shall include commercial uses for at least 30 percent of the mixed use development's gross floor area. A Commercially Significant Development Site is defined as follows:

    a. Any development site greater than one acre in area; or

    b. Any development site located within a Village Center, Retail/Office, or Employment/Commercial Future Land Use Designation on the adopted Millcreek Future Land Use Map; or

    c. Any development site on property located within 600 feet of the following intersections, as measured as a radius from the nearest property line to the intersection right of way line:

        (1) 4500 South and Highland Drive

        (2) 2000 East and 3300 South

        (3) 900 East and 3300 South

7. Frontage Requirements. Commercial uses are not required on facades of mixed use developments that are not located on a street identified in the Millcreek Transportation Master Plan Roadway Functional Classification Map as a Major Collector, a Minor Arterial, or an Other Principal Arterial.

8. Live/Work Units. Live/Work units may be used to meet the requirement for commercial uses, provided that the entire ground floor of the live/work unit meets the design and use criteria listed in this chapter, and is operated as an allowable commercial use in this Chapter. Commercial spaces in a live/work unit that are used to calculate the minimum commercial use or frontage requirements provided in this chapter shall not be used for residential purposes, parking, or storage.

9. Residential Amenities as Commercial Uses. For the purposes of this chapter, leasing offices serving on-site residential and commercial uses, lobbies, required parking, elevators, stairwells and any required residential amenity spaces are not considered commercial uses.

10. Minimum First Story Height for Ground Floor Commercial Space. Ground stories containing commercial space, including live/work units, shall be at least 12 feet in height.

11. Finished Floor Elevation. The finished floor elevation of a ground floor commercial space fronting a street shall be no lower than 2 feet below the street elevation, as measured at the edge of asphalt, or top of curb, where a building abuts a public sidewalk.

12. Laundry Facilities. All mixed use developments containing residential uses shall include either washer and dryer hook-ups for each dwelling unit or an on-site laundry facility containing shared washers and dryers.

13. Management. 24-hour on-site management is required for all residential development consisting of more than 50 dwelling units.

14. Open Space. Common open space shall be provided for residential uses in the amount of at least 20 percent of the gross site area of the building or development. For purposes of this section, gross site area is defined as the total area of the mixed use development excluding anything in the public right of way. The required common open space shall be usable land areas that are not occupied by buildings, dwellings, structures, parking areas, streets, public park strips, curbs, gutters, sidewalks, walking paths, driveways, or alleys and shall be accessible by all residents of the mixed use development. Buildings erected for the principle purpose of providing an amenity, or required interior common amenity spaces may be included as open space. Said open space may be an area of land or water set aside, or reserved for use by residents of the development, including an expanse of lawn, trees, plants, fully accessible landscaped roof areas, or other natural areas. Common open space also includes formal picnic areas, and recreational areas. Common open space may be distributed throughout the development and need not be in a single large area. Open space amenities and gathering shall reflect the market that the development is attempting to attract. Projects with over twenty dwelling units shall include a single and contiguous landscaped passive open space sufficient for outdoor activity with a minimum area of 5,000 square feet.

15. Parking and Vehicular Access. In addition to meeting the requirements of MKC 19.80, parking and vehicular access for mixed use developments containing residential uses shall comply with the following requirements.

    a. Residential Parking to be Enclosed in a Structure, Podium, Private Garage, or Carport. Parking required for each residential dwelling unit must be in a structure, a podium, a private garage, or a carport.

    b. Private Garage Requirements. If a private garage is used to provide two required spaces, the private garage shall have a minimum unobstructed size of twenty-two feet wide by twenty feet in length, or twenty feet wide by twenty-two feet in length. If a private garage is used to provide one required space, the private garage shall have a minimum unobstructed size of ten feet wide by twenty-two feet in length, or eleven feet wide by twenty feet in length. Private garages shall not be the only means of pedestrian access into a dwelling. Each garage shall be serviced with a 220 volt power supply.

    c. Vehicular Access to Private Garages. Vehicle access serving a private garage shall be at least 24 feet in width.

    d. Tandem Spaces in Podiums and Structures. Tandem spaces in conjunction with garages may be allowed only for residential uses with a minimum size requirement of 20 feet in length and 9 feet in width per parking space, up to a maximum of two contiguous spaces for unit.

    e. Vehicular Entry Gates Prohibited. Vehicular entry gates are prohibited as part of any mixed use development containing residential uses, unless the gate services a structure or podium. Gates must be situated in a manner that does not pose a traffic hazard due to vehicle queues waiting to enter through the gate.

    f. Electric Vehicle Charging. Each development shall provide residents the opportunity to charge electric vehicles. If private garages are used, each garage shall be serviced with a

220 volt power supply. If parking is shared in a structure, a podium, or carports, one vehicle charging station shall be provided for each ten required parking spaces.

g. Guest and Commercial User Parking. Parking for guests and commercial users shall be arranged on the site so as to be conveniently accessible by guests and commercial users. Tandem parking or parking in a private garage or driveway shall not be counted as guest parking or commercial user parking.

h. Front Door Weather Protection. All exterior front doors serving individual dwelling units shall include a canopy, porch, or portico to provide protection from adverse weather, with a dimension of not less than four feet by four feet.

16. Privacy. Each mixed use building consisting of residential uses shall provide adequate visual and acoustical privacy for dwelling units. Fences, walks, barriers, landscaping, and sound reducing construction techniques with a maximum transmission of 55 decibels in the walls and ceilings shall be used to enhance the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.

17. Residential Amenities. Each mixed use development consisting of residential uses shall provide residential amenities pursuant to the standards set forth in MKC 19.44.050 (E)(11).

18. Storage. Each dwelling unit shall include at least one private storage space consisting of at least 100 cubic feet.

19. Ownership. As an incentive to encourage ownership within a development, a reduction in the acreage requirements for PUDS, with at least 8 units, is allowed.

E. Additional Requirements for Hotels

1. Hotels must have a prominent porte-cochere or portico, incorporating the materials used in the main building.

2. “Stucco is prohibited on any façade visible from any street or Interstate freeway interchange or travel lane”.

3. Wall openings, such as windows and doors, located in lobbies and other common rooms, shall comprise at least 25% of the front façade.

4. Bulk and Yard Regulations shall follow C-2 and C-3 requirements within MKZ 19.60.050.

5. Massing and Façade Articulation for hotels shall have at least five of the façade design elements listed in MKZ 19.60.060 (C)(10).

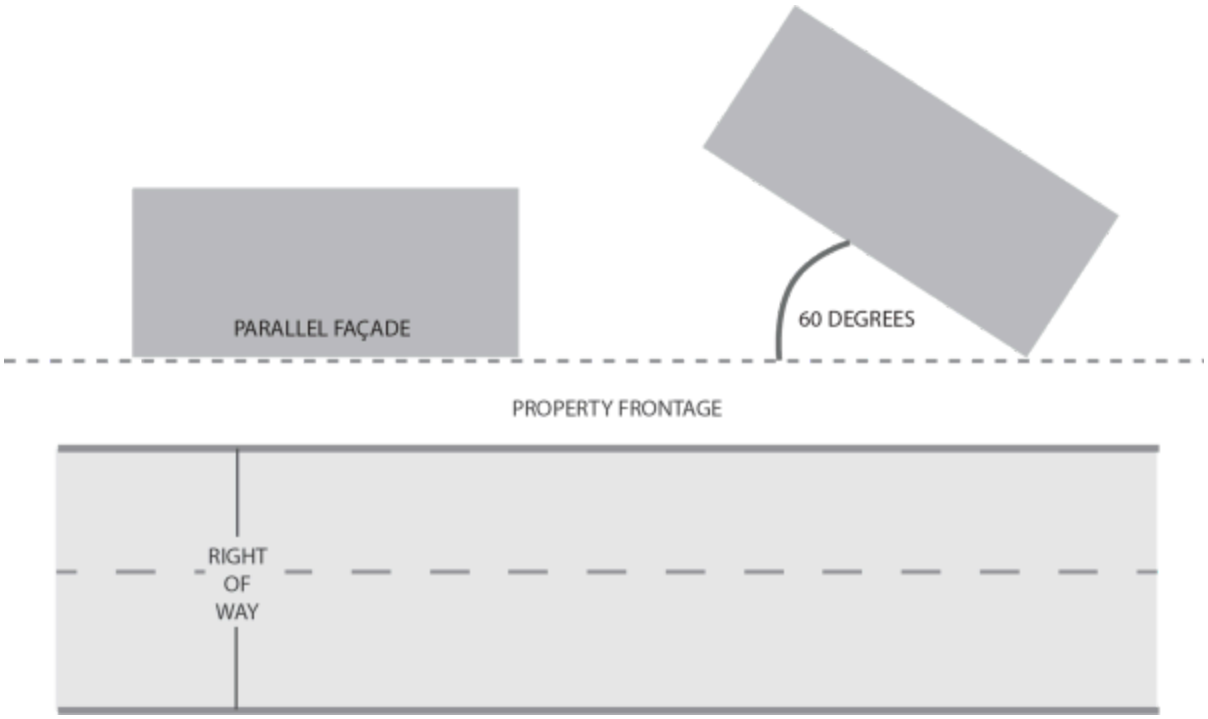
6. Up to two facades may have a maximum building length of 200 feet and all additional facades may have a maximum building length of 150 feet.

7. No more than one row of parking is allowed between a hotel and any street it fronts.

8. All landscaping must be in accordance with MKZ Chapter 19.77 Water Efficient Landscape Design and Development Standards.

9. Access to guest rooms shall be restricted exclusively to interior corridors, which shall be accessed via the main lobby of the building or entryways individually equipped with some form of security-controlled access system.

**Design Standards for Buildings with Frontage Along Right-Of-Way or Street.**




HISTORY
*Repealed & Reenacted by Ord. 17-35 on 7/10/2017*
*Amended by Ord. 18-46 on 8/13/2018*
*Amended by Ord. 20-49 on 9/28/2020*
*Amended by Ord. 21-01 on 1/11/2021*
*Amended by Ord. 21-11 on 3/22/2021*
*Amended by Ord. 22-19 on 4/25/2022*
*Amended by Ord. 23-12 on 4/10/2023*
*Amended by Ord. 23-13 on 4/10/2023*

## 19.60.065 Application Process For Conditional Uses For New Development

Any application for a conditional use that involves new development shall follow the application process described below:

A. Mandatory preapplication conference meeting with City representatives from the City.

B. Site Plan Review Application and associated fees shall be submitted and reviewed by staff for completeness. An incomplete application, that does not address the required design standard sand other City ordinance required information, as determined by staff, will be returned to the applicant and not be processed until all information required by the City ordinances is provided. The City will provide a list of application requirements. An application for a conditional use permit will not be deemed complete until a site plan review is completed by City staff. The initial application will must include the following:

    1. The applicant's name, address, telephone number, email address, and interest in the property.
    2. The property owner's name, address, email address, and telephone number, if different than the applicant, and the property owner's signed consent to the filing of the application.
    3. A property survey, property boundaries, right-of-way center lines, utility access, topographical information indicating original ground surface as defined by MKZ 19.04, and recorded easements. The survey shall also include the street address and legal description of the subject property.
    4. The current zoning classification, zoning district boundaries, and present use of the subject property.
    5. A conceptual site plan or plans, drawn to scale, including sketches of the types of buildings proposed, floor plans, elevations of proposed buildings, materials, landscaping, street tree plan, parks, plazas, pedestrian pathways, parking, low impact design stormwater techniques to be

applied to the site, known fault lines and recommended setbacks, and conceptual street cross sections.

6. A written explanation of the project that describes the thematic elements of the project, the placemaking concepts, one or more signature features, commercial and mixed-use designs (if applicable), potential tenants, its' relationship to the goals established for Mixed Use Corridors in the Millcreek General PLan and other details that will provide reasons that the development will create a long term benefit to the City and proposed techniques to mitigate any anticipated detrimental effects.
7. If required by the City, a preliminary traffic study that defines potential traffic generation, the integration of the new development with the adjacent street corridors, traffic capacity/level of service issues on adjacent roads and intersections and suggests mitigation solutions for anticipated traffic congestion problems. Traffic shall be commissioned by the City and paid for by the applicant.
8. Provide letters from all utility companies providing service to the project site describing their ability to serve the project.
9. A site-specific geologic hazard study and report, if required by MKZ 19.75.
10. A summary table showing floor area by use, required parking by use, materials percentages, percentages of doors and windows, residential amenities if required, and open space requirements.
11. Other information the City may deem necessary, as described on the application form, for proper review and analysis of an application and its potential detrimental effects.

C. Application processing and review and associated fees, the initial application, composed of the concept plan information as described above and the conceptual development agreement, if required by the city, shall be submitted to the city and reviewed by staff and discussed with the applicant in an internal pre-development review meeting. Subsequent to the predevelopment review meeting, changes may be made to the submittal documents, if needed. Staff will assess the application for the project's compliance with the regulations of this chapter and determine if any potential detrimental effects require mitigation to include the following list of potential issues and standards, that may need to be addressed and mitigated:

1. Decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards.
2. Negative impacts on the adequacy of utility systems, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, or preserving existing systems.
3. Negative impacts on connectivity and safety for pedestrians and bicyclists.
4. Detrimental effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance.
5. Environmental impacts that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people such as waste disposal, fire safety, geologic hazards such as fault lines, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.
6. Modifications to signs and exterior lighting to assure compatibility with the zone.
7. Incompatible designs in terms of use, scale, intensity, height, mass, setbacks, character, construction, solar access, landscaping, fencing, screening, and architectural design and exterior detailing/finishes and colors, relative to the zone and the immediate neighborhood in which the use will be located.

8. Reduction in the tax base and property values.
9. Reduction in the current level of economy in governmental expenditures.
10. Insufficient emergency fire service and emergency vehicle access.
11. Reduction in usable public open space.
12. Graffiti prevention applications and designs.
13. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.
14. Enhancement of personal safety through the application of Crime Prevention Through Environmental Design (CPTED) principles to building design, especially for parking garages.

D. The applicant shall submit a Final Development Plan for final conditional use approval, that addresses every section requirement of this ordinance and all applicable standards.

HISTORY
*Adopted by Ord. 20-49 on 9/28/2020*
*Amended by Ord. 23-12 on 4/10/2023*
*Amended by Ord. 23-13 on 4/10/2023*

## 19.60.070 General Standards Of Applicability

A. The use and development of property within the Commercial Zones are also subject to other applicable chapters in the zoning ordinance, such as, the Parking MKZ 19.80, Water Efficient Landscaping, MKZ 19.77, Signs, MKZ 19.82, etc.

B. Standards in other chapters may apply. In the event there is language elsewhere in MKZ Title 19 that conflicts with language in this chapter, the more restrictive standard prevails.

C. In any rezoning process, a development agreement shall be required at the sole discretion of the City. "Development Agreement" means an agreement negotiated and entered into by the City with a property owner and/or developer, pursuant to a proposed development within the City. The Agreement must (1) specify and describe the proposed development through text, site plans and elevations (2) detail the amenities and other benefits being provided to the City and its residents (3) utilize a development agreement form approved by the City. The Development Agreement shall run with the land and be binding on all successors and assigns of the property owner or developer; however, each Development Agreement shall include a clause that allows the City to re-zone the property and withdraw from the Development Agreement if the Development Agreement is not recorded within two (2) years of execution of the Agreement.

HISTORY
*Repealed & Reenacted by Ord. 17-35 on 7/10/2017*
*Amended by Ord. 20-49 on 9/28/2020*

**MILLCREEK, UTAH**
**ORDINANCE NO. 24-49**

# AN ORDINANCE REZONING 0.43 ACRES OF REAL PROPERTY LOCATED AT APPROXIMATELY 4181 SOUTH 900 EAST FROM THE RESIDENTIAL (R-1-10) ZONE TO THE MULTIFAMILY RESIDENTIAL (R-M) ZONE AND IMPOSING A ZONE CONDITION LIMITING THE PROPERTY TO 5 RESIDENTIAL UNITS

**WHEREAS**, the Millcreek Council ("Council") met in regular session on October 14, 2024, to consider, among other things, an ordinance rezoning certain property located at approximately 4181 South 900 East from the R-1-10 Zone to the R-M Zone and imposing a zone condition limiting the property to five (5) residential units; 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 June 26, 2024, and July 25, 2024, the required public hearing notice was published; and

**WHEREAS,** on July 17, 2024, and August 21, 2024, the planning commission held a public hearing to discuss the rezone proposal; and

**WHEREAS,** at the August 21, 2024, planning commission meeting, the Millcreek Planning Commission recommended denial of the proposed rezone; and

**WHEREAS,** after the Planning Commission's recommendation of denial, the Applicant revised the proposed site plan to limit development to five (5) residential units; among other things; 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 October 9, 2024, the Council caused the required notice to be given; and

**WHEREAS,** on September 9, 2024, the Council discussed the rezone application, and on October 14, 2024, 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.

**NOW THEREFORE, BE IT ORDAINED** by the Council that the property described in File # ZM-24-005 filed by Bennett Properties, LLC, as the applicant acting on behalf of the property located at 4181 S 900 E is hereby rezoned/reclassified from the R-1-10 Zone to the RM Zone, such property being more particularly described as follows:

Overall Boundary Description:

Beginning at a point on the easterly right-of-way line of 900 east street, a public road at a point south 0° 05' 44" west 580.911 feet and south 89° 56' 29" east 3.00 feet from the northwest corner lot 6, block 4, 10 acre plat a, big field survey; said point also being south 00°00'54" west along the monument line in 900 east street 71.15 feet (71.18 feet record) and south 89°54'16" east 33.00 feet from a street monument (brass cap) at the intersection of 4170 south street and said 900 east street, and running thence south 89° 55' 44" east (south 89°55'40" east per plat) along the southerly line of wasatch view condominiums on file with the office of the salt lake county recorder 211.71 feet; thence south 00° 05' 44" east 86.75 feet; thence north 89° 55' 40" west 212.53 feet to a point on said easterly line; thence northerly along said easterly line the following seven (7) courses: north 08° 26' 07" west 3.18 feet; thence north 00° 05' 44" east 20.00 feet; thence north 15° 50' 59" west 7.28 feet; thence north 00° 05' 44" east 32.99 feet; thence north 20° 04' 43" east 5.85 feet; thence north 00° 05' 44" east 12.00 feet; thence north 09° 23' 49" east 6.19 feet to the point of beginning.

Contains 0.43 Acres In Area

**BE IT FURTHER ORDAINED**, 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 no. 24-49, 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 14th day of October 2024.

**MILLCREEK COUNCIL**

By: _____
Jeff Silvestrini, Mayor

**ATTEST:**

_____

Elyse Sullivan, City Recorder

| Roll Call Vote: | | |
|---|---|---|
| Silvestrini | Yes | No |
| Catten | Yes | No |
| DeSirant | Yes | No |
| Jackson | Yes | No |
| Uipi | Yes | No |

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 24-49: AN ORDINANCE REZONING 0.43 ACRES OF REAL PROPERTY LOCATED AT APPROXIMATELY 4181 SOUTH 900 EAST FROM THE RESIDENTIAL (R-1-10) ZONE TO THE MULTIFAMILY RESIDENTIAL (R-M) ZONE AND IMPOSING A ZONE CONDITION LIMITING THE PROPERTY TO 5 RESIDENTIAL UNITS was adopted the 14th day of October 2024 and that a copy of the foregoing Ordinance 24-49 was posted in accordance with Utah Code 10-3-711 this ____ day of October, 2024.

_____
Elyse Sullivan, City Recorder

**Millcreek City Hall**
1330 E Chambers Ave
Millcreek, Utah 84106
millcreekut.gov

**Planning & Zoning**
(801) 214-2700
planner@millcreekut.gov

**ZM-24-005**

# City Council Staff Report (2nd Reading)

| | |
|---|---|
| **Meeting Date:** | **10/14/2024** |
| **Applicant:** | **Dale Bennett** |
| **Re:** | **Request to Rezone Property** |
| **Property Address:** | **4181 S 900 E** |
| **Zone:** | **From R-1-10 to R-M** |
| **Prepared By:** | **Carlos Estudillo, Planner** |
| **Scope of Decision:** | **Discretionary.** This is a legislative matter, to be decided by the Millcreek City Council upon receiving a recommendation from the Community Council(s) and the Millcreek Planning Commission. Your recommendation can be broad in scope, but should consider prior adopted policies, especially the Millcreek General Plan. |

## REQUEST AND SYNOPSIS

The applicant is seeking to rezone a property located at 4181 S 900 E from the R-1-10 (Residential Single-family) Zone to R-M (Residential Multi-family). The purpose of the rezone is to allow a six-unit residential development, with the intention of subdividing them for owner occupancy.

A development agreement may accompany this application to ensure that the proposed site plan is executed as approved. Conditions to be subjected to Community Council and Planning Commission's recommendation.

## GENERAL PLAN CONSIDERATIONS

*GOAL N-1: Preserve and enhance the physical elements that define each neighborhood's character.*

*Strategy 1.5: Ensure that new infill development is compatible with existing neighborhoods by regulating structure sizes and heights; building forms and materials; yard setbacks; streetscape character; height and bulk transitions; buffering; and other factors.*

The Subject Property is a new infill development which can be made to be compatible if, the zoning change is accompanied by a development agreement which will help ensure comparable densities, building

forms, setbacks, buffering, and other factors.

***GOAL N-2: Strive for a variety of housing choices in types, styles, and costs of housing throughout Millcreek.***

*Strategy 1.4: Support development projects in centers and mixed-use corridors that provide a variety of housing types and sizes to serve a range of demographic sectors and meet the needs of residents and families through various life stages and income levels.*

If granted, R-M Zone would allow for six residential units, all three-bedroom units.

This is the second application this year in which an applicant is seeking a rezone that exceeds the scope of what the Future Land Use Map suggests is appropriate. In this case, the applicant is seeking an RM zone within a Neighborhood 1 Future Land Use Map Designation.

Independent of this application, staff is seeking direction on proceeding with rezone applications that exceed the scope of a Future Land Use Map designation, and if minor redesignations of the Future Land Use Map are appropriate pending an update to the General Plan.

Alternatively, staff could consider a more holistic amendment to the Future Land Use Map, and advise applicants to consider waiting to apply for a rezone pending the outcome of a broader community discussion on updating and realigning the Future Land Use Map.

## EXISTING CONDITIONS & FINDINGS:

1. The proposal was presented to the Planning Commission on July 17th, 2024. The Planning Commission recommended continuation of the application to a later date, to further analyze the information provided by the applicant at the Planning Commission meeting. Additionally, the Planning Commission determined to continue the item, to **notice** the community of the potential General Plan Amendment, not noticed in the previous meeting. The Planning Commission held a continuation meeting on August 21st, 2024.

2. **Land Use Designation.** The Subject Property is within the "Neighborhood 1" land use designation – which envisions neighborhoods comprised of "Single-family detached homes, typically 1 – 6 dwelling units per acre."

3. **Zoning**. The Subject Property is currently within the R-1-10 Zone. Properties within the vicinity surrounding the Subject Property are within the R-M (North), R-2-10 (west), R-1-5 (west) and R-1-10 (east & south) zones.

4. **Historic Zoning.** From the 1970's until the 1990's, the subject lot appears to be under the R-2-10 zone, which historically allowed for medium-density developments. However, this zone changed somewhere between 1993 and 2004 to the R-1-10.

5. **Surrounding Uses.** Properties surrounding the subject property consist of small-scale multi-family housing stock, in addition to duplexes and small-scale single-family housing. Most of the R-1-10 zone to the east is occupied by Salt Lake County, in the form of open space.

6. **Densities.** The R-1-10 Zone would allow a total of approximately two (2) units (1-6 units per acre), whereas the R-M Zone would allow up to nine (9) units (2,000 sf per unit). The applicant is asking for six (6) total units, which is comparable to the development just north, located at 4179 S 900 E.

7. **Proposal.**

    a. The Subject Property involves one lot comprising approximately .43 acres. The Subject Property contains existing residential structures along with other accessory structures, all of which will be removed if approved for further development of the property.

    b. The applicant is proposing five (5) residential units that would be within the maximum height allowed of thirty-five (35) feet, with the intention of subdividing them for owner occupancy. The applicant previously proposed six (6) units, but followed the City Council's unit reduction recommendation to five (5) units.

    c. Landscaping to be subject to MKZ 19.77 (Landscape standards). Applicant currently meets the 40% open space requirement.

    d. Parking to be subjected to MKZ 19.80 (Parking and Mobility Standards). Each unit will be provided with a two-car garage. The applicant is also proposing four guest parking stalls, meeting the parking requirements set forth in MKZ.19.80

    e. The Subject Property has single access from 900 East, measuring to be 25' in width. Reviewed and accepted by Unified Fire.

    f. The R-M Zone does not require owner occupied housing; However, the applicant has verbally mentioned that they intend to create a "for sale" product, which may help Millcreek meet the housing goals, identified in the General Plan.

    g. All development will be required to meet the **minimum zoning and land use ordinances**; to which the concept plan may likely evolve from what is currently presented for this rezone application.

8. **Ownership.** The units are intended to be subdivided into individual ownership.

9. **Management.** Applicant intends to place units under a home-owners association (HOA).

10. **Traffic.** A traffic study was not commissioned by the city, as six residential units do not present any significant impact on the 900 E corridor. Alternatively, the 900 E corridor (between 3900 S and 4500 S) presents features such as a fifteen-minute bus service (Route 209), and a bike lane, which provides multi-modal options of transportation to alleviate car traffic.

11. **Development Agreement:** A development agreement may best ensure the type, scale, orientation, dedication, utilities easements, access, phasing, and other aspects pertaining to the future development of these properties, where the underlying zoning and land use ordinances may be insufficient; Therefore, a development agreement may be considered to ensure development design and layout of the property. Staff would like the Community Council to discuss the following, potential development agreement items:

    a. Architectural design and layout of the property.

b. Density (Unit count. Six units MAX allowed).
c. Owner Occupancy, short-term rental control.
d. Height (35 feet Max. Allowed).
e. Trash collection, snow plowing, general maintenance items.
f. Street Lightning and location.
g. Fencing Design and height.
h. Overall and Guest Parking.

## NEIGHBORHOOD MEETING SUMMARY

**Neighborhood Meeting** – A neighborhood meeting was held at City Hall on **February 27th, 2024,** at 5:30 PM. Neighbors within 600' of the subjected property were notified. An approximate sixteen people showed up with the following comments:

1. Most neighbors just don't want their property values to go down.
2. Density will bring traffic concerns to the neighborhood.
3. Affordability. Neighbors are concerned with a potential idea of low-income housing being proposed. This project does not propose low-income or subsidized housing.
4. Short term rentals (Airbnb) concerns.
5. Long-term rentals concerns.
6. Neighborhood safety and homelessness concerns.
7. Desire for owner occupancy.

## COMMUNITY COUNCIL RECOMMENDATION

**Millcreek Community Council Meeting** – The Millcreek Community Council held a meeting on **July 2nd, 2024**, whereupon seven of the nine (7-2) members voted to not recommend approving the rezone of the subject property from the R-1-10 Zone to the R-M zone. Some of the reasons being:

a. Neighborhood compatibility
b. Density
c. Need for general plan amendment to accommodate project.

**Millcreek Community Council Meeting (Continuance) –** The Millcreek Community Council held a meeting on **August 6th, 2024**, whereupon six of the seven (6-1) members voted to not recommend approving the rezone of the subject property from the R-1-10 Zone to the R-M zone. Roughly 3 residents joined our meeting and voiced concerns about the project, including:

a. Construction equipment blocking roads.
b. Property values dropping.
c. Increased density.

## PLANNING COMMISSION RECOMMENDATION

**Planning Commission Meeting** – The Millcreek Planning Commission held a meeting on **July 17th, 2024**, whereupon all members unanimously recommended continuation of the application to a later date, to further analyze the information provided by the applicant, regarding neighborhood compatibility, and

to contemplate the terms of a potential development agreement. Additionally, the Planning Commission expressed a preference that zone changes that were outside of the scope of a future land use map designation be considered alongside a future land use map amendment. The Planning Commission voted to continue the item, to **notice** the community of the potential General Plan Amendment, not noticed in the previous meeting.

Planning Commission Meeting (Continuance) – The Millcreek Planning Commission held a meeting on **August 21st, 2024**, whereupon members recommended **denial of a future land use map amendment with a vote of 3 in favor of a recommendation of denial to 3 in opposition to a recommendation of denial. The motion did not pass.** The commission discussed multiple iterations of a motion that was acceptable to them. Eventually, The Planning Commission, regarding the request for a General Plan amendment from "Neighborhood 1" to "Neighborhood 2", moved to recommended **denial to the City Council, and additionally recommend to the City Council that they consider a "Neighborhood 2" designation for the entire 900 E**. **The motion passed unanimously.**

The Planning Commission also **recommended denial of a zoning map amendment with a vote of 7 in favor of a recommendation of denial to 0 in opposition to a recommendation of denial.** The recommendation was made in light that the current General Plan would need to be amended to accommodate the change in zone, as well as a change in its future land use.

## STAFF ANALYSIS AND CONSIDERATIONS

Staff met with the applicant to summarize the Planning Commission's recommendations, and the public comments made during the meeting, echoing the concerns of the nearby residents. During the discussion, the following items were recommended:

- Change in design features, to allow for a more Missing Middle Housing product, such as the units proposed at 4433 S Garden Ave (ZM-24-001), as this style of units are often delivered on a reduced footprint and share design features that are more compatible with surrounding single-family residences.
- A reduction in the unit count.
- The potential allocation of additional guest-parking stalls, to procure guest-parking within the limits of the subject complex, and not in neighboring streets, as on-street-parking.

A meeting between the applicant and a representative of the near-by neighborhood was organized by staff to present the previously discussed items above. During the meeting, the following items were discussed:

- A reduction in the unit count from six units to five units.
- Larger garages, and larger units due to reduction in unit count, freeing up more footprint space for larger units.
- Additional of one or two guest parking spaces, as more space would be freed up, due to unit count reduction.

Following the City Council's first reading of application ZM-24-005, The City council recommended:

- Reduction of units from six (6) to five (5) total units.

- Provide the site with additional guest parking to abstain from on-street parking.
- Units to be platted for owner occupancy, in an effort to provide "for sale" housing stock.

**Conclusions –**

1. A Multifamily residential use would NOT be in harmony with the current land use designation because the general plan designation for this lot is under *"Neighborhood 1",* which its primary intended use is accommodate single-family homes in low-density neighborhoods. This application would need a General Plan Amendment, however a General Plan Amendment may be better suited for a larger study area, instead of just one property.

2. Additional research has displayed a variety of housing stock, ranging from single-family homes to multi-family, in the 900 E corridor between 3900 S and 4500 S.

3. With multimodal, mobility services, such as UTA's route 209 providing a fifteen-minute service, the now-present bike lane and a repaved road, it could be argued that 900 E (within Millcreek Boundaries) is a corridor that may be able to sustain new, medium density projects, to meet the necessary demand set by a lack of housing in the state of Utah.

4. The proposal will meet the requirements set forth in MKZ 19.44 (Multi-family Residential zone), 19.77 (Landscape standards) and 19.80 (Parking and Mobility Standards).

5. A development agreement may best ensure the type, scale, style, materials, orientation, dedication, utilities easements, access, phasing, and other aspects pertaining to the future development of these properties, where the underlying zoning and land use ordinances may be insufficient; Therefore, a development agreement may be in place to ensure development design and layout of the property.

6. All development will be required to meet the minimum zoning and land use ordinances; to which the concept plan may likely evolve from what is currently presented for this rezone application.

7. Applicants have followed the recommendations of the Community Council, Planning Commission and City Council.

## SUPPORTING DOCUMENTS

- **Application package**

**MILLCREEK, UTAH**
**ORDINANCE NO. 24-50**

**AN ORDINANCE OF THE MILLCREEK COUNCIL APPROVING A DEVELOPMENT AGREEMENT CONCERNING 0.43 ACRES OF REAL PROPERTY LOCATED AT APPROXIMATELY 4181 SOUTH 900 EAST**

**WHEREAS**, the Millcreek Council ("*Council*") met in a regular meeting on October 14, 2024, to consider, among other things, an ordinance of the Millcreek Council approving a Development Agreement pertaining to a rezone and development proposal concerning approximately 0.43 acres of real property located at approximately 4181 South 900 East; and

**WHEREAS**, the Utah Code Ann. § 10-9a-102 authorizes, among other things, that the City may enter into development agreements; and

**WHEREAS**, staff has presented to the Council a Development Agreement for the referenced property ("Development Agreement"); and

**WHEREAS**, the Council has reviewed the Development Agreement and hereby finds that it is in the best interests of both parties to enter into the Development Agreement.

**NOW, THEREFORE**, **BE IT ORDAINED** that the Development Agreement is approved, and the Mayor and Recorder are hereby authorized and directed to execute and deliver the same.

**PASSED AND APPROVED** by the Council this 14th day of October 2024.

M**ILLCREEK**

_____
Jeff Silvestrini, Mayor

**ATTEST**:

_____
Elyse Sullivan, City Recorder

Roll Call Vote:

| | | |
|---|---|---|
| Silvestrini | Yes | No |
| Catten | Yes | No |
| DeSirant | Yes | No |
| Jackson | Yes | No |
| Uipi | Yes | No |

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 24-50: AN ORDINANCE OF THE MILLCREEK COUNCIL APPROVING A DEVELOPMENT AGREEMENT CONCERNING 0.43 ACRES OF REAL PROPERTY LOCATED AT APPROXIMATELY 4181 SOUTH 900 EAST
was adopted the 14th day of October 2024 and that a copy of the foregoing Ordinance 24-50 was posted in accordance with Utah Code 10-3-711 this ____ day of October, 2024.

_____
Elyse Sullivan, City Recorder

**When recorded, return to:**

Millcreek
Attn: Jeff Silvestrini
1330 E Chambers Ave
Millcreek, UT 84106

# DEVELOPMENT AGREEMENT

This Development Agreement (this "Agreement") is entered into this ___ day of _____, 2024, by and between Bennett Properties, LLC ("Developer"), for the land to be included in or affected by the project located at approximately 4181 South & 900 East, in Millcreek Utah, a municipal corporation of the State of Utah ("City"). The Developer and the City are sometimes referred to as the "Parties."

## RECITALS

**WHEREAS**, Developer owns approximately .43 acres of real property located 4181 South & 900 East in Millcreek, Utah ("Property"). A legal description of the Property is attached hereto as Exhibit "A." The Parties desire that the Property be developed (the "Project") in a unified and consistent fashion pursuant to the terms and conditions of this Agreement; and

**WHEREAS**, the Property is zoned Residential R-1-10; and

**WHEREAS**, the Developer desires to rezone the entirety of the Property, as described in Exhibit "A" from the R-1-10 Residential Zone to the R-M Multifamily Zone; and

**WHEREAS**, the Developer intends to develop the Property consistent with the certain design criteria as identified in Exhibit "B" and with the concept plans as shown in Exhibit "D" ; and

**WHEREAS**, Developer hereby represent to the Millcreek Council that it is voluntarily entering into this Agreement; and

**WHEREAS**, Developer is willing to restrict the Property in a manner that is in harmony with the objectives of the City's General Plan and long-range development objectives, and which addresses the more specific development issues set forth in this Agreement, and is willing to abide by the terms of this Agreement; and

**WHEREAS**, the City and Developer acknowledge that the terms of this Agreement shall be enforceable and the rights of the Developer relative to the Property shall vest only if the City Council, in its sole legislative discretion, approves the rezone and this Agreement; and

**WHEREAS,** the City, acting pursuant to its authority under the Utah Municipal Land Use, Development, and Management Act, Utah Code Ann. §10-9a-101, *et seq*., and its ordinances, resolutions, and regulations, and in furtherance of its land-use policies, has made certain determinations with respect to the proposed Project, and, in the exercise of its legislative discretion, has elected to approve this Agreement;

**NOW, THEREFORE**, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

1. **Affected Property**. The legal description of the Property contained within the Project boundaries is attached as Exhibit "A." No additional property may be added to or removed from this description for the purposes of this Agreement except by written amendment to this Agreement executed and approved by Developer and the City.

2. **Reserved Legislative Powers**. Nothing in this Agreement shall limit the future exercise of police power by the City in enacting zoning, subdivision, development, transportation, environmental, open space, and related land-use plans, policies, ordinances, and regulations after the date of this Agreement.

3. **Vested Rights.** Except as provided below the Parties intend that this Agreement grants Developer the right to develop the Project in fulfillment of this Agreement.

3.1 **Exceptions.** The vesting as specified above is subject to the following exceptions:

3.1.1. City's future laws/ordinances that Developer agrees writing to the application thereof to the Project. If Developer makes the election for the City's future laws to apply to the Project, then such future laws shall apply for the remaining duration of the Project;

3.1.2 State and Federal Compliance. City's future laws which are generally applicable to all properties in the City, and which are required to comply with State and Federal laws and regulations affecting the Project;

3.1.3 Codes. City development standards, engineering requirements and supplemental specifications for Public Works and any new editions or replacement thereof and any City's future laws that are updates or amendments to existing building, plumbing, mechanical, electrical, dangerous buildings, drainage, or similar construction or safety related codes, such as the International Building Code, the APWA Specifications, AAHSTO Standards, the Manual of Uniform Traffic Control Devices or similar standards that are generated by a nationally or statewide recognized construction/safety organization, or by the State or Federal governments and are required to meet legitimate concerns related to public health, safety or welfare;

3.1.4 Taxes. Taxes, or modifications thereto, so long as such taxes are lawfully imposed and charged uniformly by the City to all properties, applications, persons,

and entities similarly situated; or,

3.1.5 Fees. Changes to the amounts of fees for the processing of development applications that are generally applicable to all development within the City (or a portion of the City as specified in the lawfully adopted fee schedule) and which are adopted pursuant to State law.

3.1.6 Impact Fees. Impact Fees or modifications thereto which are adopted and imposed by the City.

3.1.7 Compelling, Countervailing Interest. Laws, rules or regulations that the City's land use authority finds on the record, are necessary to avoid jeopardizing a compelling, countervailing public interest pursuant to Utah Code Ann. § 10-9a-509(1)(a)(i) (2019).

4. **Compliance with City Ordinances and Standards**. Developer acknowledges and agrees that nothing in this Agreement shall be deemed to relieve it from the obligation to comply with all applicable ordinances and requirements of the City necessary for development of the Project, including the payment of fees, and compliance with applicable City standards.

5. **Specific Design Conditions**. The Project shall be developed and constructed as set forth in the specific design conditions/criteria set forth in exhibit "B". The Project shall also comply with all requirements set forth in the minutes of the Millcreek Planning Commission and Millcreek meetings on this matter.

6. **Agreement to Run With the Land**. This Agreement shall be recorded in the Office of the Salt Lake County Recorder, shall be deemed to run with the Property, and shall encumber the same; and shall be binding on and inure to the benefit of all successors and assigns of Developer in the ownership or development of any portion of the Property. This Agreement supersedes any and all development agreements that have been executed concerning the Property.

7. **Assignment.** Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without the consent of the other party. This Agreement shall be binding upon any successors and assigns. This restriction on assignment is not intended to prohibit or impede the sale by Developer.

8. **No Joint Venture, Partnership or Third-Party Rights**. This Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto nor any rights or benefits to third parties, except as expressly provided herein.

9. **Integration. Modification, and Entire Agreement**. This Agreement contains the entire agreement between the parties with respect to the subject matter hereof and integrates all prior conversations, discussions, or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed and approved by the parties hereto. Exhibits A and B are hereby incorporated into this Agreement.

10. **Notices.** Any notices, requests, or demands required or desired to be given hereunder shall be in writing and should be delivered personally to the party for whom intended, or, if mailed by certified mail, return receipt requested, postage prepaid to the parties as follows:

TO DEVELOPER:

Bennett Properties, LLC
9138 S State St #100
Sandy, UT, 84070

TO CITY:

Millcreek
Jeff Silvestrini, Mayor
1330 E Chambers Ave
Millcreek, Utah 84106

Any party may change its address by giving written notice to the other party in accordance with the provisions of this section.

11. **Choice of Law and Venue**. Any dispute regarding this Agreement shall be heard and settled under the laws of the State of Utah. Any Utah litigation regarding this Agreement shall

be filed in the Third District Court in Salt Lake City, Utah. Any federal litigation regarding this Agreement shall be filed in the United States District Court for the District of Utah in Salt Lake City, Utah.

12. **Severability.** In the event any provision of this Agreement is held to be invalid or unenforceable, the remaining provisions shall remain valid and binding upon the parties. One or more waivers of any term, condition, or other provision of this Agreement by either party shall not be construed as a waiver of a subsequent breach of the same or any other provision.

13. **Limitation on Recovery for Default – No Damages.** No party shall be entitled to any claim for any monetary damages as a result of any breach of this Agreement and each Party waives any claims thereto. The sole remedy available to Developer or and assignee shall be that of specific performance. Notwithstanding such limitation the City may withhold all further reviews, approvals, licenses, building permits and/or other permits for development of the Project in the case of a default by Develop or any assignee.

14. **Term of Agreement.** This Agreement shall run with the land and shall continue in full force and effect until all obligations hereunder have been fully performed and all rights hereunder fully exercised; provided, however, that unless the Parties mutually agree to extend the term, this Agreement shall not extend further than a period of ten years from its date of recordation in the official records of the Salt Lake County Recorder's Office.

15. **Force Majeure.** Neither party shall be liable or deemed to be in default for any delay, failure, or interruption in performance under the Agreement resulting, directly or indirectly, from acts of God, acts of civil or military authority, acts of public enemy, war, accidents, fires, explosions, earthquakes, floods, failure of transportation, machinery or supplies, vandalism, strikes or other work interruptions, or any other cause beyond the control of either party. Both Parties, however, agree to make good faith efforts to perform under this Agreement in the event of any such circumstance.

16. **Construction.** The Parties stipulate that this Agreement and all agreements or documents incorporated herein shall not be subject to the rule of construction that a written agreement is construed against the Party preparing or drafting that Agreement.

17. **Headings**. The descriptive headings of the paragraphs of this Agreement are inserted for convenience only and shall not control or affect the meaning or construction of any of the provisions hereof.

18. **No Waiver**. The failure of either Party to exercise in any respect a right provided for in this Agreement shall not be deemed to be a subsequent waiver of the same right or of any other right.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

**Millcreek**

_____
Jeff Silvestrini, Mayor

ATTEST:

_____
Elyse Sullivan, City Recorder

CITY ACKNOWLEDGMENT

STATE OF UTAH )
:ss.
COUNTY OF SALT LAKE )

On the _____ day of _____, 2024, personally appeared before me _____, who being by me duly sworn, did say that he is the Mayor of Millcreek, a political subdivision of the State of Utah, and that said instrument was signed on behalf of the City by authority of its City Council and said Mayor acknowledged to me that the City executed the same.

_____
Notary Public

**DEVELOPER**

By: _____

Title: _____

OWNER/DEVELOPER ACKNOWLEDGMENT

STATE OF UTAH )
:ss.
COUNTY OF SALT LAKE )

On the _____ day of _____, 2024, personally appeared before me _____, who being by me duly sworn, did say that he is the Managing Member of the '_____, Limited Liability company and that the foregoing instrument was duly authorized by the company at a lawful meeting held by authority of its bylaws and signed in behalf of said company.

_____
Notary Public

**Exhibit A**

**Parcel No. 22-05-128-108-0000**
**4181 South & 900 East**

**Legal Description**

BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 900 EAST STREET, A PUBLIC ROAD AT A POINT SOUTH 0° 05' 44" WEST 580.911 FEET AND SOUTH 89° 56' 29" EAST 3.00 FEET FROM THE NORTHWEST CORNER LOT 6, BLOCK 4, 10 ACRE PLAT A, BIG FIELD SURVEY; SAID POINT ALSO BEING SOUTH 00°00'54" WEST ALONG THE MONUMENT LINE IN 900 EAST STREET 71.15 FEET (71.18 FEET RECORD) AND SOUTH 89°54'16" EAST 33.00 FEET FROM A STREET MONUMENT (BRASS CAP) AT THE INTERSECTION OF 4170 SOUTH STREET AND SAID 900 EAST STREET, AND RUNNING THENCE SOUTH 89° 55' 44" EAST (SOUTH 89°55'40" EAST PER PLAT) ALONG THE SOUTHERLY LINE OF WASATCH VIEW CONDOMINIUMS ON FILE WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER 211.71 FEET; THENCE SOUTH 00° 05' 44" EAST 86.75 FEET; THENCE NORTH 89° 55' 40" WEST 212.53 FEET TO A POINT ON SAID EASTERLY LINE; THENCE NORTHERLY ALONG SAID EASTERLY LINE THE FOLLOWING SEVEN (7) COURSES: NORTH 08° 26' 07" WEST 3.18 FEET; THENCE NORTH 00° 05' 44" EAST 20.00 FEET; THENCE NORTH 15° 50' 59" WEST 7.28 FEET; THENCE NORTH 00° 05' 44" EAST 32.99 FEET; THENCE NORTH 20° 04' 43" EAST 5.85 FEET; THENCE NORTH 00° 05' 44" EAST 12.00 FEET; THENCE NORTH 09° 23' 49" EAST 6.19 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.426 ACRES MORE OR LESS

**Exhibit B**
Design and Improvement Criteria

Developer shall develop the Project consistent with the certain design criteria as identified below:

1. **Uses.** The Project shall consist of five (5) total residential units, being contained within one (1) building.

2. **Ownership.** Prior to City issuing a final Site Plan/Conditional Use Permit approval, the Developer shall obtain preliminary subdivision approval from the Planning Commission.

    - The Developer shall record a final subdivision plat within one year from the date of Site Plan/Conditional Use Permit approval, for the purpose of creating individual ownership for all five units.

    - To ensure owner occupancy of the Owner-Occupied Units, the Developer shall, prior to issuance of any building permits with respect to the Project, record a subdivision plat for the purpose of creating individual ownership, common areas, property line alignments, right of way dedication (if any) and all easements for access, utilities, shared parking, shared open space, etc. along with a restrictive use agreement with the office of the Salt Lake County Recorder including language as set forth in item **No. 9 of Exhibit "B"** attached hereto and incorporated herein.

3. **Height.** The height of the buildings shall not exceed thirty-five feet (35') in height, as measured from the lowest elevation point of original grade (4309.00 ft), as depicted in the attached ALTA/NSPS Land Title & Topography survey, Exhibit C.

4. **Setbacks.** The building setbacks shall be as depicted on the site plan, Exhibit C.

5. **Parking.** The Project shall have at least fourteen (14) parking stalls, ten (10) of which shall be contained within the five individual two-car garages. The remaining four (4) guest parking stalls shall be located near the eastern side of the project's site, as depicted in the attached site plan, Exhibit C.

6. **Materials.** The buildings facades shall consist of high quality, durable, low maintenance materials (e.g., composite siding and trellises, brick, stone, stucco, glass, and metal) in accordance with the R-M Zone ordinance. The arrangement of the materials and the windows shall be as per the elevations sheets as depicted in the attached site plan, Exhibit C.

7. **Right-of-way improvements.** Applicant shall provide a ten-foot (10') wide public utility easement parallel to and abutting the 900 East right-of-way. The Developer shall also install frontage improvement to the abutting right of way (including but not limited to curb, gutter, sidewalk, landscaped park strip, asphalt, utilities.).

8. **Street improvements.** Applicant must follow and meet the requirements set forth in ordinance **14.16.120 Restoration Of Surface; Required** during the construction of the site.

    - Any person making any excavation, bore, or boring in or under any public street, alley, sidewalk, or other public place in the city shall, at his own expense, restore the surface to the same type and depth of pavement as that which is adjoining, including the gravel base material (at a minimum 3" Bituminous surface and 8" untreated base course). All restoration shall conform to the city standards and all restorations shall be accomplished within seventy-two (72) hours from the time of the excavation unless additional time is granted in writing by the city. If, within the preceding three (3) years, the pavement has been resurfaced with either asphalt, chip seal or slurry seal the permittee shall be responsible for resurfacing the entire width of the excavated pavement, from curb to curb, to a length of fifty feet (50') from each side of the excavation or cut. Such resurfacing shall be made with asphalt, chip seal or slurry seal, consistent with the pavement resurfacing. Excavation of city streets during the winter months (herein defined as October 15 to April 15) will be allowed only if the work is a new service connection, required maintenance or emergency. or otherwise approved by the city. Permanent patching of a city street excavated in winter may be delayed until April 15, provided the outdoor ambient temperature is 45 degrees and rising and the permittee maintains a temporary patch until such time as the permanent surfacing is accomplished.

9. **Restrictive-Use Agreement**. The Developer shall cause the following language to be included in a declaration of covenants, conditions, and restrictions (CC&R's) against the Property which is to be recorded by Developer at the time of recording a subdivision plat, and shall be applicable to the Owner-Occupied Units:

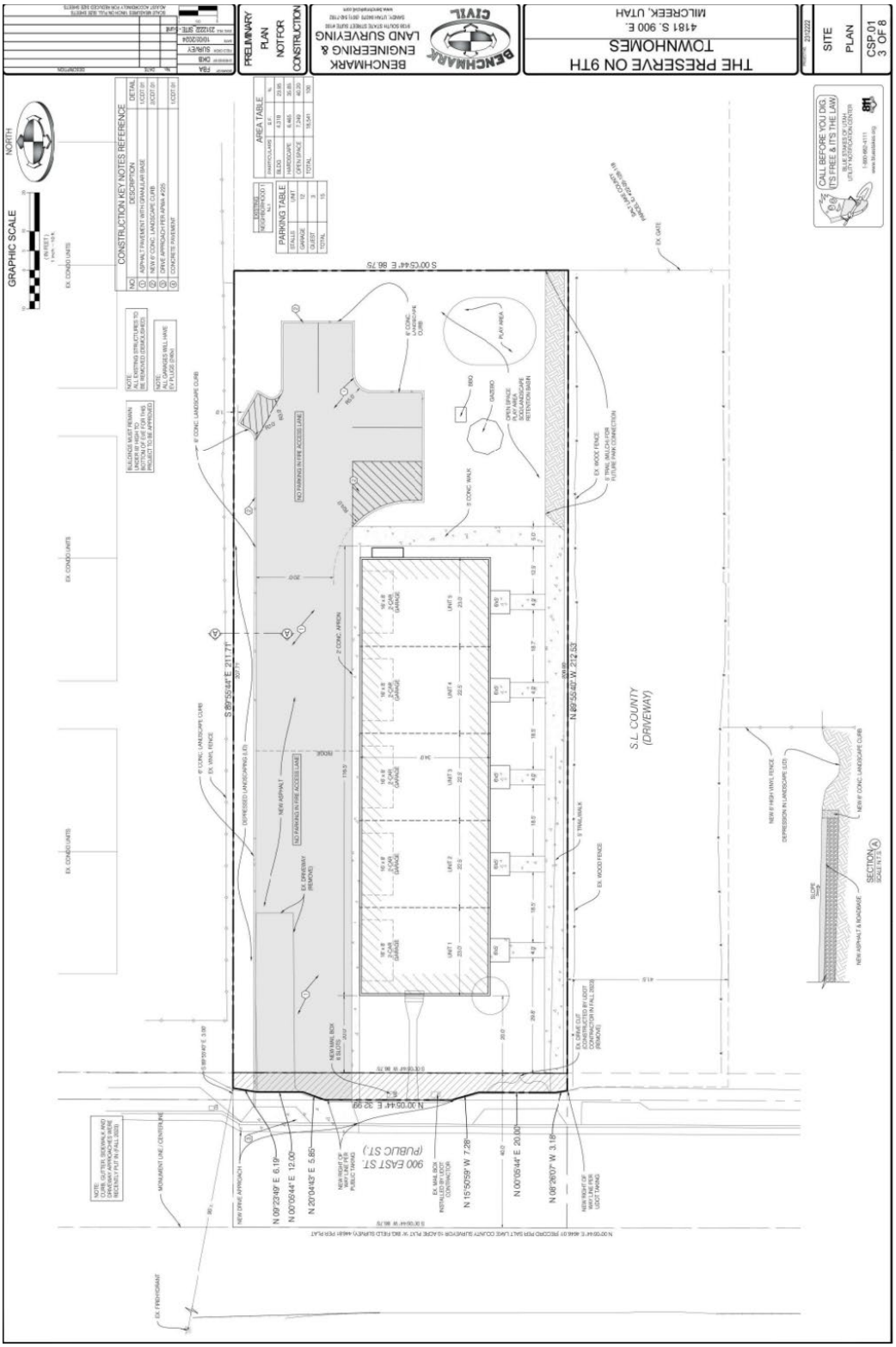
    1. Except as set forth herein, each of the Owner-Occupied Units is intended to be Owner occupied, including occupancy by such Owner's immediate family members (including parents, siblings, children, and grandchildren of the Owner), as well as unrelated persons so long as such Owner remains in occupancy.

    2. The foregoing restriction shall not apply, however, to:
        a) Any Owner-Occupied Unit owned by a person who has ceased occupying such Unit due to military service for the period of the Owner's deployment;
        b) To any Owner-Occupied Unit occupied by an Owner's parent, child or sibling;
        c) An Owner whose employer has relocated the Owner for two (2) years or less;
        d) An Owner-Occupied Unit owned by an entity that is occupied by an individual who:
            i. has voting rights under the entity's organizing documents; and

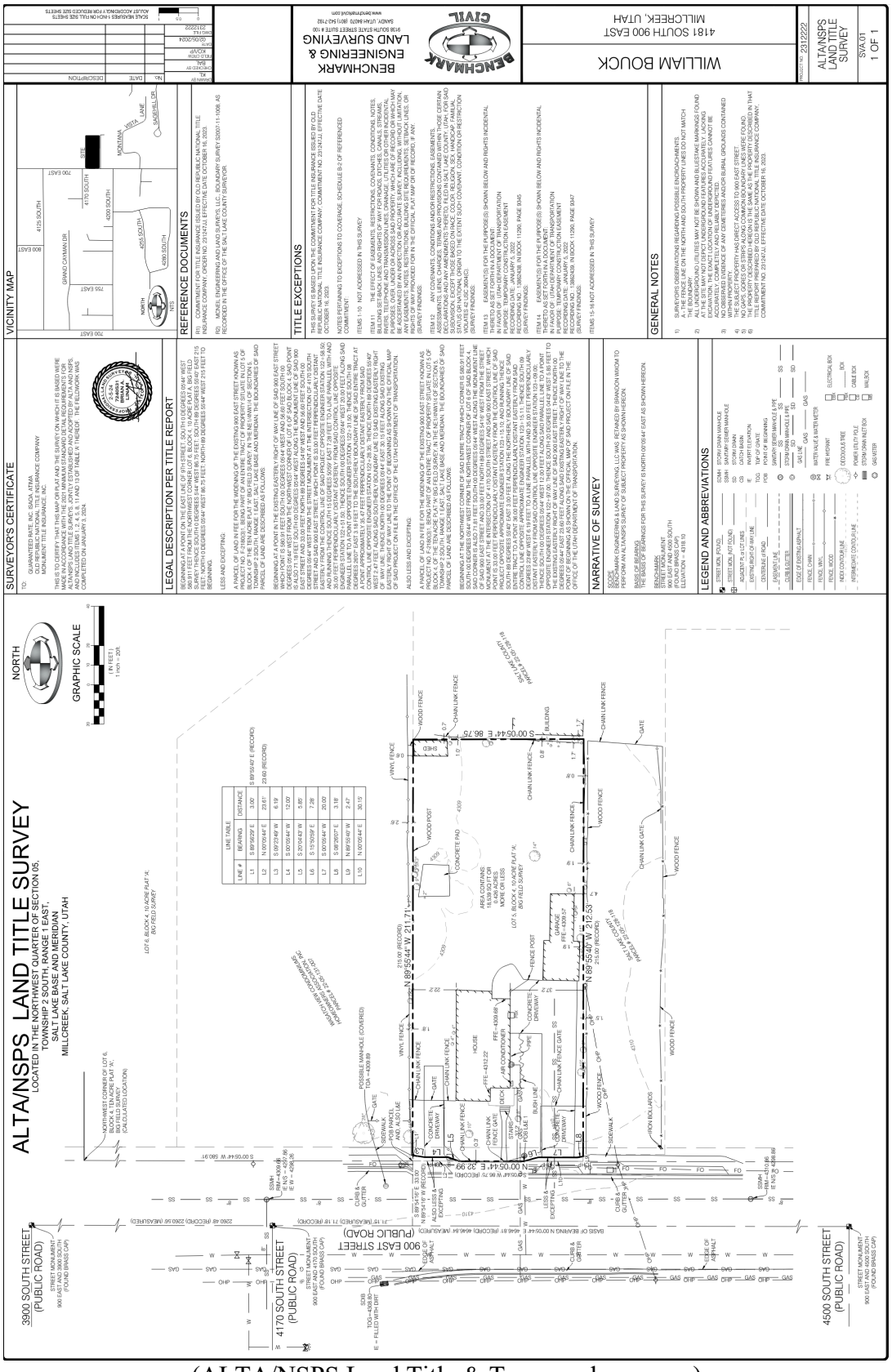
ii. has a 25% or greater share of ownership, control, and right to profits and losses of the entity; or

d) An Owner-Occupied Unit owned by a trust or other entity created for estate planning purposes if the trust or other estate planning entity was created for the estate of:
   i. a current resident of the unit; or
   ii. the parent, child, or sibling of the current resident of the unit;

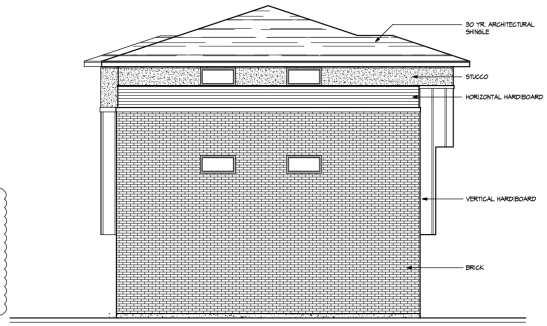
**Exhibit C**
(Site plan and Elevations)




(Site Plan)




(ALTA/NSPS Land Title & Topography survey)




| FACADE VARIATIONS PERCENTAGES | | |
|---|---|---|
| BRICK | 798 SQ. FT. | 76% |
| VERTICAL HARDIEBOARD | 72 SQ. FT. | 7% |
| HORIZONTAL HARDIEBOARD | 86 SQ. FT. | 8% |
| STUCCO | 76 SQ. FT. | 7% |
| TOTAL W/O WINDOWS | 1030 SQ. FT. | |
| WINDOWS & DOORS | 32 SQ. FT. | |
| TOTAL | 1062 SQ. FT. | |

REV. 06-07-24

**BACK EXTERIOR ELEVATION**

SCALE 3/16"=1'-0"




| FACADE VARIATIONS PERCENTAGES | | |
|---|---|---|
| BRICK | 924 SQ. FT. | 42% |
| VERTICAL HARDIEBOARD | 1102 SQ. FT. | 49% |
| HORIZONTAL HARDIEBOARD | 54 SQ. FT. | 2% |
| STUCCO | 150 SQ. FT. | 7% |
| TOTAL W/O WINDOWS | 2210 SQ. FT. | |
| WINDOWS & DOORS | 1338 SQ. FT. | |
| TOTAL | 3548 SQ. FT. | |

REV. 06-07-24

**SIDE EXTERIOR ELEVATION**

SCALE 3/16"=1'-0"

JB DESIGN GROUP
www.jb-designgroup.com 801-668-5852

**BACK & SIDE ELEVATIONS**

DATE: 09/23/2024 JOB # 240623

PROJECT: THE PRESERVE ON 9TH
4181 SOUTH 900 EAST MILLCREEK, UTAH

5

(South and West Elevations)

**MILLCREEK, UTAH**
**RESOLUTION NO. 24-22**

**A RESOLUTION OF THE MILLCREEK COUNCIL APPROVING A THIRD AMENDED INTERLOCAL COOPERATIVE AGREEMENT WITH SALT LAKE COUNTY FOR PUBLIC WORKS SERVICES**

**WHEREAS**, the Millcreek Council ("*Council*") met in regular session on October 14, 2024, to consider, among other things, approving a third amended Interlocal Cooperative Agreement with Salt Lake County for public works services; and

**WHEREAS**, the Utah Local Cooperative Act (Utah Code Ann. § 11-13-101, *et seq.*) (the "*Act*") provides that two or more entities are authorized to enter into agreements with each other for joint or cooperative action and

**WHEREAS**, Salt Lake County ("*County*") and Millcreek are public agencies, as contemplated in the Act, and the services contemplated are joint and cooperative actions, as contemplated in the Act; and

**WHEREAS**, the Council has determined that it is in the best interest of the inhabitants of Millcreek to enter into a third amended Interlocal Cooperative Agreement with the County for public works services; and

**WHEREAS**, a third amended interlocal cooperative agreement has been presented to the Council for review and approval, a copy of which is attached hereto ("*Amended Agreement*"); and

**WHEREAS**, the Amended Agreement sets forth the purpose thereof, the extent of the parties' participation, and the parties' rights, duties, and responsibilities.

**NOW, THEREFORE, BE IT RESOLVED** that the Amended Agreement is approved and that the Mayor and Recorder are hereby authorized and directed to execute and deliver the same.

This Resolution, assigned No. 24-22, shall take effect immediately on passage.

**PASSED AND APPROVED** by the Millcreek Council this 14th day of October 2024.

**MILLCREEK COUNCIL**

By: _____
**Jeff Silvestrini**, Mayor

**ATTEST**:

_____
**Elyse Sullivan**, City Recorder

Roll Call Vote:

| | | |
|---|---|---|
| Silvestrini | Yes | No |
| Catten | Yes | No |
| DeSirant | Yes | No |
| Jackson | Yes | No |
| Uipi | Yes | No |

Contract No. _____
D.A. No. _____

**THIRD AMENDMENT TO THE**
**INTERLOCAL COOPERATION AGREEMENT**
**FOR**
**PUBLIC WORKS SERVICES**

THIS THIRD AMENDMENT (this "Amendment") is made to the Interlocal Cooperation Agreement ("Agreement") between SALT LAKE COUNTY (the "COUNTY") and CITY OF MILLCREEK (the "CITY"), dated _____ regarding the provision of public works services.

WITNESSETH:

WHEREAS, the CITY and COUNTY entered into the Agreement for COUNTY to provide public works services; and

WHEREAS, the Agreement provided that the Parties could amend the Agreement's exhibits as necessary by executing an amendment to the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth herein, the parties agree to amend the Agreement as follows:

1. Cost of Services. Exhibit "B" to the Agreement, as previously amended, is stricken and replaced with an updated Cost of Services schedule, attached here and incorporated as Exhibit "B." Services provided after the execution of this Amendment shall be invoiced in accordance at these new rates.

2. All other terms and conditions of the Agreement not expressly addressed in this Amendment remain unchanged and in full effect.

[Signatures on following page]

IN WITNESS WHEREOF, the parties have subscribed their names hereon and caused this Amendment to be duly executed on the ____ day of_____ , 2024.

**SALT LAKE COUNTY**

By:_____
Mayor or Designee

Date:_____

Departmental Approval

By:_____
Public Works Director

Division Approval

By:_____
Operation Division Director

Review as to form

Deputy District Attorney

**CITY OF MILLCREEK**

By:_____
Mayor or Designee

Date: _____

ATTEST:

By:_____
City Recorder

Review as to form

By:_____
City Attorney

# Exhibit B

## Cost of Services

## 2024-2025

| | Millcreek Metrics | Millcreek Units | Millcreek Costs |
|---|---|---|---|
| Direct Employees | 15.00 | FTEs | |
| Shared Employees | 4.19 | FTEs | |
| | | | |
| Employee Costs | | | 2,002,858 |
| Snow Plow Cost | | | 873,188 |
| Shared Equipment | | | 730,441 |
| Dumping | | | 32,586 |
| Salt | 12,130.56 | Tons | 280,216 |
| Overlay Materials | 102,667.00 | SqFt | 100,614 |
| Concrete Materials | | | 123,600 |
| Crack Seal Materials | | | 49,225 |
| Patching Materials | | | 52,957 |
| Other Materials | | | 137,162 |
| Micropave | | | 595,011 |
| Slurry Seal | | | 117,268 |
| Other Subcontracted Services | | | - |
| Street Lighting Maintenance | 1,556.00 | Lights | 116,700 |
| Street Lighting Construction | | | - |
| Traffic Signal Preventative Maintenance | 21.75 | Signals | 36,426 |
| Traffic Signal Non Preventative Maintenance | 21.75 | Signals | 20,577 |
| Administration | | | 917,007 |
| | | | |
| Total Contract | | | 6,185,837 |

* Non-Contracted Services will be billed separately from the contracted services.

**MILLCREEK, UTAH**
**RESOLUTION NO. 24-23**

**A RESOLUTION OF THE MILLCREEK COUNCIL APPROVING AN APPOINTMENT TO THE PLANNING COMMISSION**

**WHEREAS**, the Millcreek Council ("*Council*") met in a regular meeting on October 14, 2024, to consider, among other things, approving an appointment to the Planning Commission; and

**WHEREAS**, due to the resignation of a member of the Planning Commission, Section 19.05.020 of the Millcreek Code of Ordinances provides that any vacancy occurring on the Planning Commission shall be promptly filled by the Mayor, with the advice and consent of the Council for the unexpired term of such member; and

**WHEREAS**, the Mayor hereby nominates Jacob Richardson as a member of the Planning Commission; and

**WHEREAS**, the Council has given advice regarding the appointment of such members and hereby consents to such appointments; and

**WHEREAS**, after careful consideration, the Council has determined that it is in the best interest of the health, safety, and welfare of the residents of Millcreek to consent to such appointment.

**NOW, THEREFORE, BE IT RESOLVED** that the Council consents to the appointment of Jacob Richardson as a member of the Planning Commission, serving a term that will end on June 30, 2026.

This Resolution, assigned No. 24-23, shall take effect immediately upon passage.

**PASSED AND APPROVED** by the Council this 14th day of October, 2024.

**MILLCREEK**

_____
Jeff Silvestrini, Mayor

**ATTEST**:

_____
Elyse Sullivan, City Recorder

| Roll Call Vote: | | |
|---|---|---|
| Silvestrini | Yes | No |
| Catten | Yes | No |
| DeSirant | Yes | No |
| Jackson | Yes | No |
| Uipi | Yes | No |

**Minutes of the**
**Millcreek City Council**
**September 9, 2024**
**5:00 p.m.**
**Work Meeting**
**7:00 p.m.**
**Regular Meeting**

The City Council of Millcreek, Utah, met in a public work meeting and regular meeting on September 9, 2024, at City Hall, located at 1330 E. Chambers Avenue, Millcreek, UT 84106. The meeting was recorded for the City's website and had an option for online public comment.

**PRESENT:**

**Council Members**
Jeff Silvestrini, Mayor (excused)
Silvia Catten, District 1
Thom DeSirant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4

**City Staff**
Mike Winder, City Manager
Elyse Sullivan, City Recorder
Francis Lilly, Assistant City Manager
John Brems, City Attorney
Lisa Dudley, HR-Finance Director
Kayla Mayers, Promise Program Director (electronic)
Rita Lund, Communications Director
Sean Murray, Planner
Kurt Hansen, Facilities Director
Carlos Estudillo, Planner
Kiana Dipko, Promise Health Coordinator
Stephanie Bond, HR Manager
Brad Sanderson, Current Planning Manager

**Attendees:** Chief Petty-Brown, Rick Hansen, Brandon Wixom, Dale Bennett, Ella Loveland, Peter Liacopoulos, Diane Livingston, Susan & Vern Ferrin, Judy Mayfield, Craig Jenson, Marilyn Woodger, Sue Coia, Steve Yeager, Kelly Noorda, Brynne Turville, Ron Lillie, Celestino Salazar, Mayor Jenny Wilson, County Council Member Suzanne Harrison

**WORK MEETING – 5:00 p.m.**
**TIME COMMENCED: 5:00 p.m.**

Mayor Pro Tempore Uipi called the work meeting to order. She excused Mayor Silvestrini.

1. **Promise Program Quarterly Update; Kayla Mayers, Promise Program Director**
   Kelly Norda, Promise Partnership Utah, presented data on high school graduation rates, comparing Skyline (94%), Olympus (93%), and Cottonwood (78%) with the district average of 80%.

Kayla Mayers provided updates on the Promise Program. They had volunteer child supervision at Bud Bailey Apartments providing ongoing support for parents learning English and taught digital skills classes. The Social Determinants of Health leadership team has been meeting monthly to figure out what the team should focus on. Mayers mentioned the successful Canyon Rim Cares mental health service project and the support provided for Cottonwood High School registration. The Promise Program now oversees the Millcreek Youth Council and it started for the new school year. Mayers reported 78 individuals were served in the digital skills classes. There were 5 average daily attendance of child supervision at Bud Bailey Apartments, 100 letters to veterans were written at Canyon Rim Cares, and 21 youth are on the Youth Council.

Kiana Dipko, Healthy Millcreek Coalition Coordinator, said the coalition's focus is on preventing unhealthy outcomes. In July, the Healthy Millcreek Coalition Strategic Plan was completed, focusing on youth and neighborhood attachment. The plan follows the Communities that Care structure which involves more partners and aims to lower poor health outcomes. The coalition plans to implement a partnership with Spy Hop and the Asian Association of Utah to provide social skills and art programs for high-risk youth.

Mayers described various events, meetings, and projects for the next quarter. Mayor Pro Tempore Uipi asked what the challenges were for the Cottonwood High School registrations and about partnering with other entities to fill challenges. Mayers said the registration process was online and most people did not remember their login information.

2. **Employee Engagement Survey Results Presentation; Lisa Dudley, HR-Finance Director**
Lisa Dudley said at their January strategic retreat, the council requested an employee engagement survey. Strong employee engagement leads to better customer service, deeper commitments to the city's objectives, higher productivity, innovation, and efficiency, and greater employee retention. The employees participated in a survey in March 2024 which was conducted by a neutral third party. The survey was sent to 87 employees, and 66 responded (76% participation). She listed the factors that may affect survey results included assigned location, position and/or department, level of interaction with public, immediate supervisor, age and/or gender, current salary or hourly wage, and timing of survey. The results were presented to the employees in July 2024 during an all-staff meeting. The two ways to interpret the results were a percentage of favorable responses and the mean, or mathematic average. She presented a list of statements that employees rated on a 1-5 scale on the areas of meaningful work (77% favorable, 4.02 mean), active and engaged management (75% favorable, 3.95 mean), positive work environment (75% favorable, 3.99 mean), growth/development/performance (73.8% favorable, 3.88 mean), and trust in leadership (65.4% favorable, 3.71 mean). Overall, the survey reflected a 73% favorable and 27% unfavorable employee satisfaction. Dudley provided samplings of positive and negative survey comments. The positive reflected on diversity, inspired by the city, and a positive working environment. The areas for improvement were based on a "lean and mean" staff, perceived favoritism, and that staff parties and social events are fun but do not balance the scales. The general sentiment was that the Community Life Department (city events, public market, etc.) was appreciated more than the other departments.

Dudley said the company culture and employee engagement can change, not every suggestion can be put into place, and employees have different roles and responsibilities. She said if it is

approved in the budget, staff would like to conduct the employee engagement survey annually. She mentioned the first employee benefits fair was held and voluntary insurance coverages were offered.

Council Member Jackson felt staff was thankful to have the opportunity to take the survey and have an open dialogue. She requested follow up surveys to measure progress. Mike Winder said the Community Life Department was the new, fast growing department, but felt better that progress had been made since March. Council Member Catten asked if the same survey would be used. Dudley noted the same third party consultant would not be used but maybe the same questions would be. She said a comment box was installed in the breakroom for employees to provide feedback. Mayor Pro Tempore Uipi described the city as constantly changing and she could see how those changes could be difficult. She asked if the employees were having regular meetings with managers where they could be heard. Dudley said the comments submitted were generally anonymous. Human Resources oversaw change management, and they wanted employees to have growth opportunities.

3. **Planning Matters First Readings:**
   a. ***ZT-24-006*, Amendments to the Historic Preservation Code; Sean Murray, Planner**
   Sean Murray said the code was relatively new, so minor amendments would be made. One large change would be enforcement rules on the demolition of a historic property without prior approval. Staff has discussed fees associated with the demolition and clouding of the title to restrict redevelopment of the property as a penalty. The Planning Commission recommended a 7 year development stay and a sliding scale of fees based on the assessed value of the demolished structure as a penalty. They recommended a hold on demolition permits from 10 to 21 days in order to document the property for historical purposes.

   b. ***ZT-24-009*, Amendments to the Accessory Building Code; Sean Murray, Planner**
   Murray said updates to the accessory buildings code included simplifying sizing rules and removing unnecessary setback requirements. The changes aim to make the code easier to administer and understand while maintaining design standards and lot coverage requirements. Murray said sizing rules were currently an issue for residents. The current code limits accessory structures to 60% of the footprint of the primary structure or 600 square feet, whichever is greater. A change would remove the rule in favor of a total lot coverage requirement. The Planning Commission recommended removing a rule that when a rear yard abuts a neighboring side yard, a 10 foot setback is required. They also recommended allowing for accessory buildings to be built within the 20 foot setback on flag lots. Council Member Jackson thanked staff for the changes.

   c. ***ZM-24-006*, Request to Rezone from A-1 to R-1-10 at 4016-4020 S 700 W; Carlos Estudillo, Planner**
   Carlos Estudillo said the applicants were Ella Loveland and Norma Cutter. The neighborhood is composed of residential multifamily, agriculture, and manufacturing uses. He showed the composition of three lots requesting the rezone that contained a single family dwelling and agricultural structures. Staff felt the R-1-10 zone would be better conducive for a portion of the property to not create a nonconforming use. He showed the proposed rezone changes, which would encompass the northeast corner for the single family residence and the remaining property would stay as agricultural. The property use would remain the same. Estudillo reviewed the findings from his staff report. The subject

property is 1.73 acres, though only 0.35 acres of the property would be rezoned. The property follows the Neighborhood 1 designation in the General Plan. The density would remain the same. The R-1-10 Zone standards would be met. Staff was not contemplating a traffic study or development agreement. The General Plan Considerations included Goal N-1 through Strategy 1.5 and Goal N-2 through Strategy 1.4 and 1.5. There was a neighborhood meeting held and most neighbors were in favor of the proposal. The Millcreek Community Council and the Planning Commission recommended approving the rezone. Staff recommended approval of the application.

Council Member Jackson asked if the road dedication would include sidewalk. Estudillo confirmed that improvements would be required but they could be deferred. Loveland, property owner, said there would be gutters, but they wanted to maintain water flow. Council Member Catten asked if there were future plans to develop the property. Loveland said there were no current intentions to sell unless it was to family.

**d. *ZM-24-005*, Request to Rezone from R-1-10 to R-M at 4181 S 900 E; Carlos Estudillo, Planner**

Estudillo said the application was for a rezone and General Plan amendment. The lot is 0.43 acres. The vicinity is composed of single family dwellings and residential multifamily. The historical zoning of the property until 2004 was R-2-10. The property currently had a single family residence and accessory structure. The development proposal included 6 townhome units capped at 35 feet in height. Every unit would include a 2-car garage and there would be three guest parking stalls. The proposal would meet the requirements of the R-2-10 Zone. Estudillo showed the council the proposed site plan, landscaping plan, building elevations, and building renderings.

The property is currently designated as Neighborhood 1, which has the primary use of single family detached homes, typically 1-6 dwellings per acre. The request is for a change to the Neighborhood 2 designation with the primary use of single-family detached homes on smaller lots, duplexes, triplexes, townhomes, and smaller multifamily buildings. The typically includes 6-18 dwelling units per acre with building heights of 2-3 stories. The General Plan considerations included Goal N-1 with Strategy 1.5 and Goal N-2 with Strategy 1.4.

A neighborhood meeting was held on February 27, 2024, and concerns were raised about neighboring property values decreasing, traffic, affordability, rentals, safety, and homelessness. The Millcreek Community Council recommended not approving the application in July and August 2024. The Planning Commission recommended a continuation of the application in July 2024 to further analyze the information provided by the applicant regarding neighborhood compatibility, and to contemplate the terms of a potential development agreement. The Planning Commission reviewed the application again in August 2024. The Commission recommended a denial of the General Plan amendment and the zoning map amendment. The recommendation was made in light that the current General Plan would need to be amended to accommodate the change in zone, as well as a change in its future land use.

Francis Lilly reported the commission considered whether the General Plan Future Land Use map should be reconsidered holistically or should developers be required to make a

request for an amendment on a project-by-project basis. He wondered if higher densities would be better suited to the 900 East corridor and asked the council for policy direction.

Council Member DeSirant said the surrounding uses met the Neighborhood 2 standards and felt a larger area change in the General Plan was needed. Council Member Catten said it took 10 years to get 900 East improvements, which was completed earlier this year. She did not know how a Neighborhood 2 designation would be possible with some of the other single family residences. She felt the proposal was reasonable for the neighborhood. Lilly said the General Plan was an advisory document, so the council could still approve or deny rezones on its basis. Staff felt a holistic approach was warranted for future action. It was difficult to communicate land use goals if the council approved rezones that did not follow the General Plan. Council Member DeSirant said larger developments made sense on larger thoroughfares. Council Member Jackson wondered about spot zoning. Lilly said there was a mismatch on zoning and current uses on the corridor. The property to the north of the subject property had three duplexes on it but was zoned R-1-10. Mayor Pro Tempore Uipi felt a holistic approach was appropriate and asked about a timeline for a larger community engagement process. Lilly felt a 2025 community engagement effort could be the next big project for the planning department. He asked how to advise applicants now.

Estudillo reviewed his conclusions from his staff report:

1. A Multifamily residential use would NOT be in harmony with the current land use designation because the general plan designation for this lot is under *"Neighborhood 1",* which its primary intended use is accommodate single-family homes in low-density neighborhoods. This application would need a General Plan Amendment.
2. Additional research has displayed a variety of housing stock, ranging from single-family homes to multi-family, in the 900 E corridor between 3900 S and 4500 S.
3. With multimodal, mobility services, such as UTA's route 209 providing a fifteen-minute service, the now-present bike lane and a repaved road, it could be argued that 900 E (within Millcreek Boundaries) is a corridor that may be able to sustain new, medium density projects, to meet the necessary demand set by a lack of housing in the state of Utah.
4. The proposal will meet the requirements set forth in MKZ 19.44(Multi-family Residential zone), 19.77 (Landscape standards) and 19.80 (Parking and Mobility Standards).
5. A development agreement may best ensure the type, scale, style, materials, orientation, dedication, utilities easements, access, phasing, and other aspects pertaining to the future development of these properties, where the underlying zoning and land use ordinances may be insufficient; Therefore, a development agreement may be in place to ensure development design and layout of the property.
6. All development will be required to meet the minimum zoning and land use ordinances; to which the concept plan may likely evolve from what is currently presented for this rezone application.

Estudillo noted a development agreement would include items on architectural design and layout of property, density, owner occupancy, height, maintenance items, street lighting, fencing, and overall and guest parking.

DRAFT

Brandon Wixom, applicant, said he had been working on the application for 11 months and did not feel waiting longer would be fair. They had met with city staff multiple times and made amendments to the plan accordingly. He felt the product was good as 3 bedroom 2 bathroom units. The density made sense on this corridor. The applicant had hired numerous professionals and consultants to ensure a quality project and went through the appropriate approval process. He said opposition came from a gated community down the street. They had tried to make changes to the proposal within reason based on those comments, particularly with the parking. They were willing to provide 50% more parking. Council Member DeSirant asked if the units would be owner occupied. Wixom confirmed. He read from the General Plan, "It is expected that future zone changes would generally adhere to the land use categories depicted on the Future Land Use Map, but flexibility in interpretation of the boundaries may be granted by the Planning Commission and City Council, provided the proposed change is consistent with the vision, goals, and strategies contained in this General Plan."

**4. Staff Reports**

There were none.

**5. Discussion of Agenda Items, Correspondence, and/or Future Agenda Items**

There was none.

**Council Member Jackson moved to adjourn the work meeting at 6:45 p.m. Council Member DeSirant seconded. Mayor Pro Tempore Uipi called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, and Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.**

---

**REGULAR MEETING – 7:00 p.m.**
**TIME COMMENCED: 7:10 p.m.**

**1. Welcome, Introduction and Preliminary Matters**

**1.1 Pledge of Allegiance**

Mayor Pro Tempore Uipi called the meeting to order and led the pledge of allegiance. She excused Mayor Silvestrini.

**1.2 Constitution Week in Millcreek Proclamation**

Mayor Pro Tempore Uipi proclaimed the following:

*PROCLAMATION*
*CONSTITUTION WEEK IN MILLCREEK*

*WHEREAS, September 17, 2024, marks the two hundred and thirty-seventh anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and*

*WHEREAS, The Constitution, together with the Bill of Rights, have provided the organic structure for our Democratic Republic and our Individual Liberties, enabling our nation to rise from a collection of ragtag former colonies to a United Nation in which our people have created*

DRAFT

*opportunity and built the greatest economy in the world, based upon freedom, creative genius, and hard work; and*

*WHEREAS, our federal system has welcomed generations of immigrants from every part of the globe to participate in the freedom, opportunity and rule of law our Constitution affords, creating out of many groups, one indivisible nation; and*

*WHEREAS, Public Law 915 guarantees the issuing of a Proclamation each year designating September 17 through 23 as Constitution Week.*

*NOW, THEREFORE, I, Bev Uipi by virtue of the authority vested in me as Mayor Pro Tempore of Millcreek, Utah do hereby proclaim the week of September 17 through 23 as:*

*CONSTITUTION WEEK*

*AND ask our residents to affirm the ideals of the Constitution of the United States of America and the Bill of Rights by vigilantly protecting the freedoms guaranteed through this magnificent document, remembering that lost rights may never be regained.*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of Millcreek to be affixed this 9th day of September, 2024.*

Judy Mayfield and Susan Ferrin, representatives from the Daughters of the American Revolution, received the signed proclamation.

**1.3 Public Comment**

County Council Member Suzanne Harrison gave an update on the "My County Rec Pass," a free recreation pass for Salt Lake County youth ages 5-18. Over 61,000 kids had signed up. The Public Safety Bond would be on the ballot this fall. The county council was asking voters to vote "yes" for the bond. She expressed appreciation for Mayor Wilson, Governor Cox, and other state leaders. The bond is part of a broader plan to address issues of mental health services, criminal justice reform and housing challenges that align with state goals and also the work that Millcreek is doing. This portion of the bond would help increase mental health, improve and expand the jail, which has not been expanded in over 20 years, and, more importantly, reduce jail recidivism. She hoped this would give people more of the tools they need to reduce the cycle of repeat offenders, and hopefully help people get on a path to self-sufficiency with more support, job training, mental health services, and substance use training.

Brynne Turville, Oakridge Drive, raised a safety concern on Honeycut Road. Halfway through Honeycut, there is a gulley with a steep road that goes through it with three blind corners. She has elementary aged children who attend William Penn Elementary. She said it was shocking how fast cars travel and how many close calls there have been with auto-pedestrian encounters. Mayor Pro Tempore Uipi asked what Turville wanted assistance on. Turville requested the city survey the unsafe street and help the neighborhood come up with a sidewalk plan. John Brems said Millcreek was currently creating a comprehensive trails and sidewalks master plan. Mayor Pro Tempore Uipi said the community councils would provide the city council with their sidewalk priorities list.

Diane Livingston introduced herself to the council as a candidate for the State School Board, District 6, highlighting her background and campaign platform.

Steve Yeager, Montana Vista, addressed the last work meeting item on the proposed rezone of 4181 S 900 E. He noted there had been many meetings on the application and the gated community in which he lives was against the proposed rezone. The Millcreek Community Council and Planning Commission had recommended a denial. The neighborhood was against spot zoning, higher density, and were concerned about parking. He pointed out a lot of properties fronting on 700 East were single family residences and that it was a larger corridor than 900 East.

Ron Lillie said the neighborhood was not set against the rezone [proposed rezone of 4181 S 900 E]. The gated community had tried to compromise on the proposal. He said the proposed 3 bedroom units would have more than two drivers/cars. He felt the neighborhood was amenable to five units with more parking. He did not appreciate spot zoning and would like to see two single family residences on the property. Mayor Pro Tempore Uipi asked if the neighborhood would be okay with five units and more parking. Lillie said that they had been, but the applicants turned down the idea, so the neighbors may not feel the same about it.

Sue Coia acknowledged the housing shortage. She said the proposed units were 1500 square feet over 3 stories, not what was presented [proposed rezone of 4181 S 900 E]. She said the dimensions of the site plan did not make sense. She said there was not enough parking and the provided building renderings were false. She expressed concern with rentals and fire truck turnaround. She claimed the General Plan was adopted in 2022 [adopted in 2019] and should not need revision so soon.

Pete Liacopoulos said there were speeding motorcyclists on 1500 East. He expressed his frustrations for the Unified Police Department.

Dale Bennett, applicant for rezone of 4181 S 900 E, said professionals created the proposed site plan for the development to meet the requirements of the R-2-10 zone. The developers had worked closely with staff on the proposal. He said the units would be for sale.

Francis Lilly read an emailed comment from Christian Larsen. *"I hoped to come tonight to provide public comment in support of ZM-24-005, Request to Rezone from R-1-10 to R-M at 4181 S 900 E as well as context surrounding the Planning Commission's unanimous motion regarding this application, but am unable to make it.*
*I feel confident in saying that most, if not all, of the members of the Planning Commission are supportive of projects of this type, and in fact are even supportive of this project. (I believe the Commission offered overwhelming comments in support of this project at our July meeting; I have copied the Commission on this email if any Commissioner feels I am misrepresenting their views). However, in August, we felt that it was inappropriate for a single project to drive a proposed amendment to the General Plan in pursuit of a rezone rather than the General Plan driving the specifications of a project.*

*The Planning Commission felt it would be inappropriate to recommend approval of a general plan amendment from Neighborhood 1 to Neighborhood 2 for a single lot—hence our official recommendation to deny the general plan amendment and rezone. However, our support for this project and projects of this type remains—hence our additional recommendation, included in the motion, to begin the process of re-evaluating the Neighborhood 1 designation for 900 E in favor of a redesignation to Neighborhood 2. We felt it was inappropriate for the Planning Commission to recommend approval in contravention of the current Neighborhood 1 designation contained in the General Plan, and that such a decision is better made by you, the City Council. It is in your power as the City Council to do approve this tonight and add to the housing stock in our city in an area very well suited to support housing of this type, and I hope that you do.*

*I personally feel that you should approve this application because of:*
*1. The dire housing crisis our state and country currently face*
*2. 900 E is an ideal corridor for housing of this type, with access to a major bus route and a bike lane, households with less cars, small cars, or no cars will be able to easily take advantage of these modes of transport*
*3. This area is a patchwork of zone already, with R-1, R-2, RM, and Commercial zones between 3900 S and 4500 S, all within a short walk of the project site*
*The majority of the commission did express through their public comments that a reduction in units by 1 or 2 units, given then small size of the site, would improve the project but we acknowledge Staff's expertise in assuring that this project has met the various requirements for the zone they are seeking. Additionally, I recommend parking signage be posted on site and on the street to mitigate surrounding neighbors' concerns about parking. I hope you will understand the rationale behind our unanimous motion to recommend denial and to recommend redesignation of most of this area of 900 E as an attempt to faithfully adhere to Millcreek's planning documents and our role as Planning Commissioners, but also as a strong statement of support for this type of project as we unitedly combat the housing crisis our face today."*

**Council Member Jackson moved to close public comment. Council Member DeSirant seconded. Mayor Pro Tempore Uipi called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, and Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.**

**1.4 Salt Lake County Public Safety Bond Presentation; Mayor Jenny Wilson and Council Member Suzanne Harrison**

Mayor Jenny Wilson said the proposal was a product of extensive countywide collaboration, bipartisan input, and a critical element of the County's Systemic Reform Plan. It balances public safety and human services needs, realigns and sets the Salt Lake County Jail and Human Services systems for success, creates structured and secure environments to reduce repeat offenses and put people on a path towards self-reliance, funds a critical missing element of the broader system, and replaces outdated infrastructure and treatment programs.

The bond is a subset of the broader Human Services, Homelessness, and Criminal Justice Action Plan which is the result of a unique partnership between the governor, key legislators, the business community, municipal leaders, and others in Salt Lake County.

The shared vision is that homelessness is brief, rare, and non-recurring. Systems were mapped, service gaps and barriers identified, other successes evaluated, and costs analyzed. The broader plan includes building 1,000 units of supportive housing. There are criminal justice and law enforcement challenges, including a drug crisis. The jail is the largest mental health and substance abuse treatment facility in the county. Systemic gaps include workforce, health and wellness care, mental health services, and an integrated data system.

The Salt Lake County Action Plan solutions include expanding housing availability, enforcement and criminal justice reform, addressing systemic gaps, building justice and accountability center, expanding and improving county jail mental health access, and supporting drug enforcement task force. The Public Safety Bond addresses the vital parts of the action plan to build a justice and accountability center and improve and expand the jail and mental health unit. The Justice and Accountability Center would provide a supervised and secure alternative for low-level offenders with resources to reduce repeat offenses and support people's path to self-reliance. The bond is a catalyst for essential parts of the systemic plan. There are currently two jail facilities, Oxbow and Adult Detention Center. The proposal would combine the two county jails to increase capacity, expand mental health unit, and build a stepdown unit.

Mayor Wilson presented the bond language as it would appear on the election ballot. She illustrated the general obligation bond breakdown by facility and cost, totaling $507,000,000. The annual impact on residential (based on average property value of $602,000) is $58.94 and on business is $107.16 over 21 years. This is a bipartisan proposal and passed with an 8-1 vote at the county council. She said it is a necessary plan that is ready for the community.

Council Member Catten asked if the bond covered the construction of the facilities and ongoing maintenance. Mayor Wilson said the operational costs would be an additional expense and the county would find a means to cover it. Mayor Pro Tempore Uipi brought up JRI, an initiative that was pushed upon the criminal justice system without funding. She asked if there would be wraparound services with partners or creation of a new pathway for potential jobs in the new center model. Mayor Wilson felt JRI was underfunded and needed long-term investment to succeed. She commended others for their commitment to finding solutions and highlighted ongoing discussions with state officials to secure funding for a statewide plan that benefits Salt Lake County. While acknowledging that more funding for JRI could have led to a simpler proposal, she stressed the importance of stabilizing the system now. The mayor is hopeful that the county can effectively address community challenges, helping individuals heal and become productive members of society. The model on housing on the broader plan is an extension of what the county already does but would include more caseworkers/peer navigators. The county has a partnership with many grantees but are also looking to rely more on community partners.

Mike Winder said the city could not spend public funds to advocate for a public bond but could spend resources for education. There would be an upcoming piece on the matter in a city newsletter. He encouraged the council to not use their city email addresses to endorse it, but they could advocate as individuals.

**2. Planning Matters**

**2.1 Public Hearing to Consider Vacating a Portion of the 700 West Right-of-Way Between 4060 South and 4100 South**

Francis Lilly said the property at 700 W and 4060-4100 S has multiple zones and there was no development planned for it at the time. There is a significant mismatch with the legal right-of-way and the location of 700 West. The agenda items were first to vacate the right-of-way, surplus it, and rezone it. Carlos Estudillo said the rezone was an effort to bring the property under a single zone, Manufacturing (M), to reflect its current use.

**Council Member DeSirant moved to open the public hearing. Council Member Jackson seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, and Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.**

Craig Jenson, representing the applicant, appreciated working with the city and supported the proposal.

Celestino Salazar asked about the "blue" property identified on the vacation map. Brems said the blue property was owned by the city, which also has a right-of-way on it. The city is vacating that right-of-way, but there is no road there. Estudillo said it functionally becomes the frontage of the applicant's property. Lilly said the field would remain as is but be under different ownership. Salazar asked if the road would continue as a dead end. Lilly confirmed.

**Council Member Jackson moved to close the public hearing. Council Member DeSirant seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, and Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.**

**2.2 Discussion and Consideration of Ordinance 24-42, Vacating a Portion of the 700 West Right of Way Generally Located Between 4060 & 4100 South**

Carlos Estudillo said the site's current use was manufacturing with a trucking and storage business. The site is 8.17 acres and surrounded by multi-family, agricultural, and manufacturing. Most of the property is already zoned M, but this rezone would make the whole site M. The subject property is within the "Light Manufacturing" land use designation of the General Plan, which envisions neighborhoods comprised of, "A range of employment uses, including a wide range of commercial uses, small-scale manufacturing, light industrial, processing, wholesaling, flex space." Estudillo noted a neighborhood meeting was held on June 18, 2024, where people expressed comments on undesired multi-family development and had questions about a potential road extension of 700 West to 4170 S. The Millcreek Community Council held a meeting on July 2, 2024, and voted 7-2 in favor of the proposed zoning consolidation. The two dissenting votes felt the property would be better served with multi-family housing. The Planning Commission unanimously recommended approval on July 17, 2024. Staff recommended approval of the application.

Brad Sanderson described the vacation of the right-of-way to realign it with the existing road. He said there was a prescriptive right on the asphalt in the 13,000 square feet being deeded to the city. Approximately 8,000 square feet would be vacated. There are no current proposed developments or improvements to the property.

**Council Member Jackson moved to approve Ordinance 24-42, Vacating a Portion of the 700 West Right of Way Generally Located Between 4060 & 4100 South. Council Member Catten seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, and Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.**

**2.3 Discussion and Consideration of Ordinance 24-43, Rezoning the Northern Portion of Two Parcels Generally Located at 640 & 650 West 4100 South from the Agricultural (A-1/A-2) Zone to the Manufacturing (M) Zone**

**Council Member Catten moved to approve Ordinance 24-43, Rezoning the Northern Portion of Two Parcels Generally Located at 640 & 650 West 4100 South from the Agricultural (A-1/A-2) Zone to the Manufacturing (M) Zone. Council Member DeSirant seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, and Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.**

**2.4 Discussion and Consideration of Ordinance 24-44, Declaring a Parcel of Real Property Located at or Between 4060 & 4100 South along 700 West as Surplus; Establish a Minimum Bid; and Establish a Method to Determine the Highest and Best Economic Returns to the City**

**Council Member DeSirant moved to approve Ordinance 24-44, Declaring a Parcel of Real Property Located at or Between 4060 & 4100 South along 700 West as Surplus; Establish a Minimum Bid; and Establish a Method to Determine the Highest and Best Economic Returns to the City. Council Member Jackson seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, and Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.**

Council Member Catten asked what the next step would be for the rezone at 4181 S 900 E. Francis Lilly continued the conversation for work meeting item 3d. He said there were two issues. The applicant filed for a rezone and General Plan amendment and deserves a decision. The other issue is to amend the General Plan holistically. Council Member DeSirant asked what the council did on the recent Garden Avenue rezone. Lilly said the council advised the developer to redesign the proposal to be more compatible with the neighborhood. The council rezoned that property but did not take action on the General Plan amendment.

Council Member Jackson asked if the concerns raised during public comment on the size of the units/garages were accurate and should be explored. Lilly felt there was variance in real estate and with planning/zoning. The minimum size requirements in code have been met in the proposed site plan. Mayor Pro Tempore Uipi said there was an additional

DRAFT

neighborhood meeting wherein the neighborhood recommended one fewer unit and more parking. She asked how that was received. Lilly said the developers were noncommittal on any changes and wanted to stick with their proposed plan. Council Member Jackson brought up an island of R-2-10 zoning. Council Member Catten said she met with the developers, and they were not amenable to changes for financial reasons. She did not like spot zoning but acknowledged the challenge since the neighboring property to the north had multifamily units. Council Member Jackson would feel better about only allowing five units. Council Member Catten did not think the parking would be a problem. Council Member Jackson asked if the units could be restricted to no rentals. Council Member DeSirant felt putting no short term rentals in the development agreement would be a good idea. Council Member Catten wondered why the gated community [Montana Vista] was concerned about parking when parking would not overflow into their neighborhood. She suggested looking at making parts of 900 E as Neighborhood 2 in the General Plan.

Council Member DeSirant did not like to spot zone but wanted to promote as much owner-occupied housing as possible. Mayor Pro Tempore Uipi suggested this application move through, but a hold be put on future applications until a holistic General Plan amendment could be made.

Winder wondered if the proposal could be restricted to following the requirements of Senate Bill 240 for owner-occupied, first-time homebuyers. Lilly worried the price point of the bill ($450,000) conflicted with the developer's proposal of selling at a higher price point ($650,000) and therefore outside of the range for first-time homebuyers.

Council Member Jackson said it was not the council's responsibility to ensure the developers made money on their development. Mayor Pro Tempore Uipi said the General Plan can be flexible. She was inclined to support what was written in the staff report and recommend five units with larger garages. Council Member DeSirant requested HOA guidelines prohibiting short term rentals. Estudillo said city ordinance prohibited short term rentals within 600 feet of each other. Lilly said the prohibition could be a zone condition. He said per the council, he would advise developers to not seek project-by-project General Plan amendments pending the review of the Future Land Use map. Brems offered advisement that a moratorium could be implemented.

**2.5 First Readings:**

**a. *ZT-24-014*, Recommendations Regarding Amendments to the Subdivision Ordinance; Francis Lilly, Planning Director**

Francis Lilly said the subdivision ordinance was significantly revised the preceding year as an interim step of the code update. After those amendments were adopted, the State of Utah enacted new regulations that require quicker review times and streamlined approval processes for regular subdivisions (single-family, two-family, or townhouse projects). The subdivision approval procedures that the community councils reviewed in June substantially complied with the new requirements, however language was added pertaining to review cycles and appeals in Section 18.15.060 of the draft procedures ordinance. Clarifying language was also added pursuant to the Planning Commission's favorable recommendation for adoption, which they adopted unanimously by motion at a public hearing regarding these amendments at their regular meeting on September

21, 2024. While staff recommends incorporating these amendments into the comprehensive recodification scheduled for January 2025, they sought council input on an interim amendment that would enable the conversion of existing multifamily buildings into condominiums, that could be adopted by ordinance. There is currently a five-year waiting period on condominium conversions and staff recommended eliminating the requirement. The Planning Commission and community councils agreed. The proposal also includes technical corrections in sensitive land areas and on flag lots and adding definitions for "regular residential subdivision" and "access strip."

**b. *ZT-24-015*, Recommendations Regarding Amendments to the Millcreek Code for Residential Facilities for Persons with a Disability and Reasonable Accommodations; Francis Lilly, Planning Director**

Francis Lilly said the code enhances application requirements. The city must provide an opportunity for a reasonable accommodation in any zone where residential uses are allowed, but the burden to demonstrate worthiness of a reasonable accommodation that meets federal standards is on the applicant, not the city. The proposed code follows what other cities do. The city has a stewardship obligation to make sure that the vulnerable people in care are well cared for, and the way the city does that is by making sure that the applications are rigorous, based on therapeutic best practices, and substantive. He said applicants must provide a notice of intent to the city so the city can communicate what is necessary for applications. All applications need to be reviewed on a case-by-case basis. There is also an inspection provision in the proposal since it has been good practice.

**3. Business Matters**

**3.1 Discussion and Consideration of Resolution 24-19, Waiving the Election Bylaws Requirement for Community Councils**

Francis Lilly said the community councils intended to hold elections this year and solicited nominations, and not one community council got enough nominations to justify an election. Council Member Jackson was concerned about that. Lilly said the council can waive election bylaws requirement for community councils upon receiving written requests from the community council. A written request was provided.

**Council Member Jackson moved to approve Resolution 24-19, Waiving the Election Bylaws Requirement for Community Councils. Council Member Catten seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, and Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.**

**3.2 Discussion and Consideration of Resolution 24-20, Approving an Interlocal Agreement with Salt Lake County Relating to the Healthy Millcreek Coalition for Funding and Becoming an Official Communities That Care (CTC) Coalition**

Council Member Catten said the Healthy Millcreek Coalition started because of a grant and it has to be called an Official Communities That Care Coalition. The city must follow certain guidelines to get the funding for it.

DRAFT

**Council Member DeSirant moved to approve Resolution 24-20, Approving an Interlocal Agreement with Salt Lake County Relating to the Healthy Millcreek Coalition for Funding and Becoming an Official Communities That Care (CTC) Coalition. Council Member Catten seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, and Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.**

**4. Reports**

**4.1 Mayor's Report**

There was no report.

**4.2 City Council Member Reports**

Mayor Pro Temp Uipi said she, Council Member Catten, and Mayor Silvestrini attended the Utah League of Cities and Towns Convention.

Council Member Jackson reported that she attended the 100 Communities for the Community Renewable Energy Board meeting. Rocky Mountain Power is facing a lot of challenges so there is uncertainty with the future of the program. The Skyline High School ribbon cutting was later in the week. She noted the Millcreek Library is closed for improvements.

Council Member Catten announced September is "Get to the River Month" for the Jordan River.

**4.3 Staff Reports**

Mike Winder announced upcoming events.

**5. Consent Agenda**

**5.1 Approval of August 12, 2024 Work Meeting and Regular Meeting Minutes**

**Council Member Jackson moved to approve the work and regular meeting minutes for August 12, 2024. Council Member DeSirant seconded. Mayor Pro Tempore Uipi called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, and Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.**

**6. New Items for Subsequent Consideration**

There were none.

**7. Calendar of Upcoming Meetings**

- Historic Preservation Commission Mtg. 9/12/24 6:00 p.m.
- Planning Commission Mtg. 9/18/24 5:00 p.m.
- City Council Mtg. 9/23/24 7:00 p.m.

**ADJOURNED: Council Member Jackson moved to adjourn the meeting at 9:22 p.m. Council Member Catten seconded. Mayor Pro Tempore Uipi called for the vote. Council**

DRAFT

**Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, and Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.**

**APPROVED: _____ Date**
**Jeff Silvestrini, Mayor**

**_____**
**Attest: Elyse Sullivan, Recorder**

DRAFT