

**Conditional Use Permit - CU-25-007**

**3474-3476 S 2300 E**

**Applicant: Kevin Flynn**



# Request

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The applicant, Kevin Flynn, is seeking a conditional use permit to designate the property located at 3474-3476 S 2300 E (The Baldwin Radio Factory) as a mixed-use property. The applicant is seeking this designation to legally operate a short-term rental out of one of the outbuildings located on the property.

The Baldwin Radio Factory is currently zoned C-1, Neighborhood Commercial, which is a zoning designation for small scale commercial development. The site currently is home to an antique store, breakfast café, and numerous art studios. The site is a historically significant site as it was the home to the Baldwin Radio Company that manufactured and sold headphones and radio equipment during the 1920s. The site is listed on the local Millcreek Historic List meaning that any conditional use application is heard by the Millcreek Historic Preservation Commission before coming to the Planning Commission.

Short term rentals are permitted in the C-1 zone, so long as the site is designated as a mixed-use site and has a valid business license filed with Millcreek.



# Considerations

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When reviewing conditional use permits, staff looks to ensure that the new development or use will not negatively impact surrounding properties or the public good.

Since conditional use permits run with the land, it's important to put some limitations on permits so that any future property owner cannot abuse the permit in ways that are unforeseen. For this application, staff is recommending three conditions for approval:

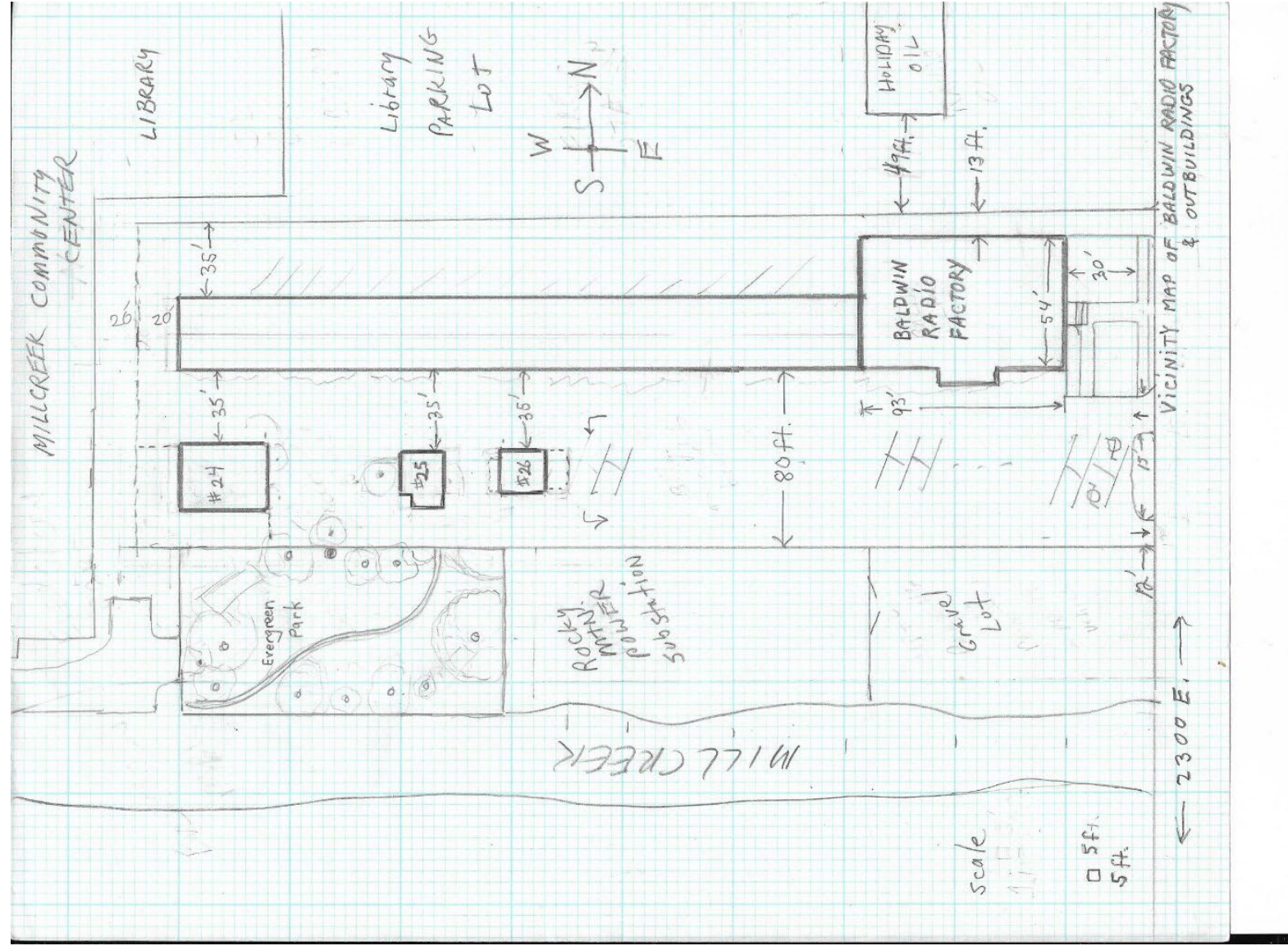
- No more than one short-term rental allowed on the site
- The building housing the short-term rental cannot be added onto (Unit #25, middle outbuilding)
- The short-term rental must be licensed with Millcreek

These conditions are more of belt and suspenders approach; however, they will not negatively affect the current property owner or any future owner who wishes to run a short-term rental out of the site.



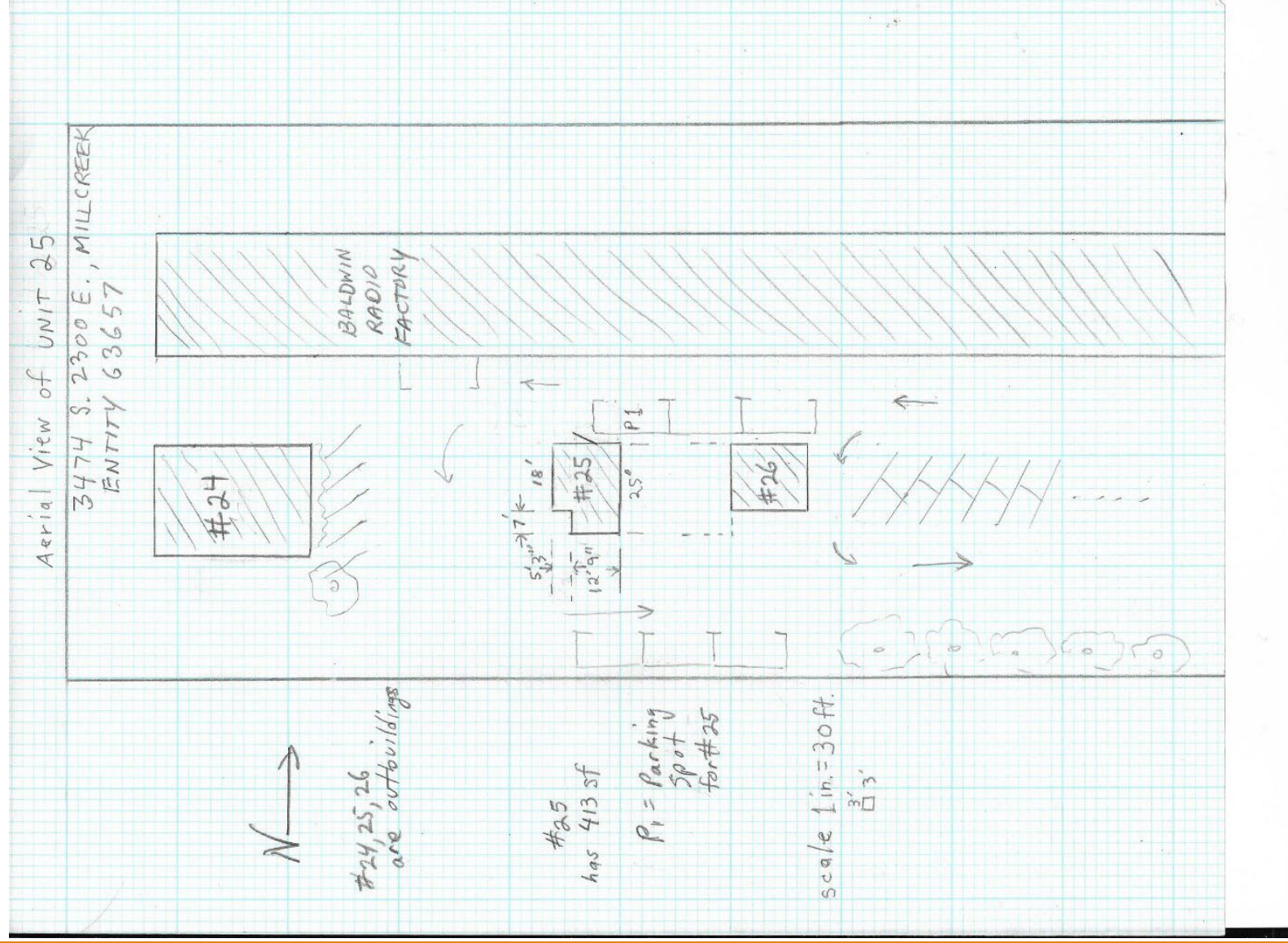


# Vicinity Map



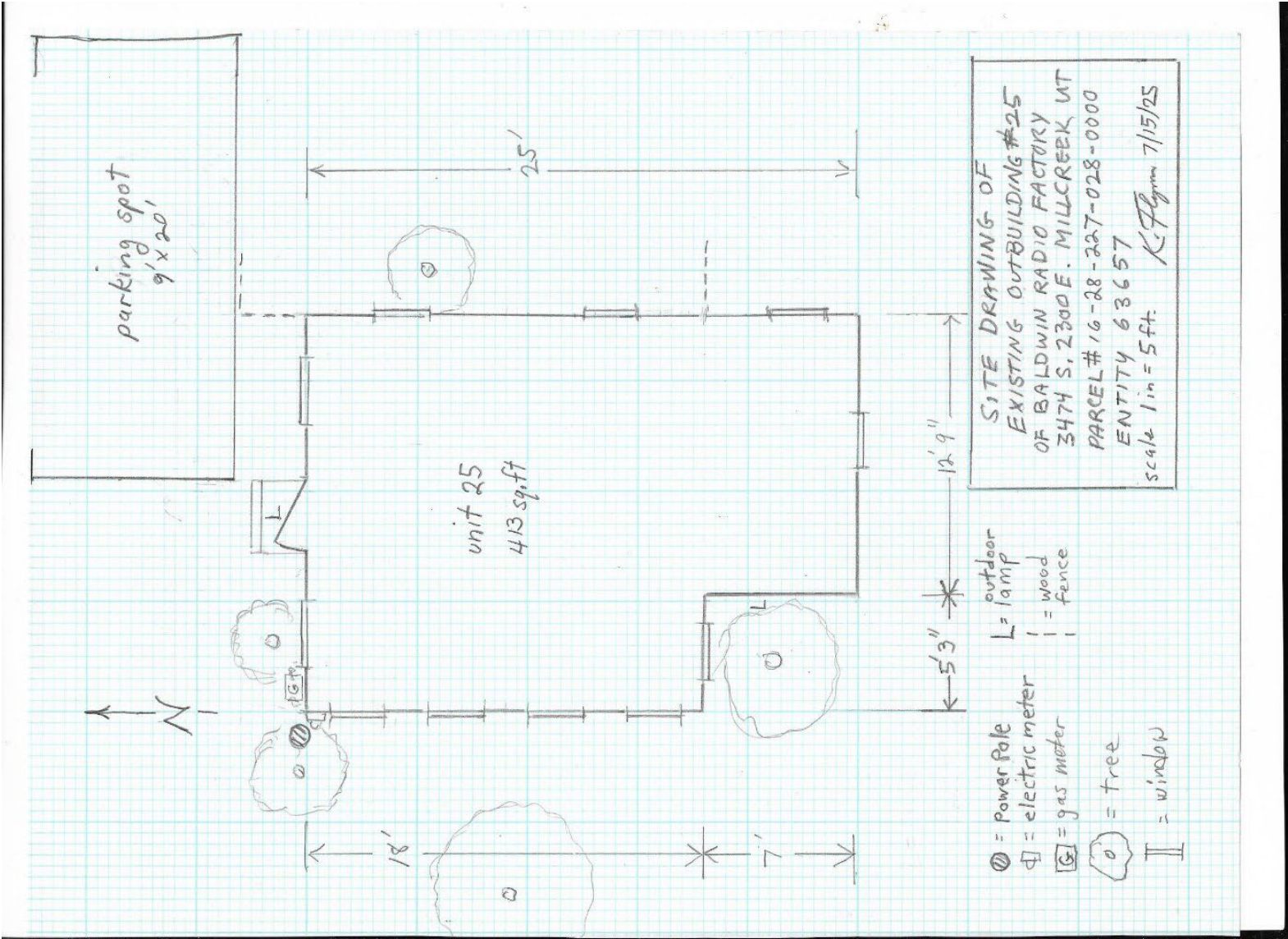


# Site Plan





# Building Sketch



# Feedback

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## **East Mill Creek Community Council**

During their regularly scheduled meeting in September, the EMCCC asked questions about the site and the proposal. Staff answered these questions and talked about the historic nature of the property. Council members unanimously recommended that the conditional use permit be approved as subject to the conditions, findings, and conclusions found in the staff report.

## **Historic Preservation Commission**

The Millcreek HPC heard the application CU-25-007 during their September 11<sup>th</sup> regular meeting. Commissioners had questions about conditional use permits and if they expire. Staff discussed the limitations and usages of conditional use permits with commissioners. The applicant also spoke and answered questions from commissioners. In the end, the commission unanimously motioned to recommend approval of the application subject to the conditions, findings, and conclusions laid out by staff.

## **Public Input**

Staff sent out notices to all property owners within 300' of the subject property and only got one response from a neighbor. The neighbor expressed support for the use and went on to heap praise onto the owner, Kevin Flynn, and the property in general. She said the use would be ideal for the site.



# Staff Recommendation

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Staff recommends that the planning commission approve the conditional use application file number CU-25-007 subject to the following conditions,

- No more than one (1) short-term rental be allowed on the property.
- The building housing the short-term rental shall not be expanded or built onto (Unit #25, middle outbuilding)
- The short-term rental must be licensed with Millcreek

These conditions will ensure that any future property owner operates the site in a way that does not create negative externalities to the surrounding community or public.





# Model Motion

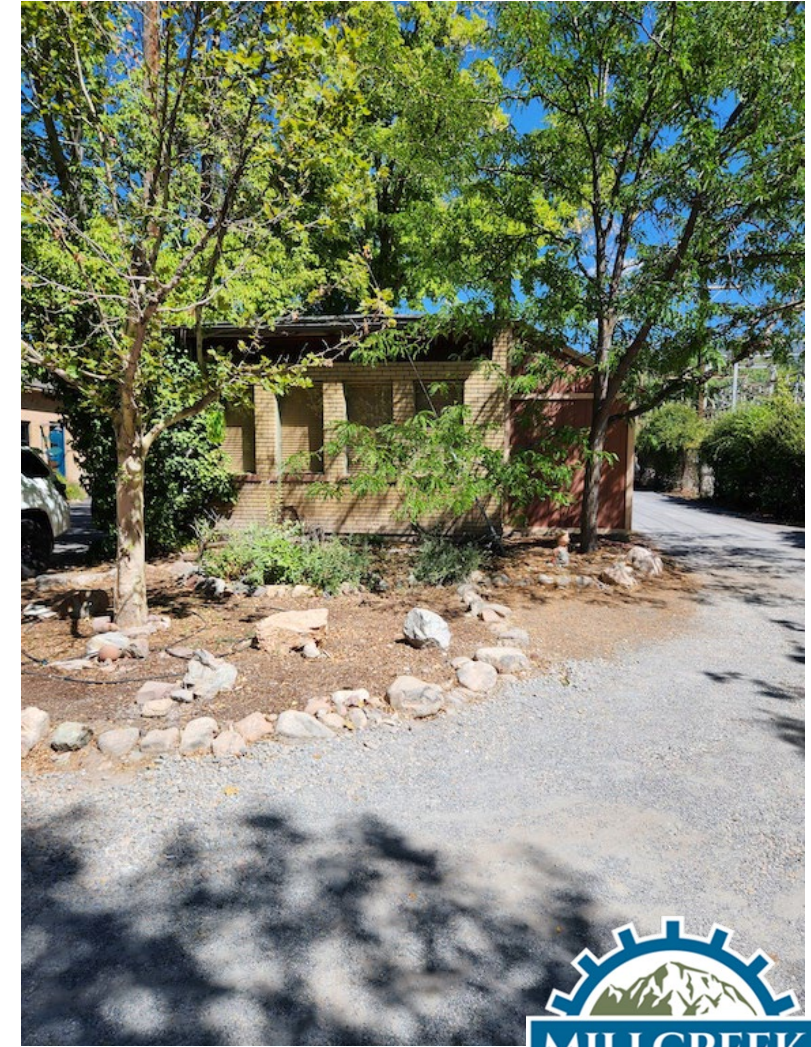
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I move that the Planning Commission approve the conditional use application file number CU-25-007 subject to the findings and conclusions listed in the accompanying staff report and the following conditions that, no more than one (1) short-term rental be allowed on the property, the building housing the short-term rental shall not be expanded or built onto (Unit #25, middle outbuilding), and the short-term rental must be licensed with Millcreek.





# Pictures!





# Pictures!





# PUBLIC NOTICE

Over the past few years, there has been considerable interest in development along Millcreek's corridors, particularly 900 East. This is likely due to the availability of land, the age of existing buildings, and good access to public transportation.

To respond to these pressures, Millcreek is looking to amend its future land use map (FLUM) to better reflect realities on the ground and allow for new development to be located in ideal areas along 900 East. The FLUM is not a zoning map, but it does guide the City Council in determining whether future rezones are appropriate or not.

The current FLUM was adopted in 2018 as part of the Millcreek Together General Plan. Since 2018, amendments to the map have taken place on a case-by-case basis. Millcreek is now considering taking a more holistic approach to the FLUM along the entirety of 900 East from Elgin Avenue to the Van Winkle Expressway.

The existing FLUM can be found in the Millcreek General Plan, or by using the "Future Land Use" layer on the Millcreek GIS map found at:

<https://maps.millcreekut.gov/>



## HELP SHAPE THE FUTURE OF 900 EAST!

### HERE ARE SOME WAYS SHARE YOUR THOUGHTS:

#### FILL OUT A SURVEY!

By using the QR code or by typing in the link below, you can fill out a brief questionnaire or leave comments on a map, indicating your preferences for the future of 900 East!

<http://bit.ly/41LTHWq>



#### CHAT WITH A PLANNER!

Millcreek Planners will also be holding two in-person listening and discussion sessions on this project to gain further input from residents and stakeholders. The meetings will be held at Millcreek City Hall.

**Millcreek City Hall - 6th Floor - 1330 East Chambers Avenue**

Wednesday, October 8, 2025 - 5:30 pm to 7:30 pm

Saturday, October 11, 2025 - 10:00 am to noon

# PUBLIC NOTICE

## Help Shape the Future of 900 East!

Please see the opposite side of this notice for opportunities to provide public comment. To fill out a survey regarding the future of 900 East, go to:

**<http://bit.ly/41LTHWq>**

or scan the code below.

Call us at:  
(801) 214-2700

Email us at:  
[planner@millcreekut.gov](mailto:planner@millcreekut.gov)



In accordance with the Americans with Disabilities Act, Millcreek will make reasonable accommodation for participation in city meetings. Individuals may request assistance by contacting the ADA Coordinator, 801-214-2751 or [adainfo@millcreekut.gov](mailto:adainfo@millcreekut.gov), at least 48 hours in advance of the meeting/hearing.



Millcreek  
1330 East Chambers Avenue  
Millcreek, Utah 84106











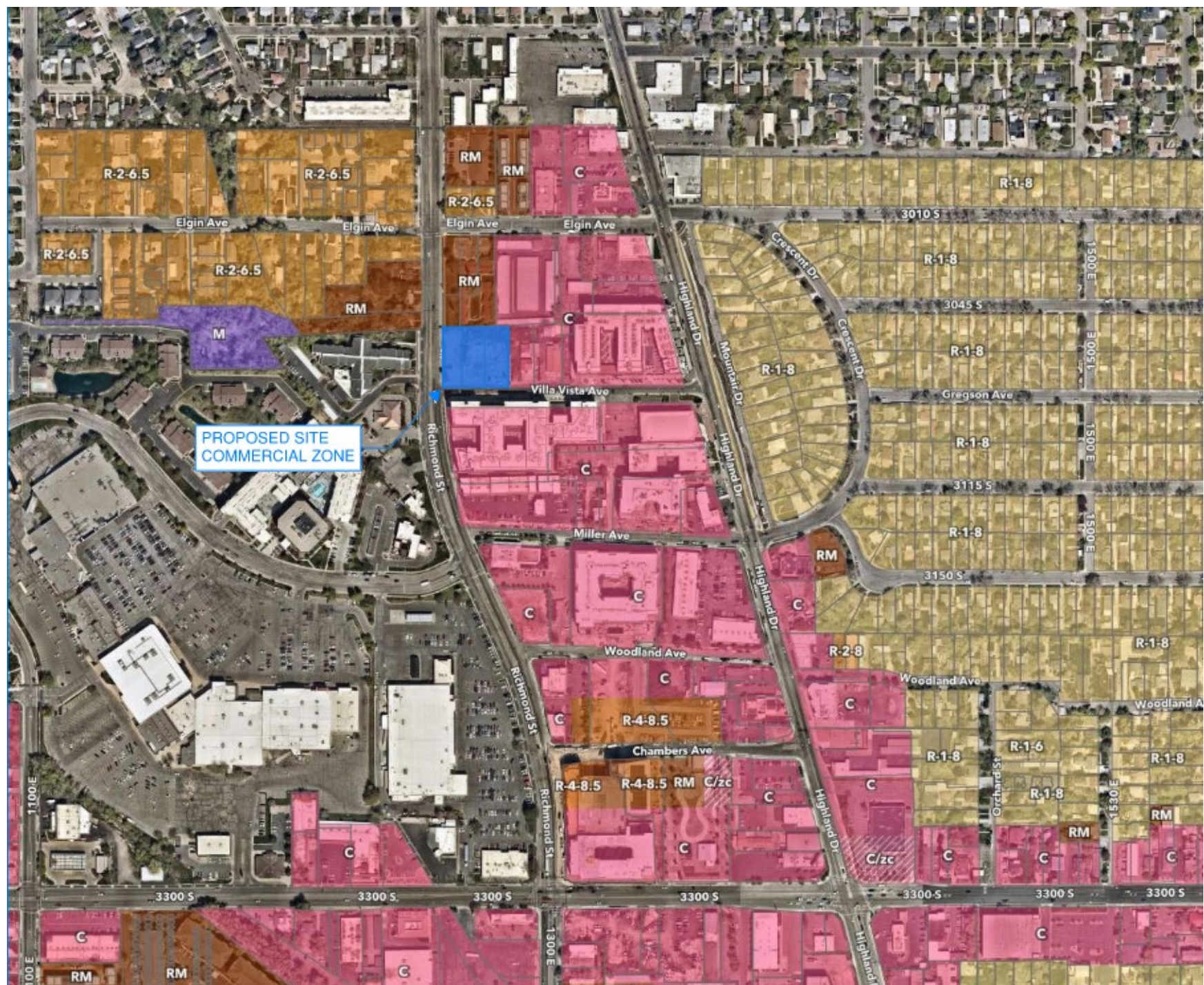




The background is a complex, abstract geometric pattern composed of numerous overlapping triangles and polygons. The colors are vibrant and varied, including shades of yellow, orange, red, pink, purple, blue, green, and grey. The shapes are arranged in a way that creates a sense of depth and movement, with some areas appearing more prominent than others. The overall effect is a dynamic and modern visual texture.

# Villa Vista Townhomes







## Development Agreement (CCOZ)

**The City Council may approve a CCOZ-DA zone upon receiving a recommendation from the Planning Commission** regarding adoption of the zone and a development agreement. Once a CCOZ-DA zone is established over a particular property, the provisions of this chapter shall apply to all property located within the CCOZ-DA zone as shown on the official zoning map. Development Agreements are entered into and approved at the sole discretion of the City. **The following developments are eligible for a CCOZ-DA:**

- A. Buildings with that do not exceed 150 feet in length or 100 feet in depth.
- B. Buildings of any size that provide one of the following public benefits as part of a CCOZ-DA. Public benefits include but are not limited to:
  - 1. Publicly Accessible Open Space. This open space shall comprise the minimum of ten percent of the lot area of 1,000 square feet and be integrated with landscaping, seating, and pathways, in addition to the open space and plaza requirements as set forth in [MKZ 18.47.070 \(I\)](#). Design of any publicly accessible open space shall comply with the requirements for Open Space and Plazas as set forth in [MKZ 18.47.070 \(I\)](#).
  - 2. Publicly Accessible Parking. Parking shall consist of at least 100 spaces and shall be publicly accessible for commercial customers and visitors attending public events on Millcreek Common.
  - 3. Affordable Housing. A multiple-household dwelling or mixed-use building that provides at least 20 percent of units as affordable housing at up to 80 percent of the County Area Median Income. To qualify, the building must receive an affordable housing incentive as set forth in [MKZ 18.78, Affordable Housing Incentives](#).

The following areas of the City Center Overlay Zone are not eligible for a CCOZ-DA:

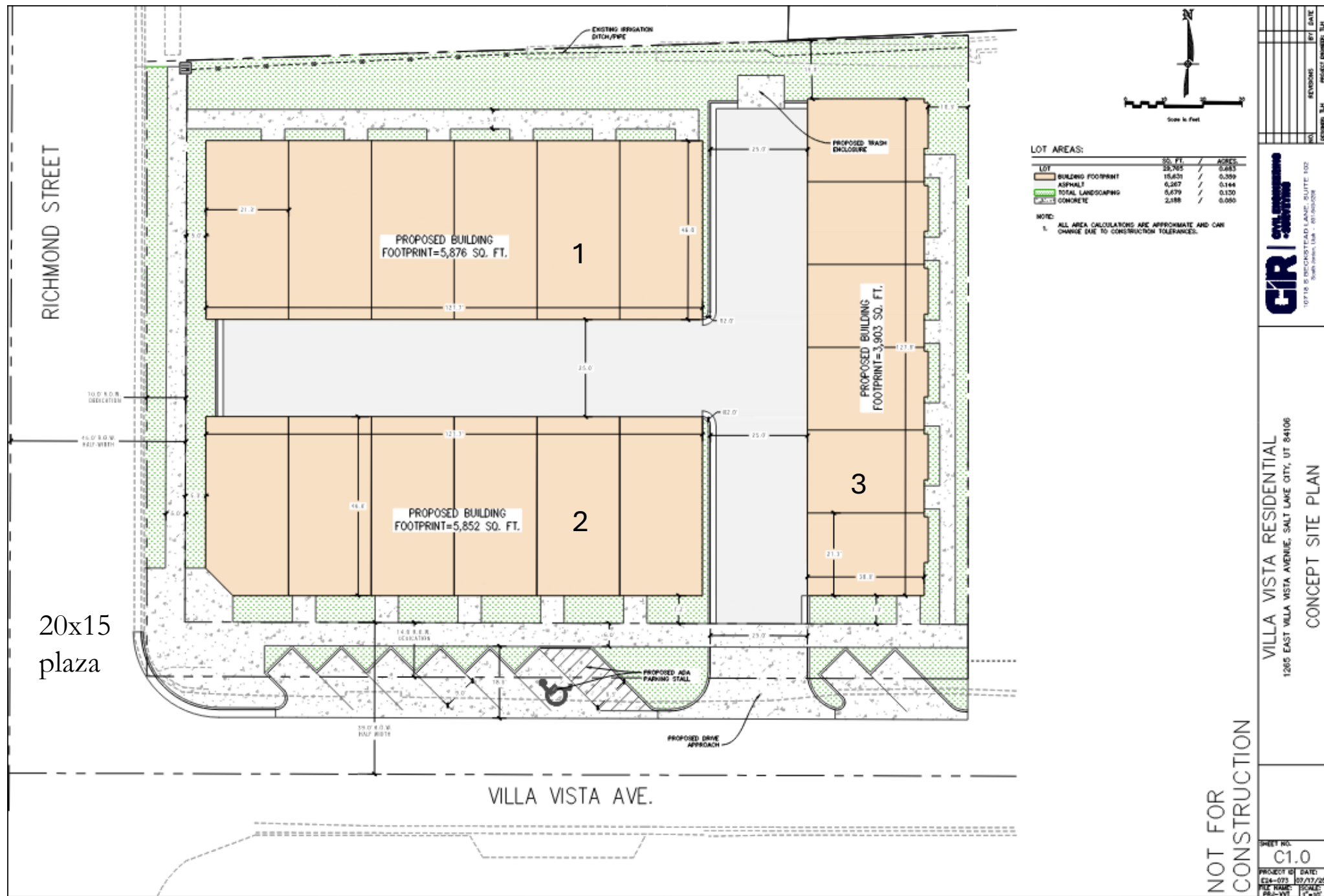
Any property with frontage on Highland Drive north of Chambers Avenue.

Any property with frontage on 3350 South, Crescent Drive, or Woodland Avenue east of Highland Drive.

The following standards of the City Center Overlay Zone are not eligible for a CCOZ-DA.

Sign standards

Maximum or minimum building height requirements.



NOT FOR  
CONSTRUCTION

VILLA VISTA RESIDENTIAL  
1265 EAST VILLA VISTA AVENUE, SALT LAKE CITY, UT 84106

## CONCEPT SITE PLAN



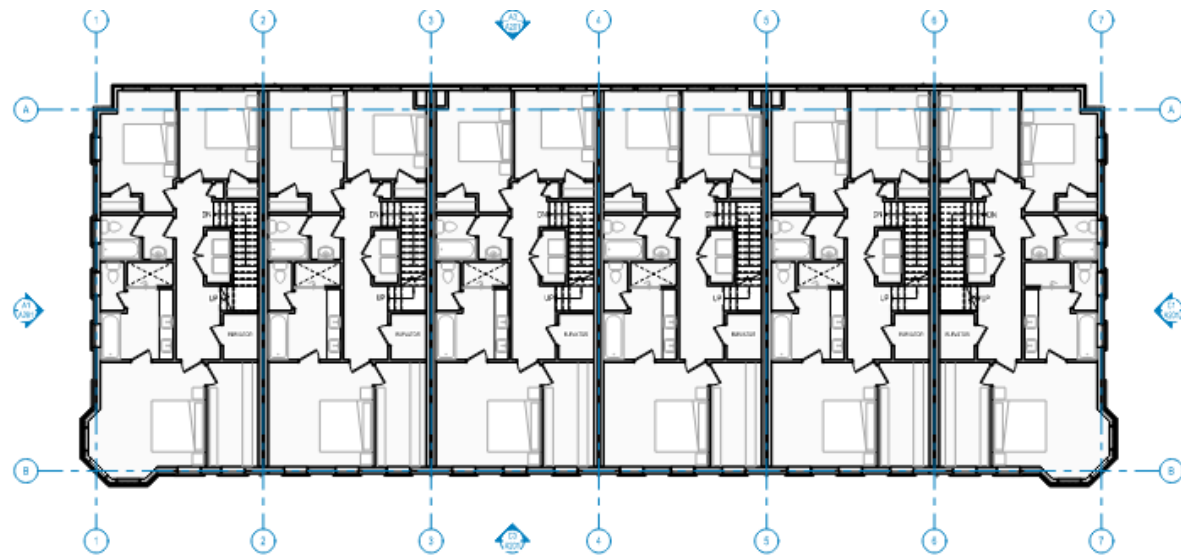
**CIVIL ENGINEERING  
CONSTRUCTION**

10718 S BECKSTEAD LANE, SUITE 102  
South Jordan, Utah - 84092

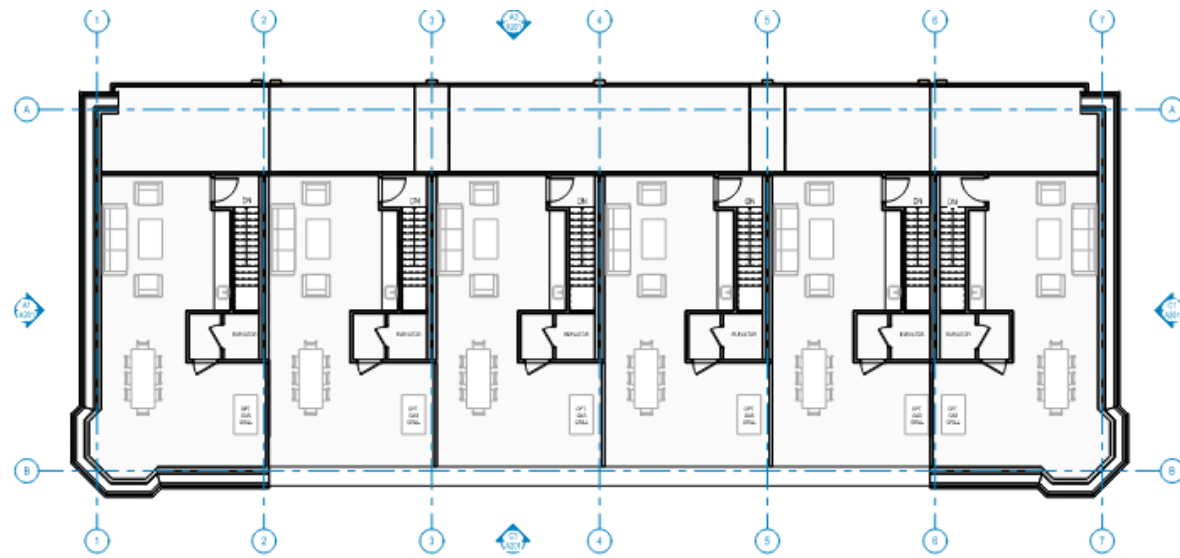
SHEET NO.	
C1.0	
PROJECT ID	DATE:
E24-075	07/17/20
FILE NAME:	SCALE:
PSJ-VVT	1"=10'



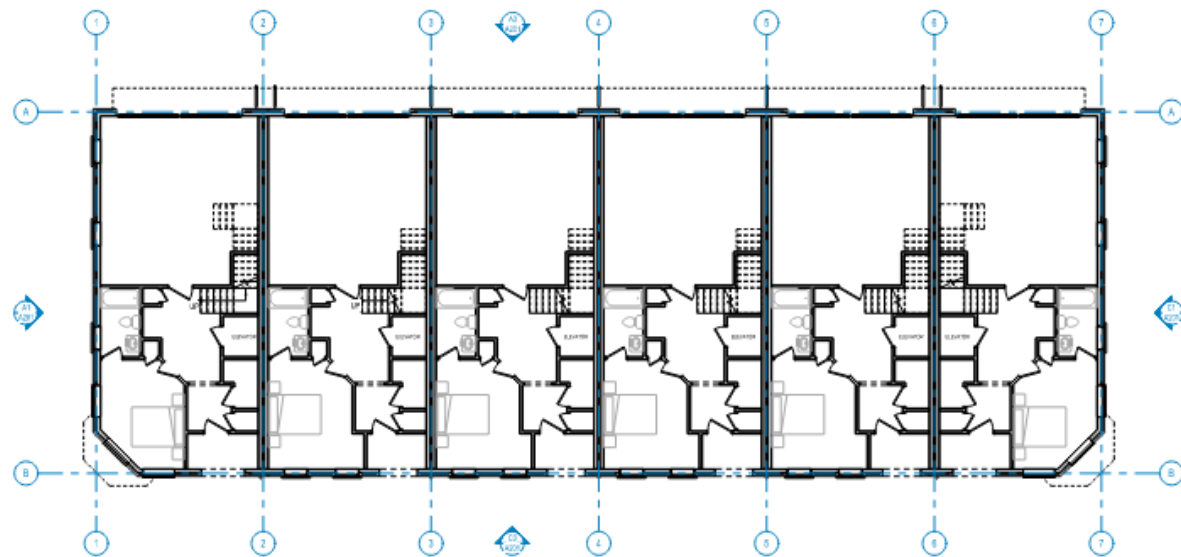




BUILDING 1 & 2 - FLOOR PLAN - LEVEL 3  
ASB 1/8" = 1'-0"



BUILDING 1 & 2 - FLOOR PLAN - LEVEL 4  
ASB 1/8" = 1'-0"



BUILDING 1 & 2 - FLOOR PLAN - LEVEL 1  
ASB 1/8" = 1'-0"



BUILDING 1 & 2 - FLOOR PLAN - LEVEL 2  
ASB 1/8" = 1'-0"















# FINDINGS

- **Land Use Designation.** The Subject Property is within the “City Center” category under the General Plan:
  - The “Mixed-use 1” land use designation envisions retail in walkable, mixed-use configuration, professional uses, restaurant, and similar arts and entertainment uses that attract visitors from around the City and region. As well as multifamily condominiums or apartments, hospitality, civic and public facilities, health services, as well as plazas, squares, pocket parks, community gardens, and other gathering spaces.
- **Zoning.** The Subject Property is currently within the C (commercial) Zone. Properties within the vicinity surrounding the Subject Property are within the C (commercial zone) to the North, South, and East, as well as R-M (Residential Mixed) to the north and west.
- **Surrounding Uses.** Properties surrounding the Subject Property consist of large-scale multi-family housing, and first-floor commercial stock. The envisioned uses for the City Center Overlay Zone.
- **Densities.** The City Center Overlay zone allows a building height range from 2 to 6 stories. The project offers eighteen (18) units. For comparison, the building directly south (The Richmond) contains 330 units, whereas the nearby building to the East (Cottonwood Highland) contains 250 units.
- **Proposal.**
  - The applicant is proposing eighteen (18) residential units that will consist of three buildings accessed through Villa Vista Avenue (only).
    - Building One: Six (6) units. Four Bedroom units with Elevation on each unit.
    - Building Two: Six (6) units. Four Bedroom units with Elevation on each unit.
    - Building Three: Six (6) units. Three Bedroom units with Elevation on each unit.
  - The proposed building heights and lengths are as follows:
    - Building One: 46 feet in height. 127.7’ in length.
    - Building Two: 46 feet in height. 127.7’ in length.
    - Building Three: 47 feet in height. 127.7’ in length.
  - Exterior materials of a durable and resilient nature such as brick, stone, architectural metal panel, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics are proposed in the design of the proposal. Nearly 61% of the facade is comprised of Brick (in different colors, hardy board and sliding).
  - As per MKZ 18.47.070, the developer would be required to provide 20-foot step back (Street-facing Façade) between the top of the first story and the top of the third and upper stories. The applicant does not comply with this requirement on the Villa Vista Ave façade of building 3.
  - As per MKZ 18.47.070, for any building over 40 feet in height, A five-foot (5’) setback along a façade facing the rear property line is required between the top of the first story and the top



# FINDINGS

of the third story and upper stories. The applicant does not comply with this requirement on the Villa Vista Ave façade of building 3.

- As per MKZ 18.47.070, a 10-foot setback along a façade facing a side property line is required between the top of the first story and the top of the third story and upper stories. The applicant does not comply with this requirement.
- For street-facing building facades, exterior building materials used shall consist of a minimum of 75 percent brick or stone excluding windows. The applicant currently does not meet this requirement, as the applicant is proposing 61% brick along the Villa vista street facing façade and 55% brick along Richmond Street-facing façade.
- Windows shall constitute at least 50 percent of first story street-facing facades, and windows shall be at least 50 percent transparent. The current proposal does not meet the glassing requirements set forth in MKZ 18.44.080, as this requirement may apply to first-floor commercial buildings, rather than rowhouse townhomes. The applicant intends to utilize the Development Agreement to deviate from this requirement; However, the applicant is proposing the following:
  - Building 1 & 2: 20% of first story street-facing facades.
  - Building 3: 18% of first story street-facing façade.
- Landscaping to be subject to MKZ 18.64 (Landscape standards). Proposal currently meets the requirement of allocating, at least, 30% of the overall lot size as open space.
- Parking to be subjected to MKZ 18.63 (Parking and Mobility Standards).
  - The Project shall have at least thirty-six (36) parking stalls, which shall be contained within the eighteen individual two-car garages.
  - Additionally, as per the prescribed cross section for **neighborhood streets**, depicted in Figure 18.47.7 and in Table 18.47-8 within MKZ **18.47.060** (CCOZ Design Standards), the project will include seven (7) on street parking stalls and one (1) ADA parking stall, which will be dedicated to the City as part of the Right-of-way.
- The Subject Property has one access from Villa Vista Ave to the complex, measuring to be 25' in width, meeting the 2019 Transportation Master plan. Access has been reviewed and accepted by Unified Fire.
- The CCOZ/C 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 certain house goals. This will require a subdivision application and approval.
- **Commercial Requirements:** The proposal will feature two Live/Work units within Building A and Building B, meeting the commercial feature requirement set forth in MKZ 18.44 (Commercial Zone).
- **Right-of-way improvements.** The Developer shall provide a ten-foot (10') wide public easement parallel to and abutting Villa Vista Avenue right-of-way. Additionally, The developer shall provide a five-foot (5') wide public easement parallel to and abutting Richmond St. The Developer shall also



Building Stepbacks along Side and Rear Property Lines: For any building over 40 feet in height, the following building stepbacks apply:

When a residential use occupies the first story, windows shall constitute at least **33 %** of first story street-facing facades. Windows shall constitute at least **25%** of all upper-story facades. Currently, the applicant has provided **18% and 20%**

- **Rear Property Line.** A five-foot (5') stepback along a façade facing the rear property line is required between the top of the first story and the top of the third story and upper stories. Building setbacks greater than 15 feet in depth from a rear property line are not required to provide a five-foot (5') building stepback.
- **Side Property Line.** 10-foot stepback along a façade facing a side property line is required between the top of the first story and the top of the third story and upper stories. Building setbacks greater than 15 feet in depth from a side property line are not required to provide a 10-foot building stepback.

Building Stepbacks along Streets and Property Frontages: For any building or development that is over 40 feet in height or located on properties fronting on the Millcreek Common, 3300 South, Richmond and/or with frontage on Highland Drive, a 20-foot stepback of the building façade, facing any street, is required between the top of the first story and the top of the third story and upper stories. This building stepback shall incorporate one of the two stepback variations:

- A segmented stepback, such as, a 10-foot initial stepback between the first and second stories followed by an additional 10-foot stepback between the second and third stories as depicted in Figure 18.47.13, or;
- A full stepback of 20 feet between the first and third stories, that is utilized as a usable space for building tenants or businesses occupying the building, as depicted in Figure 18.47.14.





Building Stepbacks along Side and Rear Property Lines: For any building over 40 feet in height, the following building stepbacks apply:

When a residential use occupies the first story, windows shall constitute at least **33 %** of first story street-facing facades. Windows shall constitute at least **25%** of all upper-story facades. Currently, the applicant has provided **20%**.

- **Rear Property Line.** A five-foot (5') stepback along a façade facing the rear property line is required between the top of the first story and the top of the third story and upper stories. Building setbacks greater than 15 feet in depth from a rear property line are not required to provide a five-foot (5') building stepback.
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When a residential use occupies the first story, windows shall constitute at least **33 %** of first story street-facing facades. Windows shall constitute at least **25%** of all upper-story facades. Currently, the applicant has provided **12%**.

Building Stepbacks along Side and Rear Property Lines: For any building over 40 feet in height, the following building stepbacks apply:

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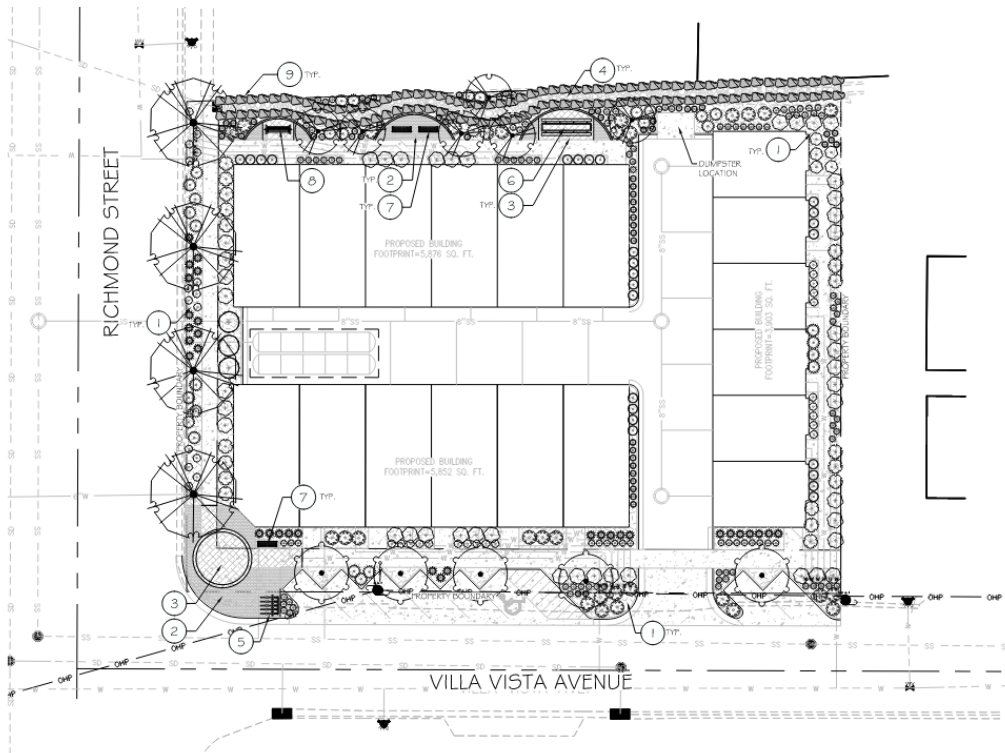
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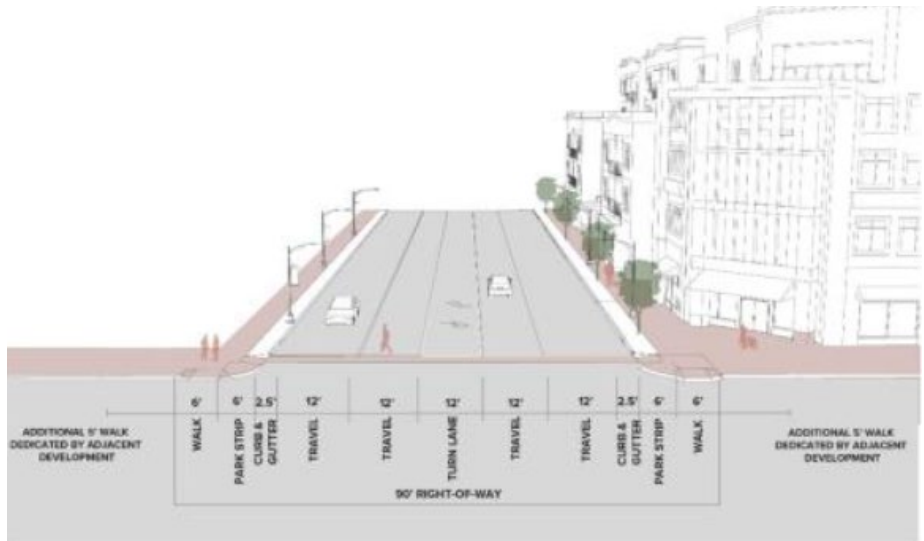
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- A full stepback of 20 feet between the first and third stories, that is utilized as a usable space for building tenants or businesses occupying the building, as depicted in Figure 18.47.14.



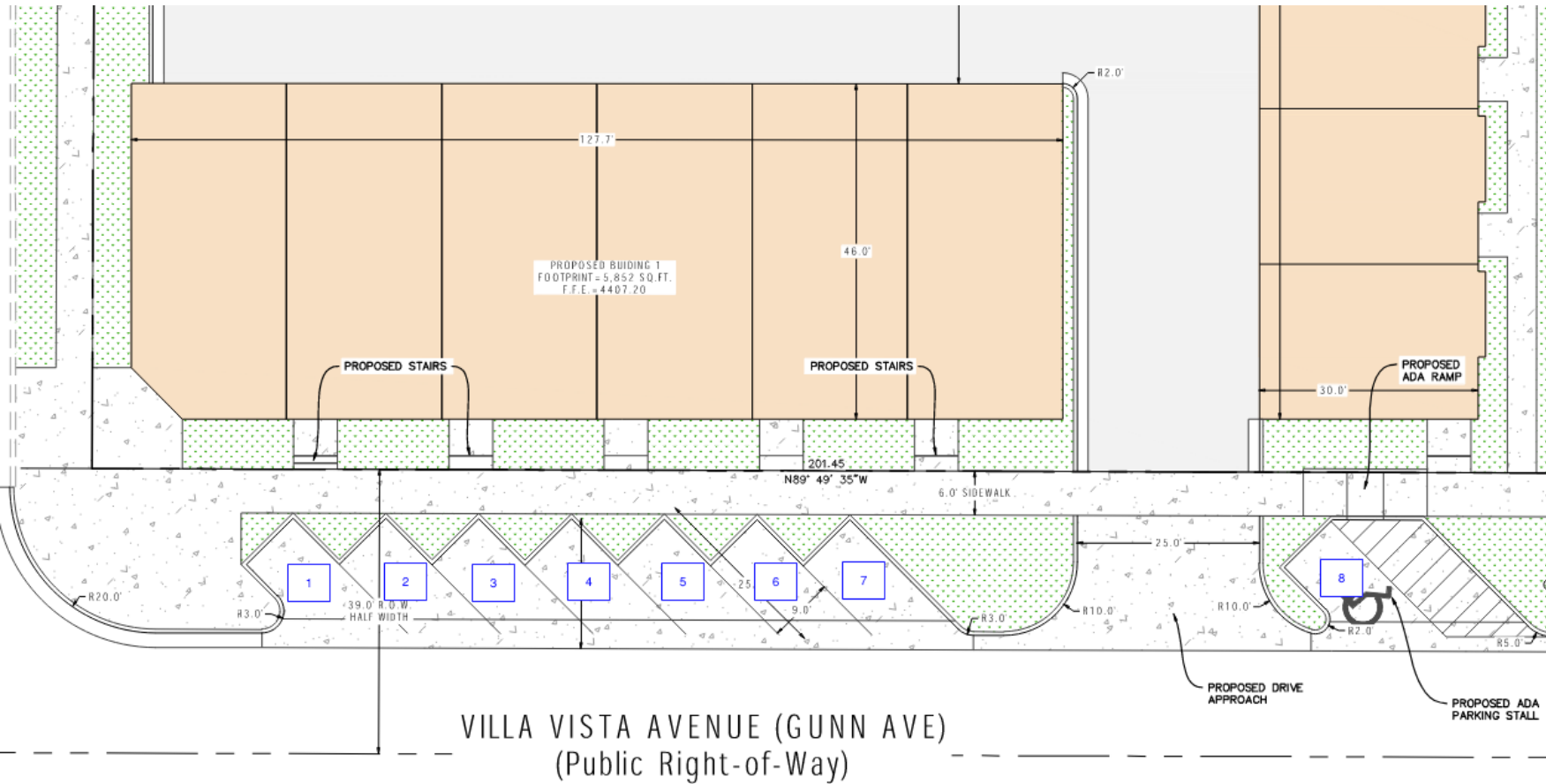
Street cross-sections



Left turn from Villa Vista into Richmond was suggested by residents on Richmond St. This turning lane is addressed on the street cross-section for Richmond Street.



# Parking



Multiple-Household Dwelling in the CC02 or MD zones (5 or more units) (2)(3)	1.0 spaces per studio unit
	1.0 space per one bedroom unit
	1.5 spaces per two-bedroom unit
	2 spaces per unit for units with three or more bedrooms
	0.25 spaces per unit for visitor parking

**18.63.020 Vehicle Parking Requirements (D) (6)** Street Parking Credits. When striped public parking spaces are present along the street frontage of a site, those spaces may contribute to the minimum parking requirement, subject to the following criteria:

Striped on-street spaces may contribute up to 50 percent of the parking minimum requirement. In the case that street parking is constructed as an improvement in conjunction with an approved site plan, the striped on-street spaces may contribute up to 75 percent of the parking minimum requirement.

Therefore, six (6) out of the eight (8) on-street parking stall may be used as guest parking. However, the city will start enforcing 2-hour parking throughout the entirety of Villa Vista, including this project.

Required guest parking: 18 (units) x 0.25 (spaces per unit for visitor parking)” = 4.5 stalls, rounded to 5.

6. Street Parking Credits. When striped public parking spaces are present along the street frontage of a site, those spaces may contribute to the minimum parking requirement, subject to the following criteria:

- Striped on-street parking spaces must abut the frontage of a given site. Parking spaces on the opposite side of the street may not contribute to the required parking.
- Striped on-street spaces may contribute up to 50 percent of the parking minimum requirement.
- In the case that street parking is constructed as an improvement in conjunction with an approved site plan, the striped on-street spaces may contribute up to 75 percent of the parking minimum requirement.
- These spaces may not be used for community parking credits.



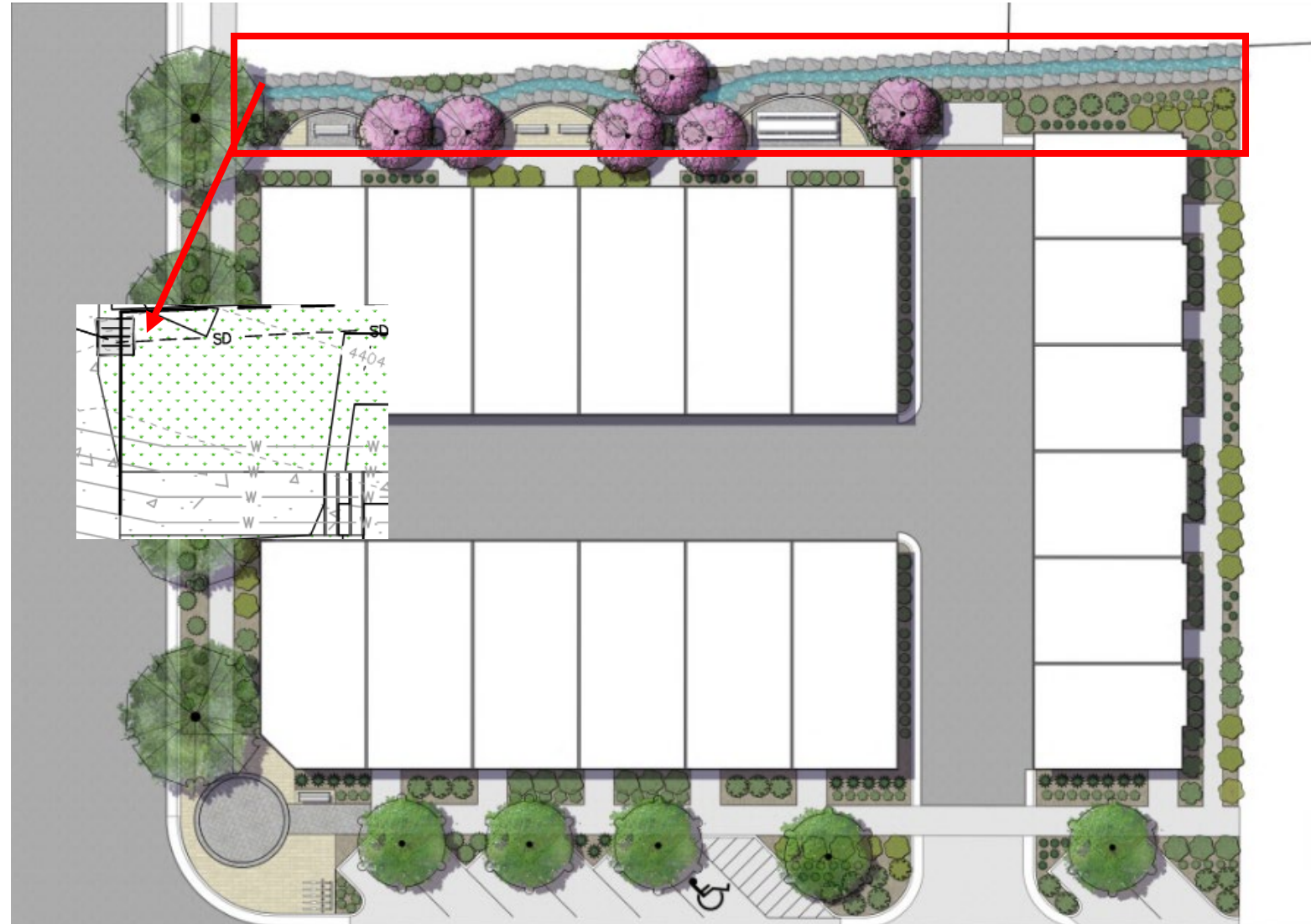
## Irrigation Ditch

Ditch running across northern property line.

Historically, a potential reason for flooding neighborhood near Richmond St.

Neighbors have asked for new clean out boxes and/or any other remedy to mitigate flooding on Richmond St.

Any mitigation will need to be identified on Development Agreement.



# FINDINGS

install frontage improvement to the abutting right of way (including but not limited to curb, gutter, sidewalk, landscaped park strip, asphalt, and utilities.).

- **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:
  - Uses.
  - Ownership
  - Density
  - Length and Height.
  - Owner Occupancy.
  - Setbacks.
  - Landscaping
  - Parking.
  - Materials.
  - Right-of-way improvements, streetscape and maintenance.
  - Step backs



# Development Agreement

## Exhibit B

### Design and Improvement Criteria

The Developer shall develop the Project consistent with the design and improvement criteria as identified below:

1. **Uses.** The applicant is proposing eighteen (18) residential units that will consist of three buildings accessed through Villa Vista Avenue (only).
  - a. Building One: Six (6) units. Four Bedroom Townhomes.
  - b. Building Two: Six (6) units. Four Bedroom Townhomes.
  - c. Building Three: Six (6) units. Three Bedroom Townhomes.
2. **Commercial Requirements:** The commercial use shall feature Live/Work units inside Building A and Building B. The location of commercial uses shall be arranged as depicted in \*sheets/exhibit\*.
3. **Ownership.** Prior to the City issuing a final Site Plan/Conditional Use Permit approval, the Developer shall obtain preliminary subdivision approval from the Planning Commission.
  - a. The Developer shall record a final subdivision plat within one year of the date of Site Plan/Conditional Use Permit approval to create individual lots for each of the five units.
  - b. To ensure owner occupancy for each of the eighteen (18) units, the Developer shall, prior to issuance of any building permits with respect to the Project, record a subdivision plat to create eighteen (18) separate lots capable of 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. 10 of Exhibit "B"** attached hereto and a Notice and Declaration of Deed Restriction in the form attached as Exhibit "D."
4. **Height.** The height of the buildings shall be the following height, as measured from the lowest elevation point of original grade (TBD), as depicted in the attached ALTA/NSPS Land Title & Topography survey, Exhibit \_\_. Heights shall be as depicted on sheets \_\_\_ in Exhibit \_\_.
  - a. **Building 1 & 2:** No higher than 45'
  - b. **Building 3:** No higher than 47'
5. **Setbacks.** The building setbacks shall be as depicted on the site plan, Exhibit \_\_.
6. **Landscaping.** Landscaping shall comply with the requirements of MKZ 18.64 and the Millcreek City Center Urban Forestry Standard. Landscaping materials shall include native or endemic groundcover. Turf grass is prohibited for use as a ground cover.
7. **Length:** All buildings shall not exceed 128 feet in length, as depicted in Exhibit \_\_.
8. **Parking.** The Project shall have at least thirty-six (36) parking stalls, which shall be contained within the eighteen individual two-car garages (36). Additionally, as per the prescribed cross section for neighborhood streets, depicted in Figure 18.47.7 and in Table 18.47-8 within MKZ 18.47.060 (CCOZ Design Standards), the project will include seven (7) on street parking stalls and one (1) ADA parking stall, which will be dedicated to the City as part of the Right-of-way.
9. **Materials.** The building's 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 materials and windows shall be arranged according to the elevation sheets, as depicted in the attached site plan, Exhibit C.
10. **Right-of-way improvements.** The Developer shall provide a ten-foot (10') wide public easement parallel to and abutting Villa Vista Avenue right-of-way. Additionally, The developer shall provide a five-foot (5') wide public easement parallel to and abutting Richmond St. 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, and utilities).
11. **Streetscape and Dedication:** The streetscape along Villa Vista and Richmond shall be installed as depicted on sheet \_\_ in Exhibit \_\_, following the cross sections identified in Figure 18.47.7 and in Table 18.47-8 within MKZ 18.47.060 (CCOZ Design Standards),
12. **Restrictive-Use Agreement.** The Developer shall cause the following language to be included in a declaration of covenants, conditions, and restrictions (CC&Rs) against the Property, which is to be recorded by the Developer at the time of recording a subdivision plat and shall apply to each of the five units:
  1. Each of the five units is intended to be owner-occupied, including occupancy by the owner's immediate family members (including parents, siblings, children, and grandchildren) and unrelated persons so long as the owner remains in occupancy.
  2. The foregoing restriction shall not apply, however, to:
    - a) Any of the units 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 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) Any unit owned by an entity that is occupied by an individual who:
      - i. has voting rights with respect to the entity and



## Deed-restriction

### Applicant

Applicant is proposing language from attorney that addresses a deed restricted (through CC&R) rental cap, and requires Millcreek to approve any change to the rental cap language and limits Millcreek as a beneficiary to only the rental cap provision.

### Millcreek

1. Each of the five units is intended to be owner-occupied, including occupancy by the owner's immediate family members (including parents, siblings, children, and grandchildren) and unrelated persons so long as the owner remains in occupancy with certain exceptions



## **Pre-Application Process**

Pre-Application Consultation. Prior to submitting a complete application, an applicant shall hold a pre-application consultation with representatives of the City.

- **Neighborhood Meeting.** At least one week prior to submitting a complete application, an applicant shall conduct a neighborhood meeting in accordance with [MKZ 18.14.030](#).
- **Community Council Meeting.** Prior to submitting a complete application and after conducting a neighborhood meeting, an applicant shall schedule with the applicable Community Council a meeting to discuss the proposed application and plans.
- **Joint Work Session of the Planning Commission and City Council.** Prior to submitting a complete application and after conducting a neighborhood and community council meeting, an applicant shall schedule with the City a joint work session of the Planning Commission and City Council. The purpose of the joint work session will be to discuss the proposed project and potential Development Agreement in conceptual detail. A Joint Work Session of the Planning Commission and City Council must be held prior to the first noticed Community Council meeting held on the application.



### Application process

Community Council Recommendation	Required	<a href="#">MKZ 18.13.050</a>
Planning Commission Public Hearing and Recommendation	Required	<a href="#">MKZ 18.13.050</a> <a href="#">MKZ 18.14.090</a>
City Council Public Meeting	Required	<a href="#">MKZ 18.13.050</a> <a href="#">MKZ 18.14.090</a>
Mailed Notice to Affected Entities	Required	<a href="#">MKZ 18.13.060</a>
Mailed Noticing Requirement for Property Owners – Distance	600 feet	<a href="#">MKZ 18.13.060</a>
Mailed Noticing Requirement – Time	7 days prior to first Community Council Meeting	<a href="#">MKZ 18.13.060</a>



## Approval Process

**Initial Review.** In considering an application for a CCOZ-DA, the schematic site plan and proposed development agreement may be modified by the City to meet the intent and requirements of this Chapter and may include regulations and standards other than those proposed by the petitioner.

**Review of Reasonably Anticipated Detrimental Effects.** Staff will assess the application to determine if any potential detrimental effects require mitigation to include the list of potential issues and standards in [MKZ 18.61, Sensitive Lands](#) that may need to be addressed and mitigated.

### **City Council Review and Required Findings:**

- Does not conflict with any applicable policy and guidance of the General Plan;
- Will allow integrated planning and design of the site and, overall, better development than would be possible under the strict application of the City's zoning ordinances;
- Does not adversely impact existing public utilities, including but not limited to power, gas, telecommunications, storm water, culinary water, or sanitary sewer.
- Arranges buildings, structures, and open spaces in a manner that minimizes reasonably anticipated detrimental effects on abutting properties and surrounding neighborhoods.

**Map Designation.** If a CCOZ-DA application is approved, each CCOZ-DA shall be given a unique name following the designation "CCOZ-DA-XXXX" and shall be independent of any other CCOZ-DA zone.

**Amendments.** Amendments to a CCOZ-DA zone, including modifications to a Schematic Site Plan, shall be obtained by following the same procedure required for the original approval.

**Development Agreement.** In adopting a CCOZ-DA, a Development Agreement shall be required. Development Agreements require approval by the City Council as set forth in [MKZ 18.15.010 \(D\)](#).



## **18.48.070 Development Standards And Design Enhancements**

The development standards for any lot in the CCOZ-DA zone shall be the same as in the underlying zone in which the lot is located except as modified by this chapter and an approved site plan and development agreement.

As part of a preliminary site plan approval for a CCOZ-DA, the applicant shall incorporate design enhancements to the building. Design enhancements may be proposed by the applicant or may be included by the City as part of an approval of a preliminary site plan and development agreement. Design enhancements include but are not limited to:

### **Façade Modulation**

- Incorporate façade plane projections or recessions at least 3 feet deep and spanning at least 25% of the building width.

- Offset building volumes where different sections of the building extend or retract by at least 5 feet.

- Vertical breaks in massing at least every 40 feet of building frontage.

### **Roofline Variation and Step-Downs**

- Incorporate a minimum of two different roof heights of at least one story.

- Incorporate a step-down in height of at least 10 feet for 30% of the building frontage.

### **Permeability and Open Space Integration**

- Incorporate a courtyard or breezeway on the ground story, open to pedestrians.

- Incorporate a ground story arcade or covered pedestrian passage of at least 10 feet in width and 30 feet in depth.

- Incorporate a publicly accessible pocket park or additional plaza integrated into the building footprint, of at least 500 square feet.



## **18.48.070 Development Standards And Design Enhancements**

### **Upper Story Façade Transparency and Balconies**

Upper stories must feature at least 50% window coverage to create depth and avoid blank walls.

Upper stories must feature projecting or recessed balconies for at least 50 percent of residential units or hotel rooms to create variety and break up massing.

### **Diagonal Building Corners and Notches**

Must integrate angled or stepped-back corners at intersections to soften massing at key street frontages.

Must integrate deep façade notches (minimum 6 feet deep) placed at regular intervals.

Must integrate chamfered or curved building edges to reduce blocky forms.

### **Shadow and Light Articulation**

All windows shall include a minimum 6-inch recess from the façade plane to create shadow lines.

Incorporate horizontal ledges or overhangs between each story.

Incorporate large sculptural elements into a street-facing façade of a building, including exposed framing, screens, or shading devices.

### **Staggered or Clustered Massing**

Vary the building mass by incorporating secondary building volumes of different heights.

Incorporate sections of the building that are offset by at least 5 feet in different directions.

Incorporate a mix of flat and sloped rooflines to create a non-uniform profile.



## **18.48.070 Development Standards And Design Enhancements**

### **Streetscape Enhancements**

Include an additional 10 feet of sidewalk along the entire frontage beyond what is required for the streetscape requirements as set forth in [MKZ 18.47.060](#). Additional sidewalk width shall incorporate street trees, lighting, and pedestrian amenities.

Include a public plaza or open space of at least 500 square feet, in addition to the open space and plaza requirements as set forth in [MKZ 18.47.070 \(I\)](#). Design of any publicly accessible open space shall comply with the requirements for Open Space and Plazas as set forth in [MKZ 18.47.070 \(I\)](#).

### **Architectural Massing and Material Variation**

Exterior building materials used shall consist of a minimum of 100 percent brick or stone excluding windows. Precast masonry is allowed for trim and cornice elements only.

Include significant material variation across the facade, using a mix of at least three high-quality stone or brick-based materials. Native stone or synthetic equivalent is allowed.

Include vertical and horizontal façade articulation with changes in the building plane of at least every 30 feet.



## **Recommendation and motion**

Staff recommend that the Millcreek Planning Commission take public comments and consider recommending a City Center Overlay - Development Agreement Zone (CCOZ-DA) with reasonable criteria for the City Council to consider.

I move to continue application file #CCOZ-25-002 to a later date, to allow the City to properly notice the application as a public hearing and not a public meeting.