



3330 South 1300 East
Millcreek, UT 84106
801-214-2700
millcreek.us

File # ZM-19-001

City Council Staff Report

Meeting Date: May 27, 2019
Applicant: Mark Snow
Property Address: 4277 S 500 E
Parcel IDs: 22062280060000

Request: Rezone from R-2-10 to R-1-5 for a new single family residence development located at 4277 S 500 E

Zone: R-2-10

Community Council: Millcreek

Prepared By: Erin O'Kelley

SYNOPSIS AND SCOPE OF DECISION

Millcreek City Planning and Community Development is seeking your input on a request by Mark Snow for a rezone for the property at 4277 S 500 E. Mr. Snow would like to rezone the property from R-2-10 to R-1-5. Mr. Snow's goal for the property is to create another buildable lot for a single-family home. The proposed zone change is the first step and will be followed by a subdivision application, so Mr. Snow is able to sell the single-family house and lot with the intent of the new resident having ownership.

Existing Zoning	Existing Land Use	Surrounding Uses and Zones	Site Improvements	Parcel ID	Size of Property
R-2-10	Single Family	Duplexes and Single-family	New Buildable lot and single-family house	22062280060000	

Per **\$19.90.010** of the Millcreek Code, the Millcreek City Council may amend the number, shape, boundaries, or area of any zone or any regulation within any zone. Zone changes shall not be made or become effective unless the same shall have been proposed by or be first submitted for the recommendation of the planning commission. Staff is *not* recommending that this rezone be subject to a development agreement.

SITE & VICINITY DESCRIPTION

Figure 1: Street View



Figure 2: Zoning map



All nearby properties are zoned R-2-10, with a mix of single family and duplexes. This area is heavy residential, James E Moss Elementary located two blocks south of this property. To the southwest of the property is the Millcreek Gardens PUD, a collection of duplexes subdivided along the shared wall of the structures. The lots widths on this PUD are roughly 35-40 feet in width. The proposed lot widths for this project roughly 50 feet which would be in compliance with the R-1-5 zone but does not meet R-2-10 requirements. This is why the applicant is asking for a rezone.

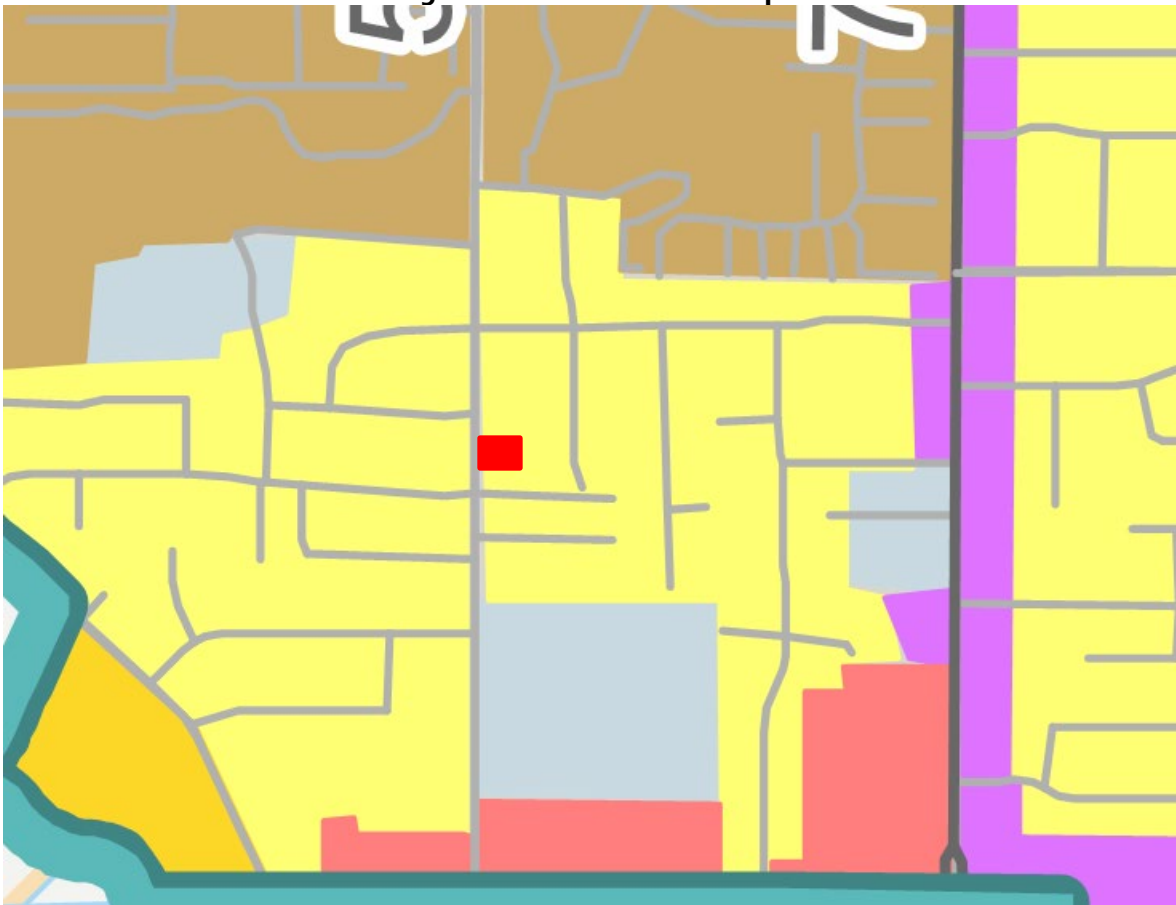
500 E, which serves this property, currently sits at 40 feet wide with a curb, gutter, sidewalk, and park strip on the east side of the street. There are multiple school zones located along this road and during the morning/afternoon hours there is heavy pedestrian traffic along this road. There is on-street parking located along 500 E on both sides of the street. The overall condition index for the street is actually quite good for this area with any one point along 500 E having a score between 74-100 out of 100.

GENERAL PLAN CONSIDERATIONS

The draft Millcreek General Plan Future Land Use Map labels this area as Neighborhood 1, our least dense neighborhood classification. This designation is emphasizing single-family homes with a density scale of 1-6 dwellings per acre.

Staff finds recommends a finding that this proposed project is compatible with the Millcreek General Plan.

Figure 3. Future Land Use Map



CATEGORY	USES	RANGE OF DENSITY/SCALE	KEY CHARACTERISTICS
NEIGHBORHOODS			
NEIGHBORHOOD 1	Primary: Single-family detached homes. Secondary: Parks, greenways, recreation, community gardens, schools, places of worship, and other complementary uses.	Typically 1 – 6 dwelling units per acre.	- Includes neighborhoods (of all ages) that are comprised of predominantly of single-family detached homes. - A well-defined pattern of blocks and direct pedestrian and bicycle connections provide residents with direct access to nearby services and amenities.

The *Millcreek Together* General Plan identifies essential questions at the end of each chapter of the plan. These questions will help community councils, the planning commission, and the city council make findings as they make a decision regarding a zoning map amendment, development agreement, or city initiative.

Realizing that not all of these questions will be applicable to every decision, these questions should be considered as a tool to focus on and provide implementation of each them identified in the General Plan.

Unique Neighborhoods per The Millcreek General Plan page 34.

Does the project or initiative...

1. Support adopted relevant small area and neighborhood plans.
2. Encourage additional investment or reinvestment in the neighborhood?
3. Positively contribute to a diversity of affordable housing choices?
4. Stay within the existing mass, scale, and height of the immediate neighborhood.
5. Create options for new gathering areas or centers where possible?
6. Support the redevelopment of underperforming properties?
7. Enhance the connection of neighborhoods to trails, parks, recreation and open space?
8. Enhance cultural, historical, educational, and/or human services opportunities to support neighborhoods?

Staff Response to the above questions:

Where these questions are applicable to the project, staff feels that the proposed development embodies the ideals shared in the above considerations. The project will support reinvestment in the area in a manner compatible with the surrounding development and in line with the future goals of the city.

Where the north side of the property is currently underperforming, this proposal will create a new single-family that city and neighborhood will benefit from more than a vacant lot.

PROJECT INFORMATION

The applicant would like to create another buildable lot from this property that can meet all the current Millcreek zoning ordinance and also have a single-family home that can be owner occupied.

Proposed Uses. Single-family.

Density. 1 single-family dwelling per newly created lot. This will be after a subdivision application has been completed following this rezone.

Site Layout. There will be two single-family houses with a possible shared driveway between them.

Fencing: There is currently fencing around the entire property.

Lighting: Lighting will be afforded from the public street 500 E.

Landscaping: n/a

Access. An additional or shared driveway will be created to accommodate for the second single-family house.

Dedication. N/A

Parking. This project is required to meet all parking requirements form 19.80. "2 parking spaces with at least one covered space per unit", this applies to the new single-family being built, not the existing.

Open Space. Traditional open space for single-family housing will be provide in the front, rear, and side yard setbacks. Applicant does not have exact calculations during the re-zone process. Building will comply will R-1-5 lot coverage standards which is 35%.

Building Design. Building has not been designed yet but will be required to meet all standards of RCOZ and R-1-5 zones.

Height: Required to be 28ft.

Setbacks: Font: 20 feet, Side: 5 feet, Rear: 15 feet

Materials: Not determined at this time.

Massing: n/a

Unit Characteristics. Applicant has not decided floor layout at this time. The project will be a standard single family home most likely two bedrooms.

Amenities. None required.

Utilities and Waste Removal. New lot will have their own garbage and recycling receptacles, connected to utilities along 500 E after receiving approval from the proper entities. This will be done during the subdivision application.

Exceptions. None

Project Information Summary Table

Requirement	R-2-10 Current Zone Requirement	R-1-5 Proposed
Height	30 Ft	28 Feet
Density	2 units per lot	1 unit per lot
Front Yard Setback	30 Feet	20 Feet
Side Yard Setback	8 Feet minimum	5 feet
Rear Yard Setback	15 Feet with Garage	15 Feet with Garage
Lot Width	65 Feet	25 Feet
Lot Area	10,000 per two family dwelling, 5,000 distributed to each unit.	5,000 per single family dwelling
Parking	2 Spaces per unit	2 spaces per unit
Lot Coverage	35 %	35 %
Amenities	None required	None required

Please Note: The difference in lot width requirements is why the applicant is asking for this rezone. If the applicant wanted to subdivide under the current zone the new lots would be non-conforming to the current R-2-10 because of the lack of street frontage.

COMMUNITY COUNCIL RESPONSE

At their meeting on February 5, 2019 the Millcreek Community Council recommended that:

Recommended the proposed rezone be approved in accordance with the staff memo.

NEIGHBORHOOD RESPONSE

Staff received one neighborhood comment from a property south east of the applicant. The neighbors were not opposed to the project and had no complaints or concerns to offer staff.

DEVELOPMENT AGREEMENT CONSIDERATIONS

Staff is ***NOT*** recommending that this rezone be subject to a development agreement.

Based on the similarities in regulation between the current zone R-2-10 and the proposed zone R-1-5 staff feels including a development agreement in this rezone would be an unnecessary burden to the applicant. The goal of this rezone is to allow the new single-family home to be owner occupied. The owner can currently build another unit on the property, but it would not be eligible for owner occupancy, this is the only issue. Staff feels that a development agreement would be too restrictive in this circumstance.

PLANNING COMMISSION

On February 20, 2019 the Planning Commission recommended approval of the proposed rezone at 4277 S 500 E from R-2-10 to R-1-5.

PLANNING STAFF ANALYSIS AND FINDINGS

Mr. Snow came to the staff with the intention of building a duplex or adding an additional house to the current property zoned R-2-10. Perfectly allowable under the current zone, but when Mr. Snow inquired about subdivide the property after building the duplex staff this could not be achieved because the two new lots created from the subdivision would not meet all the current Millcreek code for the R-2-10 zone. Particularly the requirement that all new lots created must have a minimum lot width of 65 feet.

After this discovery, since staff cannot approve a subdivision that doesn't meet the zoning code, Staff recommend rezoning to R-1-5. This would allow for smaller lot widths and more forgiving code to offer flexibility in creating the single-family house on a smaller lot rather than being restricted to a code meant for lots 10,000 sf or larger.

PLANNING STAFF RECOMMENDATION AND MODEL MOTION

Option 1: Approval

Motion to Recommend Approval of the Rezone Request ZM-19-001 to rezone property located at 4277 S 500 E from R-2-10 to R-1-5 for a new buildable lot to be developed as single-family home not subject to a development agreement.

- Staff recommends the finding that the proposed re-zone is compatible with the Millcreek General Plan.
- Staff recommends the finding the proposed development with the re-zone is compatible with the Millcreek General Plan and surrounding neighborhoods.

SUPPORTING DOCUMENTS

Include the applicant's submittal documents, and anything else the applicant committed to as part of conditional use review. At a minimum, all applications should include the following – and in the following order:

1. Site Plan



3330 South 1300 East
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File # ZM-19-007

City Council Staff Report

Meeting Date: May 27, 2019
Applicant: Blake Hansen
Property Address: 3125 S 2300 E
Parcel IDs: 16274010120000

Request: Rezone from R-1-8 to R-1-6 subject to a development agreement for a flag lot subdivision that fulfills the Millcreek adopted flag lot policy, property located at 3125 S 2300 E

Zone: R-1-8

Community Council: Canyon Rim Community Council

Prepared By: Erin O'Kelley

SYNOPSIS AND SCOPE OF DECISION

The applicant would like to subdivide the property to create two single-family lots. After receiving approval to rezone the property to R-1-6 the applicant will seek approval to subdivide and create a flag lot on the property, demolish the house facing 2300 E and create a new single-family home.

Existing Zoning	Existing Land Use	Surrounding Uses and Zones	Site Improvements	Parcel ID	Size of Property
R-1-8	Single-Family House and Triplex	R-1-8, single-family to the East and South, Church to the North	Create a new single-family home on one of the new lots.	16274010120000	.45 Acres

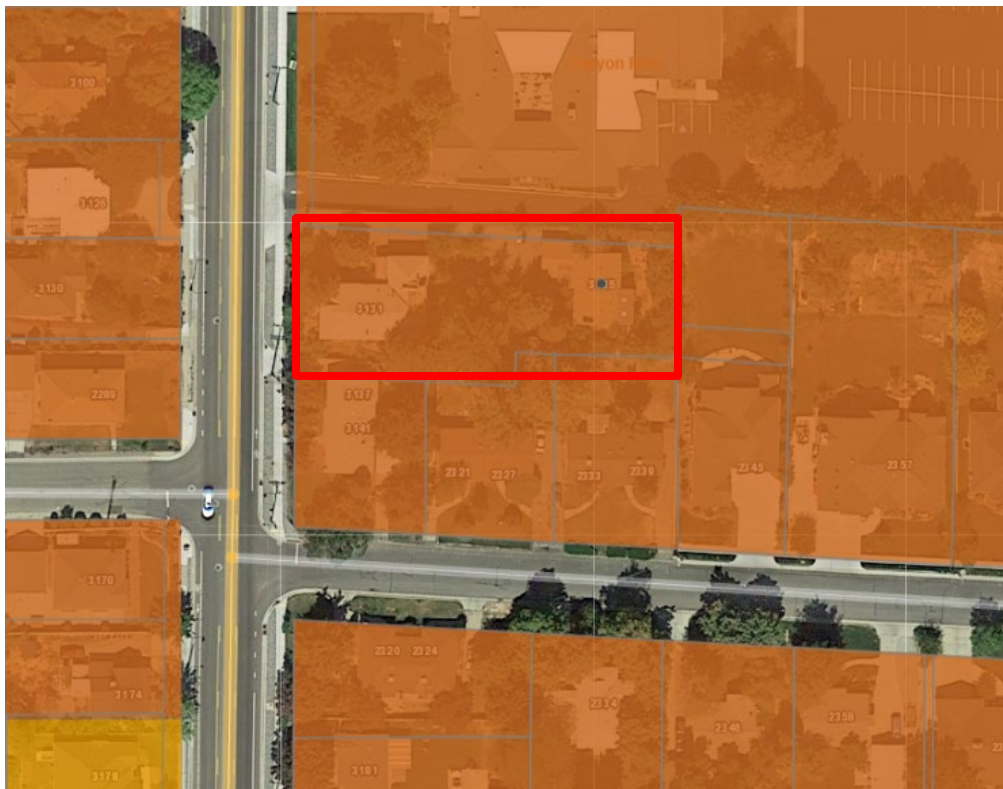
Per **\$19.90.010** of the Millcreek Code, the Millcreek City Council may amend the number, shape, boundaries, or area of any zone or any regulation within any zone. Zone changes shall not be made or become effective unless the same shall have been proposed by or be first submitted for the recommendation of the planning commission. Staff is recommending that this rezone be subject to a development agreement.

SITE & VICINITY DESCRIPTION

Figure 1: Street View



Figure 2: Zoning map



The property is one single lot with two structures on it in the R-1-8 zone rendering the lot nonconforming as it currently stands. The western structure is a nonconforming triplex which suffered a fire last year leaving the house uninhabitable, it has been vacant ever since. The house in the back of the property to the East is still in good condition. The applicant would like to keep the single-family home. 2300 E is in good condition with a bike lane, curb, gutter and sidewalk adjacent to the property.

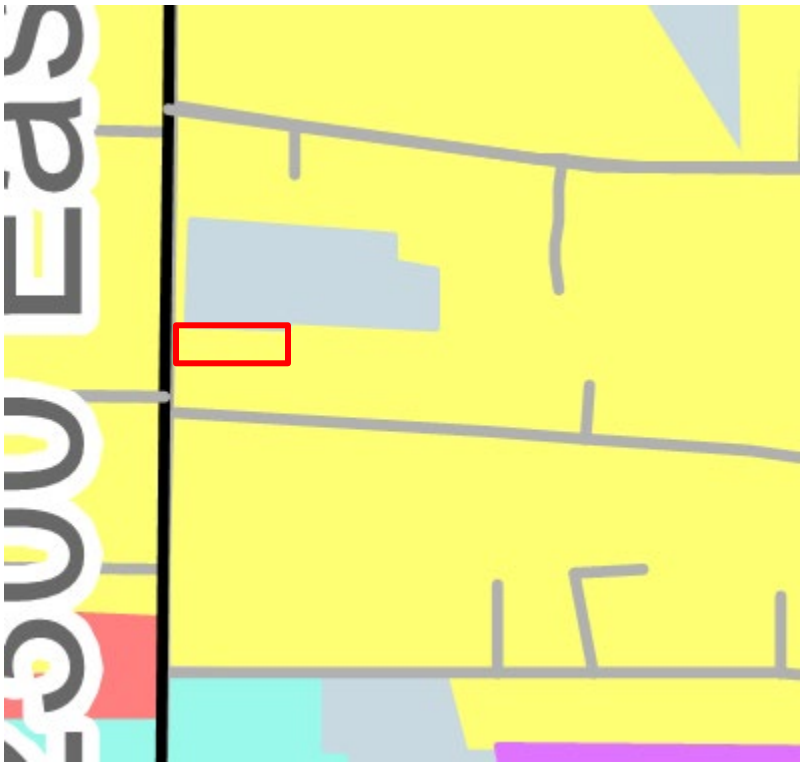
Both of the properties access from 2300 E off of the single driveway that the property currently has. The applicant intends to create an easement for the rear flag lot to have access off of the same drive.

GENERAL PLAN CONSIDERATIONS

The Millcreek General Plan designates this area in the General Plan as Neighborhood 1. Our lowest density classification reserved for single-family homes and some neighborhood amenities and services.

Staff recommends the finding that the proposed zone change is compatible with the Millcreek General Plan.

Figure 3. Future Land Use Map



Re-zone considerations and questions from the General Plan:

Does the project...

Encourage additional reinvestment in the neighborhood?	The proposed application will create a new lot for a single-family home.
Stay within the existing mass, scale, and height of the immediate neighborhood?	Staff recommends including something in the development agreement to satisfy this.
Support the redevelopment of an underperforming property?	The current single-family house on 2300 E endured a fire last year and left the structure in disrepair, the applicant will be completely demolishing the structure and rebuilding a completely new home.

PROJECT INFORMATION

The applicant would like to do a flag lot subdivision following this rezone application and build a new single-family house on the base lot.

Proposed Uses. Single-family

Density. 1 unit per lot.

Site Layout. There will be two single-family houses proposed for the project. One house on each proposed lot.

Fencing: Fencing already exists along the current the property lines.

Lighting: Existing street lighting is located along 2300 E.

Landscaping: With the demolition of the current house on the west of the property the applicant will be reconstructing the landscaping as well.

Access. One driveway to access both homes. There will be an easement on the existing driveway for the flag lot to have access.

Dedication. No road dedication.

Parking. Applicant will be providing two spaces for each single-family home.

Open Space. Cannot exceed 35% of building coverage.

Building Design. The design of the proposed structure has not yet been determined.

Height:

Setbacks:

Materials:

Massing:

Unit Characteristics. The unit characteristics have not yet been determined.

Amenities. n/a

Utilities and Waste Removal. The two structures are already connected to utilities and already have the appropriate garage and recycling for the proposed use.

Exceptions. No exception is being sought by the applicant.

Project Information Summary Table

Requirement	R-1-6 Zone
Height	28 Ft
Density	1 singled-family house per 6,000 sq ft
Front Yard Setback	25 Feet
Side Yard Setback	8 Ft Minimum
Rear Yard Setback	15 Ft with Garage 30 Without garage
Lot Width	60 Ft
Lot Area	6,000 Min
Parking	2 Spots, at least one covered
Open Space	Can't exceed 35% Building Coverage
Amenities	n/a
Flag	The rear flag lot is subject to Millcreek's adopted flag lot policy.

The applicant will be expected to meet the above requirements for the R-1-6 zone but has not yet created plans for the proposed single-family home.

COMMUNITY COUNCIL RESPONSE

At their meeting on April, 2019 the Canyon Rim Community Council recommended that:

The Canyon Rim Community Council public meeting was not appropriately noticed and therefore the Community Council will make a decision on this application in May.

At their meeting on May 1, 2019 the Canyon Rim Community Council voted 9-0 to recommend approval for the rezone from R-1-8 to R-1-6 at 3125 S 2300 E.

NEIGHBORHOOD RESPONSE

Staff received one call about the proposed application. The resident inquiring about the project did not have any concerns for the intended uses or proposed rezone.

DEVELOPMENT AGREEMENT CONSIDERATIONS

Staff is recommending that a proposed development agreement address at a minimum the following:

1. The base lot must only be used for a single-family house.
2. All parking must be off street.
3. Enhanced landscaping must replace the trees that are being taken down for the construction of the new single-family home.

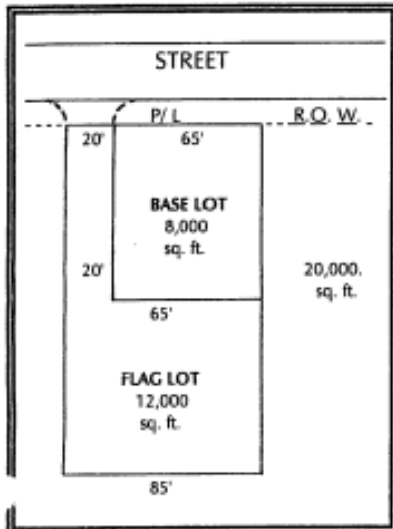
PLANNING COMMISSION RESPONSE

On May 15, 2019 the Planning Commission recommended approval of the proposed rezone at 3123 S 2300 E from R-1-8 to R-1-6 for two new single family lots.

PLANNING STAFF ANALYSIS AND FINDINGS

FLAG LOT in the R-1-8 Zone

7.1



Base Lot Requirements

Minimum Lot Area = 8,000 sq. ft.
Minimum Lot Width = 65 ft.
Minimum Lot Depth = varies (123 ft. w/ 65 ft width)

Flag Lot in R-1-8 Zone

Minimum Lot Area = 1.5 X base = 1.5 X 8,000 sq.ft. = 12,000 sq. ft.
Minimum Access Area Width = 20 ft.
Minimum Lot Width = base + access = 65 ft. + 20 ft. = 85 ft.
Minimum Lot Depth = varies (112 ft. w/85 ft. width)

Total land area required for a Flag Lot in R-1-8 Zone

Base Lot = 8,000 sq. ft.
Flag Lot = 12,000 sq. ft.
= 20,000 sq. ft.
minimum land area required

Yard Requirements

Main Dwelling

(w/garage)

Base Lot

Front = 25 ft.
Side = 8 ft.
Rear = 15 ft.

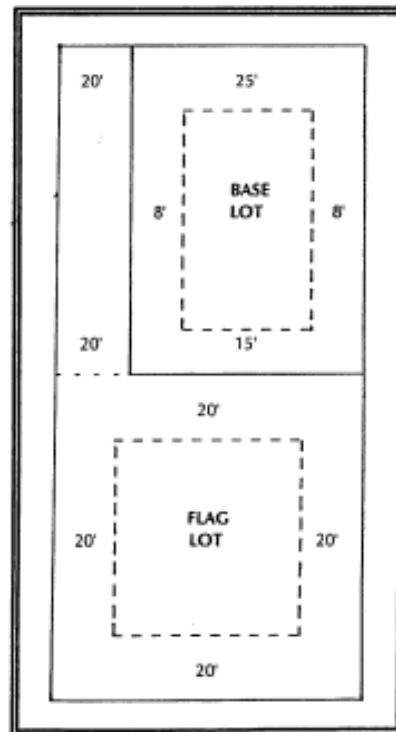
Flag Lot

20 ft. from property lines
of "flag" portion of lot

Detached Accessory Structures

Must be to the rear of and at least 6 ft. from main dwelling
= 1 ft., unless adjacent to the side yard of a dwelling on an
adjacent lot, in which case = 10 ft. from that property line.

Adjacent to any street
= 20 ft.



Under Millcreek's adopted flag lot policy, a property in the R-1-8 zones needs a total of 20,000 sq ft to qualify to subdivide the lot into two properties, therefore the applicant is requesting a rezone to R-1-6. The official survey from the applicant says the property does not meet the minimum requirement.

Because this is property is located in the R-1-8 the existing conditions with two houses on one lot is nonconforming to the current Millcreek Code. With the rezone proposal, the applicant will be creating a new legally conforming lot along 2300 E.

PLANNING STAFF RECOMMENDATION AND MODEL MOTION

Approval: Recommend approval of the proposed rezone from R-1-8 to R-1-6 subject to a development agreement created by Staff, for the property located at 3125 S 2300 E.

SUPPORTING DOCUMENTS

Include the applicant's submittal documents, and anything else the applicant committed to as part of conditional use review. At a minimum, all applications should include the following – and in the following order:

1. Applicant Letter
2. Site Plan

LETTER OF INTENT

RE: 3125 S 2300 E IN MILLCREEK

BAWDEN SUBDIVISION

To Whom It May Concern:

We are submitting for a re-zone of this parcel from R1-8 to R1-6. The purpose of this re-zone is to allow for a flag lot subdivision to be created. In the current zoning, 20,000 square feet is necessary for a flag lot. We currently have approx. 19,550 feet; just 450 square feet short. R1-6 zoning only requires 15,000 feet for a flag lot

The Reason

The reason this re-zone would be beneficial to both the landowner and the city is that it will remove an eyesore and danger from the community and will allow for reinvestment in the community. As the land currently stands, there is a non-conforming triplex on the front half of the property and a single-family home on the back half of the property. The triplex has long been abandoned and has been a gathering place for homeless people, vagrants and drug addicts. A few months ago transients set fire to it causing severe damage. It is a blighted property that poses a danger to the neighborhood.

Our Plan

In order to remove a blighted property and encourage re-investment in new, affordable housing, our plan will be as follows:

- Re-zone to R1-6 (there is surrounding R1-6)
- Subdivide into a flag lot
- Remove all noxious weeds, over-grown bushes and dead trees from the property
- Perform a full renovation the back home (already underway) and sell as a new, remodeled home
- Completely demolish and remove the run-down, abandoned triplex
- Grade out and prepare the front lot for sale to a builder for a new single-family home

Please consider our proposal as a mutually beneficial situation for the landowner and the City of Millcreek. We will be ridding the community of an old, half-burned triplex and replacing it with a new home. We will also be renovating an older home for resale to a new family



Blake Hansen
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File # ZM-19-008

City Council Staff Report

Meeting Date: 28 May 2019
Applicant: Millcreek
Property Address: 3608 South Jupiter Drive
Parcel IDs: 16-36-351-012

Request: Rezone from R-1-8 to C-2, subject to a zone condition limiting uses to public uses, to facilitate the reconstruction of a fire station

Zone: R-1-8

Community Council: Mount Olympus

Prepared By: Francis Xavier Lilly, AICP, Director

SYNOPSIS AND SCOPE OF DECISION

Millcreek Community Development is seeking your input on city-initiated rezone from R-1-8 to C-2 for the property at 3608 South Jupiter Drive, to facilitate the reconstruction of a fire station. Staff is recommending imposing a zone condition that would limit uses to public uses. The Unified Fire Authority would like to proceed with a reconstruction of Station 112 as soon as possible.

Existing Zoning	Existing Land Use	Surrounding Uses and Zones	Site Improvements	Parcel ID	Size of Property
R-1-8	Public Uses – Fire Station	C-2 – Commercial to the west. R-1-8 – single family residential to the east	The site is currently occupied by UFA Station 112	16-36-351-012	0.42 acres

Per **§19.90.010** of the Millcreek Code, the Millcreek City Council may amend the number, shape, boundaries, or area of any zone or any regulation within any zone. Zone changes shall not be made or become effective unless the same shall have been proposed by or be first submitted for the recommendation of the planning commission.

Furthermore, **§19.90.060** of the Millcreek Code allows the City Council to impose conditions on a rezone, specifically:

- A. In order to provide more specific land use designations and land development suitability; to insure that proposed development is compatible with surrounding neighborhoods; and to provide notice to property owners of limitations and requirements for development of property, conditions may be attached to any zoning map amendment which limit or restrict the following:*
- 1. Uses;*
 - 2. Dwelling unit density;*
 - 3. Building square footage;*
 - 4. Height of structures.*

SITE & VICINITY DESCRIPTION

Figure 1: Street View



Figure 2: Zoning Map – Property Highlighted in Red

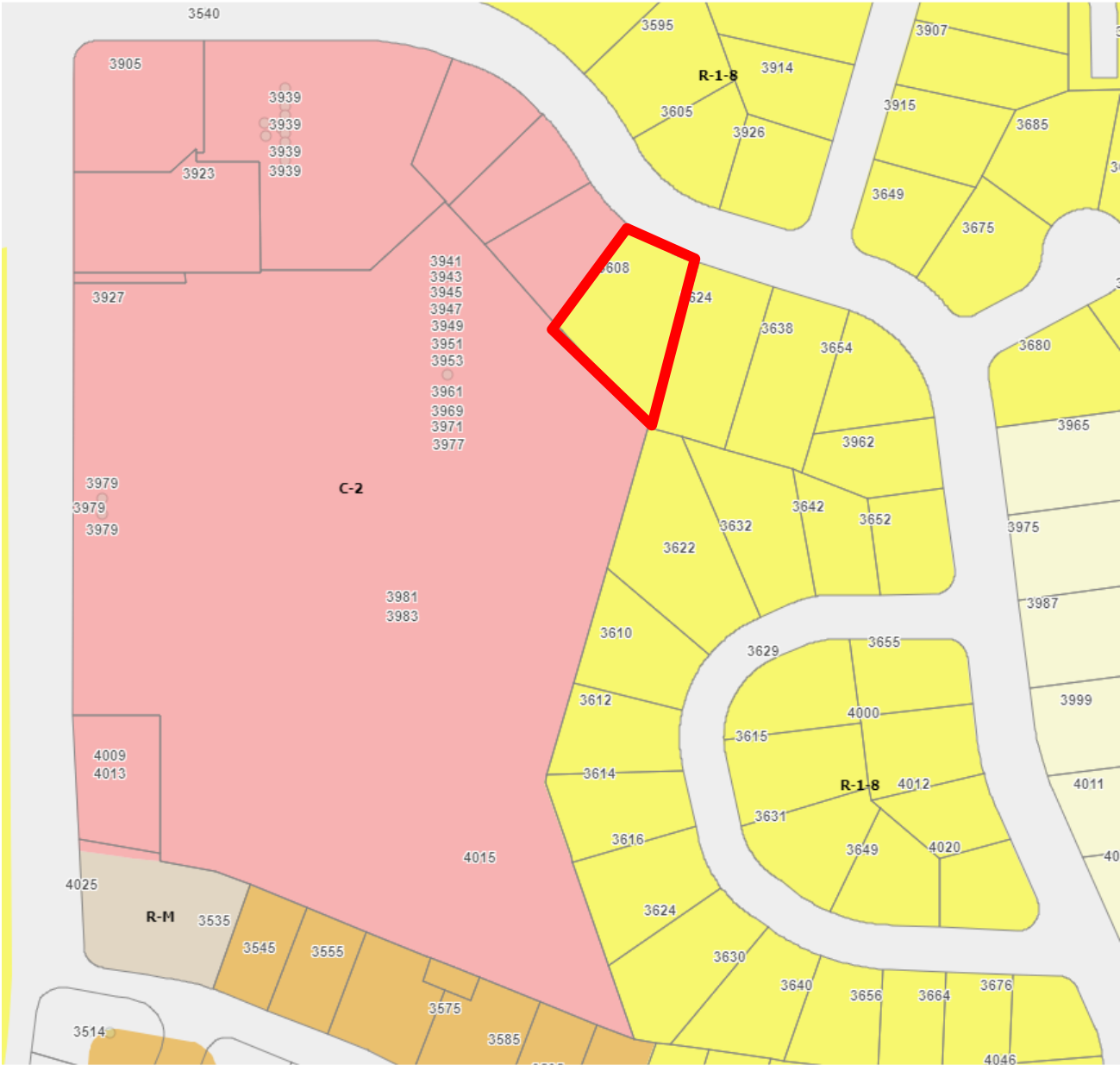
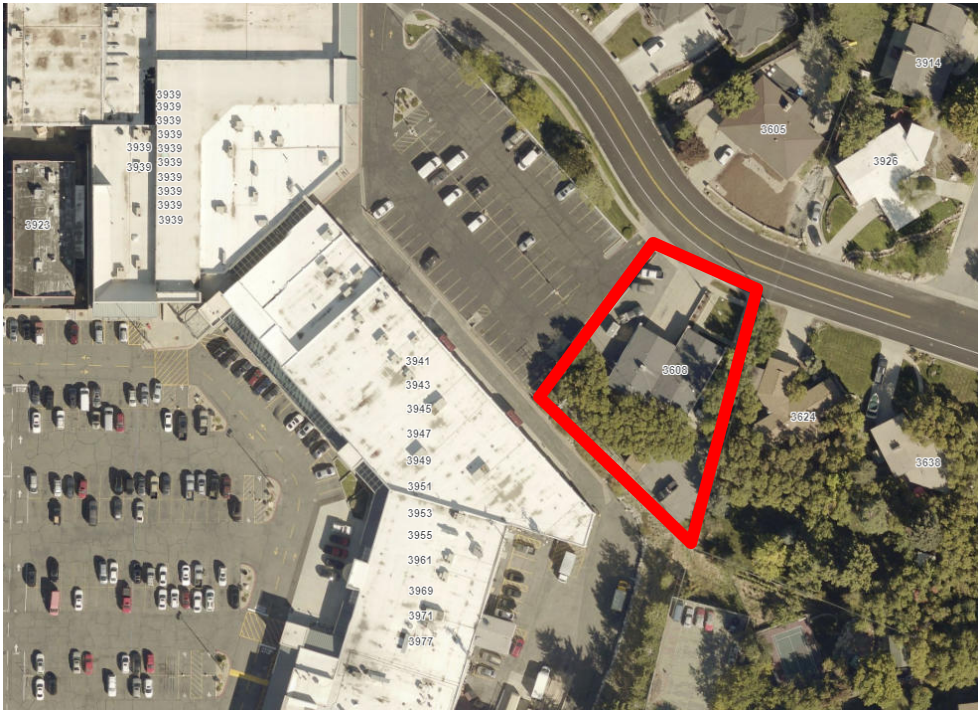


Figure 3: Aerial Photo – Property Highlighted in Red



GENERAL PLAN CONSIDERATIONS

Staff is recommending a rezone of this property to a commercial use, which is technically contrary to the future land use map designation, showing the future land use remaining a “neighborhood 1” use. However, the Neighborhood 1 category includes community uses as uses secondary to the residential character of the neighborhood. A fire station is a community use that is compatible with neighborhood uses. Staff’s rationale for seeking a commercial rezoning is to allow the new station the benefit of no side yard setback against the adjoining commercial property to the east – which would allow the station to be modernized and expanded while maintaining a reasonable setback to the east, against existing residential uses.

In order to maintain fidelity with the intent of the future land use map, staff is recommending that the rezone be conditioned to limit the uses to public and quasi public uses, a category of uses that is compatible with the Neighborhood 1 designation in the future land use map and is also permitted or conditional in the R-1 zones.

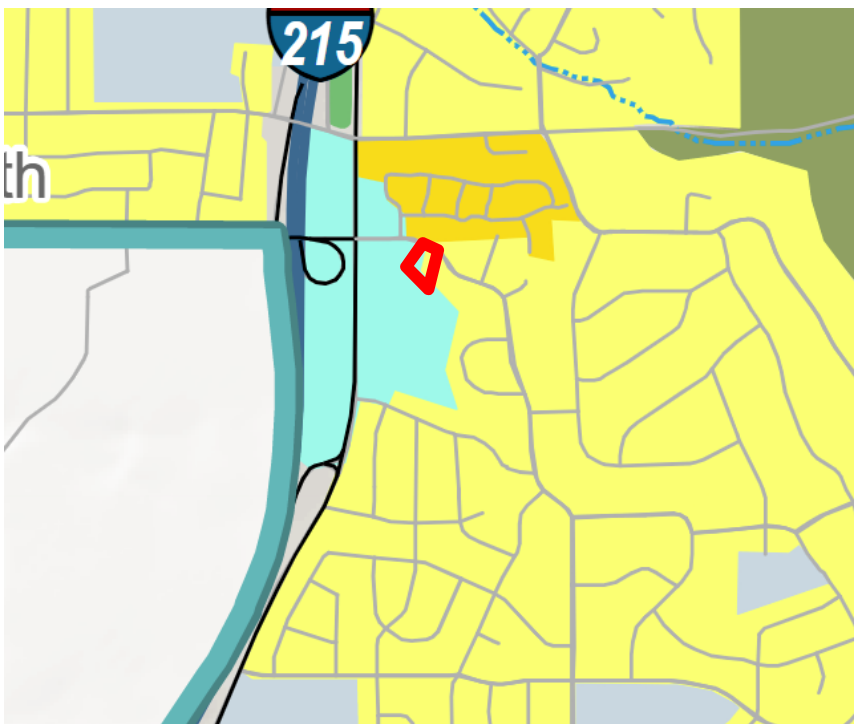
Moreover, the Millcreek General Plan specifically recommends a strategy for the replacement of Station 112:

Resilience: Goal HE-8: Strengthen resiliency to natural disasters and climate realities through development patterns, hazard mitigation, and education

Strategy 8.5: Partner with the United Fire Authority to determine areas suitable for a new fire station, with particular emphasis on the Mount Olympus Service Area.

In the end, and in consultation with the United Fire Authority, staff finds that the most suitable location for an updated station is where the current station sits: it is already optimally positioned to serve the Mount Olympus Service Area. A rezone to C-2 would allow the station to expand to meet modern standards and codes in a manner that allows it to maintain an appropriate setback against surrounding residential uses.

Figure 4. Future Land Use Map



COMMUNITY COUNCIL RESPONSE

At their meeting on Tuesday, 2 April 2019 the Mount Olympus Community Council **unanimously** recommended that the rezone request be approved, subject to a zone condition limiting allowable uses to public and quasi-public uses.

NEIGHBORHOOD RESPONSE

Staff received one telephone comment from a nearby resident, expressing support of the proposed rezone.

PLANNING STAFF ANALYSIS AND FINDINGS

The property is currently occupied by Unified Fire Authority's Station 112. The proposed change will accommodate a more modern facility, with two apparatus bays and single-story living and support facility on the east side of the property.

Public or semipublic buildings may be erected up to 40 feet, subject to an additional one foot setback for every foot higher than the normal height requirement in the zone – in this case, 30 feet. Staff is seeking a rezone to allow the fire station to have minimal or no setback along the west property line, shared with the Olympus Hills Shopping Center, and to preserve as large a setback as possible on the east side. A rezone to C-2 subject to a zone condition would fulfill the general plan goals of promoting public safety and promoting neighborhood compatibility by allowing the station to be reconstructed while preserving the current setbacks adjacent to existing residential uses. It will also implement a specific strategy in the General Plan, calling for the reconstruction of Fire Station 112.

PLANNING COMMISSION RECOMMENDATION

At a public hearing held on 17 April 2019, the Planning Commission unanimously recommended the proposed a zone change from R-1-8 to C-2, subject to a zone condition limiting the uses to public uses to facilitate the reconstruction of a fire station.

SUPPORTING DOCUMENTS

1. Proposed Site Plan
2. Planning Commission Meeting Minutes – 17 April 2019



LAND USE CALCS

APPARATUS BAY:	3,832 SF
LIVING / SUPPORT:	5,066 SF
BUILDING AREA:	8,898 SF TOTAL
LANDSCAPE AREA:	5,124 SF OR 25%
SITE AREA:	20471 SF OR 0.47 ACRES

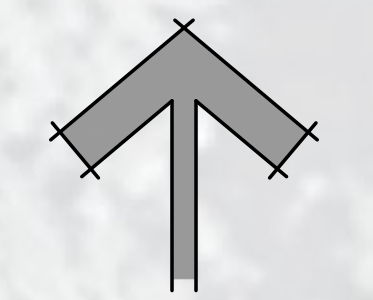
PROPOSED SITE PLAN - SCHEME E

UNIFIED FIRE AUTHORITY • REPLACEMENT STATION #112 • MARCH 12, 2019



GOULD PLUS
ARCHITECTS

NORTH



0' 5' 10' 20'
1" = 10'

1.7 Consideration of ZM-19-008, Rezone from R-1-8 to C-2, Subject to a Zone Condition Limiting Uses to Public Uses to Facilitate the Reconstruction of a Fire Station Location: 3608 S. Jupiter Dr. Planner: Francis Lilly

Francis Lilly said the existing fire station at 3608 S. Jupiter Drive is in need of repair. It is in the R-1-8 zone which does allow fire stations up to 40 feet in height, subject to additional setbacks, but it does not allow a zero-lot line. The station is almost 50 years old and not up to code and is substandard for their operations. The building would not survive an earthquake. The plan for the station is to do a 1-story building with a sleeping quarters and operations side and a larger apparatus bay. Unified Fire Authority (UFA) plans to acquire a small piece of property from the Olympus Hills Shopping Center to use. Lilly said he spoke to a resident earlier that had no objection to the change, but appreciates the wall, and would like to try to preserve the tree straddling the lot line. The Mt. Olympus Community Council unanimously recommended approval. The general plan identities replacing the station. This is a plan to replace it on-site in a manner that is compatible with code by allowing a zero-lot line to the west. The Planning Commission can impose a zone condition that will limit the uses to public uses so there will not be a situation of commercial encroachment in the future. Commissioner Mumford asked if it would be a training facility. The answer was no.

Mayor Jeff Silvestrini said he was speaking as Millcreek's Mayor and in the capacity of Chair of the Unified Fire Service Area Board. He said this fire station is the worst station in UFA's system based on condition. The walls are falling apart, the bays are not large enough for modern apparatus, and it has no seismic outfitting. The reconstruction has been in the works for a decade or more. The rezone would eliminate a side yard setback. He said the City needs a station above Wasatch Boulevard in case of a disaster and this station also services Parleys Canyon. He said UFA could build the station next spring with city approvals and it will be within their budget. The equipment bay may be about 30 feet tall and the other section will look like a residence. UFA has a goal to build stations that are more modest. Mayor Silvestrini said they could build a temporary station, but it would not be necessary because the station in Holladay and Millcreek Station #106 would be able to provide the coverage. Unified Fire Chief Mike Watson will visit the area neighbors to tell them what is going on.

Chair Healey opened the public hearing.

There were no comments.

Chair Healey closed the public hearing.

Commissioner LaMar moved to recommend approval of zone change for ZM-19-008 from R-1-8 to C-2 subject to the zone condition limiting the uses to public uses to facilitate the reconstruction of the fire station. Commissioner Claerhout seconded. Chair Healey called for the vote. All Commissioners voted yes. The motion passed unanimously.



3330 South 1300 East
Millcreek, UT 84106
801-214-2700
millcreek.utah.gov

File # ZM-19-010

City Council Staff Report

Meeting Date: May 28, 2019
Applicant: Millcreek
Property Address: 3244, 3260, 3261, 3273, 3280 and 3290 S. 1000 E.
Parcel IDs: 16-29-330-042, 16-29-330-043, 16-29-330-044, 16-29-330-050, 16-29-404-006 and 16-29-404-007

Request: Rezone from C-2 to R-1-6

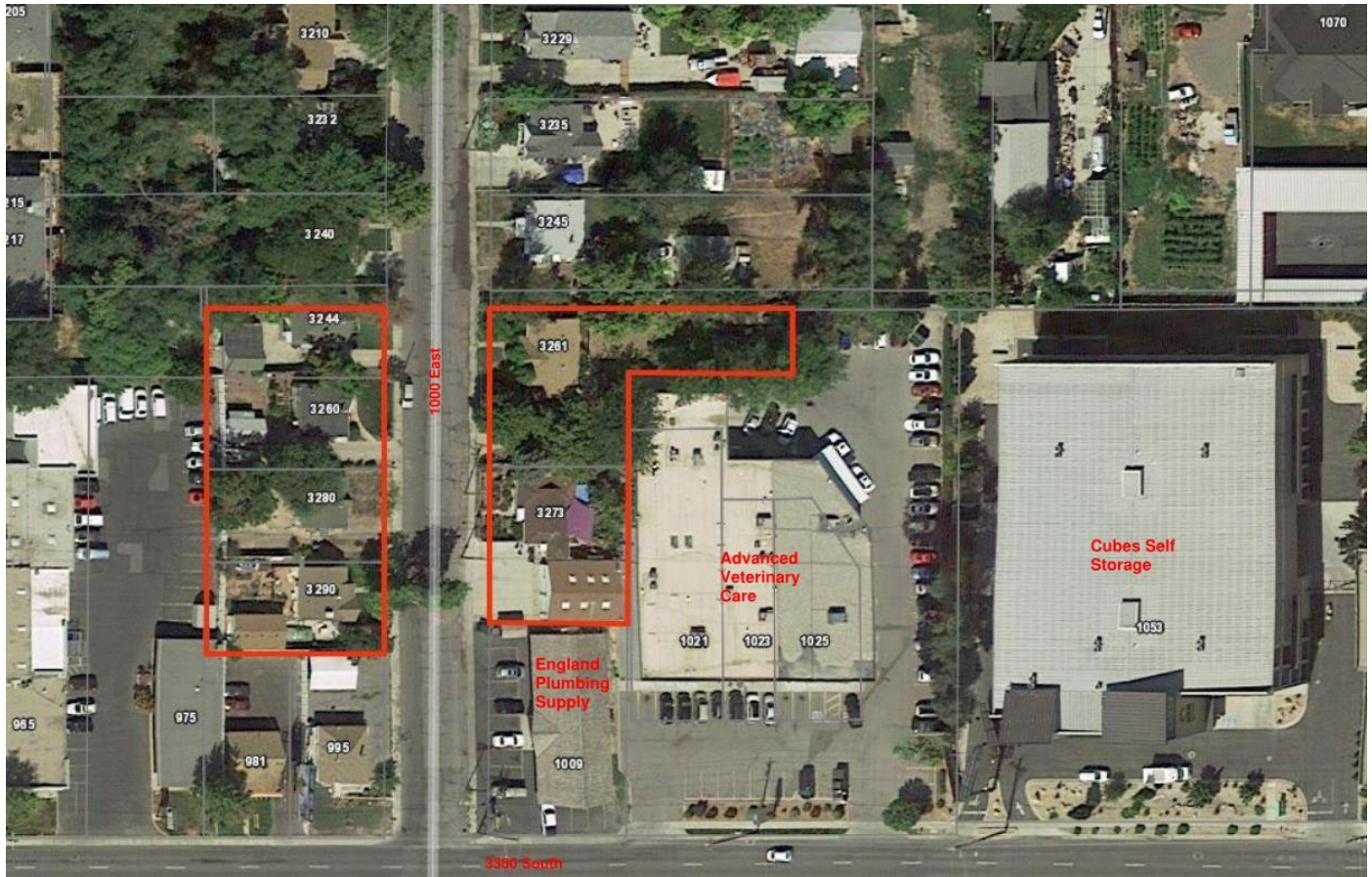
Zone: C-2
Community Council: Millcreek
Prepared By: Blaine Gehring, AICP, Planner

SYNOPSIS AND SCOPE OF DECISION

There are six single-family homes located just north of 3300 South on 1000 East which are zoned C-2. Under the C-2 Zoning, these homes are considered legal non-conforming because the current C-2 Zone does not allow single-family dwellings as a permitted or conditional use. Millcreek is seeking a rezone of the properties to align their use with the zone.

Existing Zoning	Existing Land Use	Surrounding Uses and Zones	Site Improvements	Parcel ID	Size of Property
C-2	Single family residential	R-1-6 and C-2	6 single family homes with accessory buildings	16-29-330-042, 16-29-330-043, 16-29-330-044, 16-29-330-050, 16-29-404-006 and 16-29-404-007	.76 total acres

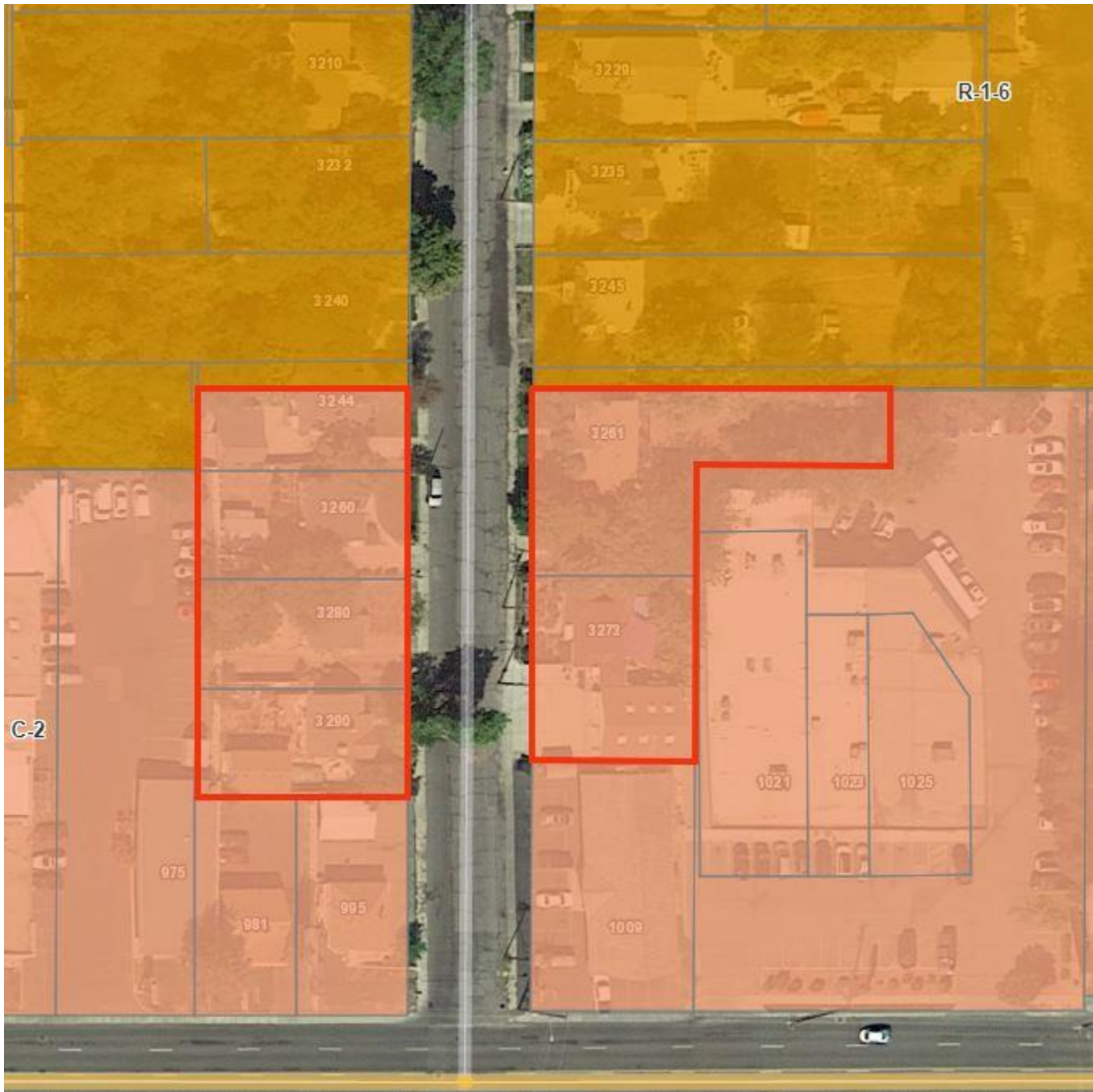
Aerial Photo



Per §19.90.010 of the Millcreek Code, the Millcreek City Council may amend the number, shape, boundaries, or area of any zone or any regulation within any zone. Zone changes shall not be made or become effective unless the same shall have been proposed by or be first submitted for the recommendation of the planning commission.

If the City Council approves this petition and adopts an R-1-6 rezone, single -family residential development is allowed as a permitted use. The Planning Commission is asked to consider this request considering reasonably anticipated positive effects of the rezone.

SITE & VICINITY DESCRIPTION



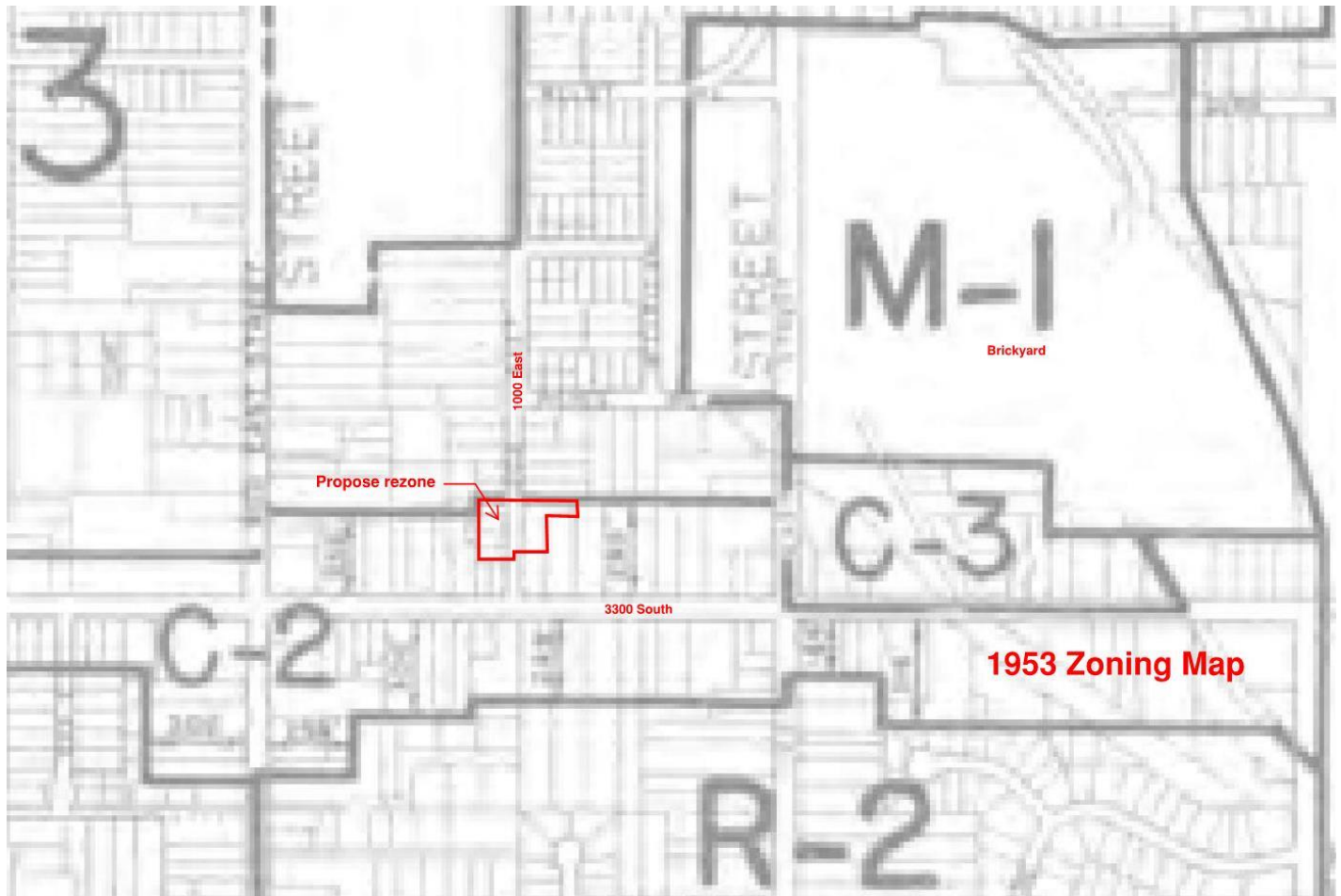
The subject properties range in size from .10 to .22 acres in size and have a single-family home on each parcel. The properties are currently zoned C-2. Adjacent uses include single family homes in the R-1-6 Zone and commercial uses in the C-2 Zone.

The homes were built in 1921 (3261S.), 1939 (3244 – 3290 S.) and 1947 (3273 S.) according to the Salt Lake County Assessor's records. Based on official Salt Lake County zoning maps and ordinances, these properties were actually

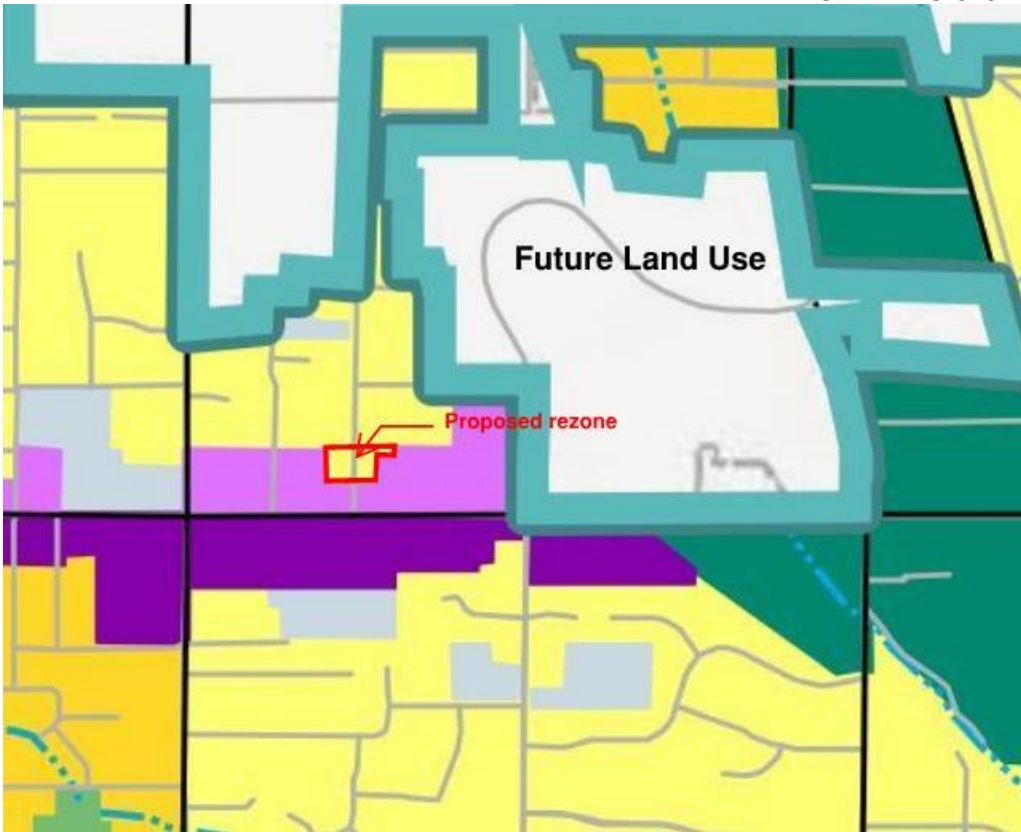
Request: Rezone from C-2 to R-1-6

File #: ZM-19-010

zoned C-2 in 1953. However, that zoning ordinance allowed single-family dwellings as permitted uses in 1953. By 1965, the zoning ordinance had changed, and single-family dwellings were no longer a permitted or conditional use in the C-2 Zone. These homes have been legal non-conforming uses since at least 1965 because of the change in the zoning ordinance. They have no commercial presence on 3300 South and have not been included in the Millcreek Center CRA. They act as an entrance to the single-family neighborhood north of them. Staff feels it makes sense to align the zoning with the existing uses which would be an R-1-6 Zone. The rezone won't affect the properties and won't require any changes.



This rezone came to the attention of city staff during the general plan open houses and hearings and discussions on the Millcreek Community Reinvestment Area. The future land use map in the general plan calls for these specific properties to be Neighborhood 1 which is single family residential. They were not included in the Millcreek CRA as well.



COMMUNITY COUNCIL RESPONSE

At their meeting on May 7, 2019 the Millcreek Community Council unanimously recommended approval of this proposed rezone.

PLANNING STAFF ANALYSIS AND FINDINGS

Planning Staff finds that the proposed rezone is in keeping with the intent of the neighborhood and the R-1 and commercial zones and that it adds the existing single-family residential neighborhood adjacent to the north. This project complies with the City's general plan and is compatible with land uses in the vicinity.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission sends a favorable recommendation of approval of rezone ZM 19-010 to the City Council by a unanimous vote.

Attachments:

Application

**Planning Services**

3330 South 1300 East • Millcreek, Utah 84106

Phone: (801) 214-2750

Millcreek.us**File #**

Land Use & Development Application

Zone: C-2 **Community Council:** Millcreek **Planner:** Blaine Gehring**Parent File #:** ZM 19-010 **Date:** _____**Property Address:** 3244, 3260, 3261, 3271, 3280 & 3290 S. 1000 E.**Parcel #:** 16-29-330-042, 16-29-330-043, 16-29-330-044, 16-29-330-050, 16-29-404-006 and 16-29-404-007**Name of Project** Rezone **Property Acreage:** _____**Please describe your request:****New Development:**☐ **Conditional Use**☐ **Permitted Use**☐ **Subdivision # lots:** _____☐ **PUD # lots:** _____**Modify an Existing Development:**☐ **Change Conditions of Approval**☐ **Change the Site Plan**☐ **Condo Conversion**☐ **Lot Consolidation**☐ **Lot Line Adjustment**☐ **Mobile Store**☐ **Signs**☐ **Billboards****Other:**☐ **Exception Request**☐ **General Plan Amendment**☐ **GRAMA (Records Request)**☐ **Land Use Hearing**☐ **Non-Conforming**☐ **RCOZ Appeal (Option C)**☐ **Research Request**☒ **Re-zone**☐ **Right-of-Way Improvement Permit**☐ **Vacate a Street****Is a key or gate code required to access the property?** ☐ **Yes** ☐ **No** **If yes, code:** _____
(or provide driving directions to property):

APPLICANT'S NAME:**First:** Millcreek **Last:** _____ **Initial:** _____**Address:** 3330 S. 1300 E. **City:** Millcreek **State:** UT**Zip:** 84106 **Phone:** _____ **Cell:** _____ **Email:** _____**Property Owner(s): Various****First:** _____ **Last:** _____ **Initial:** _____**Address:** _____ **City:** _____ **State:** _____ **Zip:** _____**Phone:** _____ **Cell:** _____ **Email:** _____**Professional(s):** ☐ **Engineer** ☐ **Architect** ☐ **Other****Company:** _____ **Contact:** _____**Address:** _____ **City:** _____ **State:** _____ **Zip:** _____ **Phone:** _____

**NOTE: all correspondence will be sent to the applicant's address:*

To facilitate the land use notice and review process, the undersigned hereby authorize the City to reproduce this application and all documents attached to the application for staff, officials, and the interested public:

Applicant's Signature: /s/ Blaine Gehring, Planner **Date** _____

1.2 Consideration of ZM-19-010, a Rezone from C-2 to R-1-6 Location: 3244, 3260, 3261, 3273, 3280, and 3290 S. 1000 E. Planner: Blaine Gehring

Blaine Gehring said there are six single-family homes located north of 3300 South on 1000 East which are zoned C-2. Under the C-2 Zoning, these homes are considered legal non-conforming because the current C-2 Zone does not allow single-family dwellings as a permitted or conditional use. Millcreek is seeking a rezone of the properties to align their use with the zone. The homes were built between 1921 and 1947 according to the Salt Lake County Assessor's records. Based on official Salt Lake County zoning maps and ordinances, these properties were zoned C-2 in 1953 with single-family dwellings as a permitted use. By 1965, the zoning ordinance had changed, and single-family dwellings were no longer a permitted or conditional use in the C-2 Zone. These homes have been legal non-conforming uses since at then because of the change in the zoning ordinance. This rezone came to the attention of city staff during the general plan open houses and hearings. The future land use map in the general plan calls for these specific properties to be Neighborhood 1, which is single family residential. At their meeting on May 7, 2019, the Millcreek Community Council recommended approval of the zone change by unanimous vote. Staff is recommending approval of the zone change and no development will occur so it will not be subject to a development agreement.

Chair Healey opened the public hearing.

Mayor Jeff Silvestrini said this was a city-initiated petition and he recommended approval.

Missy Hockemier, 3290 S. 1000 E., said it was important to get the residential zoning for the properties to ensure nothing commercial gets built next to her home. She requested approval of the rezone. She said there is a shortage of affordable housing and the residents want to be able to stay in their homes.

Diane Wenzl, 3240 S. 1000 E., thanked Mayor Silvestrini for supporting the rezone. She said the residents of the six properties were in support of the rezone as well as their neighbors on 1000 E.

Chair Healey closed the public hearing.

Commissioner Allen moved to send a favorable recommendation to the City Council to Approve the Rezone Request ZM-19-010 from C-2 to R-1-6 for property located at 3244 S., 3260 S., 3261 S., 3273 S., 3280 S. and 3290 S. 1000 E. Commissioner LaMar seconded. Chair Healey called for the vote. All Commissioners voted yes. The motion passed unanimously.



3330 South 1300 East
Millcreek, UT 84107
801-214-2700
millcreek.us

File No. GP-19-001

City Council Staff Report

Meeting Date: 28 May 2019
Applicant: Staff

Request: Recommendation to the City Council for the Adoption of the City Center Master Plan, as an amendment to the General Plan.

Prepared By: Francis Xavier Lilly, AICP, Planning Director

SYNOPSIS AND SCOPE OF DECISION

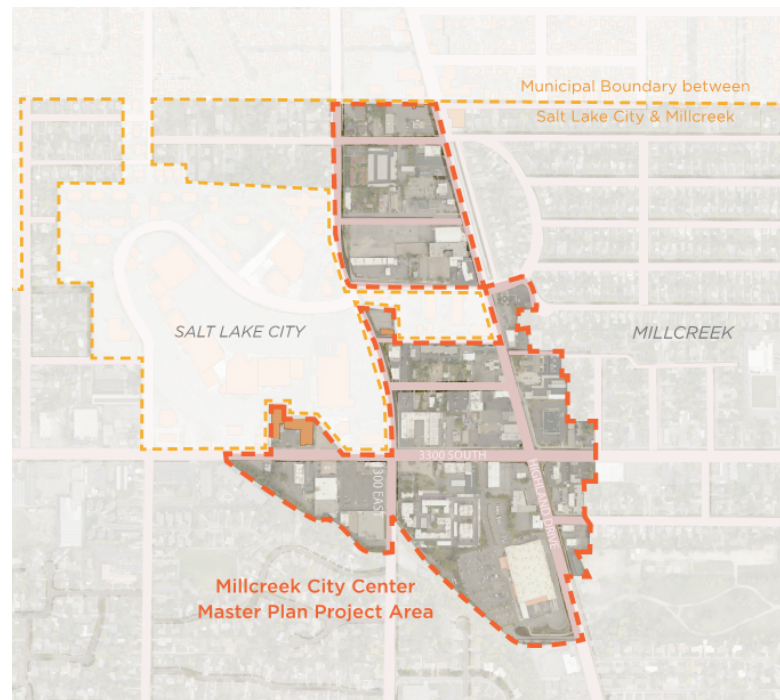
Staff is presenting the City Center Master Plan to the Planning Commission for a recommendation for adoption.

Section 19.05.030 of the Millcreek Code requires the Millcreek Planning Commission to make a recommendation to the City Council regarding adoption and amendments to the General Plan. The City Center Master Plan, as a small area master plan amendment to the General Plan.

Utah State Code §10-9a-404 empowers the Millcreek Council, acting as the city's legislative body to adopt or reject a proposed general plan amendment as proposed by the Planning Commission.

At a public hearing held on 15 May 2019, the Millcreek Planning Commission unanimously recommended adoption of the City Center Master Plan.

The proposed master plan for Millcreek's City Center encompasses the area between Highland Drive and Richmond Street, and Elgin Avenue, and approximately 3400 South, as indicated in the map below:



The purpose of the City Center plan is to harness anticipated development in a manner that accomplishes the following, pursuant to the *Millcreek Together* General Plan:

- creates a diverse mix of land uses, including restaurants, community facilities, and multifamily residential.
- Establishes space for local community events and daily socialization.
- Plans for a walkable and pedestrian-scaled activity center.
- Induces redevelopment and infill.
- Provides employment opportunities.

GENERAL PLAN CONSIDERATIONS

The *Millcreek Together* General Plan, adopted in February of this year, is not the first master planning effort to suggest that the area centered on Highland Drive and 3300 South would be a good location for a city center. The Millcreek Township General Plan, dating from 2010, indicated that the area was a good candidate for “moderate change” and identified the City Center area as an ideal site for redevelopment. *Millcreek Together* expands on the idea first mentioned in the 2010 plan, by calling out the area as a potential city center. Our current General Plan states, on pages 51-52:

The City Center would be the highest concentration of development found anywhere in Millcreek. It is the focal point for the City, the center of government, cultural, office, commercial, financial, transportation and other activities with a variety of day and night activities that attract visitors from throughout the City and region. Major arterials provide access and the City Center is envisioned to have both local and regional transit connections. Pedestrian access and movement would be high, and consideration for pedestrians is paramount. New development should be sensitive to the context of the surrounding neighborhoods and districts, and build on the strengths and character of these established areas.

The City Center is Millcreek's most intense development area, envisioned as a regional center for commerce and culture. The City Center should evolve into a vibrant, mixed-use area with a range of employment, services, and housing. It should be highly walkable and well-connected by multiple types of transportation and transit. It should have a balanced mixture of jobs and housing, and contain amenities that support residents, workers and employers within the center and also throughout the City. It is also envisioned that the City Center would be a central public gathering place, and home to many of Millcreek's entertainment and cultural institutions. The Center should also highlight and celebrate historic signage and landmarks in the area, such as the Villa Theater.

In addition, the adoption of a City Center Master Plan corresponds to the following General Plan goals and strategies:

Thriving Economy

Goal E-1: Diversity and expand Millcreek's economic base to create a robust economy that offers a wide range of employment opportunities, goods and services.

Strategy 1.4: Prioritize City Center development and redevelopment to establish it as the City's hub of commerce, governing, innovation, entertainment, art and culture.

Staff Analysis: The proposed city center envisions a significant community gathering place, emphasized on a major open space that will provide a benefit to the entire community, not just new residents in the immediate vicinity of the park. An arts and culture component is central to the City Center Concept – to that end, the master plan recommends that the City make a significant public investment in civic space as part of the city's overall implementation strategy.

General Development

Goal GP-5: Continue to grow and support the City Center as the mixed-use, cultural, and economic heart of the City.

Strategy 5.1: Continue to refine, adapt, and expand the Town/City Center Overlay Zone as the City Center develops and evolves.

Staff Analysis: By providing specific guidance on design standards, height sensitivity, street cross-sections, commercial requirements, and open space/plaza standards, the City Center Master Plan is designed to inform the development of subsequent codes to be applied to the area.

Strategy 5.2: Maintain City Codes to support reduced onsite parking, limited parking lot areas between the public right-of-way and buildings, design elements that enhance visual impressions from the street, multimodal access, and the safety and enjoyment of the onsite pedestrian experience.

Staff Analysis: The City Center Master Plan is recommending the implementation of shared parking structures, as well as angled or parallel parking on each street, in order to accommodate convenient parking for nearby businesses.

Strategy 5.3: Continue to coordinate with Salt Lake City to enhance the City Center

Staff Analysis: While not a part of the Master Plan document, staff is meeting regularly with our colleagues in Salt Lake City to coordinate planning efforts in the area.

Strategy 5.4: Establish a parking management plan to regulate on-street parking that supports business patrons and visitors.

Staff Analysis: Our City Center implementation strategy includes establishing, at a minimum, two hour parking restrictions on streets in the City Center. This will keep parking spaces available for business customers and visitors.

Great Communities

Goal GC-6: Lay the groundwork for intercity transit connections and for more robust, choice-based transit within the City and the larger region.

Strategy 6.1: Plan and promote “high-capacity” transit in City Center and Meadowbrook Center and in such corridors as 3300 South, 4500 South, 3900 South, State Street, 1300 East, and Highland Drive.

Staff Analysis: The City Center Master Plan proposes a cross section for Richmond Drive / 1300 East that could accommodate bus rapid transit, or even streetcar, in the future, if the region decides such a facility would be an appropriate public investment.

Outdoor Lifestyle

Goal O-2: Meet changing demographics by incorporating special use facilities in Millcreek parks.

Strategy 2.3: Incorporate a multi-use splashpad at the City Center, Meadowbrook, and/ or Village Centers (as identified on the Future Land Use Map).

Staff Analysis: A multi-use splashpad or some appropriate water feature will be a component of the proposed Mill Park open space.

Strategy 4.3: Involve the community in the creation and design of new parks to reflect the City’s history and diversity.

Staff Analysis: Early public engagement on the City Center illuminated the need and desire for the community to have a significant public open space as part of any redevelopment project. Mill Park is intended to fill that need – by providing a type of open space lacking in Millcreek and in an area that has limited open spaces.

Implementation Strategies

Unique Neighborhoods:

- Encourage the creation of neighborhood activity centers within walking or biking distance of residential areas.

Staff Analysis: The City Center Master Plan recommends facilitating better connections for pedestrians and cyclists both within the center, and from surrounding neighborhoods. Central to this strategy are pedestrian-actuated traffic control devices across Highland Drive, and 1300 East, bike lanes on Highland Drive and 1300 East, and shared facilities and paths within the proposed city center.

Vibrant Gathering Places:

- City Center – Complete the City Center study; modify the Town Center Overlay Zone using form-based code concepts; prepare an economic development strategy to attract a mix of commercial, residential and

municipal uses; highlight iconic uses such as Beau Brummel Bakery and the Villa Theater; and consider using a "Millcreek Mill" theme.

Staff Analysis: *The City Center Master Plan is intended to accomplish this implementation goal, while being mindful of the historical characteristics and iconic sites in the City Center.*

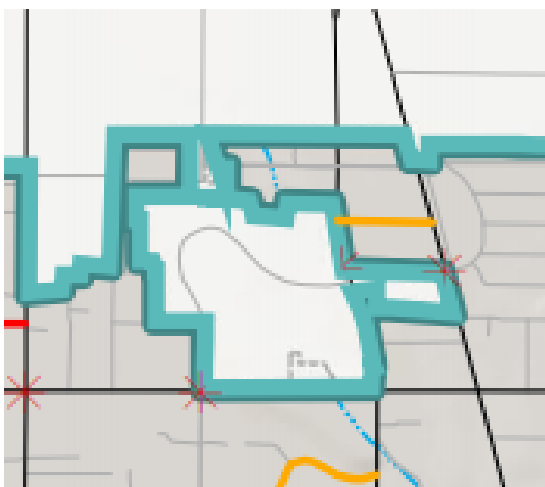
- Promote higher residential densities in Millcreek centers, where a mix of land uses offer convenient access to jobs, shopping, entertainment and transportation.

Staff Analysis: *The City Center Master Plan envisions more than a high density residential village for the area; commercial and retail uses will be important. In order to provide some of the commercial amenities that residents desire – including restaurants and personal services – in a livable, walkable, pleasant place where driving is not absolutely essential, the plan is following contemporary best practice by promoting a mixed use center to incorporate higher intensity residential development.*

Great Connections:

- Adopt consistent cross sections for the major streets that emphasize appearance and complete streets concepts. Focus on the areas adjacent to the curbs with park strip standards, new streetlights, street trees, wider sidewalks, and underground utilities.
- Prioritize new, safe sidewalks in neighborhoods with missing or substandard sidewalk connections identified as High or Moderate priorities (as shown on the Pedestrian Network Framework Map). Establish a sidewalk improvement fund and policy.

Walkability Framework Map Excerpt – page 70



Note: yellow lines indicate moderate priorities and red stars indicate crossing improvement locations.

Staff Analysis: *The City Center Master Plan devotes an entire section to complete streets, and provides street sections that will guide development, if the plan is adopted. The Plan also includes requirements for wider, safer pedestrian connections within the city center.*

Outdoor Lifestyle:

- Review vacant or underutilized properties for potential to create parks, especially in areas of the City that are underserved.

- Purchase the land and build parks, most notably “pocket” parks, to provide families with children and others a gathering place with playground amenities.

Staff Analysis: The Plan recommends that the City focus its economic development funds, as well as parks impact fees generated by new development, to acquire land along the known fault line to construct the linear park. An urban park will not only provide an essential open space for surrounding uses, but will benefit the wider community, and will be a lasting legacy for the City. It is intended that the park will be funded entirely by revenues generated from the new development.

Enhanced Culture:

- Prioritize locations for new public art where it will be enjoyed by people throughout the City.

Staff Analysis: The City Center Master Plan discusses the importance of arts and culture, and recommends utilizing the Mill Park open space as a place to celebrate public art and performance for the community.

ZONING HISTORY

The idea of the city center area being a site for higher intensity residential and commercial uses goes back at least to the enactment of the first zoning ordinance in 1953, as indicated in Figure 2 below:

Figure 2: Salt Lake County Zoning Ordinance – 1953 – City Center Area Highlighted in Red



Zoning regulations in what is now the City Center area historically allowed higher density multifamily uses and heights of up to 75 feet in the C-2 and C-3 zones, and 35 feet in the R-3 and R-4 zone. The base zoning has not changed much since 1953, except for the addition of commercial zoning on the corner of 1300 East and 3300 South, and the addition of some additional residential multifamily zoning in the interior of the project area. Sometime in

the 1980s, density limits were imposed on multifamily projects in commercial zones, allowing the Planning Commission to approve densities of up to 32 units per acre as a conditional use in certain cases.

In these zones, there were limited or no design standards, few requirements for open space, no requirements for on-street parking, no streetscape enhancements, no height transitions or buffering requirements, and no requirements for mixed use buildings.

While the zoning allowed for relatively dense development in this area for nearly 70 years, market interest in taller mixed use or multifamily development only emerged in the last several years. The City Center Master Plan is designed to focus that market demand into productive and durable uses, beautiful buildings, a street grid that supports walkability and other modes of transit, and a unique legacy open space for the benefit of all Millcreek residents. In 2018, the City enacted a Town Center Overlay Zone as a holding zone to allow the city to begin to implement the public process of planning a City Center.

ELEMENTS OF THE CITY CENTER MASTER PLAN

The City Center Master Plan is best understood as the implementation of a series of visions and goals, which are discussed below:

A Walkable Urban Space that is Iconic

The City Center envisions much of the new development to built around a new, large open space to be constructed along an existing fault line. This open space will provide internal circulation for pedestrians and vehicles, and hundreds of stalls of on-street parking. The open space – a long, narrow linear urban park, is unlike anything attempted in Utah. In addition to the park, the plan envisions breaking up the existing large blocks with pedestrian paths or shared laneways where vehicle traffic is designed to move slowly.

Walkability also requires appropriate connections: The City Center plan envisions pedestrian activated stop lights on at least two locations crossing 1300 East and Highland Drive, and a street and sidewalk standard that requires streetlights and a 10 foot sidewalk on all updated streets.

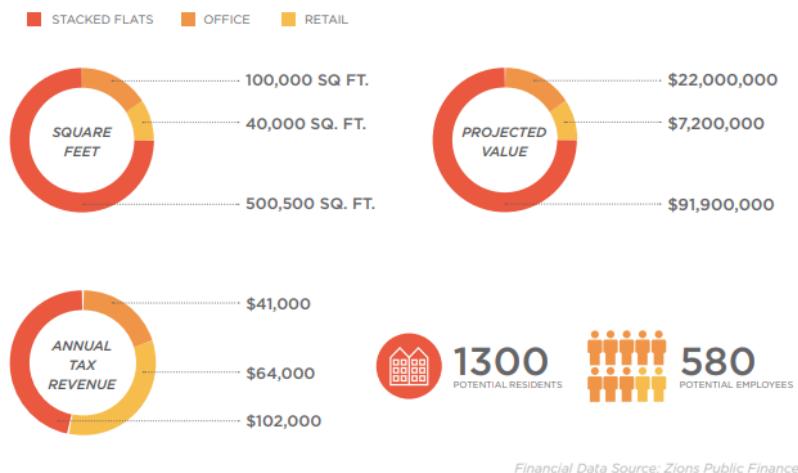
An Amenity and Gathering Place for the Whole City

The plan envisions as its principal amenity the creation of the linear park. Not only does it improve access to the site, but it will become a front yard and a celebration place for the entire community. The plan also envisions the use of existing parking lots and other areas to utilize as temporary event space. The plan emphasizes arts and culture, and encourages the city to consider opportunities for street fairs, outdoor markets, and food trucks.

An Engine of Employment, Population and Tax Base to Help Keep Taxes Low for Millcreek

One of the goals of the City Center Master Plan is to update historic zoning regulations to support and require additional mixed use space in the City Center. Adding population to the area will support additional retail and restaurant opportunities, which the community indicated it desires. But it is essential to avoid the creation of a high-density residential village. To that end, the City Center Master Plan recommends adoption of a form-based code that requires retail and other commercial uses for the full length of each building along the planned open space and along all major thoroughfares. The assumptions guiding the development of the Master Plan are as follows:

Figure 3: Market Assumptions



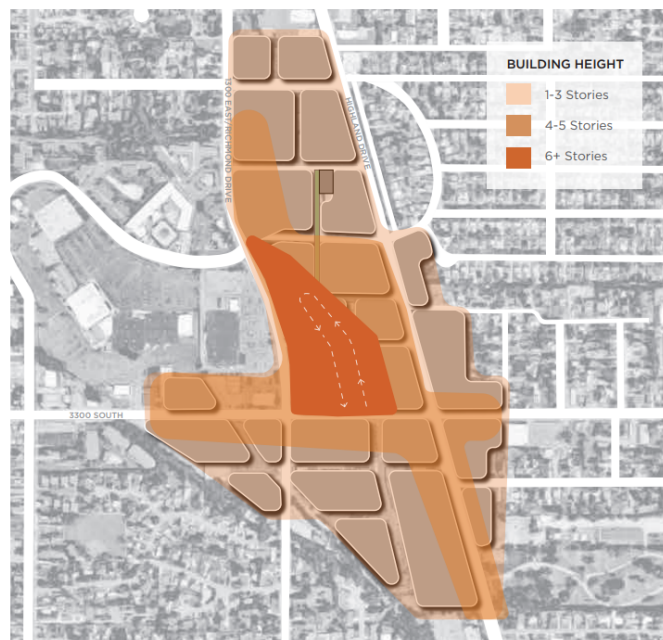
The planned improvements will add significant additional property values, which will be used to fund public improvements, and will result in additional annual tax revenues to the City of just over \$200,000. While a majority of the square footage of the new development will be allocated for residential uses, just over half of the projected revenue will be from commercial uses – which is why the plan recommends a mixed use requirement for residential buildings in most areas of the City Center.

Design Should Support Transportation Alternatives

The City Center Master Plan includes street sections for all roads in the City Center. As redevelopment occurs on these roads, developers will be required to develop in accordance with adopted street standards. In addition, the Plan recommends that Highland Drive between Elgin Avenue and 3300 South be converted into a three-lane section, allowing for one lane in each direction and a combination of landscaped medians and left turn refuges. This section will allow for bike lanes and on-street parking on the west side of Highland Drive. In addition, the plan is recommending pedestrian infrastructure to encourage greater pedestrian access into and within the site.

Respect Surrounding Existing Residential Neighborhoods

The City Center Plan does not incorporate any existing single-family neighborhoods. Moreover, the Master Plan recommends adoption of an ordinance that establishes height limits for areas that are adjacent to or immediately across the street from existing single-family neighborhoods. The height limits modify existing height limits and are in keeping with long-standing policy on building heights in the area. **Figure 4** illustrates proposed height limits in the City Center area:

Figure 4 – Recommended Building Height Limits

The Master Plan also recommends appropriately managing parking to prevent spillover parking the single-family neighborhoods on either side of the project area. In addition, the Master Plan indicates that critical views to the east and west should be protected.

Guiding Principles from the Master Plan

The Master Plan adopts four guiding principles to guide future ordinance development, municipal investments, public-private partnerships, and land use decisions:

1. The City Center Should Emphasize Walkability, and Minimize Internal Traffic and Parking Demand.
2. The City Center should include Municipal Property owned by the City and designated for public use.
3. The design of Millcreek's City Center should represent the city in ways that are distinctive from other cities and unique to Millcreek.
4. The City Center should emphasize culture, art, ideas, and interaction between citizens.

All of the elements that the plan recommends are intended to fulfill these principles. Of particular concern to the City is the creation of a place that is distinctive from either Sugar House or Holladay, which are two successful regional precedents for mixed use development. This City Center proposal offers something that builds on the successes of other centers, including:

1. An integrated street grid with pedestrian connections throughout the City Center.
2. Redevelopment that is built around a major open space.

3. A balance of residential and commercial uses that will support activity in the City Center for at least 18 hours a day and 250 days a year.
4. Intuitive placement of on-street parking.
5. Preservation of historic signage and iconic buildings, including the Villa Theatre, Tres Hombres Restaurant, and the iconic midcentury commercial buildings on Highland Drive.

Form Based Code Elements

Staff is preparing a new ordinance that is specific to the City Center, to be adopted after the Master Plan. The ordinance will address heights, uses, building types, and setbacks by *subdistrict* – and the Plan envisions three – a neighborhood district that emphasizes residential development north of Miller Avenue, a higher-intensity Millcreek Center district between Miller Avenue and 3300 South, and a City Marketplace district that emphasizes compatible commercial development south of 3300 South.

The code will also establish allowable building materials, open space and plaza requirements, implementation of laneways and other streetscapes, street furniture and signage, and sustainable design elements. Some of the recommendations for building form are shown below in Figure 5. These include building overhangs on the ground floor to support walkability in inclement weather, building step-backs, and transparency and storefront requirements.

Figure 5 – Potential Form Based Code Elements



Traffic and Parking Considerations

As part of the City Center Master Plan and ordinance update, and in anticipation of future development, staff commissioned a traffic study that examined turn movements, delays, and other impacts of the development, particularly on Highland Drive and 1300 East. This work is still ongoing, but a preliminary analysis prepared by Fehr and Peers indicates that signal optimization will be warranted at the intersection of Richmond Street and Highland Drive, just south of 2700 South, and that pedestrian actuated signals with landscaped pedestrian refuges be installed along Highland Drive and Richmond Street. The study is recommending a three-lane section for Highland Drive, and is indicated that it will not have a significant impact on travel times. In fact, the study indicates that, at build-out, the average travel time along Highland Drive traveling southbound between Elgin Avenue and Luck Lane will change from 2 minutes to 2 minutes 30 seconds. No change is anticipated to northbound travel times. At this point, the traffic study is not recommending roundabouts on Highland Drive.

In contrast with both Sugar House and Holladay's Town Center, the Millcreek City Center project area benefits from a robust street grid including two parallel arterial roads, and a series of interconnected streets. This characteristic can better accommodate growth because it provides multiple points of access and several ways to get to other locations in the city – particularly when that growth is intended to replace vehicle trips with walking, bicycling or transit trips.

Implementation Strategy

Between now and the end of 2020, the City's goal is to create a temporary gathering place for residents to enjoy. This could be a food truck rally or even an outdoor movie series in a parking lot. The goal is to bring people to the City Center, even as it is being developed. The City will also begin to assemble property for the Mill Park open space, and will complete the lilac streetscape along Highland Drive, to include the construction of a welcome monument.

In the long term, the City's strategy is to support the necessary relocation of utilities and other public investments, and to otherwise let the market dictate the redevelopment of the City Center, as private landowners are willing to sell or redevelop property. Our strategy does not plan for wholesale redevelopment: in fact, adaptive reuse and improvement of existing structures in many locations will be encouraged. The City plans to have the open space under construction by 2022.

COMMUNITY COUNCIL INPUT

At various points throughout the drafting of the plan, the Community Councils were given the opportunity to provide input on the General Plan. They were given a formal opportunity to prepare a recommendation regarding the General Plan during meetings in November and December. Their recommendations are as follows:

Canyon Rim Citizens' Association unanimously recommended approval. Discussion focused on potential traffic impacts on Highland Drive, and the potential for traffic in surrounding residential neighborhoods, particularly Atkin Avenue.

East Mill Creek Community Council unanimously recommended approval. The East Mill Creek Community Council discussed the open space, some expressing concern that the park was too linear. They also discussed impacts on Highland Drive, and asked for additional site visits to Sugar House and Holladay.

Millcreek Community Council recommended approval on a vote of 10 in support to three opposed. Members and residents attending the Millcreek Community Council meeting inquired about parking, congestion, and recommended preserving the lilacs in the Mountair Streetscape for historic reasons.

Mount Olympus Community Council unanimously recommended approval. The Mount Olympus Community Council discussed design, and recommended the adoption of sustainable and energy efficient design principles in the subsequent ordinance.

PUBLIC NOTICE AND RESIDENT AND PROPERTY OWNER INPUT

On April 25, 2019, staff mailed a public notice to nearly 1,000 addresses within 600 feet of the boundary of the City Center Master Plan area, inviting residents and property owners to attend any of the Community Council meetings, as well as the Planning Commission hearing. Staff received over a dozen emailed comments in regard to the proposed city center. Roughly half were in support of the concept, particularly to the plan for a central

open space. Comments in opposition focused on residential density, traffic, parking, and concerns over the one-way couplet concept around the park.

In addition, significant public comment went into the development of the City Center Master Plan, starting with a city-wide town hall meeting held on April 30, 2018, at which nearly 200 residents and property owners attended. Comments from that meeting guided subsequent engagement, including three open houses held at City Hall over 2018, and ending in January 2019, and walking tours of the Holladay and Sugar House centers. The City also promoted consistent engagement through the website and the city's physical and electronic newsletters. Staff also maintained an email list of nearly 200 interested parties, using a list of emails obtained at each of the open houses.

PLANNING COMMISSION RECOMMENDATION

At a public hearing held on 15 May 2019, the Millcreek Planning Commission unanimously recommended that the City Council adopt the City Center Master Plan as an amendment to the General Plan, with the four following findings:

1. The Proposed City Center Master Plan creates a framework to implement the General Plan Goal to establish the City Center as the City's hub of commerce, governing, innovation, entertainment, art and culture.
2. The City Center Master Plan establishes standards for building heights and designs that promote an iconic, walkable community and that respect surrounding neighborhoods.
3. The City Center Master Plan establishes street standards that advance the General Plan goals for active transportation, walkability, and bikeability.
4. Implementation of the City Center Master Plan will result in the creation of a significant urban park that will be a benefit to existing and future residents and be a legacy for the community.

SUPPORTING DOCUMENT

1. Draft Planning Commission Meeting Minutes – 15 May 2019
2. [City Center Master Plan Hyperlink](#)

1.3 Consideration of GP-19-001, Adoption of the Millcreek City Center Small Area Plan Planner: Francis Lilly

Francis Lilly said the city center plan was presented to the Commission in a work session a few weeks ago. The proposed master plan encompasses the area between Highland Drive and Richmond Street (1300 E) around 3300 South. It does not encompass property that has not already been zoned commercial or multi-family residential. The General Plan recommended a city center in Millcreek. A city center concept emerged early on during the General Plan process. The people of Millcreek expressed that they would like a place, a front yard. He said there is incredible development demand right now. One of the goals of the General Plan was to identify where higher densities and mixed uses would be appropriate. The plan states that certain things should happen in the city center, like it being highly walkable, be connected by transit, have a balanced mixture of jobs and housing, it should contain amenities, be a central gathering place, home to entertainment and cultural institutions, and highlight historic signs and buildings. Lilly said the idea of the city center area being a site for higher intensity residential and commercial uses goes back at least to the enactment of the first zoning ordinance in 1953. Zoning regulations in what is now the city center area historically allowed higher density multifamily uses and heights of up to 75 feet in the C-2 and C-3 zones, and 35 feet in the R-3 and R-4 zone. In 2017, the City Council recognized that development was coming so they enacted higher design standards, better open space standards, and a requirement that higher density be in a commercial mixed-use development in an effort to be proactive instead of reactive to development. In 2018, the City enacted a Town Center Overlay Zone as a holding zone to allow the City to begin to implement the public process of planning a City Center.

Lilly said some General Plan goals come into play when considering a city center master plan, and those are: diversify and expand Millcreek's economic base to create a robust economy that offers a wide range of employment opportunities, goods, and services; continue to grow and support the city center as the mixed-use, cultural, and economic heart of the City; lay the groundwork for intercity transit connections and for more robust, choice-based transit within the City and the larger region; and meet changing demographics by incorporating special use facilities in Millcreek parks. Each of these goals has corresponding strategies. Lilly went over the strategies and the staff analyses of those goals and strategies. He said every aspect of city government is acknowledging that the city center is an incredible opportunity. The plan is not just a planning or guiding document, but a strategic plan for the entire city. He mentioned that coordination meetings were taking place with Salt Lake City and progress is being made as the cities share goals for the area. Some of the strategies are to create complete street cross sections, provide bicycle and pedestrian accesses, creating an open space along the fault line where building is not allowed, create new commercial store fronts, and break up blocks. The development will be driven by market demand. Tax increment financing will be required to build the park and relocate utilities, and not to provide a developer subsidy. Lilly felt that developers would pay a premium to be located in the city center.

Lilly said the city center master plan is best understood as the implementation of a series of visions and goals, which are: a walkable urban space that is iconic; an amenity and gathering place for the whole city; an engine of employment, population and tax base to

help keep taxes low for Millcreek; design should support transportation alternatives; and respect surrounding existing residential neighborhoods. Lilly said the conservative market assumptions are that there will be a mix of office, retail, and stacked flats with 1,300 potential residents and 580 potential employees. Commissioner Allen asked about the annual tax revenue. Lilly said the graph, showing just over \$200,000, was just the City's cut of sales tax revenues. The four guiding principles of the city center master plan are: the city center should emphasize walkability and minimize internal traffic and parking demand; include municipal property owned by the City and designated for public use; the design of the city center should represent the City in ways that are distinctive from other cities and unique to Millcreek; and the city center should emphasize culture, art, ideas, and interaction between citizens. Lilly said the materials allowed in the city center would be glass, timber, stone, and brick, not boring gray blocks. A form-based code overlay zone will be proposed as part of the city center plan which will address heights, uses, building types, setbacks, a palette of allowable materials, open space and plaza requirements, frontage, signage, and streetscapes.

The Canyon Rim Citizens Association, East Mill Creek Community Council, and Mt. Olympus Community Council unanimously recommended approval of the plan. The Millcreek Community Council recommended approval by a 10-3 vote and expressed concern about parking and congestion. Lilly said staff mailed a public notice about the community council meetings and Planning Commission meeting to residents within 600 feet of the boundaries of the city center area, about 1,000 notices. He has received about 20 emails about the city center master plan; half were in support based on open space and half were opposed based on density, traffic, and parking. Millcreek has been engaging with the community since April of 2018. There was one meeting and three open houses at City Hall in 2018, a walking tour of the Holladay and Sugar House Centers, and he has been emailing updates to about 200 people who have inquired about the city center, Mountair streetscape, Gunn Avenue developments, and the like.

Staff recommended adoption of the City Center Master Plan, with the following findings:

1. The proposed city center master plan creates a framework to implement the General Plan goal to establish the city center as the City's hub of commerce, governing, innovation, entertainment, art and culture.
2. The city center master plan establishes standards for building heights and designs that promote an iconic, walkable community and that respect surrounding neighborhoods.
3. The city center master plan establishes street standards that advance the General Plan goals for active transportation, walkability, and bikeability.
4. Implementation of the city center master plan will result in the creation of a significant urban park that will be a benefit to existing and future residents and be a legacy for the community.

Chair Healey opened the public hearing.

Doug Flegal, 3801 Becky Circle, said he voted for the City's incorporation because he was tired of fighting the County on implementing high density. He asked about the

source of information from the community input and asked for a survey to be conducted. He said he was not sure about people wanting a gathering space. He expressed concern with the center making streets busier. He said people do not like going to downtown Salt Lake City because of the parking. Chair Healey said a survey would accomplish the same results as the community council meetings, he encouraged residents to go to them. He said the City wants to do what the residents want.

Amber Measom, 3437 S. Melvina Street, said she came to the early workshops on the city center. She said she opposed the plan in the Millcreek Community Council meeting. She said there was not enough time to process the magnitude of the plan. She said the park did not accomplish what she would seek as a mother of young children; space to run and no cement. She said there are currently a lot of car accidents at the intersection of 3300 S. 1300 E., so adding 1,300 more residential units would increase the traffic. She said most residents live south of 3300 S., not east. She wanted more consideration for residents to the north and south of the city center accessing it. She said she advocates for kids, dogs, and people, not commercial development. She said her hope is to take more time to review the plan.

Ron Hockemier, 3290 S. 1000 E., asked about a budget for the city center. Lilly said there is no cost to the City so far, the community reinvestment area future tax revenues generated in the area will get reinvested into the area and that is what will pay for the park. There will not be a tax on existing residents. Hockemier asked about planning for water. Lilly said Millcreek is working with Salt Lake City Public Utilities who provide water in the area to discuss water needs. The city center will contemplate sustainable design elements with appropriate landscaping materials and those requirements will be in the zoning document. Lilly said Salt Lake City Public Utilities has an obligation to provide water to those who pay for it. Lilly said there was historically high zoning in the area, the City is not creating new density or intensity that did not potentially exist already.

Diane Wenzl, 3240 S. 1000 E., said surrounding existing high density buildings have not met capacity. She expressed concern about the potential new 1,300 units not getting filled, that they would be empty in 5-10 years. Chair Healey said Utah is short 50,000 housing units, the issue is more about affordability.

Barb Hansen, 3546 E. Gateway Road, expressed concern about the whole project. She said Millcreek is a new city and asked what the rush was to implement a city center. She said she wanted the City to be stable first. She brought up that if the fault line is in the city center, why would putting a gathering place there be safe. She said the distance between Highland Drive and 1300 E. is minimal and a traffic light would be needed to get in and out of the center. She mentioned that Millcreek would be building a big place for people to gather and it will be across the street from a shopping center that Salt Lake City owns so Salt Lake City will get the sales tax from the new residents. She also raised that there is never enough parking and once it is metered, people will not want to go there.

Nolan Merrill, 2901 S. Florence Circle, asked about bonding for property acquisition. Lilly said the bond will be paid through tax increment financing. He explained that with any improvement that occurs within the city center, that improved value in property taxes will be used to pay back the bond over twenty years. The new development will pay for the bond, not any existing Millcreek property owner.

Bruce Parker, 3007 E. Cruise Way, asked what the unique identifier for Millcreek is. He asked what elements in the plan would bring the Commissioners and their families to this location to make it a gathering place for everyone. Chair Healey asked for his suggestions. Parker said in Redmond, Washington, the city had children make a tile that was then placed in the park.

Doug Flegal got up again and pointed out that most of the comments expressed concern about the city center.

David Baird, 4538 Thousand Oaks Drive, said the Mt. Olympus Community Council discussed the plan at great length and are 100% unanimously in support of the master plan. He said there is greater input from stakeholders than the few people who provided input tonight.

Chair Healey closed the public hearing.

Commissioner LaMar asked about underground parking. Lilly said staff is looking at parking options, but the plan does not go into that level of detail. He said he thought there was a maturing economic development cycle and Millcreek is actively pursuing collaboration in mixed space. The economic development goal is to pursue other uses other than just residential. Commissioner LaMar said the plan may not be perfect, but it is good enough to move forward. Commissioner Stephens asked about the timeline for the city center overlay zone. Lilly said a draft would probably come to the Commission in July. Chair Healey commended staff for their work. Commissioner Claerhout said the street he lives on is falling apart, so it was hard to look at putting money elsewhere, but he liked the plan. He expressed concern about the affordability of apartments when surrounding buildings are not full. Commissioner Mumford said he liked the concept and wanted the plan to be fluid as the community grows. Commissioner Allen said there has been a lot of progress on the plan. He said the City could make the city center a place where residents would want to avoid in five years or a place to come to and the City wants to create the latter. He said Millcreek is residential heavy and he wants to tell new developers no if they do not bring enough commercial elements with new housing. He said the existing high density zoning exists because the City put it there, so the City's hands are not tied to keep it that way. He did express that he would like to see the City mature before implementing the plan, but he would vote to recommend it because it has been a priority of the City Council. Commissioner Stephens said it was important for the Commission and public to provide input and pay attention to the overlay zone; the details will be in the draft overlay ordinance.

Commissioner LaMar, regarding GP-19-001, moved to recommend to the City Council adoption of the City Center Master Plan as an amendment to the General Plan, specifically including the four points provided by staff in the staff recommendation. Commissioner Allen seconded. Chair Healey called for the vote. All Commissioners voted yes. The motion passed unanimously.

DRAFT

MILLCREEK, UTAH
ORDINANCE NO. 19-18

**AN ORDINANCE OF MILLCREEK ADDING MILLCREEK CODE OF ORDINANCES
CHAPTER 2.11 REGARDING AN ELECTION CODE**

WHEREAS, the Millcreek Council (“*Council*”) met in a regular session on May 28, 2019, to consider, among other things adding Millcreek Code of Ordinance chapter 2.11 regarding an elections code; and

WHEREAS, staff has analyzed the current code and recommends the adoption of a new chapter regarding an election code; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the inhabitants of the City to adopt an elections code.

NOW, THEREFORE, BE IT ORDAINED by the Council that the following be added as chapter 2.11 of the Millcreek Code of Ordinances:

2.11 Elections

2.11.010 Election in General

The applicable provision of Utah Code Ann. §20A-1-101 et seq. and Utah Code Ann. §10-3-201 et seq. for the elections of mayor and council members are incorporated by reference.

2.11.020 Declaration of Candidacy

Except as provided in Utah Code Ann. §20A-1-101 et seq. and Utah Code Ann. §10-3-201 et seq. a person may become a candidate for mayor and council member if the person is a registered voter and:

1. The person has resided within the city for the twelve (12) consecutive months immediately before the date of the election; or

2. If the territory in which the person resides was annexed into the city, the person has resided within the annexed territory or the city for twelve (12) consecutive months immediately before the date of the election.

B. Except as provided in Utah Code Ann. §20A-1-101 et seq. and Utah Code Ann. §10-3-201 et seq. each person seeking to become a candidate for mayor or council member shall file a declaration of candidacy with the city recorder during office hours and not later than five o'clock (5:00) P.M. between June 1 and June 7 of any odd numbered year and pay the fee shown on the city consolidated fee schedule at the time of filing the declaration. When June 7 is a Saturday, Sunday, or holiday, the filing time shall be extended until five o'clock (5:00) P.M. on the following regular business day. In lieu of the fee, the person may submit to the city recorder, in addition to the declaration of candidacy, a petition signed by fifty (50) residents and registered voters of the city who are at least eighteen (18) years old. Said petition shall be construed as constituting an alternative to payment of the required fee for persons for whom such fee would create a financial

hardship.

C. Each candidate shall be a resident of the council district from which the candidate is elected. Resident shall be determined in accordance with Utah Code Ann. §20A-1-101 et seq. and Utah Code Ann. §10-3-201 et seq.

2.11.030 Election- Terms

A. The election and terms for the offices of Mayor and two Council members shall be filled in municipal elections held in 2019. The terms shall be for four years. These offices shall be filled thereafter every four years in municipal elections.

B. The offices of the other two Council members were filled in a municipal election held in 2017. The terms were for four years. These offices shall be filled thereafter every four years in municipal elections.

C. The Council offices shall be filled in district elections and the Mayor in at-large elections which shall be held at the time and the manner provided for electing municipal officers.

D. Any person who filed a declaration of candidacy and was nominated, and any person who was nominated by a nomination petition, may any time withdraw the nomination by filing a written affidavit of withdrawal with the city recorder.

2.11.040 Districts

A. Council members shall each be elected to represent a district of the city.

B. The city is divided into four (4) districts of substantially equal population, as shown on the map and district boundary descriptions on file in the city, and which are designated Districts 1, 2, 3, and 4.

C. Within six months after the Utah Legislature completes its redistricting process, the council shall make any adjustments in the boundaries of the districts as may be required to maintain districts of substantially equal population.

D. Each elected officer of the city shall maintain a principal place of residence within the city during the officer's term of office as required by Utah Code Ann. §10-3-301.

A vacancy shall occur if a Council member shall die, resign, terminate legal domicile within the corporate limits of the City or be judicially removed from office.

This Ordinance assigned Ordinance No. 19-18, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this 28th day of May, 2019.

MILLCREEK

Jeff Silvestrini, Mayor

ATTEST:

Elyse Greiner, City Recorder

Roll Call Vote:		
Silvestrini	Yes	No
Marchant	Yes	No
Jackson	Yes	No
Catten	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 19-18: AN ORDINANCE OF MILLCREEK ADDING MILLCREEK CODE OF
ORDINANCES CHAPTER 2.11 REGARDING AN ELECTION CODE
was passed and adopted the ____ day of _____ 2019 and certifies that copies of the
foregoing Ordinance 19-18 were posted in the following locations within the municipality this
____ day of _____, 2019.

1. Millcreek City Office, 3330 S. 1300 E., Millcreek, UT 84106
2. Millcreek Community Center, 2266 E. Evergreen Ave., Millcreek, UT 84109
3. Calvin S. Smith Library, 810 E. 3300 S., Millcreek, UT 84106

Elyse Greiner, City Recorder

MILLCREEK, UTAH
ORDINANCE NO. 19-19

AN ORDINANCE OF MILLCREEK AMENDING VARIOUS SECTIONS OF THE MILLCREEK CODE OF ORDINANCES REPLACING ALL REFERENCES TO FEE OR FEES AND A DOLLAR AMOUNT TO REFERENCE A CONSOLIDATED FEE SCHEDULE, AMENDING SECTION 2.24.060 REGARDING ADOPTION OF A NEW CONSOLIDATED FEE SCHEDULE, ADOPTING A CONSOLIDATED FEE SCHEDULE, AUTHORIZING AND DIRECTING THE REPLACEMENT OF THE WORD COUNTY WITH THE WORD CITY, AND AUTHORIZING AND DIRECTING THAT VARIOUS TERMS BE UPDATED TO REFLECT CURRENT USAGE AND IDENTIFICATION

WHEREAS, the Millcreek Council (“*Council*”) met in a regular session on May 28, 2019, to consider, among other things an ordinance of Millcreek amending various sections of the Millcreek Code of Ordinances replacing all references to fee or fees and a dollar amount to reference a consolidated fee schedule amending section 2.24.060 regarding adoption of a new consolidated fee schedule, adopting a consolidated fee schedule, authorizing and directing the replacement of the word county with the word city, and authorizing and directing that various terms be updated to reflect current usage and identification; and

WHEREAS, staff has analyzed the current fee schedule and recommends the adoption of a new consolidated fee schedule; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the inhabitants of the City to adopt a new consolidated fee schedule.

NOW, THEREFORE, BE IT ORDAINED by the Council that all references to the words “fee” or “fees” and/or an associated dollar amount in the Millcreek Code of Ordinances, including but not limited to, sections 1.18.170, 1.18.185, 2.10.050, 2.24.060, 2.49.170, 2.73.020, 3.12.030, 3.12.040, 3.12.050, 3.42.010, 3.48.010, 3.48.020, 3.48.025, 3.48.030, 3.48.040, 3.52.010, 3.56.060, 3.56.070, 3.56.080, 5.02.060, 5.08.040, 5.10.030, 5.20.130, 6.10.110, 9.77.040, 9.88.050, 9.92.030, 11.26.040, 11.26.110, 11.26.140, 14.16.030, 14.16.040, 14.17.040, 14.17.14.48.040, 14.56.090, 15.08.040, 15.16.020, 15.20.030, 15.36.050, 17.22.040, 17.22.180, 19.05A.060, 19.92.040, and 19.94.070 be deleted and the words “consolidated fee schedule, which shall be on file in the city recorder’s office” or similar word depending on the context be inserted in lieu thereof and that the City Attorney and City Recorder are hereby authorized and directed to take such actions as necessary to effectuate the purposes of this ordinance;

BE IT FURTHER ORDAINED by the Council that the following be adopted as an amendment to section 2.24.060 of the Millcreek Code of Ordinances (designated by interlineating the words to be deleted and underlining the words to be added):

2.24.060 Fee Adoption

~~The city hereby adopts the current fees imposed by Salt Lake County for unincorporated areas for~~

~~providing government services and the same is incorporated herein by this reference.~~
A consolidated fee schedule, to be known as the city consolidated fee schedule, is hereby adopted establishing fees charged by the city. The consolidated fee schedule may be amended from time to time by the city council and shall be kept on file in the city recorder office.

BE IT FURTHER ORDAINED by the Council that the attached consolidated fee schedule be hereby adopted by the city.

BE IT FURTHER ORDAINED by the Council that the City Attorney and City Recorder are hereby authorized and directed to replace all references to the word “County” with the word “City,” where appropriate, that various terms be updated to reflect current usage and identification and that the City Attorney and City Recorder are hereby authorized and directed to take such actions as necessary to effectuate the purposes of this ordinance.

This Ordinance, assigned Ordinance No. 19-19, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this 28th day of May, 2019.

MILLCREEK

Jeff Silvestrini, Mayor

ATTEST:

Elyse Greiner, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Marchant	Yes	No
Jackson	Yes	No
Catten	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:

ORDINANCE 19-19: AN ORDINANCE OF MILLCREEK AMENDING VARIOUS SECTIONS OF THE MILLCREEK CODE OF ORDINANCES REPLACING ALL REFERENCES TO FEE OR FEES AND A DOLLAR AMOUNT TO REFERENCE A CONSOLIDATED FEE SCHEDULE, AMENDING SECTION 2.24.060 REGARDING ADOPTION OF A NEW CONSOLIDATED FEE SCHEDULE, ADOPTING A CONSOLIDATED FEE SCHEDULE, AUTHORIZING AND DIRECTING THE REPLACEMENT OF THE WORD COUNTY WITH THE WORD CITY, AND AUTHORIZING AND DIRECTING THAT VARIOUS TERMS BE UPDATED TO REFLECT CURRENT USAGE AND IDENTIFICATION

was passed and adopted the ____ day of _____ 2019 and certifies that copies of the foregoing Ordinance 19-19 were posted in the following locations within the municipality this ____ day of _____, 2019.

1. Millcreek City Office, 3330 S. 1300 E., Millcreek, UT 84106
2. Millcreek Community Center, 2266 E. Evergreen Ave., Millcreek, UT 84109
3. Calvin S. Smith Library, 810 E. 3300 S., Millcreek, UT 84106

Elyse Greiner, City Recorder

Millcreek Municipal Fee Schedule

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MILLCREEK CONSOLIDATED FEE SCHEDULE

FY 2019-20

1. BOND FEES

A. BOND ADMINISTRATION FEES

<i>Description</i>	<i>Current Fee</i>
Bond Processing (does not apply to regular subdivisions and must be paid prior to acceptance of the bond)	\$ 100.00
Bond Forfeiture	Based on Bond Amount
Deferred Curb and Gutter	Based on Size
Bond Reinspection (used for ENG and CODE. This is also used for a Partial Bond Release. The fee is per request)	\$ 100.00
Overtime / After Hour inspection fee	See Hourly Rate

2. BUILDING PERMIT FEES

A. ADMINISTRATIVE FEES

<i>Description</i>	<i>Current Fee</i>
Canceled Building Permit Fee	25% of Building Permit Fee
Building without Permit	2x Building Permit Fee
Reinstatement Fee	1/2 of Building Permit Fee
Reinstatement Fee (Final Inspections Only)	\$ 200.00

B. STATE SURCHARGE

<i>Description</i>	<i>Current Fee</i>
Applicable State Surcharge on all permits	1% of Building Fees

C. INSPECTION FEES

<i>Description</i>	<i>Current Fee</i>
Reinspection	\$ 75.00
Pre-inspection (Post Fire or Disaster)	\$ 70.00
Overtime/After Hour (per hour)	\$ 120.00
Multi-unit Inspection	\$ 100.00



MILLCREEK CONSOLIDATED FEE SCHEDULE

D. PERMIT TYPES

<i>Description</i>	<i>Current Fee</i>
Building Permit Fee (Val)	Based on Valuation
Demolition Fee	Based on Valuation
Mechanical, Plumbing & Electrical Permits (Circuit, Electrical Service Charge, Power to Panel, Temporary Panel, Re-Roof (Shingles Only), etc.)	\$ 70.00
Additional Appliance, Fixture etc.	\$ 20.00
Grading Permit	Based on Valuation
Retaining Wall	Based on Valuation
Manufactured Home Permit	\$ 200.00

E. PLAN CHECK

<i>Description</i>	<i>Current Fee</i>
Grading Plan Check	Based on Valuation
Hourly Plan Check Fee (per hour)	\$ 120.00
Plan Check Fee (FCOZ)	65% of Building Permit Fee
Land-Use Review Fee	\$ 110.00
Card File Plan Check Fee (Listed as Plan Check Fee)	\$ 100.00
Plan Check Fee (Residential)	40% of Building Permit Fee
Plan Check Fee (Commercial)	65% of Building Permit Fee

F. SOLAR

<i>Description</i>	<i>Current Fee</i>
Base Permit Cost (Charged with KWA Fee)	\$ 70.00
KWA (Additional Permit Cost per KWA Being Produced)	\$ 30.00
Plan Check	\$ 100.00

Other Fees May Apply Depending on Extent of Information to Check



MILLCREEK CONSOLIDATED FEE SCHEDULE

G. RE-ROOF PERMITS

<i>Description</i>	<i>Current Fee</i>
Re-roof Residential	\$ 110.00
Re-roof (Commercial) based on valuation below:	
\$1-\$9,999	\$ 150.00
\$10,000-\$49,999	\$ 300.00
\$50,000-and up	\$ 500.00

H. WINDOW AND DOOR (REPLACEMENT ONLY WITH NO OTHER WORK)

<i>Description</i>	<i>Current Fee</i>
Window and Door (Residential)	\$ 70.00
Window and Door (Commercial - the building permit fee is used; permit fee calculation based on declared value and normal building permit fee calculation)	Based on Valuation



MILLCREEK CONSOLIDATED FEE SCHEDULE

3. BUILDING AND INSPECTION FEES BASED ON TOTAL VALUATION RATE

A. TOTAL VALUATION

See provided tables for further information.

Description	Current Fee
Less Than \$2,000.00	\$24.00 for the first \$500 plus \$3.50 for each additional \$100 or fraction thereof, to and including \$2,000.
\$2,000.00 to \$25,000.00	\$76.50 for the first \$2,000 plus \$16.50 for each additional \$1,000 or fraction thereof, to and including \$25,000.
\$25,000.00 to \$50,000.00	\$456.00 for the first \$25,000 plus \$12.00 for each additional \$1,000 or fraction thereof, to and including \$50,000.
\$50,000.00 to \$100,000.00	\$765.00 for the first \$50,000 plus \$8.50 for each additional \$1,000 or fraction thereof, to and including \$100,000.
\$100,000.00 to \$500,000.00	\$1,181.00 for the first \$100,000 plus \$6.50 for each additional \$1,000 or fraction thereof, to and including \$500,000
\$500,000.00 to \$1,000,000.00	\$3,781.00 for the first \$500,000 plus \$5.50 for each additional \$1,000 or fraction thereof, to and including \$1,000,000.



MILLCREEK CONSOLIDATED FEE SCHEDULE

Over \$1,000,000.00

\$6,531.00 for the first \$1,000,000 plus \$4.50 for each additional \$1,000 or fraction thereof.



MILLCREEK CONSOLIDATED FEE SCHEDULE

4. BUSINESS LICENSE FEES

A. LICENSING FEES

<i>Description</i>	<i>Current Fee</i>
General License Fee	\$ 150.00
Each Employee Fee	\$ 6.00
One & Two Family Home Rental Fee	\$ 60.00
Seasonal License	\$ 120.00
Temporary License	\$ 25.00
Large Scale Event Temporary License	\$ 150.00
Solicitor Fee	\$ 65.00
Sexually Oriented Business - Excluding Outcall Services	\$ 300.00
Outcall Service Businesses	\$ 500.00

B. ALCOHOL RELATED LICENSING FEES

<i>Description</i>	<i>Current Fee</i>
Single Event	\$ 150.00
Off-premise Beer Retailer	\$ 250.00
Beer-Only Restaurant	\$ 350.00
On-Premise Beer Tavern	\$ 350.00
Resort	\$ 500.00
Wholesale Beer	\$ 300.00
Restaurant Liquor	\$ 500.00
Manufacturing	\$ 350.00
Recreational On-Premise Beer Retailer	\$ 350.00
Limited Restaurant Liquor	\$ 500.00
Club Liquor	\$ 600.00
Reception Center	\$ 500.00
Temporary Beer Event	\$ 150.00



MILLCREEK CONSOLIDATED FEE SCHEDULE

C. ADMINISTERED BY THE LOCAL LAW ENFORCEMENT AGENCY

<i>Description</i>	<i>Current Fee</i>
Sheriff Registration Card	\$ 10.00
Sheriff Out of State Group Work Card	\$ 50.00
Duplicate Sheriff Card	\$ 5.00
Professional Dancers	\$ 115.00
Employees of a sexually oriented business, who are not personally providing nude or semi-nude entertainment or outcall services.	\$ 50.00
Employees of nude entertainment businesses, adult businesses, or outcall service businesses, who are personally providing nude or semi-nude entertainment or outcall services.	\$ 250.00
Each additional license for employees of a sexually oriented business when requesting more than one license at the same time	\$ 50.00



MILLCREEK CONSOLIDATED FEE SCHEDULE

5. CODE ENFORCEMENT FEES

A. ADMINISTRATIVE FEES

<i>Description</i>	<i>Current Fee</i>
Weed and Other Types	\$ 100.00
Civil Penalty	Based on number of days
Clean-up Fees (Weed fees collected for Public Works)	Based on size
Post Compliance Penalty	Based on number of days



MILLCREEK CONSOLIDATED FEE SCHEDULE

6. ENGINEERING FEES

A. ADMINISTRATIVE FEES

<i>Description</i>	<i>Current Fee</i>
Bond Processing Fee [3.56.060]	\$ 100.00
Bond Re-inspection Fee [3.56.080]	\$ 100.00
Partial Release [3.56.070]	\$ 100.00
Compliance Fee	\$ 50.00
Exception Request	\$ 250.00

B. RIGHT OF WAY IMPROVEMENT FEE [3.48.010]

Description	Current Fee
Roadway Excavation	
Paved Surfaces (All Hard Surfaces)	\$250.00 min + \$0.50 per sq. ft over 500 sf.
Unpaved Surfaces (Grass, Dirt, etc.)	\$125.00 min + \$0.25 per sq. ft over 500 sf.
Final Subdivision Fees:	
Final Subdivision Fees	Equation
Engineering Checking Fee	Equation based on bond amount
Amended Subdivision Plat	\$ 350.00
Plat Filing and Engineering Checking Fee:	
Prior to review, 35% of 6% bond, default of \$90 per lot, minimum of \$180 or the appropriate calculation described above	Equation
Prior to recording or construction, 100% of 6% of bond minus fee already paid	
Engineering Checking Fee for Subdivision with no plat	\$ 200.00
Engineering Checking Fee for Subdivision Development:	
Prior to engineering review	\$ 150.00
Prior to approval or construction, 4.5% of total bond for landscaping, off-site, and on-site storm drainage minus fees already paid	
Road Dedication Fees for Non-Subdivision Development:	
Where dedication is required for street widening and improvements	\$ 150.00
Street Signs	\$ 180.45
Survey Monument	\$ 150.00
Survey Monument	\$ 400.00
Urban Hydrology Checking Fee	\$ 150.00



MILLCREEK CONSOLIDATED FEE SCHEDULE

Geology/Natural Hazards Review Application Fees [3.52.160]:	
Initial Site Assessment	\$ 75.00
Review of Technical Reports - Minor Report	\$ 450.00
Review of Technical Reports - Major Report	\$ 900.00
Storm Drain Impact Fee:	
Land use Storm Drain Impact	Equation
Traffic Impact Review:	
Initial Site Assessment	\$ 75.00
Review of a Minor Report [3.52.17]	\$ 300.00
Review of a Major Report [3.52.17]	\$ 500.00



MILLCREEK CONSOLIDATED FEE SCHEDULE

7. IMPACT FEES

A. PARK IMPACT FEES

<i>Description</i>		<i>Current Fee</i>	
Single-Family Residential		\$	494.68
Multi-Family Residential		\$	440.75



MILLCREEK CONSOLIDATED FEE SCHEDULE

8. LAND USE FEES

A. AGENCY REVIEW MEETING

Required for: New and re-developments on property over 1 acre, all new FCOZ development, all development proposals which will require more than one review process, as requested by an applicant*

Description	Current Fee
Conditional Use	\$ 455.00
Permitted Use	
PUD (Planned Unit Development)	
SFD in FCOZ (Foothills and Canyons Overlay Zone)	
Subdivision	

B. PERMITTED USES (ADMINISTRATIVE DECISIONS, STAFF DECISION)

Description	Current Fee
Staff site plan review; reviews which require an agency review from other agencies:	
Permitted Uses	\$ 535.00
SFD in FCOZ (Foothills and Canyons Overlay Zone)	
Sign Permit	
Staff reviews which do not require an agency review from other agencies:	
Condominium Conversion	\$ 175.00
Home Daycare or Pre-School	
Lot Line Adjustment [18.18.020]	
Lot Consolidation [18.08.020]	
Minor Site Plan Amendments	
Modify a Cell Tower	
Non-Complying Structure [19.88.150]	
RCOZ Option B	
Sign Permit	
Mobile Store	
Staff reviews approved per a request for an agency review for a building permit or business license:	
Change of Use (Tenant Change (Permitted) or a Conditional Use which is subordinate to a Previously Approved Conditional Use)	\$ 110.00
Home Business	
SFD in an approved subdivision (Non-FCOZ)	
Tenant Change	
Sign Permit	



MILLCREEK CONSOLIDATED FEE SCHEDULE

Community Development Director Review:

Extension of Time - Subdivision [18.08.015]	\$ 275.00
Extension of Time - Conditional Use [19.84.050.4]	
Waiver of FCOZ Standards [19.72.060.A]	
Takings Relief Petition [19.93.030]	

Final Approval / Technical Review / An Agency Review:

Boundary Line Adjustments [18.18.020] (Lot Line Adjustment or Lot Consolidation)	\$ 530.00
Conditional Use Technical Review [19.84.080]	
PUD (Planned Unit Development) [19.78.100]	
Subdivision Final Plat	

C. PUBLIC BODY REVIEW

Description	Current Fee
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Planning Commission Meeting [19.05.040]:

Conditional Uses	\$ 675.00
Waiver of FCOZ Standards [19.72.060.B and C]	
PUD (Planned Unit Development) [19.84]	
RCOZ Option C [19.71.050]	
Special Exception to have Use Violation declared legal [19.88.140]	
Signs Permit	
Subdivisions (Preliminary Plat)	
Re-Zone Gen Plan, etc.	\$1.00 per notice
Public Notice Mailings	

Mayor's Meeting (Planning Commission's recommendation to the Mayor):

Subdivision Amendment to create additional lots (608 hearing) [18.18.040]	\$ 115.00
Subdivision Amendment to remove easements etc. (no preliminary plat required). (608 hearing) [18.18.050]	
Subdivision Preliminary Plat	
Subdivision Amendment to Vacate a Public Street [14.48, 18.18]	
Street Dedication (for streets not reviewed as part of a Subdivision Plat) [15.28.030.B]	
PUD Subdivision Preliminary Plat (Planning Commission approval for the PUD is required prior to consideration of the preliminary plat)	
Exception to Road Improvements [15.28.070]	



MILLCREEK CONSOLIDATED FEE SCHEDULE

Millcreek Council Meeting: (Planning Commission's Recommendation to the Millcreek Council:	
General Plan and General Plan Amendment Ordinances	\$ 115.00
Re-Zone up to 10 Acres (Zoning Map Amendment) [19.90.050] (Re-Zones greater than 10 acres require consideration of an Area Amendment to the General Plan prior to acceptance of the Re-Zone application. See General Plan Amendment)	
Taking Relief Petition [19.93.040]	
General Plan or General Plan Amendment:	
Text Amendment	\$ 300.00
Area Amendment (base)	\$1500.00 plus per acre fee
Greater than 10 to 50 Acres	Base fee plus \$200.00 per acre
50 to 100 Acres	Base fee plus \$300.00 per acre
Larger than 100 Acres	To be determined prior to acceptance of the application
Suggested Projects	No fee
D. CIVIL PENALTIES FOR VIOLATION OF ZONING REGULATIONS (WARNING PERIOD: 28 DAYS FOR ALL VIOLATIONS)	
Description	Current Fee
Residential Zones: R-1's; R-2's; R-4-8.5; FR's; F-1; RMH	
Conditional use without a permit & Other Violations	\$25 fine per day after warning period
Nonpermitted use; Violation of permit or approval	\$50 fine per day after warning period
Mixed Zones: R-M; MD's; FM's; S-1-G	
Conditional use without a permit & Other Violations	\$50 fine per day after warning period
Nonpermitted use; Violation of permit or approval	\$100 fine per day after warning period
Commercial/Manufacturing Zones: C's; M's; O-R-D	
Conditional use without a permit & Other Violations	\$100 fine per day after warning period
Nonpermitted use; Violation of permit or approval	\$200 fine per day after warning period



MILLCREEK CONSOLIDATED FEE SCHEDULE

Agricultural Zones: A's; FA's

Conditional use without a permit & Other Violations	\$25 fine per day after warning period
Nonpermitted use; Violation of permit or approval	\$50 fine per day after warning period

Overlay Zones: AOZ; HPZ

Violation of provisions	\$100 fine per day after warning period
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E. LAND USE HEARING OFFICER REVIEW

Description	Current Fee
Appeals of Conditional Use Decisions [19.92.030]	\$ 300.00
Appeals of a zoning decision or interpretation [19.92.050]	
Special Exceptions [19.92.060]	
Adjusting a zone boundary line	
Enlargement or addition to a noncomplying structure	
Relocation or reconstruction of a noncomplying structure	
Variances from the terms of the zoning ordinance [19.92.040]	\$ 600.00
Appeal of a final decision on a Subdivision [18.08.040]	
Appeals of a waiver or modification decision [19.72.060.C.9]	
Double Fee (if construction has started)	\$ 600.00



MILLCREEK CONSOLIDATED FEE SCHEDULE

9. MISCELLANEOUS FEES

A. COPIES (NOT RELATED TO GRAMA)

<i>Description</i>	<i>Current Fee</i>
Copies Black & White (up to 11x17)	\$ 0.50
Copies Color (up to 11x17 in)	\$ 1.00
Copies Black & White (larger than 11x17in)	\$ 2.50
Copies Color (larger than 11x17 in)	\$ 5.00
Plotter copies (Bond paper)	\$2.00 per sq. ft.
Plotter copies (Photo paper)	\$ 5.00 per sq. ft.
Maps: Colored	\$ 50.00
Maps: Black and White	\$ 20.00

B. ELECTION FEES

<i>Description</i>	<i>Current Fee</i>
Candidate Declaration Filing Fee (includes write-ins)*	\$ 50.00
Nomination Petition*	\$ 50.00

*Fee can be waived with 50 signature petition

C. GRAMA RELATED FEES

(FEES FOR A GRAMA REQUEST SHALL BE IN ACCORDANCE WITH 3.12)

<i>Description</i>	<i>Current Fee</i>
Services Rendered - Salary of the lowest paid employee who has the necessary skill and training to perform the request	First 15 minutes free
Plus the following:	
Copies Black & White(up to 11x17in)	\$ 0.50
Copies Color (up to 11x17 in)	\$ 1.00
Copies Black & White (larger than 11x17in)	\$ 2.50
Copies Color (larger than 11x17 in)	\$ 5.00
Plotter copies (Bond paper)	\$2.00 per sq. ft.
Plotter copies (Photo paper)	\$ 5.00 per sq. ft.
Maps: Colored	\$ 50.00
Maps: Black and White	\$ 20.00
Audio, video, photographs, or other media	Actual Cost
CD's	Actual Cost
Thumb Drives	Actual Cost
Fee for Delivery: US Postal Services	Actual Cost to Ship



MILLCREEK CONSOLIDATED FEE SCHEDULE

D. MISCELLANEOUS FEES

<i>Description</i>	<i>Current Fee</i>
Development Agreement	\$ 1,000.00
Hourly Rate - per hour fee (overtime / after hours / plan check / etc.)	\$120.00 per hour
Salt Lake County Health Department Review	\$ 25.00
Postage (Collected for the post office; charged per meeting)	Varies by project
Research:	
Legal Status of a lot or parcel	\$50.00 plus \$50 per hour
Zoning Compliance Letter	
Administrative Decision [19.76.030]	



MILLCREEK CONSOLIDATED FEE SCHEDULE

10. STORMWATER POLLUTION PREVENTION PLAN (S.W.P.P.P.) FEE, PENALTY, AND FINE SCHEDULES

A. S.W.P.P.P.

Description	Current Fee
Base Fee per Project	\$ 200.00
Plus per Acre	\$ 50.00

B. CONTROL MEASURE FINE

Description	Current Fee
Primary Boundary Control - Per day per violation	\$ 1,000.00
Secondary boundary control	\$ 500.00
Exit control - per day violation per violation	\$ 500.00
Waste Control - per day per	\$ 500.00
Material Storage Control - per day per violation	\$ 250.00
Fugitive Dust Control - Per day per violation	\$ 250.00
Safety Control - per day per violation	\$ 250.00
Plan Administration - Each LDP requires SWPPP administration and written documentation such as but not limited to; inspections, training, SWPPP amendments, closeout documents etc.	\$ 1,000.00
Working without a permit (Per day per violation/subject to double fees)	\$ 1,000.00

C. ILLICIT DISCHARGE

Storm water violation schedule for illicit discharges common to construction and maintenance activities. It is a violation to discharge pollutants. The presence of BMP's does not excuse an illicit discharge. Illicit discharges are divided into the following categories.

Description	Current Fee
Sediment - Per day per violation	\$ 1,000.00
Cementations material - Per day per violation	\$ 500.00
Paints and solvents - Per day per violation	\$ 500.00
Solid waste - Per day per violation	\$ 500.00
Sanitary waste - Per day per violation	\$ 2,000.00
Fuels - Per day per violation	\$ 1,000.00
Fertilizers - Per day per violation	\$ 500.00
Organics - Per day per violation	\$ 250.00
Cleansers - Per day per violation	\$ 500.00
Hazardous material - Any illicit discharge could be bumped to this category, depending on the impact	\$ 5,000.00

BUILDING TYPES VALUATION DATA TABLE

(Updated to the latest version of the Building Valuation Data table published by the International Code Council)

BUILDING SERVICES

International Building Code	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
<i>A-1 Assembly, theaters, with stage</i>	246.61	238.50	232.82	223.18	209.86	203.80	216.12	191.69	184.50
<i>A-1 Assembly, theaters, without stage</i>	225.65	217.54	211.85	202.22	189.15	183.09	195.16	170.98	163.79
<i>A-2 Assembly, nightclubs</i>	191.96	186.56	182.12	174.70	164.94	160.39	168.64	149.29	144.33
<i>A-2 Assembly, restaurants, bars, banquet halls</i>	190.96	185.56	180.12	173.70	162.94	159.39	167.64	147.29	143.33
<i>A-3 Assembly, churches</i>	226.69	218.58	212.89	203.26	191.60	185.54	196.20	173.43	166.24
<i>A-3 Assembly, general, community halls, libraries</i>	190.63	182.52	175.84	167.20	153.09	148.07	160.14	134.97	128.78
<i>A-4 Assembly, arenas</i>	224.65	216.54	209.85	201.22	187.15	182.09	194.16	168.98	162.79
<i>B Business</i>	197.81	190.62	184.70	175.70	160.65	154.63	168.95	141.15	134.99
<i>E Educational</i>	209.43	202.23	196.97	188.01	175.28	166.43	181.55	153.08	148.70
<i>F-1 Factory and industrial, moderate hazard</i>	117.60	112.19	105.97	101.84	91.54	87.26	97.61	75.29	70.95
<i>F-1 Factory and industrial, low hazard</i>	116.60	111.19	105.97	100.84	91.54	86.26	96.61	75.29	69.95
<i>H-1 High Hazard, explosives</i>	109.99	104.58	99.35	94.22	85.14	79.87	89.99	68.89	0.00
<i>H234 High Hazard</i>	109.99	104.58	99.35	94.22	85.14	79.87	89.99	68.89	63.56
<i>H-5 HPM</i>	197.81	190.62	184.70	175.70	160.65	154.63	168.95	141.15	134.99
<i>I-1 Institutional, supervised environment</i>	197.83	191.05	185.12	177.91	163.28	158.81	178.06	146.98	142.33
<i>I-2 Institutional, hospitals</i>	330.92	323.73	317.81	308.81	292.72	0.00	302.06	273.22	0.00
<i>I-2 Institutional, nursing homes</i>	229.68	222.49	216.58	207.57	193.53	0.00	200.83	174.02	0.00
<i>I-3 Institutional, restrained</i>	224.86	217.67	211.75	202.75	188.96	181.94	196.00	169.45	161.29
<i>I-4 Institutional, day care facilities</i>	197.83	191.05	185.12	177.91	163.28	158.81	178.06	146.98	142.33
<i>M Mercantile</i>	142.95	137.54	132.11	125.68	115.38	111.83	119.62	99.73	95.77
<i>R-1 Residential, hotels</i>	199.70	192.92	186.99	179.78	164.90	160.43	179.93	148.60	143.96
<i>R-2 Residential, multiple family</i>	167.27	160.49	154.56	147.35	133.71	129.23	147.50	117.40	112.76
<i>R-3 Residential, one- and two-family</i>	155.84	151.61	147.83	144.09	138.94	135.27	141.72	130.04	122.46
<i>R-4 Residential, care/assisted living facilities</i>	197.83	191.05	185.12	177.91	163.28	158.81	178.06	146.98	142.33
<i>S-1 Storage, moderate hazard</i>	108.99	103.58	97.35	93.22	83.14	78.87	88.99	66.89	62.56
<i>S-2 Storage, low hazard</i>	107.99	102.58	97.35	92.22	83.14	77.87	87.99	66.89	61.56
<i>U Utility, miscellaneous</i>	85.30	80.55	75.51	71.75	64.72	60.49	68.56	51.18	48.73



SUPPLEMENTAL BUILDING TYPE RATE VALUATION TABLE

BUILDING SERVICES

Type	Per	Fee
<i>Unfinished Basements</i>	Square Foot	\$ 48.98
<i>Basements Finished</i>	Square Foot	\$ 73.48
<i>Decks (any type)</i>	Square Foot	\$ 21.00
<i>Carport / Covered Patio</i>	Square Foot	\$ 21.00
<i>Fence (any type)</i>	Lineal Foot	\$ 19.00
<i>Retaining Wall (any type)</i>	Lineal Foot	\$ 58.00
<i>Tenant Improvement (Not a previously finished space)</i>	Calculated	40% of the valuation
<i>Shell Only</i>	Calculated	60% of the valuation
<i>Exterior Finish</i>	Square Foot	\$ 5.50
<i>Remodel / Alteration (Remodel of a previously finished space)</i>	Square Foot	\$ 41.00
<i>Grading</i>	Cubic Yard, Cut and Fill	Equation
<i>Sign</i>	Calculated	Valuation
<i>Pool/Spa</i>	Square Foot	\$ 47.80



**Minutes of the
Millcreek City Council
May 13, 2019
5:30 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 May 13, 2019 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106.

PRESENT:

Council Members

Jeff Silvestrini, Mayor
Silvia Catten, District 1
Dwight Marchant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4
(electronic participation; absent 7:45-7:53 p.m.)

City Staff

John Brems, City Attorney
John Geilmann, City Manager
Elyse Greiner, City Recorder
Rita Lund, Communications & Programs Director
Laurie Johnson, HR-Finance Director
Kurt Hansen, City Services Director
John Miller, Public Works Director
Mike Winder, Economic Development Director

Attendees: E. Loveland, Marv Poulson, Shaura Cole, Kerry Cole, Brett Johanson, Steve Schaller, Baird, Byron Goates, Tracy Strohm, Lon K., Lupe Jimenez, Jake Wood, Angie K., Sandra Coffman, Herb Jimenez, Kristopher Carambelas, Stan & Bonnie Carambelas, Aaron Wade, Carolin Cady, Sheryl Martin, Travis Jones, Sergeant Mike Mays, Detective Jonathan Richardson, Detective Chris Sullivan, Detective Jake Werner, Detective Keith Borders, Chief Steve DeBry, and Chief Duane Woolsey.

WORK MEETING – 5:00 p.m.

TIME COMMENCED: 5:01 p.m.

Mayor Silvestrini called the meeting to order and excused Council Member Uipi.

1. Introductions of new Millcreek Staff

John Miller introduced Jennifer Smith, Staff Engineer II, and Aaron Roberts, Inspector II, to the Council as the newest Millcreek staff.

2. Discussion with Rocky Mountain Power on Power Outages

Mayor Silvestrini said there have been a number of outages on the east side of the City this year and residents have expressed concern if it is because of aging infrastructure. Travis Jones, Regional Business Manager-Community Manager for Rocky Mountain Power, said there have been an increase in outages this year, specifically with the Olympus substation at the top of 3900 S. There have been about 40 outages in the last 12 months. After eliminating major events, such as weather, 4 were tree-related, 1 vine-related, 3 animal-related, and 4 car-

related accidents. Their forrester will start clearing vegetation near the lines from State Street and work east. Rocky Mountain Power has been upgrading equipment, updating relay settings, and doing fusing improvements. He said they try to isolate the problem, so outages do not spread.

Mayor Silvestrini commended Rocky Mountain Power for communications and emails received as a utility user. He asked how residents can set up notification alerts. Jones said users can sign up on the Rocky Mountain Power website for email or text notifications. Council Member Jackson asked how residents are notified about Rocky Mountain Power clearing vegetation. Jones said they notify the owner by putting a yellow door card on doors.

3. Planning Matters First Reading:

a. Discussion of ZM-19-004, 3923 South 500 East, Rezone from R-2-10 to RM, Subject to a Development Agreement for a Mixed-Use Project Consisting of an Office and a Single Rental Dwelling by Applicant: John Baird

Erin O'Kelley said the applicant was proposing to rezone property located at 3923 S. 500 E. with the intent to put a business in the main floor and an apartment or short-term rental in the basement. The scope of the project is to remodel the existing single-family home, modify the garage in the back of the property, and improve existing landscaping. The current zone does not allow for a commercial business. The surrounding properties are R-2-10, Commercial 1, and RM. Staff recommended that the proposed use of one dwelling and one business classified as an office is compatible with the uses on adjacent properties. The General Plan Future Land Use Map allows for a Neighborhood 3, which can be a mixture of housing and some commercial or public elements, and offices and apartments are both included in the designation. There was a neighborhood meeting on February 4, 2019 and there were concerns about graffiti on the garage, maintenance of trees on the south side of the property, bus stop maintenance, and security lights for the garage and parking lot. At the Millcreek Community Council meeting on March 5, 2019, the council recommended approval of the project with the following development agreement conditions: the applicant must seek all proper business licenses for the intended uses especially if the apartment is used as a short-term rental, the re-zone is subject to the proposed uses outlined in the staff memo, and the office will be on the first floor with an apartment in the basement. Staff and the applicant have agreed to address these concerns in the development agreement. O'Kelley said staff recommended approval of the rezone with the following development agreement conditions:

- Height will not exceed 16 feet for main building, height of garage will not be increased.
- Setbacks as outlined in submitted exhibit.
- Project as outlined in exhibit. 7 parking spots total.
- Obtain all appropriate business licenses for intended uses. Main floor limited to office use only as defined by the Millcreek Code.
- Lighting shall not disrupt neighbors and shall be directed downward.
- Fencing and Garage shall be updated and maintained.
- Landscaping and trees shall be removed or maintained.

Council Member Jackson asked what would happen if the property owner sold the property. O'Kelley said the new owner must use the property the same way or go through the process to remove the development agreement. The Planning Commission recommended approval of the rezone with the conditions that the applicant could keep the trees if they are maintained or they can remove them, and that the garage height could not

be increased. Mayor Silvestrini asked about the garage space. O'Kelley said the garages will not be rented out and that stipulation would be in the development agreement.

b. Discussion of ZM-18-014, 4046 South 700 West, Rezone from A-1 to RM, Subject to a Development Agreement for a Planned Unit Development Consisting of 11 Townhomes by Applicant: Rick Whiting

Robert May said the area of the project proposal is agricultural and the property consists of over an acre. A multifamily PUD is a conditional use in the RM zone. The General Plan Future Land Use Map indicates the area as a Neighborhood 2 and 3, which accommodates a mix of different higher density housing types. That density would allow for a range of 6-35 units per acre with heights up to 2 and 3 stories. May showed the Council the site plan but stated that the plan was conceptual at this point. The existing home would be converted into a clubhouse with the capability to rent out rooms to the units' guests. May went through the specs of the project. The 3-story townhomes will be no higher than 28 feet in height and each unit will comprise of 3,000 square feet, all 3-bedroom units. The covered parking is included in the design of each unit with unobstructed space that is 20 feet wide by 22 feet in length. The development meets Millcreek's PUD and off-street parking requirements. Adequate fire turnaround is provided where parking will be prohibited within the approved fire access and turn-around facilities. Unified Fire Authority has found the conceptual plan to be acceptable. Vehicular access to the development is designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian, and bicycle traffic. The maximum lot coverage for the proposal is approximately 35% and the total open space is approximately 42%.

Council Member Marchant asked for a background of the project through the rezone process. May said 11 units have been proposed. The first meeting was in August, there have been 7 meetings total, and minor changes in the landscaping and CC&R's have been made during the process. The comments from the neighborhood meeting on September 20, 2018 was that 11 units was too dense for an agricultural area, and there were concerns about traffic, loss of privacy, and loss of view of the mountains. The Millcreek Community Council held a meeting on January 8, 2019 and recommended a continuance until another neighborhood meeting was held to address concerns. The Planning Commission concurred with the community council's recommendation and asked the applicant to consider removing the existing home, adding more guest parking, lowering the building heights, and putting an age restriction on the project. There was another neighborhood meeting held on February 1, 2019. Staff commissioned a traffic study and the conclusions stated that mitigations were not recommended for the additional traffic. The Planning Commission, at their March 5, 2019 meeting, recommended approval of the rezone with the conditions that the PUD is a 55 and older community and the maximum height of the buildings is 28 feet with no more than two stories.

Council Member Marchant said there had been opposition on the project. May said most of the complaints were about existing problems. Council Member Catten asked about the short-term rentals in the clubhouse and recommended against it. May said the CC&R's would prohibit short term rentals to anyone but guest and family members of unit owners. Council Member Catten then asked where the money from the rentals would go. May said he could take another look at the development agreement. Mayor Silvestrini said the CC&R's would not be enforced by the City. Council Member Jackson asked about the

motivation for and enforcement of renting rooms in the clubhouse. May said the developers wanted to preserve the existing house because it is in good condition and it may provide a benefit to unit owners. Mayor Silvestrini asked the applicant to be prepared to address that issue at the next reading of the application. May highlighted a chart that showed resident complaints and the remedies the applicant made to the project proposal. May said there were staff findings in the staff report and staff recommended approval of the rezone.

c. Discussion of ZM-19-003, 3999 South 500 East / 534 East Delno Drive, Rezone from R-2-10 to R-1-3, Subject to a Development Agreement for Three Twin Homes by Applicant: Byron Goates

Erin O'Kelley said the applicant would like to rezone the property from R-2-10 to R-1-3. The intent of this rezone is to create 3 duplexes on the property with 6 dwellings total. Each dwelling will have its own driveway, shall be two stories, and have a 15-foot backyard/patio. The 3 duplexes will all be accessing off of Delno with a 5-foot setback in between buildings and no setback along the shared walls of the duplexes. Under section 19.14.050, the R-1-3 zone allows two buildings to share a common wall along a property line. The applicant is also proposing enhanced energy efficient amenities to the units such as charging stations and roof mounted solar panels. The proposal will turn into a subdivision application and be 6 single-family lots. O'Kelley showed a site plan and a rendering of the buildings to the Council. Staff will add the material use to the development agreement. She compared the differences between the current zone and the proposed zone, which allows for: 35 feet in height instead of 30 feet, 3,000 square feet per unit instead of 5,000 square feet, a 5-foot side interior setback instead of 8 feet, and a smaller lot width at 25 feet. The General Plan designates the property for a Neighborhood 3 which allows for higher density residential, and a mix of private and public uses, commercial and non-commercial. O'Kelley went over questions that the General Plan asks of rezones and how the project met those standards.

O'Kelley said the neighborhood meeting was held February 19, 2019 and the concerns were about the high density, loss of trees, and traffic. There was another neighborhood meeting after the applicant changed the project on March 14, 2019 where one resident attended and said they were happy the density had decreased. The project first went to the Millcreek Community Council on March 5, 2019 with a 10-unit proposal and the council recommended denial of the project because the density was too high. At their next meeting on April 2, 2019 with the new proposal, they recommended approval subject to the conditions in the development agreement as outlined by staff. A resident submitted a letter and petition to staff about the concern for the high density on March 19, 2019 that contained 18 resident signatures. O'Kelley highlighted various altered aerial photographs demonstrating use, density, and scale compatibility of the project to the existing neighborhood. The Planning Commission recommended approval of the rezone subject to the conditions in the development agreement outlined in the staff report by a 6-1 vote on April 17, 2019.

d. Discussion of ZM-19-005, 3999 South Main Street, Rezone from M to MD, Subject to a Development Agreement for a Mixed-Use Multifamily Development by Applicant: JF Capital

Blaine Gehring said the applicant was requesting a rezone of their properties from M (Light Manufacturing) and C-3 (Commercial) Zones to MD (Mixed Development) Zone to

develop a mixed-use development consisting of 3,800 square feet of commercial space and 176 residential units. The project would be developed on three existing parcels between 3975 and 3999 S. Main Street. The subject property consists of 1.89 acres and is currently zoned M and C-3. The properties are currently used for auto sales and auto related businesses. He stated that there are multi-family residential uses in the area and the site is within a half mile from the Meadowbrook TRAX Station. The project consists of one mixed-use building with 2 levels of parking and 4 levels of apartments. The building has 3,800 square feet of commercial space covering 50% of the frontage and a total of 176 residential units. The parking ratio has been adjusted to 1.7 spaces per unit as requested by the Planning Commission. The site falls within the Meadowbrook Center area in the new General Plan which is an area of a greater mix of uses including more higher density residential. Development in the Meadowbrook center is intended to be mid-rise in scale. The project meets many of the essential questions in the General Plan. At their meeting on April 2, 2019, the Millcreek Community Council recommended denial of the zone change by unanimous vote. The council did not feel the parking study was adequate for this site. At their meeting on April 17, 2019, the Planning Commission voted to send a favorable recommendation for the zone change by a vote of 5 in favor and 2 against. The motion included a change in the parking ratio to 1.7 spaces per unit along with the other items recommended by staff for the development agreement.

Mike Winder pointed out that the project would be less than a 10-minute walk to the TRAX station. Gehring said staff agreed with the Planning Commission's recommendation. The applicant reduced the proposed commercial space to meet the Planning Commission's parking ratio recommendation and that revision did not go through the Planning Commission again. Council Member Marchant asked about the street parking configurations on Main Street. Gehring said it would probably be parallel parking.

4. Reports from Millcreek Staff

Elyse Greiner said an RFP went out for a business license fee study. Three proposals were received, and staff selected the lowest bidder, Zions Public Finance.

Rita Lund said the rain barrel distribution would be on Saturday, May 18th. She mentioned the Maliheh Clinic Gala luncheon on May 21st. On May 24th at 4:00 p.m., there would be a car show in the City Hall parking lot. She announced that Venture Out! starts on June 7th. The annual Krishna Temple Color Festival would be on June 8th. The Millcreek Community Council car show would be June 8th. She said she was working with the County on an RFP for the Millcreek Arts Discovery Project and four firms responded. She said she would evaluate the applications the next day.

5. Discussion of agenda items, correspondence, and/or future agenda items

Mayor Silvestrini said the Unified Police Department (UPD) Benefits and Compensation Committee, which looks at comparative wages across the valley, had a salary survey commissioned and it showed that UPD was in the bottom half for compensation of police departments in the valley. That committee makes recommendations to the Finance Committee for the budget and the committee would like the salary level to be increased to be competitive. The CFO, Lisa Dudley, informed the Board that UPD has counted on precincts having an under expend and that under expend amount is the fund balance. The department does not have the minimum fund balance required by state law. Once the new fiscal year starts, the

under-expend will be there but the amount is unknown until an accounting of all the bills come in. They have asked precinct chiefs to stop spending this fiscal year. The Midvale City Council discussed withdrawing from UPD. The Mayor said there may be an investigation or criminal charges because the budget submitted to the State was different than what the Board approved. The Mayor has been looking at what Millcreek could do with respect to the UPD contract. Millcreek will be able to pay more for an increase in officer compensation based on the amount of property tax received last year but now there might be a need to replace some fund balance. The Sheriff came out with their budget and it goes through the same process as the City with a tentative budget. That budget makes significant cuts but still a 4% increase for officer compensation. The UPD Finance Committee discussed a market increase of 4-10%. The consensus with Millcreek, Holladay, and Taylorsville is to have the right sized UPD. Those cities expected to see reductions in force in the pooled regional service area. The Mayor said UPD needs to increase compensation even if it means with a leaner force. UPD will be requesting the State Auditor to look at the budget. He said the current CFO has done a fantastic job in making the budget more transparent. Council Member Jackson asked how long the budget practice had been occurring. Mayor Silvestrini said around 8-9 years, since conception. Council Member Marchant asked who was taking the lead on it. Mayor Silvestrini said the Sheriff agreed that it needed to be investigated and the Board will discuss it at their next meeting. Council Member Marchant said South Salt Lake pays 15% below the average of the police districts. Council Member Catten asked when the Board would know how much they had in fund balance. Laurie Johnson said UPD's books were never really closed at the end of each fiscal year and reopened in the next one. She said bills come in after the fiscal year, so the underspend will be unknown until the books are wrapped up in the early fall. Mayor Silvestrini said UPD is replacing the auditor they use through an RFP process.

Council Member Jackson moved to adjourn the work meeting at 6:21 p.m. Council Member Marchant seconded. Mayor Silvestrini called for the vote. The motion passed unanimously.

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:02 p.m.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

Mayor Silvestrini called the meeting to order and led the pledge of allegiance.

1.2 Recognition of Excellence to Unified Police Department Community Crime Suppression Unit

Kurt Hansen said Millcreek wanted to recognize the Community Crime Suppression Unit (CCSU) for their work with the code enforcement officers. Sergeant Mays said the unit has been in operation for over a year. CCSU consists of a supervisor and four detectives. Each day, they go to different areas of the City. He presented statistics for the year from April 2018-April 2019. The 444 arrests by the Unit were made through observation, not through dispatch. In September of 2018, CCSU developed a good relationship with Millcreek code enforcement officers and have serviced 4 business search warrants and 11

residential search warrants with their help. The Unit drives marked cars because they want visibility. They do not pursue high speed chases. When there is a high priority event, five other units can be involved and CCSU can assist or take over those events. Millcreek is able to maintain patrol functions during high priority events. He said they have not received any citizen complaints during the first year of operation and said that Millcreek code enforcement acts as the eyes and ears to the Unit. Mayor Silvestrini said before the Unit was formed, Millcreek discovered an extra \$1 million budget error in the Unified Police Department (UPD) budget and used those funds to fund the CCSU at no additional charge to Millcreek. He gave them praise for their work. Hansen recognized and gave plaques to Sergeant Mike Mays, Detective Jonathan Richardson, Detective Chris Sullivan, Detective Jake Werner, and Detective Keith Borders.

1.3 Public Comment

There were no comments.

2. Planning Matters

2.1 Discussion and Consideration of Ordinance 19-17, Adopting Code Chapter 18.30 Establishing Standards for Condominium Subdivisions and Condominium Conversions

Mayor Silvestrini said the Council did a first reading on this item at a previous meeting. The item is an ordinance that permits property owners to turn multi-unit housing or businesses into owner-owned units with separate ownership which promotes home ownership as opposed to renting. Millcreek staff has had requests for this type of ordinance from Millcreek residents.

Council Member Jackson moved to adopt Ordinance 19-17, Adopting Code Chapter 18.30 Establishing Standards for Condominium Subdivisions and Condominium Conversions. Council Member Catten seconded. The City Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3. Financial Matters

3.1 Public Hearing on FY 2019-20 General Fund & Capital Improvement Project Fund Tentative Budget

Laurie Johnson reiterated that this year's General Fund Tentative Budget revenues & expenses are projected to be \$25,535,000. This is 3.22 % lower than the estimated actual for FY 2018-19. The budget includes a 1.5% cost of living adjustment and 2.5% merit increase for employees as well as a 6.68% increase in medical benefit costs. No new employees are anticipated and no property tax increase. There is an increased cost of the UPD contract which will be paid for with excess property tax funds from FY 2018-19. It is also anticipated that Millcreek's Reserve Fund will reach just over \$4,000,000 or 15.68% of the General Fund. The FY 2019-20 Capital Improvement Project budget is \$1,751,000 and includes \$350,000 for pavement preservation; \$355,000 for sidewalk projects; \$100,000 for traffic calming; \$700,00 for emergency storm drain projects; \$150,000 for active transportation; and \$96,000 for lighting.

Mayor Silvestrini said the general fund comes from revenues from sales tax, property tax, and fees charged by the City for services, and small utility franchise taxes. The budget does not include projects that are grant funded.

Mayor Silvestrini opened the public hearing. There were no comments.

Council Member Jackson moved to close the public hearing. Council Member Catten seconded. The Mayor called for the vote. All Council Members voted yes. The motion passed unanimously.

3.2 Public Hearing on Considering an Appropriation to the Arts Council

Mayor Silvestrini said there was a study conducted by Bonneville Research to justify funding for the Arts Council. The expenditure is for \$6,000 and it will enable the Arts Council to pay for programing that they sponsor through the City. They have previously sponsored a theatre group, concerts in Canyon Rim Park, and an art fair at the Baldwin Radio Factory.

Mayor Silvestrini opened the public hearing. There were no comments.

Council Member Marchant moved to close the public hearing. Council Member Jackson seconded. The Mayor called for the vote. All Council Members voted yes. The motion passed unanimously.

3.3 Discussion and Consideration of Ordinance 19-16, Approving a Monetary Contribution of \$6,000 to the Arts Council

Council Member Jackson moved to adopt Ordinance 19-16, Approving a Monetary Contribution of \$6,000 to the Arts Council. Council Member Catten seconded. The City Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

3.4 Discussion and Consideration of Resolution 19-14, Authorizing the Issuance and Sale of Not More Than \$20,000,000 Aggregate Principal Amount of Sales Tax Revenue Bonds, Series 2019; and Related Matters

Mayor Silvestrini said this item authorizes the issuance of \$20 million in borrowing to purchase the linear park strip as part of the city center master plan. He said the small area plan has not been formally adopted for the city center but to get the ball rolling, the Council needed to approve the resolution to enable the borrowing. The small area plan has been recommended for approval by all four community councils and the Planning Commission will review the item on Wednesday. He did not know what bond rating Millcreek would receive from the rating agencies on the bond. The Council is moving forward to meet the schedule with the rating agencies and get a bond rating. Millcreek will submit information about the City's finances and interview with the agencies in San Francisco to get a bond rating for the City. It is expected to get a AA- bond rating, which is good for a municipality. Millcreek will be paying for the bond with incremental tax revenue from the Millcreek Center Community Reinvestment Area. Staff did not know interest rates yet. If Millcreek does not like the bond rating, interest rate, or decide not to do the city center plan, the Council does not have to go forward with obtaining that financing. Mayor Silvestrini is interested in pursuing the park because the public engagement on it has indicated that a majority of residents are in favor of it. He said the area is a magnet for crime because of the vacancies. The City is pursuing redevelopment of the area and the park will be the kick start to make that happen.

Mike Winder said luck is when opportunity meets preparedness. Staff prepares to keep options open for the elected officials to use. He said the timeframe is working out perfectly. The intent of the bond is to fund it with the proceeds of the community reinvestment area. Community reinvestment areas (CRA) allow cities to capture the tax increment in an area. Once property in the CRA is redeveloped, property owners will pay more in property tax, which is the increment that the CRA captures for the next twenty years. Millcreek wants the lowest interest rate possible, so that is why it is a sales tax backed bond, but the intent is to fund it with the tax increment. Mayor Silvestrini said Millcreek has an existing West Millcreek Redevelopment Area which has a fund balance of about \$1 million which can be borrowed to fund the interest cost on this bond, and it can be paid back.

Jason Burningham, Lewis Young Robertson & Burningham, restated that parameters resolutions are an enabling document that allows the City to proceed forward but does not bind the City to issue bonds. It gives notice to constituents of certain parameters under which the City will issue bonds. The resolution narrowly defines the amount, which is a maximum aggregated amount of \$20 million and could be done in multiple series. The resolution provides provisions related to the maximum term, which is 21 years, so it can match with the CRA for the 20-year period. The maximum coupon or interest rate the bonds can mature at is 5%. He said that is not the borrowing rate, it is the maximum rate. He anticipated a net borrowing rate of 3.2%. The last parameter is done through a public offering, an underwriter is retained by the City and purchases the bonds at a rate and sells those bonds. The maximum discount for the underwriter is at 97%, which is a typical standard. The resolution sets a public hearing for June 10, 2019 which gives more opportunity for residents and stakeholders to weigh in. The only angst he has was about the bond rating because Millcreek is a new city.

Mayor Silvestrini asked for public comment. There were no comments.

Council Member Marchant moved to approve Resolution 19-14, authorizing the issuance and sale of not more than \$20,000,000 tax revenue bonds in 2019. Council Member Jackson seconded. The City Recorder called for the vote. Council Members Marchant, Jackson, and Catten, and Mayor Silvestrini voted yes. Council Member Catten mentioned that Council Member Uipi was no longer participating via phone call but would be back shortly. **The motion passed.**

3.5 Discussion and Consideration of Resolution 19-15, Authorizing the Issuance and Sale of Not More Than \$6,500,000 Tax and Revenue Anticipation Notes, Series 2019C of Millcreek, Utah; and Related Matters

Mayor Silvestrini said in order to finance the UPD contract, \$825,295 a month, Millcreek levies a property tax to pay for the borrowing. Millcreek will pay off the borrowing with the leftover tax collection. He said Millcreek is trying to borrow one month less to get rid of the borrowing cycle. Laurie Johnson said residents were excellent about paying taxes on time and the City saw new growth. Council Member Marchant asked if Millcreek reduced the borrowing debt. Johnson said collections were at 97% rate, so Millcreek was able to reduce what was needed to borrow. There will be another borrowing at the end of the calendar year, but it will be a little bit less.

Jason Burningham said reducing the amount of borrowing is a timing issue. If the taxes were coming in at the same time Millcreek needed to make the payments, there would not be a need for the working capital. He said they are seeing a reduction in borrowing, though, as Council Member Marchant pointed out. The strategy of the City is to ween off of the note borrowing. Mayor Silvestrini said it should give confidence to lenders on purchasing notes. Johnson said because the collection rate was at 97%, and the Council maintained that the property taxes were only to pay for the UPD contract, the City did not spend the extra collection anywhere else. Millcreek will be able to borrow less and put the extra collected towards next year's contract without an increase in property tax.

Mayor Silvestrini asked for any public comment. There was none.

Council Member Catten moved to approve Resolution 19-15, Authorizing the Issuance and Sale of Not More Than \$6,500,000 Tax and Revenue Anticipation Notes, Series 2019C of Millcreek, Utah; and Related Matters. Council Member Marchant seconded. The City Recorder called for the vote. Council Members Catten, Marchant, and Jackson, and Mayor Silvestrini voted yes. Council Member Uipi was absent. The motion passed.

Council Member Marchant moved to recess the Council meeting and convene the Community Reinvestment Agency meeting at 7:53 p.m. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Members Marchant, Jackson, and Catten, and Mayor Silvestrini voted yes. Council Member Uipi was absent. The motion passed.

The City Council meeting reconvened at 8:21 p.m. with Council Member Uipi participating electronically.

4. Business Matters

4.1 Discussion and Consideration of Resolution 19-12, Approving an Interlocal Cooperative Agreement between the Millcreek Community Reinvestment Agency and Millcreek

Council Member Marchant moved to approve Resolution 19-12, Approving an Interlocal Cooperative Agreement between the Millcreek Community Reinvestment Agency and Millcreek. Mayor Silvestrini asked the public if there was any comment or objection. There was none. **Council Member Jackson seconded. The City Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.**

5. Reports

5.1 Mayor's Report

Mayor Silvestrini said he participated in the Golden Spike activities and gave a speech in West Valley as the Vice Chair of the Active Transportation Committee of the Wasatch Front Regional Council. He said he rode his bicycle to Ogden for the 150th anniversary and saw the Big Boy steam engine. He said he already briefed the Council on budget difficulties with the UPD budget. He reiterated that there are some questions with the UPD budget and fund balance. He said Millcreek is in good shape to continue to maintain

the level of police services that the Council wants to have and to provide a salary increase to officers despite the budget difficulty.

5.2 Reports of City Council Members

There were none.

5.3 Staff Reports

There were none.

6. Consent Agenda

6.1 Approval of April 22, 2019 Work Meeting and Regular Meeting Minutes

6.2 Approval of Resolution 19-13, Approving a Federal Aid Agreement for Local Agency Project Between UDOT and Millcreek with Respect to Curb, Gutter, and Sidewalk Improvements Located on 4705 S. Between 1380 and 1450 E.

Council Member Catten moved to approve the April 22nd work and regular meeting minutes. Council Member Jackson seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

Mayor Silvestrini said item 6.2 was a resolution to approve a grant for \$70,325 for improvements to the City. There will be a 25% match for Millcreek as part of the budget. Council Member Marchant said this was a project recommended by residents.

Council Member Marchant moved to approve Resolution 19-13, Approving a Federal Aid Agreement for Local Agency Project Between UDOT and Millcreek with Respect to Curb, Gutter, and Sidewalk Improvements Located on 4705 S. Between 1380 and 1450 E. Council Member Jackson seconded. The City Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

7. New Items for Subsequent Consideration

8. Calendar of Upcoming Events

- Planning Commission Mtg. 5/15/19 at 5:00 p.m., City Hall
- City Council Work Mtg. 5/20/19 at 5:30 p.m., City Hall
- City Council Mtg. 5/28/19 (TUESDAY) at 5:00 p.m., City Hall

Council Member Jackson moved to go into a closed session for the purpose of a closed meeting described under Utah Code Ann. 52-4-205(d) to discuss the strategy to discuss the purchase, exchange, or lease of real property at 8:30 p.m. Council Member Marchant seconded. The City Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

Council Member Catten moved to go back into the open meeting at 9:35 p.m. Council Member Marchant seconded. The City Recorder called for the vote. All Council Members voted yes. The motion passed unanimously.

ADJOURNED: Council Member Marchant moved to adjourn the meeting at 9:36 p.m. Council Member Uipi seconded. Mayor Silvestrini called for the vote. All Council Members voted yes. The motion passed unanimously.

APPROVED: _____ Date
Jeff Silvestrini, Mayor

Attest: _____
Elyse Greiner, City Recorder

DRAFT