Millcreek City Planning and Community Development
3330 South 1300 East
Millcreek, Utah 84106
Phone: (801) 214-2700
www.milcreek.us

File #ZM-19-017

Planning Commission Staff Report

From: **Blaine Gehring, AICP, Planner**
To: **Millcreek City Council**
Meeting Date: **December 9, 2019**

RE: **Rezone property located at 828 E. 4125 S. from R-2-10 to R-1-5 to subdivide the property**

Applicant: **Aldo Arnone**

File No.: **ZM-19-017**

SYNOPSIS AND SCOPE OF DECISION

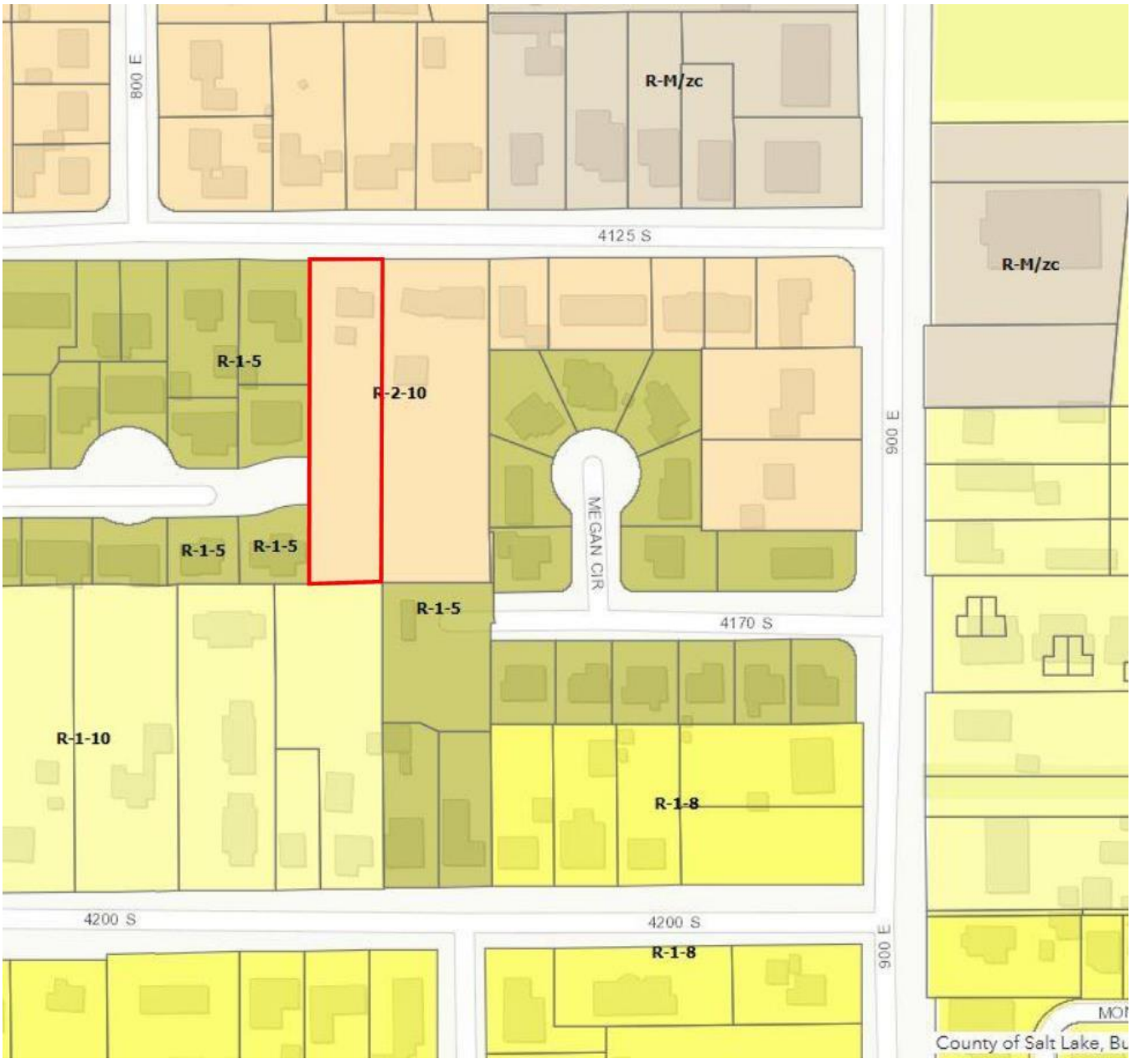
Aldo Arnone is requesting the rezone of property located at 828 E. 4125 S. from R-2-10 to R-1-5 to facilitate the subdivision of the property to create two new single-family lots at the end of Grand Cayman Drive. The subject property is a .57-acre parcel with a single-family home on it along with a detached garage. It is adjacent to R-1-5, R-1-10 and R-2-10 zoning and abuts Grand Cayman Drive on its west lot line.

The property is a narrow deep parcel fronting on 4125 South and adjacent to Grand Cayman Drive. The applicant would like to divide this property into 3 parcels, one facing 4125 South with the existing house and garage and two at the end of Grand Cayman Drive. In order to create the two new lots, he needs to rezone it to allow for 5,000 square foot lots which the R-1-5 allows. The rest of Grand Cayman Drive is zoned R-1-5 as are properties to the east of the property.

Existing Zoning	Existing Land Use	Surrounding uses and zones	Site Improvements	Parcel ID	Size of property
R-2-10	Single-family	Single-family and duplex zoning	Full site	22-05-103-010	.57 acres

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ZONING MAP



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Aerial Map

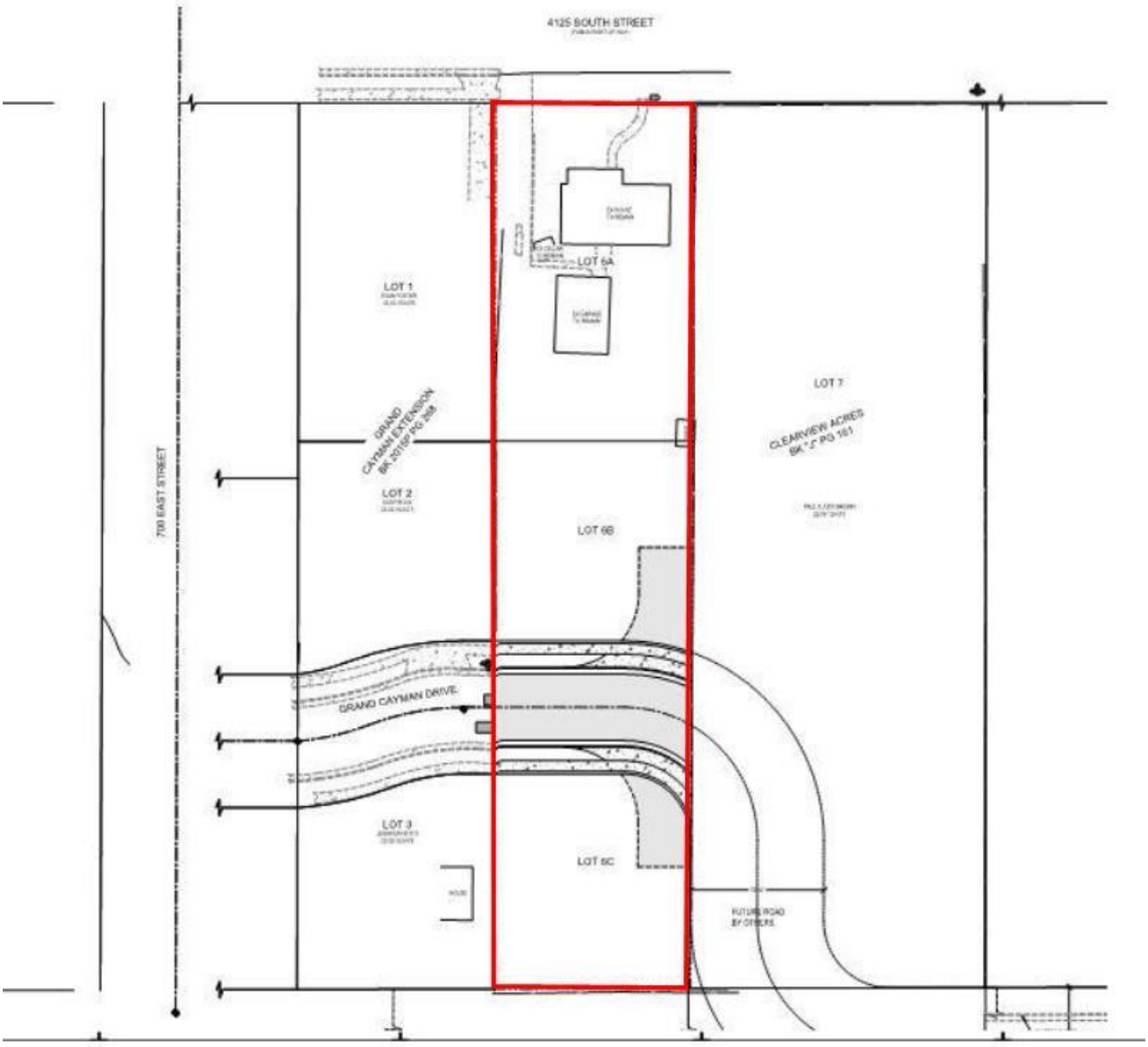


PROJECT INFORMATION

The proposed subdivision would provide a hammerhead turnaround rather than a cul-de-sac to enable a future connection of Grand Cayman Drive to 4170 South to the east when warranted by future development.

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Proposed Subdivision
(not part of this application for zone change)



NEIGHBORHOOD COMMENTS

Notice was sent to all property owners within 300 feet of the proposed rezone and a neighborhood meeting was held October 29, 2019 at City Hall. Two neighbors came, one directly adjacent to the property and one living on 4170 South. Both expressed support for the rezone.

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COMMUNITY COUNCIL RECOMMENDATION

At their regularly scheduled meeting on November 5, 2019, the Millcreek Community Council voted to unanimously to recommend this rezone to the Planning Commission.

PLANNING STAFF ANALYSIS AND FINDINGS

Staff finds that the proposed rezone from R-2-10 to R-1-5 to accommodate the subdivision of the parcel into 3 new lots to be a compatible project in this neighborhood.

PLANNING COMMISSION RECOMMENDATION AND MODEL MOTION

At their meeting on November 20, 2019, the Millcreek Planning Commission voted unanimously to send a favorable recommendation to the City Council to rezone ZM-19-017 at 828 E. 4125 S. from R-2-10 to R-1-5.

SUPPORTING DOCUMENTS

Application and Affidavit
Letter of intent
Planning Commission Minutes

Planning Services
3330 South 1300 East • Millcreek, Utah 84106
Phone: (801) 214-2750
Millcreek.us

File #

Land Use & Development Application

Zone: _____ Community Council: _____ Planner: _____

Parent File #: _____ Date: _____

Property Address: 828 E. 4125 S. Parcel #: 22051030100000

Name of Project Canepari Acres Property Acreage: .57

Please describe your request:
Re-zone subject property to R-1-5 which is the zoning of the adjacent lots.

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: Aldo Last: Arnone Initial: J

Address: 633 E. Hollywood Avenue City: Salt Lake City State: UT Zip: 84105

Phone: 435.655.5069 Cell: same Email: aldo.arnone@gmail.com

Property Owner(s):

First: Renzo Last: Canepari Initial: E.

Address: 828 E. 4125 S. City: Millcreek State: UT Zip: 84107

Phone: 801.266.8069 Cell: n/a Email: n/a

Professional(s): ☑ Engineer ☐ Architect ☐ Other

Company: McNeil Engineering Contact: Rob Poirier

Address: 8610 S. Sandy Parkway City: Sandy State: UT Zip: 84070

Phone: 801.255.7700 Cell: n/a Email: rob@mcneileng.com

**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: _____ Date 10/16/19

Planning Services
3330 South 1300 East, Millcreek, Utah 84106
Phone: (801) 214-2750
Millcreek.us

File #

AFFIDAVIT – Property Owner

STATE OF UTAH }
} ss
COUNTY OF SALT LAKE }

I (we) Renzo Canepari being duly sworn, depose and say that

I (we) am (are) the owner(s) of the property(s) located at:
828 E. 4125 So. Millcreek Ut 84107.

My (our) signature below attests that I (we) have reviewed the proposal by Aldo Arnone

requesting review and approval of Canepari Acres

and that I (we) consent to the statements and information provided in the attached plans and exhibits

and that all information presented is true and correct to the best of my (our) knowledge.

Property Owner Renzo Canepari

Property Owner _____

Subscribed and sworn to me this 4th day of October, 2019.

Notary: Shelli Wolf

Residing in Salt Lake County, Utah

SHELLI WOLF
Notary Public – State of Utah
Comm. No. 698359
My Commission Expires on
Dec 17. 2021

Aldo Arnone
633 E. Hollywood Avenue
Salt Lake City, UT 84105

October 16, 2019

Blaine Gerhing
Millcreek City
3330 S. 1300 E.
Millcreek, UT 84106

RE: 828 E. 4125 S. - Re-zoning to R-1-5 from R-2-10

Blaine,

I am requesting the re-zoning of the subject property to R-1-5 from R-2-10. The intent of the project is to develop two single family homes once the property has been sub-divided and the road extended. The current zoning does not fit the parameters for single family use with a lot size of ~5,000 sf. This zone change would align with the adjacent parcels to the west of the property.

Sincerely,

Aldo Arnone

1.5 Consideration of ZM-19-017, Rezone from R-2-10 to R-1-5 to Facilitate the Development of a Subdivision for Two New Single-Family Residences on Grand Cayman Dr. Location: 828 E. 4125 S. Applicant: Aldo Arnone Planner: Blaine Gehring
Blaine Gehring said the applicant was requesting the rezone of property located at 828 E. 4125 S. from R-2-10 to R-1-5 to facilitate a subdivision of the property to create two new single-family lots at the end of Grand Cayman Drive. The property is currently a narrow, deep parcel fronting on 4125 South and adjacent to Grand Cayman Drive, is .57 acres in size, and is adjacent to R-1-5, R-1-10, and R-2-10 zoning. The proposed 3-lot subdivision would provide a hammerhead turnaround rather than a cul-de-sac to enable a future connection of Grand Cayman Drive to 4170 South to the east when warranted. Staff recommended the Planning Commission send a favorable recommendation to the City Council for this rezone. Gehring said if the rezone was approved, it would come back to the Commission as a 3-lot subdivision. Vice Chair Stephens asked if the existing home would be demolished. Gehring said no.

Applicant – Aldo Arnone, 633 E. Hollywood Avenue, said the intent of the project was to make the connection with 4170 S., getting a turnaround on Grand Cayman Drive, and subdividing the property. The houses would be similar in style to the existing homes on the street. Commissioner LaMar asked if the road would be owned by the City if it was extended. Gehring said the road would be part of the dedication for the plat and other lots would be involved to obtain the dedication. Commissioner LaMar asked if there would be an easement over the proposed road connection to prevent building on it. Gehring said yes.

Vice Chair Stephens opened the public hearing.

There were no comments.

Vice Chair Stephens closed the public hearing.

Commissioner Booth moved to send a favorable recommendation to the City Council to rezone ZM-19-017 at 828 E. 4125 S. from R-2-10 to R-1-5. Commissioner Claerhout seconded. Vice Chair Stephens called for the vote. All Commissioners voted yes. The motion passed unanimously.

DRAFT

Mountain Streetscape Estimate

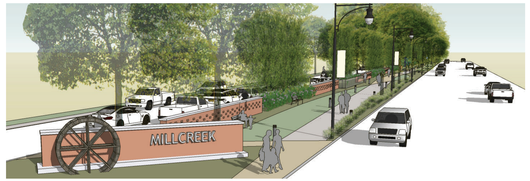
12/04/2019

		Recommended Estimate					Economy Estimate					
Bid Item	Description - Estimate Items	Estimated Quantity	Unit	Unit Price	Estimated Total		Estimated Quantity	Unit	Unit Price	Estimated Total	Bid Item	Description - Reduced Estimate Items
General											**General**	
	Mobilization and Demobilization	1	LS	$ 44,000.00	$ 44,000.00		1	LS	$ 26,400.00	$ 26,400.00		Mobilization and Demobilization
	Testing	1	LS	$ 3,000.00	$ 3,000.00		1	LS	$ 3,000.00	$ 3,000.00		Testing
	Tree Removal	7	EA	$ 350.00	$ 2,450.00		7	EA	$ 350.00	$ 2,450.00		Tree Removal
	Clear and Grubbing	30,500	SF	$ 0.15	$ 4,575.00		30,500	SF	$ 0.15	$ 4,575.00		Clear and Grubbing
	Remove concrete water way, curb and gutter	6,600	SF	$ 3.00	$ 19,800.00		6,600	SF	$ 3.00	$ 19,800.00		Remove concrete water way, curb and gutter
	Temporary Fencing	2,025	LF	$ 2.00	$ 4,050.00		2,025	LF	$ 2.00	$ 4,050.00		Temporary Fencing
	Traffic Control	1	LS	$ 2,000.00	$ 2,000.00		1	LS	$ 2,000.00	$ 2,000.00		Traffic Control
	Erosion control measures	1	LS	$ 1,000.00	$ 1,000.00		1	LS	$ 1,000.00	$ 1,000.00		Erosion control measures
	Maintenance establishment period	1	LS	$ 2,000.00	$ 2,000.00		1	LS	$ 2,000.00	$ 2,000.00		Maintenance establishment period
Hardscape / Site Improvements											**Hardscape / Site Improvements**	
	Entry Monument (donated by Atlas Ventures)	1	LS	$ -	$ -		1	LS	$ -	$ -		Entry Monument (donated by Atlas Ventures)
	Integral colored concrete (5" thick w/ 6" base course)	10,154	SF	$ 9.50	$ 96,463.00		10,154	SF	$ 6.50	$ 66,001.00		Standard concrete (5" thick w/ 6" base course)
	Asphalt repair	4,848	SF	$ 4.00	$ 19,392.00		4,848	SF	$ 4.00	$ 19,392.00		Asphalt repair
	6" High curb and gutter	2,025	LF	$ 35.00	$ 70,875.00		2,025	LF	$ 35.00	$ 70,875.00		6" High curb and gutter
	ADA returned curb ramps	4	EA	$ 300.00	$ 1,200.00		4	EA	$ 300.00	$ 1,200.00		ADA returned curb ramps
	Brick Privacy Wall (4' high)	505	LF	$ 325.00	$ 164,125.00		910	LF	$ 45.00	$ 40,950.00		4' high black vinyl fence*
	Amistar fence*	480	LF	$ 75.00	$ 36,000.00		-	LF	$ -	$ -		
	Art (TBD)	-	LS	$ -	$ -		-	LS	$ -	$ -		Art (TBD)
	Steel Edging	383	LF	$ 7.00	$ 2,681.00		-	LF	$ 7.00	$ -		Steel Edging
	Bike Rack (to be donated)	3	EA	$ -	$ -		3	EA	$ -	$ -		Bike Rack (to be donated)
	Little Library (to be donated)	-	EA	$ -	$ -		-	EA	$ -	$ -		Little Library (to be donated)
	Bus Shelter*	1	EA	$ 10,000.00	$ 10,000.00		-	EA	$ 10,000.00	$ -		Bus Shelter (use existing)
	Trash receptacle*	2	EA	$ 1,000.00	$ 2,000.00		-	EA	$ 1,000.00	$ -		Trash receptacle
	Pedestrian bollard light	31	EA	$ 1,600.00	$ 49,600.00		31	EA	$ 1,600.00	$ 49,600.00		Pedestrian bollard light
	Bury power	1	LS	$ 150,000.00	$ 150,000.00		-	LS	$ 150,000.00	$ -		Bury power
	Street light on Highland Drive	10	EA	$ 10,000.00	$ 100,000.00		10	EA	$ 10,000.00	$ 100,000.00		Street light on Highland Drive
	Benches	4	EA	$ 1,800.00	$ 7,200.00		3	EA	$ 1,800.00	$ 5,400.00		Benches*
Irrigation											**Irrigation**	
	Irrigation System	23,869	SF	$ 1.50	$ 35,803.50		23,869	SF	$ 1.50	$ 35,803.50		Irrigation System
Landscape											**Landscape**	
	Bark Mulch	21,166	SF	$ 0.70	$ 14,816.20		23,869	SF	$ 0.70	$ 16,708.30		Bark Mulch
	Turf Sod	2,227	SF	$ 0.55	$ 1,224.85		-	SF	$ 0.55	$ -		Turf Sod (replaced with grasses and perennials)
	Topsoil - 12" deep	700	CY	$ 30.00	$ 21,000.00		760	CY	$ 30.00	$ 22,800.00		Topsoil - 12" deep
	Topsoil - 3" deep	20	CY	$ 30.00	$ 600.00		-	CY	$ 30.00	$ -		Topsoil - 3" deep
	Fine grading	23,869	SF	$ 0.07	$ 1,670.83		23,869	SF	$ 0.07	$ 1,670.83		Fine grading
	Tree, deciduous 2.0" Caliper	76	EA	$ 350.00	$ 26,600.00		76	EA	$ 350.00	$ 26,600.00		Tree, deciduous 2.0" Caliper
	Perennials/Grasses 1-Gal.	1,147	EA	$ 18.00	$ 20,646.00		1,291	SF	$ 18.00	$ 23,238.00		Perennials/Grasses 1-Gal.
	Shrubs 5-Gal.	238	EA	$ 40.00	$ 9,520.00		238	EA	$ 40.00	$ 9,520.00		Shrubs 5-Gal.
Sub Total					**$ 924,292.38**					**$ 555,033.63**	**Sub Total**	
20% Contingency					$ 184,858.48					$ 111,006.73	**20% Contingency**	
Grand Total					**$ 1,109,150.86**					**$ 666,040.36**	**Grand Total**	

Alternative

*** Items that can be installed at a later date.**

Estimated Annual Maintenance Cost: The average cost to maintain the space designed in the current proposal is approximately $10,000 per acre. I estimated this parcel at 1.55 acres which would amount to $15,500 annually. Establishing the vegetation the first few years will be more labor intensive and I recommend a budget place holder of $20,000 - Wayne Johnson, Associate Division Director, Salt Lake County Parks and Recreation



1 entry monument, brick wall, water wheel and raised MILLCREEK letters



2 miss kim lilac hedge between brick privacy walls and fence



3 columnar hornbeam trees between brick privacy walls and fence



4 art/focal point centered on Villa Vista Way(example shown, TBD)



5 4 feet high brick privacy wall along Mountair



6 back benches along walk

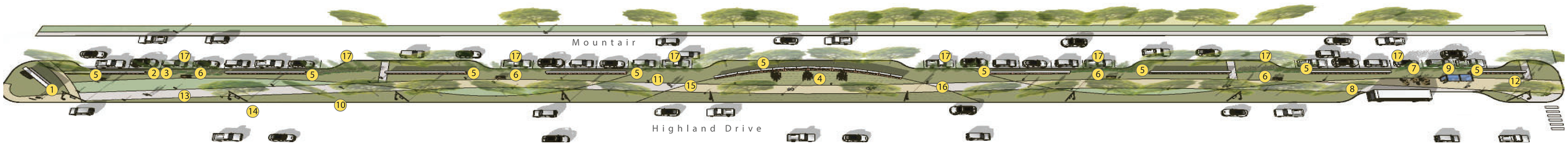


7 art bike racks (to be donated)

8 bus stop sign



9 bus shelter(example shown, phased in)





10 street tree, sycamore tree



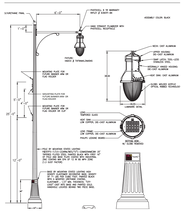
11 little library (to be donated)



12 trash receptacle



13 lighted bollard along path



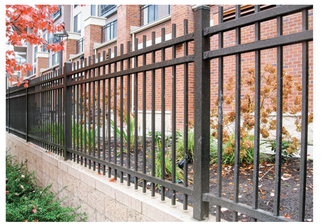
14 Millcreek standard street light



15 paving pattern in path varying in color and texture



16 example of trail layout, paving pattern, bollard lighting and drought tolerant plantings

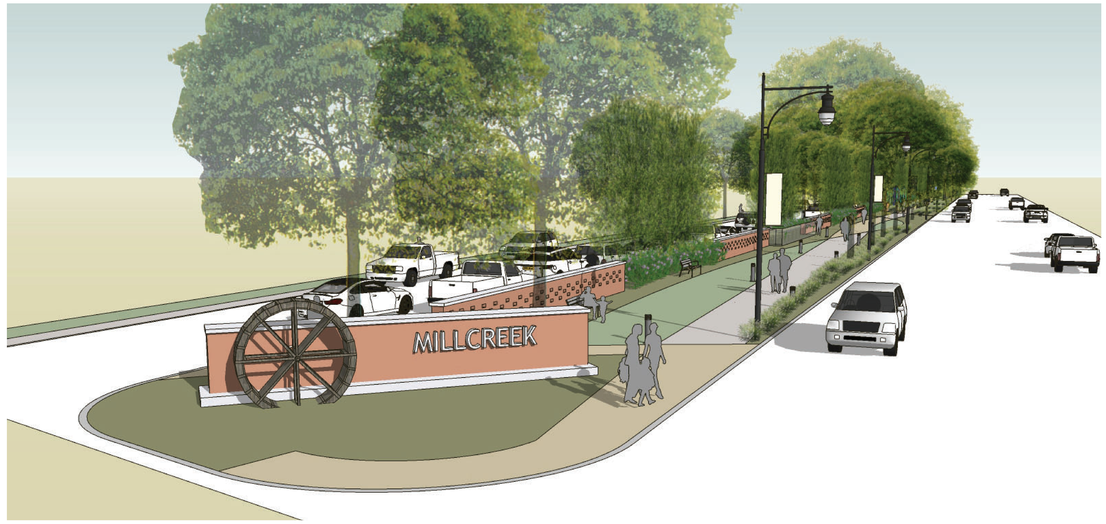


17 48" Amistar fencing between brick walls

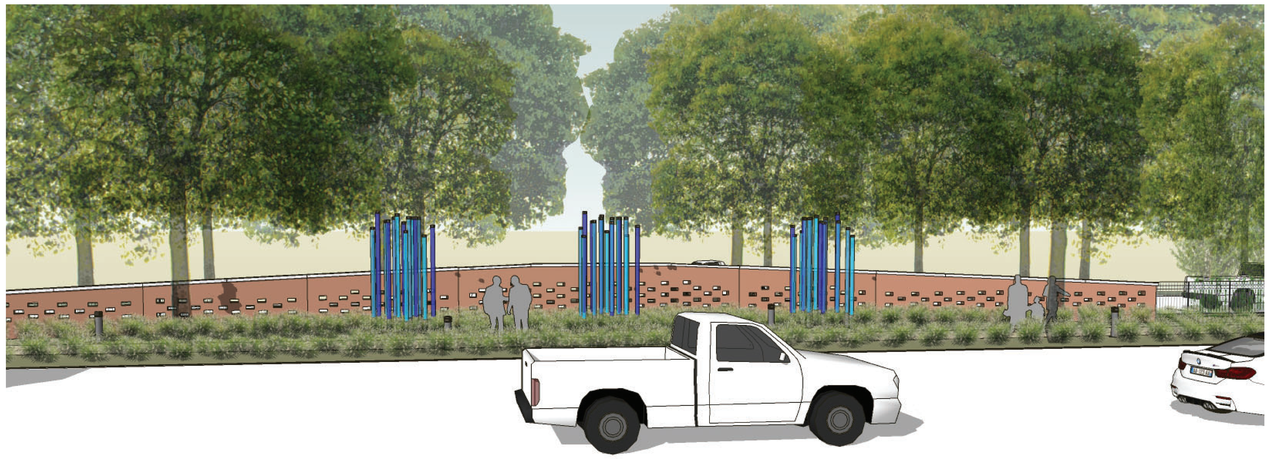
Mountair Streetscape - Recommended

Millcreek, Utah

12.04.19



1 entry monument, brick wall, water wheel and raised MILLCREEK letters

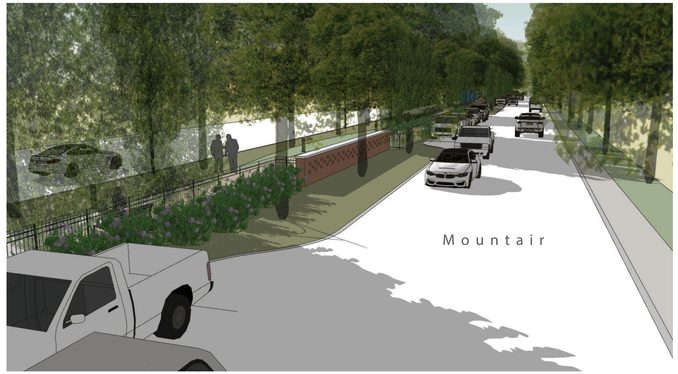


Highland Drive

4 art/focal point centered on Villa Vista Way(art example shown, TBD)



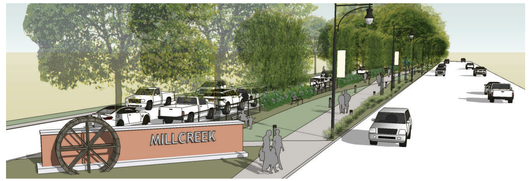
9 bus stop pull off and shelter



8feet wide planted bulb outs added to Mountair to slow down traffic and less parking in neighborhood and fencing between walls







1 entry monument, brick wall, water wheel and raised MILLCREEK letters



2 miss kim lilac hedge between brick privacy walls



3 columnar hornbeam trees between brick privacy walls



4 art/focal point centered on Villa Vista Way(example shown, TBD)



5 48" black vinyl chain link fence



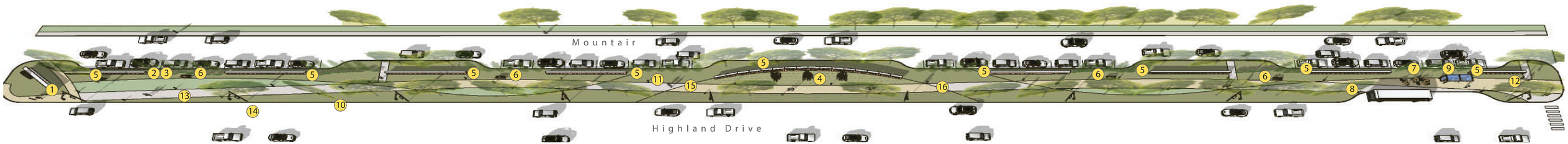
6 back benches along walk



7 art bike racks (to be donated)

8 bus stop sign

9 bus shelter(use existing





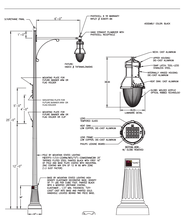
10 street tree, sycamore tree

11 little library (to be donated)

12 trash receptacle to be added later



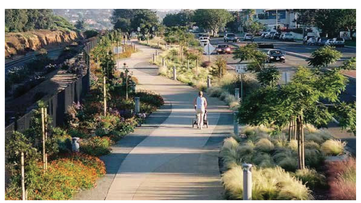
13 lighted bollard along path



14 Millcreek standard street light



15 standard concrete walk



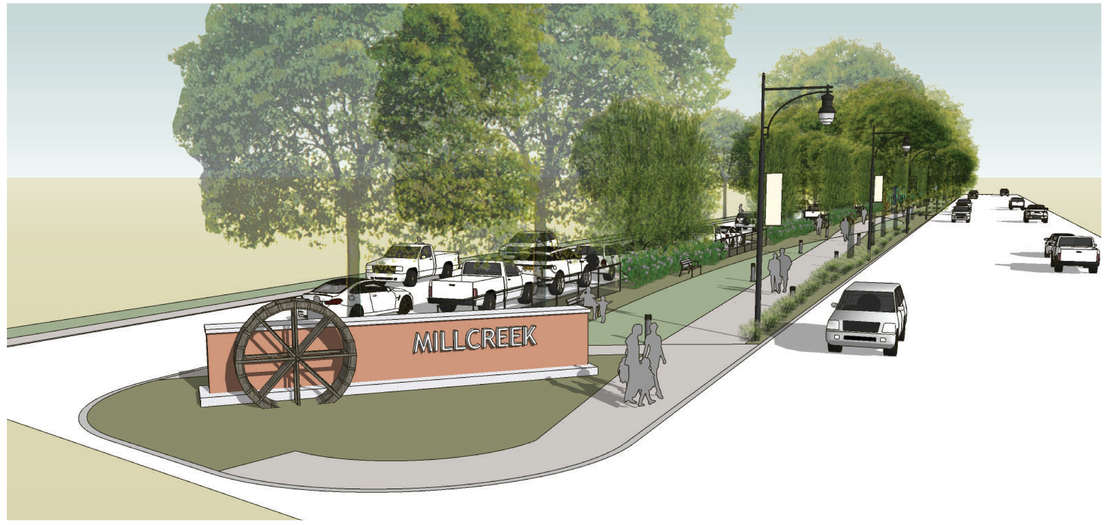


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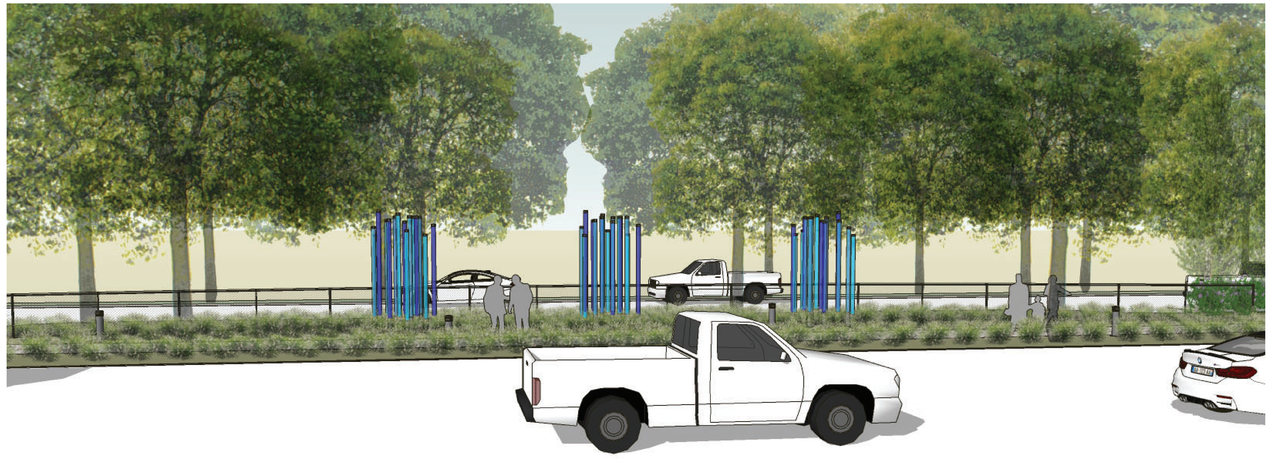


Mountair Streetscape - Economy
Millcreek, Utah

11.12.19



1 entry monument, brick wall, water wheel and raised MILLCREEK letters

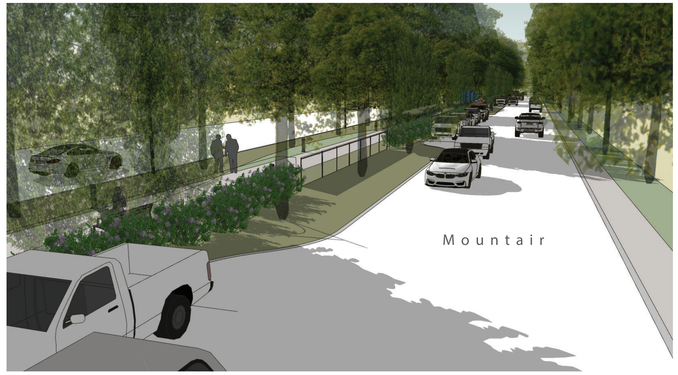


Highland Drive

4 art/focal point centered on Villa Vista Way with black vinyl chain link fencing (art example shown, TBD)



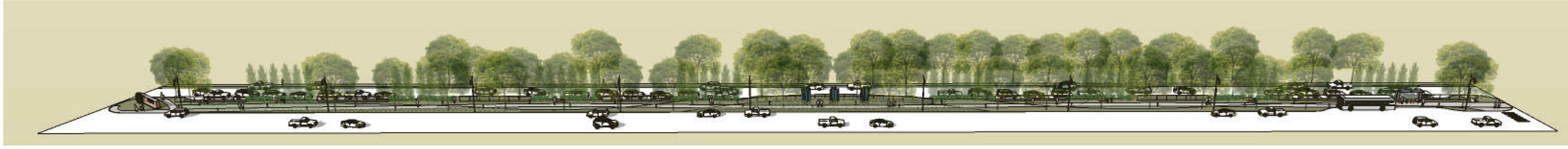
9 bus stop pull off with black vinyl chain link fencing



8 feet wide planted bulb outs added to Mountair to slow down traffic and less parking in neighborhood, with black vinyl chain link fencing



standard concrete walk,no grass, with black vinyl chain link fencing



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

File No. ZT-19-003

City Council Staff Report

Meeting Date: **9 December 2019**
Applicant: **City**

Request: **Amendment to Chapter 19.73 of the Millcreek Code Adopting the City Center Overlay Zone**

Prepared By: **Francis Xavier Lilly, AICP, Planning Director**

SYNOPSIS AND SCOPE OF DECISION

Millcreek is requesting that the City Council amend the current Town Center Overlay Zone text to adopt new building standards and to rename the zone *City Center Overlay Zone* in a manner compliant with the City Center Master Plan, adopted by the Millcreek Council on 11 June 2019.

No zoning boundary change is contemplated as part of this text amendment; the existing Town Center Overlay Zone is to be renamed and new development standards will apply to developments and uses within the existing boundaries of the Town Center Overlay Zone, described below in Figure 1.

The City Center Overlay Zone is a form-based code that acknowledges the uniqueness of the City Center, both as an area that is highly desired for redevelopment, and as an opportunity for the city to gain significant public space, and a legacy of quality development for Millcreek residents now and in the future. The ordinance seeks to regulate building heights, building materials, and uses in a manner that will catalyze high quality development, beautiful open space, and neighborhood connectivity.

The proposed zone text addresses building forms, uses, and design standards for frontages along streets. Staff recognizes that the successful implementation of a City depends on much more than an ordinance with high design standards. Accordingly, work is proceeding along several fronts to ensure that Millcreek's City Center, identified formally as a desired outcome in the *Millcreek Together* General Plan, will become a valued amenity for Millcreek residents and a catalyst for quality growth. Our City Center efforts include:

1. Property acquisition and design for the proposed City Center Open Space.
2. Improvements to the Mountair Streetscape
3. Reconfiguration of Highland Drive to a three-lane section between Elgin Avenue and 3300 South.
4. Lighted pedestrian crossings across Richmond Street and Highland Drive in the proposed City Center area.
5. Researching possibilities for an above-grade pedestrian crossing across 3300 South.
6. Consideration of a Parking District, and/or a public-private partnership for structured parking.
7. Consideration of a Business Improvement District to maintain required improvements in the City Center.

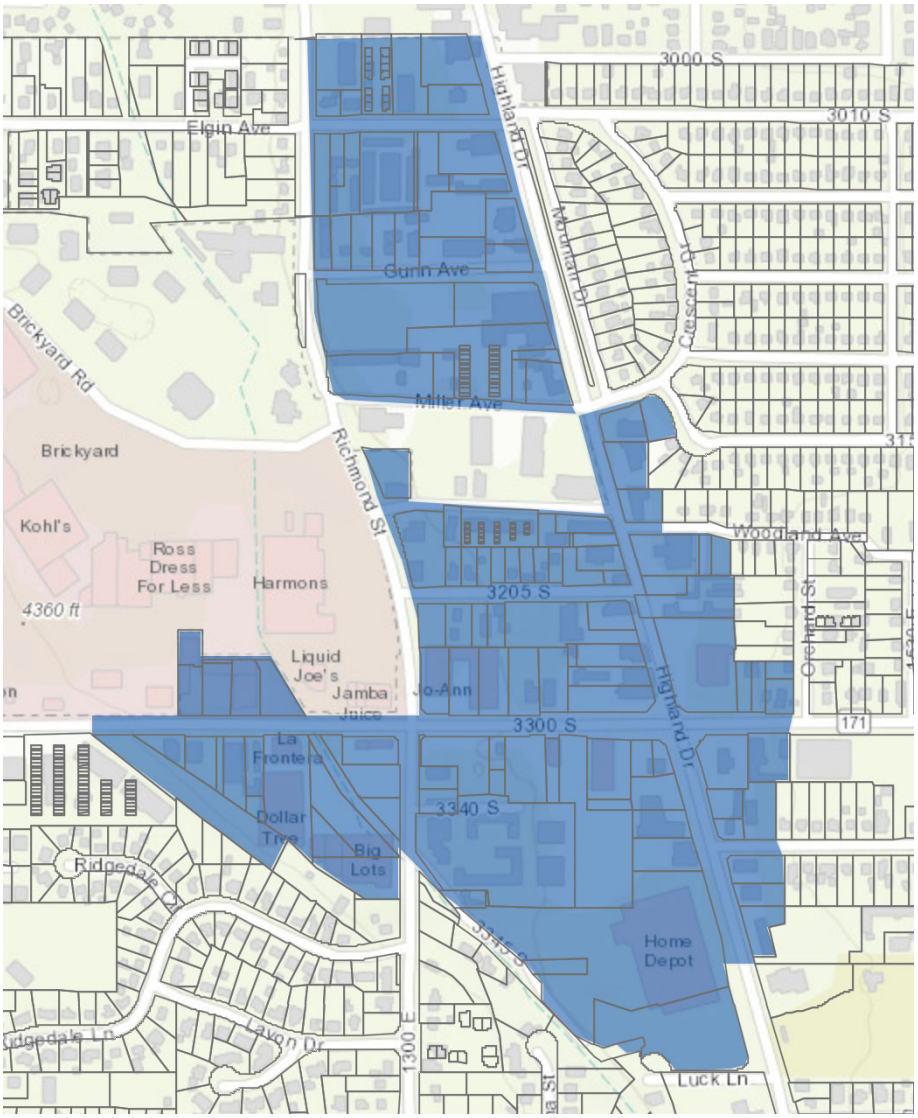
8. Consideration of a Residential Parking District for residents of the Mountair Acres neighborhood.
9. Development of a plan for programming and activating the City Center Open Space, to include the possibility of a third-party events coordinator.
10. Potential revisions to Business License codes, and adoption of new licensing requirements for sidewalk dining and performances in the City Center.

This summarizes a complex, multi-year, multi-agency effort to create a quality city center for Millcreek, of which zoning is only a part. Due to intense developer interest amplified by the designation of this area as a Qualified Opportunity Zone, existing entitlements that could allow development in a manner inconsistent with the City Center master plan, and the City's own goal to use CRA funds to fund the construction of the open space, staff is recommending adoption of the City Center Overlay Zone text as soon as possible.

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

Public Hearings were held on the City Center Overlay Zone on 18 September and 20 November, after considerable public input and comment at various open houses and community council meetings. At their meeting on 25 November 2019, the Planning Commission recommended adoption of the City Center Overlay Zone, subject to changes contained within the attached draft, on a vote of five in favor to one opposed.

Figure 1: Overlay Zone Boundary



GENERAL PLAN AND ZONING ORDINANCE CONSIDERATIONS

The idea of a city center in this area is not new, and the following paragraphs are intended to lay out the recent history of planning for a city center.

For many years, County and City zoning has allowed multifamily uses in commercial zones at densities of up to 32 dwellings per acre; in early 2016, the Commercial zones were amended to establish height limits and mixed use requirements in the C-3 zone. At the same time, Millcreek embarked on a general plan – and through that process, the community identified the possibility of a mixed use city center between approximately Elgin Avenue and 3300 South, and Highland Drive and Richmond Street. As the General Plan developed, a desired vision emerged to create several centers that function as the 'heart of community activity, characterized by walkability, unique spaces, commercial areas, and compatibility with surrounding land uses.' The draft plan expands on this idea of specifically creating a City Center near 3300 South, between Highland Derive and Richmond Street:

> *One generally supported idea is the creation of a City Center, a location where government, business, commercial, transportation and residential uses complement one another.*

The draft General Plan then states the following with respect to a proposed City Center in Millcreek:

> *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 attracts 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 Wedge. The City Center, known as The Wedge, is Millcreek's most intense development area, envisioned as a regional center for commerce and culture. The Wedge should evolve into a vibrant mixed-use area with a range of employment, services, and housing. The Wedge 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 Wedge would be a central public gathering place, and home to many of Millcreek's entertainment and cultural institutions*

This vision is in part a reflection of community aspirations for an identifiable place that is uniquely Millcreek, and part of a response to considerable developer interest in the area.

Figure 2 – Draft General Plan City Center Designation

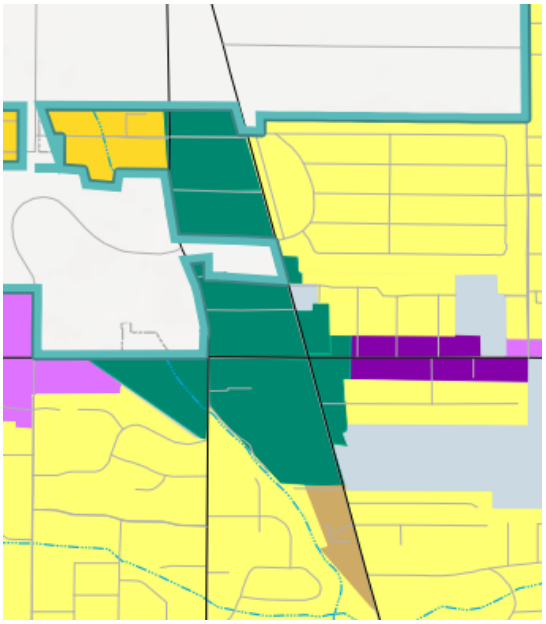


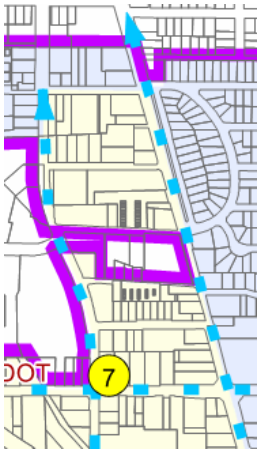
Figure 2 above shows the location of the proposed City Center (in teal) as a land use category on the draft Future Land Use Map, a critical component of the general plan. The General Plan proposes some expectations for a city center, described below:

Figure 3 – Town Center Land Use Category

Uses	Range of Density/Scale	Key Characteristics
Primary: Large format and specialty retail, professional uses, restaurant, and similar arts and entertainment uses that attract visitors from around the City and region. **Secondary:** Multifamily condominiums or apartments, hospitality, civic and public facilities, health services, as well as plazas, squares, pocket parks, community gardens, and other gathering spaces.	Building heights range from 2 – 6 stories. Development abutting lower intensity, established residential neighborhoods should provide transitions in massing and height.	• Diverse mix of land use, including restaurants, community facilities, and multifamily residential • Space for local community events and daily socialization • Designed as a walkable and pedestrian-scaled activity center • Encourages redevelopment and infill • Provides employment opportunities

The notion of a city center is an evolution of some concepts brought up as far back as 2009, in the existing Millcreek Township General Plan. The current general plan designates the area as an area of moderate change, bounded by adaptable and flexible corridors.

Figure 4 – Millcreek Township General Plan Land Use Map



The marker indicating the number '7' refers to a project, outlined in the General Plan. Project 7 calls for the city to 'explore the opportunities and challenges associated with redevelopment and revitalization of the Brickyard Area.'

Project Category

Land Use.

Location

The Brickyard shopping area is generally located between 900 and 1300 East, and between 3000 South and 3300 South. A large portion of the Brickyard shopping area is within the Salt Lake City municipal boundary, but the areas surrounding it are all within the Millcreek Township of Salt Lake County.



Objective

New investments have been made in the area. Brickyard will likely continue to remain a community activity center for many years. There are however, many under utilized and under performing properties within the Brickyard area.

Potential Stakeholders

Salt Lake County, Salt Lake City, local property and business owners.

Recommendations

Salt Lake County should undertake a planning effort to explore the opportunities and challenges associated with redevelopment and revitalization of the Brickyard area. The County should coordinate with Salt Lake City to ensure that development across political boundaries is compatible and complementary.

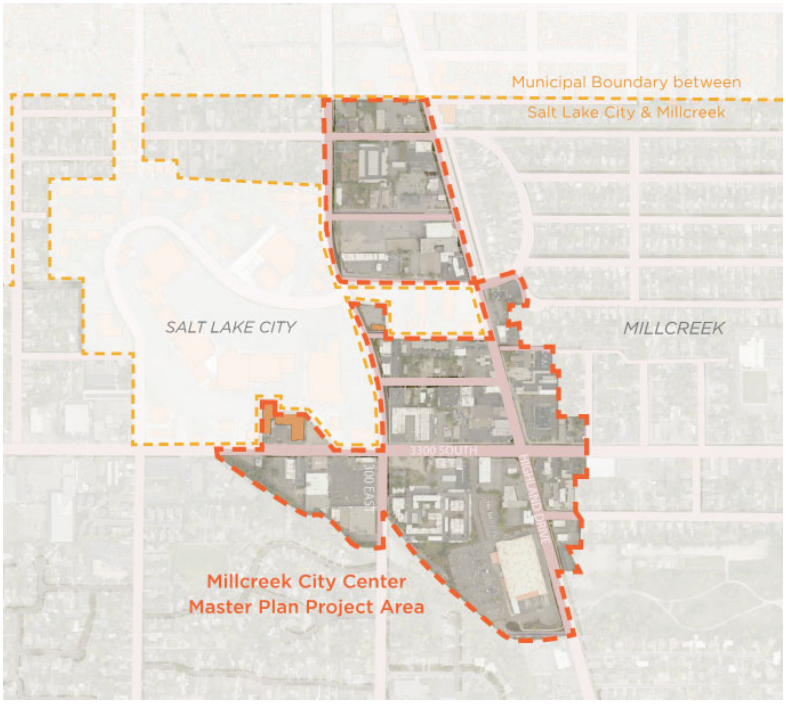
Timeline

Mid term.

Project added July 2009.

City Center Master Plan

In May 2019, the City Council adopted the City Center Master Plan, which further refines the goals of the City Center identified in the General Plan. The City Center Master Plan includes all land within the existing TCOZ Boundary:



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 opportunities for 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. Staff is also considering an aboveground pedestrian connection across 3300 South.

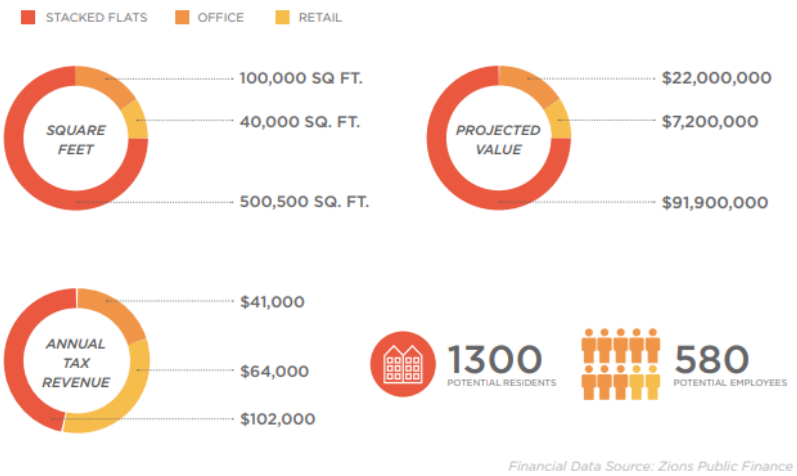
An Amenity and Gathering Place for the Whole City

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 that guided the development of the master plan are below, and are conservative:

Figure 2: Market Assumptions



The planned improvements will add significant additional property values, which will be used to fund public improvements, and will result an 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 - Parking

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.

Staff is recommending parking ratios on page 21 of the proposed zone text that are appropriate for a mixed use, walkable city center. Higher parking ratios would result in a more suburban pattern of development, and would not allow for the development of elements that the community desires in a city center. In order to support a lower parking ratio, staff recognizes the need for time limited on-street parking and the provision of shared public parking facilities, and intends to pursue these strategies as redevelopment occurs.

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. The City Center Overlay Zone proposes the greatest heights – up to 75 feet, in the area between Highland Drive and 1300 East, and at the 1300 East 3300 South intersection. Heights are gradually increased west of Highland Drive. In areas immediately surrounding existing single-family residential neighborhoods, heights are limited to three stories or less. The proposed height map was calibrated to preserve views as much as possible to the Wasatch Front, and propose building heights where they are most tolerable – particularly against existing downslope grades.

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. A detailed building height map that preserves a key view corridor to the southeast, steps heights up from Highland Drivr, and accommodates the greatest heights within existing grade changes.

3. Redevelopment that is built around a major open space.

4. 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.

5. Intuitive placement of on-street parking.

6. Preservation of historic signage and iconic buildings, including the Villa Theatre, Tres Hombres Restaurant, and the iconic midcentury commercial buildings on Highland Drive.

7. Expectations for high quality materials and limits to maximum building lengths.

TRAFFIC IMPACTS

Millcreek engaged Fehr and Peers to conduct a traffic impact study of the entire City Center area. Preliminary results show that there will be traffic impacts, particularly near the 3300 South intersection. That traffic study has been completed and is included by reference in this staff report.

1) The study looks at three basic scenarios for 2030: background growth (assuming no city-center redevelopment), redevelopment (assuming market-driven growth based on the Millcreek City Center master plan), and a *greatest impact scenario*, assuming extraordinary and unusual growth in the city center. The purpose of the greatest impact scenario was to explore the state at which intersection delays become difficult to tolerate.
2) The redevelopment scenario assumes 1,175 new residences and nearly 130,000 square feet of commercial space. Under this scenario, all of the 13 intersections perform reasonably well even at peak times, and even assuming a reduction of Highland Drive to three lanes through the City Center.
3) The greatest impact scenario assumes 3,808 new residences and over 500,000 square feet of commercial space. Under this scenario, intersections at 1300E/3300S, Highland/Richmond, Highland/3300S. and Highland/3350S experience significant delays. Under this scenario *and assuming a lane reduction along Highland Drive,* several other side street intersections experience significant delay.
4) We note that it is unlikely that the city center master plan will accommodate 3,800 new residences, although 500,000 square feet of commercial (mostly office) might be feasible under certain economic conditions. The likely development potential is somewhere between the redevelopment scenario identified in the report and the greatest impact scenario.
5) Under the greatest impact scenario, the likely mitigation would be restrictions on turn movements on side streets connecting to Highland Drive and Richmond Streets. In other words, they may become right-turn-only intersections at 2030.
6) Staff also notes that Salt Lake City intends to reduce Highland Drive to a three-lane section from 2700 South to the Millcreek municipal boundary at Elgin Avenue by 2030.
7) Development almost always results in traffic demand that requires some form of mitigation. The background growth scenario assumes that the City Center area would remain virtually unchanged. Currently, it is occupied by significant underutilized commercial, vacant or dilapidated commercial uses, and a handful of vibrant businesses. There is significant demand for development in this corridor, and Millcreek intends to address traffic demand appropriately, recognizing that Highland Drive may transition from a corridor designed to move vehicles as efficiently as possible through Millcreek, into a corridor designed to facilitate economic redevelopment. Provo City in recent years changed its Center Street corridor from a corridor designed for throughput into a corridor designed for placemaking. As a result, the city has redeveloped a tired commercial area into a vibrant mixed use area, one that includes significant commercial space, public facilities, residential, and drivers of significant regional traffic demand, such as a convention center and the new Provo City Center Temple. A strong argument could be made that these changes were good for Provo, despite localized traffic impacts.

Staff recommends that Millcreek plan appropriately for development intensity that is *likely to come*, to ensure that Millcreek residents and businesses get something of value out of the change. We acknowledge that traffic generation may result in mitigations that the city needs to make, but those impacts would happen almost under any development scenario, including one where we repealed the town center overlay zone and reverted to the base RM and C2 zoning in the area. This move may reduce heights and intensity, but it would come at the expense of a thoughtful plan that organizes open space, requires commercial components, and demands design standards for buildings well in excess of those of similar developments in the region. Mitigating impacts of traffic

and ensuring that a place is safe and convenient for pedestrians and motorists alike is an issue that Millcreek will be consistently engaged in as this development takes shape. The advantage of the City Center Master Plan, with respect to traffic impacts, is that it envisions a pattern of development that will allow residents and visitors to reduce driving by accommodating multiple activities in fewer trips, particularly in the future when regional traffic demand and air quality problems become more acute.

PROPOSED ORDINANCE AMENDMENTS

Attached to this staff report is a proposed draft of the City Center Overlay Zone. The Planning Commission recommended several changes to the ordinance, and the significant ones are discussed below:

1. **Height.** Maximum building heights are described on pages 8 and 9 of the map. In this update, the language makes clear that building heights within 75 feet of Highland Drive are limited to 50 feet. Heights for anything within the area identified as the City Center Open Space or Millcreek Common will be limited to 38 feet. In addition, staff recommends that the southeast corner of 3300 South and Highland Drive be limited in height to 38 feet, in order to better maintain a view corridor to the Wasatch Front.

2. **Commercial Use Requirements.** Except for development in the Neighborhood District, any residential development must be a part of a mixed use development.

    a. **Mixed Use along 3300 South.** On the north side of 3300 South between Highland Drive and Richmond Street, residential uses may comprise no more than 25% of the floor area of any mixed use building. This requirement is proposed in order to emphasize the commercial viability of these high-profile properties on either side of the proposed Millcreek Common.

    b. **Mixed Use along Millcreek Common.** Commercial uses must comprise the full length of any building planned along Millcreek Common. In addition, those uses are limited to retail or restaurant uses.

    c. Depth of commercial uses must be at least 30 feet, unless a building has more than 20% of its overall floor area allocated for commercial uses.

3. **Conditional Uses.** Any development over 25,000 square feet in floor area, a ground floor footprint of over 15,000 square feet, or a height of over 36 feet must be approved through a conditional use process.

4. **Building Design Considerations.** Stucco or EIFS will not be allowed as a material on any street-facing façade. Buildings must include step-backs on all sides. Building length shall not exceed 300 feet.

5. **Energy Efficiency Requirements.** The proposed ordinance will require EV charging stations and solar panels on rooftops.

6. **Street Trees.** The ordinance proposes street trees along Highland Drive, to be approved by the City Engineer pursuant to a street tree plan.

7. **Separation Requirements for Residential Buildings.** In order to facilitate quality residential construction, the attached draft includes a provision requiring a window offset requirement and a minimum building separation between building walls that contain opposing residential bedrooms.

COMMUNITY COUNCIL INPUT

In September and November, all four community councils were asked to give their recommendations to the Planning Commission and City Council regarding the adoption of the City Center Overlay Zone. Each community council reviewed the proposed changes twice.

1. **Millcreek Community Council.** The Millcreek Community Council voted seven in favor to one opposed for the adoption of the City Center Overlay Zone. The Millcreek Community Council stressed the need for a pedestrian connection across 3300 South to provide safe and pleasant access into the City Center from neighborhoods particularly to the south and west. The Millcreek Community Council also advised the city to reconsider the City Center Master Plan's recommendation of a one-way vehicle loop around the entirety of the open space.

2. **Canyon Rim Citizens Association.** The Canyon Rim Citizens Association voted five in favor to one opposed for the adoption of the City Center Overlay Zone. The CRCA recommended a lower maximum height for the southeast corner of 3300 South and Highland Drive, in order to better preserve the view corridor to Mount Olympus, Twin Peaks, and Lone Peak.

3. **East Mill Creek Community Council.** The East Mill Creek Community Council voted unanimously to recommend adoption of the City Center Overlay Zone. They recommended that planning staff further refine the list of acceptable street trees proposed in the ordinance.

4. **Mount Olympus Community Council.** The Mount Olympus Community Council voted unanimously to recommend adoption of the City Center Overlay Zone, subject to the inclusion of the requirement of more commercial space on developments on the north side of 3300 South, between Richmond Street and Highland Drive.

PLANNING STAFF RECOMMENDATION

The attached ordinance represents several months of work on the part of staff and other stakeholders, and significant community and stakeholder recommendation. The proposed City Center Overlay Zone is one tool in many the City is considering to fulfill the objectives of the City Center Master Plan to create an iconic, walkable urban space, an amenity and gathering place for the whole city, an engine of employment, population, and tax base to help keep taxes low for Millcreek, a design that supports, transportation alternatives, and height and use requirements that respect surrounding existing residential neighborhoods. Staff recommends adoption of the proposed City Center Overlay Zone, subject to any additional comments or recommendations from the Planning Commission.

SUPPORTING DOCUMENTS

1. Proposed Ordinance Amendments
2. Planning Commission Meeting Minutes – 10 September 2019 and 18 September 2019
3. Draft Planning Commission Meeting Minutes – 25 November 2019
4. Highland Drive Traffic Impact Study
5. Existing Town Center Overlay Zone
6. City Center Master Plan
7. *Millcreek Together General Plan*

Minutes of the
Millcreek Planning Commission
November 25, 2019
5:00 p.m.
Special Meeting

The Planning Commission of Millcreek, Utah, met in a special public meeting on Monday, November 25, 2019 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106.

PRESENT:

Commissioners
Fred Healey, Chair (excused)
Tom Stephens, Vice Chair
David Allen (excused
Russ Booth
Scott Claerhout (excused)
Shawn LaMar
Mark Mumford
Victoria Reid
Skye Sieber

City Staff
Francis Lilly, Planning and Zoning Director
Alexander Wendt, Deputy Recorder
Jeff Silvestrini, Mayor
Dwight Marchant, City Council Member
Kurt Hansen, Legislative Policy Director

Attendees: John Janson, Marv Poulson, D. Wenzel, Jake Christensen

Minutes by Alexander Wendt.

SPECIAL MEETING – 5:00 p.m.
TIME COMMENCED: 5:02 p.m.

Vice Chair Tom Stephens called the meeting to order.

1. Continuing Business

1.1 Consideration of ZT-19-003, Adoption of the City Center Overlay Zone Planner: Francis Lilly.

Francis Lilly explained that the purpose of the meeting is for reviewing the planning commission draft for the City Center Overlay Zone. The City is creating a code compliance checklist for every building type contemplating in the code. In the CCOZ there will be a required site plan review whether the proposed building is part of a conditional use permit or not. The required fee will be $455 and there is a review process. Staff will review the application item by item from the City Code. This form will be required to be filled out by developers. Lilly believes this will ensure all obligations and requirements will be met. Then the document will be presented to the Planning Commission.

Lilly edited the section on commercial recreation by adding language from City Code that it does not include temporary and season licenses or large scales events as defined in Title 5 of City Code. Vice Chair Stephens stated that if the commercial recreation definition is all risk and all is allowed except for items that are excluded and perhaps the definition should say commercial recreation does not preclude seasonal and temporary licenses.

Lilly explained staff will do a 13-item checklist on development plans even if the use is a permitted use. He suggests that a conditional use permit shall be required for any building that meets any of the following criteria, "a total square footage greater than 25,000 square feet, and or, a ground floor footprint greater than 15,000 square feet, and or, a height greater than 36 feet, not including any element described as a height exception in Table 19.73-4."

John Janson asked the opinion of the Planning Commission if perhaps the height requirement should be lowered. Any application that comes in that triggers any one of that criteria will require a conditional use permit. Commissioner Reid asked how developers will react to the conditional use process. Mr. Janson replied that the development community does not usually like the conditional use process however, development is not as discretionary as it once was. Largely the decision is left up to the city. Lilly stated that the public and stakeholders expect a public process. Lilly said that a larger building with larger parking demand and multiple uses should have a conditional use. Commissioner Reid said she did not want to make the requirements too stringent.

Commissioner LaMar asked about detrimental effects and the wording about "that may need to be addressed" Commissioner LaMar said the wording was not strong enough since the problem will need to be solved not just addressed. Lilly clarified that these items and stated he would make an addition that if staff notes a detrimental effect then it will need to be mitigated or resolved.

Lilly and asked if the commission were fine with the conditional use thresholds for height and size. Commissioner LaMar said he would prefer the thresholds be lowered. Vice Chair Stephens asked for the sentiment of the Planning Commissioners and asked why the language was duplicated. Mr. Janson stated it is there to make the requirements very clear. Lilly said the section is designed to show how to make an application. Vice Chair Stephens asked to review the categories by district. Vice Chair Stephens then asked if the requirement for a maximum 2500 square foot limit on building size in the neighborhood district is too large. Mr. Janson replied that it applies to a small office in a building. The intent for a neighborhood district is more residential. Lilly explained that neighborhood retail has a limit of 5000 square feet of space. Commissioner LaMar asked about size of offices, Lilly explained this is by use. Commissioner LaMar clarified asking if an individual had a storefront and a call center then the call center would have to go elsewhere if it was 5000 square feet. Stephens asked if the 2500 ft is aggregate or ground floor use. Mr. Janson replied that the square footage limits are based on the proposed use. Vice Chair Stephens would prefer to increase the 2500 square foot limit. Mr. Janson stated the intent is to keep the space small in a neighborhood district. Lilly responded that in the C-1 zone 5000 square feet is the limit. Commissioner Booth thought some might slip through. Lilly said that any office use would have to be limited to 2500 square feet. Mr. Janson stated the city is trying to encourage the larger offices to Mill Center or Marketplace. Vice Chair Stephens said he then thought moving back to 2500 square feet is preferable.

DRAFT

Commissioner Mumford asked for a definition of non-stealth telecommunication facilities. Lilly explained that those are older style cell towers that are not designed to be styled to look like something else. Commissioner Mumford asked if Millcreek would want to develop their own communication system at a future date. Lilly said it would need to be behind a parapet or be screened in some way if the city moved to that point.

Lilly moved to page 6, concerning residential uses. Residential uses are permitted by district and within the building types specified in section 19.73.050 (14) except that mixed use buildings located within 300 feet of the NW corner of Highland Drive on 3300 S and NE corner of 1300 E and 3300 S. Property owners would prefer 250 feet. Lilly explained that if you are from 250 feet from a corner then no more than 25% of the building can be used for residential uses. Lilly explained concerning rooftop gardens that they will not be, "allowed within 100' feet of a R-1 or R-2 zone boundary in the Neighborhood or Market Place districts, unless the rooftop garden, patio or amenity space is not located above the highest occupied floor of a building, or is obstructed from view from the zone boundary by at least 20 feet of occupied floor space." John Janson stated that the surrounding zonings to these areas are not often a R-1 or R-2.

Commissioner Reid asked if there are code requirements for parking structures due to safety concerns and restricted visibility. Mr. Janson stated there are no ordinances in Millcreek about parking structures and lighting or visibility. Commissioner Reid said it is a concern, however, if the structures are well lit and clear elevators then they are safer. Lilly replied that there is an idea called crime prevention through environmental design. There are four principles within this school of thought, natural surveillance, natural access control through limited and obvious points of entrance and exist, territorial reinforcement by creating safe spaces by eliminating blind corners, and finally maintenance. The City can incorporate these ideas in the conditional use ordinance. Commissioner Sieber stated that parking garages downtown Salt Lake City are brighter due to brighter colors. Lilly said the City will have a major parking garage at some point. Commissioner LaMar asked if the parking structure could be underneath the common area. Lilly replied any parking garage is subject to fault line requirements.

Building heights are still a concern per Lilly. Vice Chair Stephens said their recommendation can be subject to change. Vice Chair Stephens asked why not allow taller buildings in Tuxedo Junction since Brickyard will be redeveloped at some point and those buildings will be taller than the current buildings. Vice Chair Stephens said they could make a sub-recommendation to the city council that height should not exceed 50 feet at Tuxedo Junction. Lilly explained that the challenge is in height transitions and proximity to view corridors in residential areas. Lilly said that development in the area is the end-goal and leaving the height the same would limit new development. Mr. Janson and Commissioner Mumford agreed that the area would be a gateway to Millcreek. Vice Chair Stephens asked if the commission would recommend the Tuxedo Junction area to not exceed 50 feet. Commissioner LaMar said that 50 feet is better than 74 feet. Commissioner LaMar asked if the height of 48 foot minimum could be reduced to a smaller amount for the 48-74 feet area. Commissioner LaMar worries about a canyon feel and a minimum of 40 feet instead of 48 feet could alleviate that. Vice Chair Stephens stated that the commission should move on and asked if a 50-foot max is okay for Tuxedo Junction. Commissioner LaMar said making the minimum 40 or 36 feet is better since it doesn't force a potential developer to the minimum of 48 feet. Lilly stated that the street is wide, there is 100 feet of right-of-way. Additionally, the setbacks are also larger. Commissioner Booth stated the setbacks and less than 50 feet of height may deter some development since developers will

with frontage on Highland Drive, a twenty-foot step-back of the building façade, facing the street, is required between bottom of the first story and the top of the third story and upper stories. This step-back shall be segmented, such as, a ten foot initial step-back between the first and second floors and then an additional ten foot step-back between the second and third floors or shall create a step-back of 20' between the first and third floors, that should be utilized as a usable space for residents or businesses within the building.

Vice Chair Stephens asked that if a building height over 40 feet would trigger the step-back requirements. Lilly replied yes. Commissioner Reid said that if two buildings are back-to-back from each other than a step-back is unnecessary Vice Chair Stephens said the way this is worded then step backs are required for a building over 40 feet on the street-side. Vice Chair Stephens clarified if the wording should be, "facing the street", or "facing any street." Commissioner LaMar stated that he preferred having more step-backs than not having them. Although being right up against another building doesn't make sense to trigger a set-back.

Lilly said that there is potentially a chance for parking next to the open space, this parking would need to meet the standards in the CCOZ Ordinance. The designers are moving away from a one-way loop road. Lilly quoted "Opposing residential bedroom windows located on building walls in adjacent buildings, where such buildings are closer than 20 feet from each other, shall offset the window a minimum of 5 feet and provide window blinds for each opposing window, or reduce the opacity of the window to prevent one side from viewing the other." Windows on building planes would be offset when they are closer than 20 feet. Buildings balcony's must be ten feet from each other. Lilly said that stucco is prohibited for use as materials on any façade visible from a right-of-way. Lilly said on per page 25 10 feet is the minimum rear yard setback except with abutting an R-1, R-2, or R-4-8.5 zone, then the setback is 25 feet. Mr. Janson added that guest parking does not include the driveway.

Francis Lilly stated that if there is a small wireless facility in the right of way then there is city code governing the placement of these facilities. They must be placed on utility poles that are like streetlights. Mr. Janson reminded the commission that the only poles will be streetlight poles, since utilities are underground. Lilly said small wireless facilities could be required to be placed on existing poles. Commissioner Reid asked if the streetlight language was changed. Lilly and Mr. Janson replied yes. Commissioner LaMar questioned drive-through's for food or beverage service as opposed to a restaurant. Commissioner LaMar said the terms "food or beverage service is more absolute.

Vice Chair Stephens opened the floor to public comment.

Diane Wenzel, 3240 S 1000 E., agreed with Commissioner Lar Mar about building heights creating a canyon feel along 3300 S. She also agrees that roof-top amenities make buildings too tall. In past public hearings she has seen developers using maximized allowed heights not the minimum heights.

Jake Christensen 3161 Walnut Park Cove., Mr. Christensen stated in the 48-74 foot zone on 3300 S if the setback is only 10 feet then you can build another 70 foot building next to it with another 10 foot setback for a total setback of 20 feet this this would limit sunlight to lower residences when two 70 foot buildings abut, only 20 feet apart. He stated that there should be

expect more square footage. Mr. Janson suggested adding another height category for the south side of 3300 S. Commissioner Reid disagreed and preferred to keep the height limits at 48-74 feet. Commissioner Booth said that many people would want the larger heights since it opens more potential for new building. Lilly said that the minimum height on the south side of 3300 S would be 40 feet and would change the map.

Lilly said that height restrictions would not allow structures except towers and solar panels and these may be located closer than 10 feet to the edge of the building. The building and fire code have rigorous standards about putting pools and other things next to the edge of a building. Lilly said there would have to be a ten-foot setback from the edge of the building. Commissioner LaMar worried about turning a 74-foot building into an 86-foot building. Lilly said that rooftop gardens, patios, and amenity space are, "not allowed within 100' feet of a R-1 or R-2 zone boundary in the Neighborhood or Market Place districts, unless the rooftop garden, patio or amenity space is not located above the highest occupied floor of a building, or is obstructed from view from the zone boundary by at least 20 feet of occupied floor space." Lilly explained if it's a 74-foot building that has a pool then there would have to be a wall constructed however, the wall would have to be ten feet away from the edge of the building. Vice Chair Stephens said the pool is not habitable space, it's for recreation. Commissioner LaMar said that if people are using the space and it's not a mechanical part of the building then the building is too tall for the area. The mass of the building has therefore increased. Lilly said that if the building is setback 20 feet from the road and the amenities on the roof are set ten feet back you could not see it from ground level. Commissioner LaMar said that if a developer would like to put a pool on top of their building then they need to include the height of the safety wall in their planes and then bring the height of the building down to 74 feet to stay within the required height. Mr. Janson clarified that they wish to emphasize using the roof tops as small park spaces. Lilly stated that in his opinion a roof-top garden is designed to give a view and is not perceived from the ground-floor. Vice Chair Stephens stated that these buildings would be subject to the conditional use site plan requirement.

Francis Lilly began the discussion on trees. Mr. Marv Poulson handed out a sheet on tree types. Commissioner Booth stated the that Commission could get bogged down discussing trees in depth at this time. Vice Chair Stephens asked if Mr. Poulson had more input on trees. Mr. Poulson replied that he has more to input. Commissioner Lar Mar suggested that the code should be more open regarding trees and experts should pick the trees later. Commissioner Reid said she advocates a consistent look; however, she was still worried about disease wiping out the trees if they are the same type. Mr. Lilly stated there is a proposal for urban forestry policy looking at canopy requirements and how trees are maintained, the tree design should be consistent in a block by block basis. Commissioner Booth said that the process for determining trees should be deliberate and open to public hearing. Mr. Janson stated there is a tree planting plan, however, the choice does not need to be made now. Lilly stated that the City can use wording saying to stakeholders planting trees that they must use a tree on the approved list. Commissioner LaMar agreed. This gives the city the opportunity to adopt a tree plan for certain blocks.

Lilly said that step-backs are for street facing facades and not the back of buildings. Vice Chair Stephens noted the Russ Sorenson application and how step-backs solve issues there. Mr. Janson said they added on page 23 a 2-foot variation for the back of buildings. Lilly went to page ten for the wording on step-backs. Lilly quoted, "For any building over 40 feet in height or for any development on properties fronting on the Millcreek Common, 33rd South, Richmond and/or

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greater setbacks of 35-60 feet of separation. Since the greater setbacks are common in larger cities like Manhattan and Chicago.

Mr. Janson stated there will be buildings with shadows and by increasing setbacks it reduces what can happen in the intensity of the buildings. On lower buildings a setback like that is not required. Commissioner LaMar asked what the current minimum setback is. Lilly said that if two buildings abut, they must be separated by ten feet on each property for a total of 20 feet. Lilly stated that if the buildings have a balcony then the setback begins from the edge of the balcony and they musts be 20 feet apart. Commissioner LaMar said they want to make this a nice, livable area for the residents who will live there. Commissioner LaMar added he would like more space than the 20-foot minimum now. Commissioner Booth stated that extra space may be nice, however 20 feet is enough because density is the goal. Density helps decrease building costs and rent costs. Commissioner Sieber asked that there be a graduated scale for the setback based on the height of the building. Commissioner LaMar asked for more separation when buildings are taller. Commissioner Reid is fine with 20 feet.

Vice Chair Stephens said that in their recommendation to City Council the Planning Commission asked they instruct staff in reviewing increasing setbacks for taller buildings. Mr. Lilly agreed to do so.

Vice Chair Stephens moved to recommend to the city council for that the City Center Overlay Zone Ordinance be adopted subject to the items discussed and enumerated in the meeting on 25 November 2019. Commissioner Reid seconded. Vice Chair Stephens called for the vote. Commissioners Booth, Sieber, Mumford, Stephens, Reid voted yes. Commissioner LaMar voted nay. The motion passed 5-1.

2. New Items for Subsequent Consideration

There were none.

3. Calendar of Upcoming Meetings

- Mt. Olympus Community Council Mtg., 12/3/19, 6:00 p.m. at 3450 E. Oakview Dr. (tentative)
- Millcreek Community Council Mtg., 12/3/19, 6:30 p.m. at City Hall
- East Mill Creek Community Council Mtg., 12/5/19, 6:30 p.m. at 2266 E. Evergreen Ave.
- City Council Mtg., 12/9/19, 5:00 p.m. at City Hall
- City Council Mtg., 12/16/19, 5:00 p.m. at City Hall
- Planning Commission Mtg., 12/18/19, 5:00 p.m. at City Hall

ADJOURNED: Commissioner Mumford moved to adjourn the meeting at 6:44p.m. Commissioner Booth seconded. Vice Chair Stephens called for the vote. All Commissioners voted yes. The motion passed unanimously.

APPROVED: _____ Date
Fred Healey, Chair

_____
Attest: Elyse Greiner, City Recorder

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Chapter 19.73 – City Center Overlay Zone (CCOZ)
Planning Commission Recommendation Draft – 25 November 2019

Amend 19.04.448 as follows:

"Commercial recreation" means one or more recreational ~~facilities~~ activities or uses, either indoor or outdoor, operated as a business and open to the general public for a fee, ~~such as golf driving ranges and baseball batting range.~~ "Commercial recreation" does not include the following indoor or outdoor recreational, gaming or amusement uses: firearm ranges; target shooting of all kinds; paintball; motorized activities of all kinds, irrespective of power source; mechanical, video, electronic or computerized recreational or amusement arcades. "Commercial recreation" does not preclude the issuance of temporary and seasonal licenses or licenses for large scale events of state, national, or international importance/recognition as defined by MKZ Title 5.

19.73.010 – Purpose and Intent

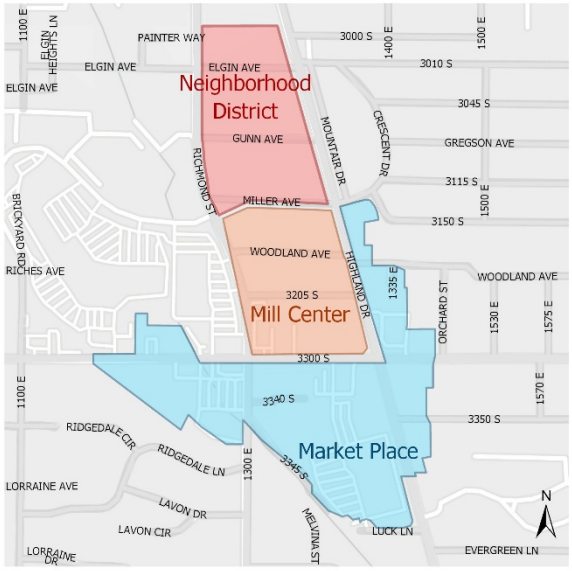
The purpose of the City Center Overlay Zone (CCOZ) is to supplement and modify the standards of the existing commercial and multifamily zones to promote the creation of a walkable mixed-use city center for Millcreek. The City Center is located approximately between Highland Drive and 1300 East, and 3000 South and along 3300 South and as particularly set forth on the Map 1 below and the official Millcreek Zoning Map. The CCOZ zone is intended to facilitate development that promotes quality growth, fosters harmonious development and outstanding design, increases property values, and creates new retail, residential, and other commercial opportunities**.**

19.73.12 Applicability and Use of the CCOZ

Any new development, exterior remodeling covering more than 50% of the building, or building expansions exceeding 15% of the gross square footage of the existing building, shall conform to the City Center Overlay Zone. Conformity shall not be required for maintenance, exterior painting, or interior remodeling of a building. New signs or sign replacements shall also comply with the CCOZ.

The CCOZ area is composed of three districts – the Neighborhood, the Mill Center, and the Market Place**.** The CCOZ covers the area shown in the map below:

Map 1 – City Center Overlay Zone Boundaries



19.73.15 CCOZ application processing

1. Preapplication conference meeting with representatives from the Community Development Department is required.
2. Application – an application and associated fees, shall be submitted and reviewed by staff for completeness. An incomplete application, that does not address the required CCOZ and other City ordinance required information, as determined by staff, will be returned to the applicant and not be processed until all information required by the City ordinances is provided. The City will provide a list of application requirements. The initial application will generally consist of concept plans with the following minimum requirements:

a. The applicant's name, address, telephone number, e mail, and interest in the property.

b. The property owner's name, address, e mail, and telephone number, if different than the applicant, and the property owner's signed consent to the filing of the application.

c. A property survey, property boundaries, right-of-way center lines, utility access, and recorded easements. The survey shall also include the street address and legal description of the subject property.

d. The current zoning classification, zoning district boundaries, and present use of the subject property.

e. A conceptual site plan or plans, drawn to scale, including sketches of the types of buildings proposed, floor plans, elevations of proposed buildings, materials, landscaping, parks, plazas, pedestrian pathways, parking, low impact design stormwater techniques to be applied to the site, known faultlines and recommended setbacks, oblique sketches of the project to show any view related issues (Valley and Mountains), and conceptual street cross sections using the requirements of sections 19.73.40 and 19.73.50 of this chapter.

f. A written explanation of the project that describes the thematic elements of the project, the place making concepts, one or more signature features, commercial and mixed-use designs (if applicable), potential tenants, its' relationship to the goals for the City Center and other details that will provide reasons that the development will create a long term benefit to the City and proposed techniques to mitigate any anticipated detrimental effects.

h. A preliminary traffic study that defines potential traffic generation, the integration of the new development with the adjacent street corridors, traffic capacity/level of service issues on adjacent roads and intersections, and suggest mitigation solutions for anticipated traffic congestion problems. The traffic study may also address parking demands, if the applicant believes that the standards found in the Parking Chapter are inappropriate. Applicants shall follow the requirements of 19.80.040 to create a parking study. Such studies shall be commissioned by the City and paid for by the applicant.

i. Provide letters from all utility companies providing service to the project site describing their ability to serve the project.

j. A site-specific geologic hazard study and report, if required by MKC 19.75.

k. A summary table showing floor area by use, required parking by use, materials percentages, percentages of doors and windows, residential amenities if required, and open space requirements.

l. Other information or documentation the Community Development Department and/or Public Works may deem necessary, as described on the application form, for proper review and analysis of a particular application and its potential detrimental effects.

2. Application processing and review – the initial application and fee, composed of the concept plan information as described above and the conceptual development agreement, shall be reviewed by staff and discussed with the applicant in an internal pre-development review meeting. Subsequent to that meeting, changes may be made to the submittal documents, if needed.

Staff will assess the application for its' compliance with the regulations of this chapter and determine if any potential detrimental effects need mitigation to include the following list of potential issues and standards, that may need to be addressed and mitigated:

1. Decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards.
2. Negative impacts on the adequacy of utility systems, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, or preserving existing systems.
3. Negative impacts on connectivity and safety for pedestrians and bicyclists.
4. Detrimental effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic

disturbances, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance.

5. Environmental impacts that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people such as waste disposal, fire safety, geologic hazards such as faultlines, soil or slope conditions, liquifaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.
6. Modifications to signs and exterior lighting to assure compatibility within the overlay zone.
7. Incompatible designs in terms of use, scale, intensity, height, mass, setbacks, character, construction, solar access, landscaping, fencing, screening, and architectural design and exterior detailing/finishes and colors within the overlay zone in which the use will be located.
8. Reduction in the tax base and property values.
9. Reduction in the current level of economy in governmental expenditures.
10. Insufficient emergency fire service and emergency vehicle access.
11. Reduction in usable public open space
12. Graffiti prevention applications and designs
13. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.
14. Increase personal safety through the application of Crime Prevention Through Environmental Design (CPTED) principles to building design, especially for parking garages.

3. Final Development Plan – this plan submittal, subsequent to any Planning Commission public hearing(s) including an associated fee, is a detailed plan that addresses every section requirement of this ordinance, especially MKC 19.73.40 and 19.73.50, in a precise manner.
4. Conditional use approval ~~will~~ shall be required for any building that meets any one of the following criteria:
    a. A total square footage greater than 25,000 square feet.
    b. A ground floor footprint greater than 15,000 square feet
    c. A height greater than 36 feet, not including any element described as a height exception in Table 19.73-4.

The City will provide a checklist of the information required. Final development plans shall be required to the detail required by the City and shall be processed by staff. Building permit applications may be submitted after appropriate assurances in the form of cash escrow bonds are submitted for the public improvements.

19.73.020 – Permitted and Conditional Uses

Permmited uses on any lot in the CCOZ zone shall be the permitted and conditional uses allowed in the C-2 zone, with the addition of single purpose multi-family dwellings in the Neighborhood District. Uses shall be located within one of the Building Types , see section 19.73.050 (14) e. except for the use limitations as set forth in Section 19.60.030.

In addition to the ~~conditional~~ uses listed below, any building that meets any one of the following criteria shall be approved using the City's Conditional Use Process:

a. Any proposed building with a total square footage greater than 25,000 square feet,
b. Any proposed building with a ground floor footprint greater than 15,000 square feet,
c. Any proposed building with a height greater than 36 feet, excluding any element described as a height exception in Table 19.73-4.

Such buildings shall be processed using the standards found in this Chapter as well as in Chapter 19.84 Conditional Uses.

Table 19.73-1 – Permitted and Conditional Uses (subject to 19.73.020)

General Categories of Use by District
Neighborhood District - Multi-family, mixed use, neighborhood retail and neighborhood services, office uses (2,500 square feet or less), commercial indoor recreation, temporary/seasonal/mobile food businesses
Mill Center – mixed use including residential on upper floors, office, retail, service uses, entertainment, civic uses, commercial indoor recreation/entertainment uses, temporary/seasonal/mobile food businesses
Market Place – retail commercial use, office, mixed use, commercial indoor recreation, temporary/seasonal/mobile food businesses

19.73.030 – Prohibited Uses and Use Limitations

Table 19.73-2 – Prohibited Uses and Use Limitations

The following uses are prohibited or limited in CCOZ zone:

USES	LIMITATION
Automobile Service Station, car wash and detailing businesses	Not allowed
Equipment, Car or Truck Rental or storage	Not allowed, except for car rental as an accessory use to a hotel
Non-Stealth Telecommunications Facilities.	Not allowed. Stealth telecommunication facilities are only allowed on rooftops.
Sexually oriented businesses	Not allowed subject to MKC 19.91.11

Pawnshop, smoke shops and related products, military surplus, and retail tobacco as the principal use	Not allowed
Residential Uses are permitted by district and within the building types specified in section 19.73.050 (14), except that mixed use buildings located within 250' of the NW corner of Highland Drive on 33rd South and the NE corner of 13th East on 33rd South shall contain no more than 25% of the building floor area as residential uses. The 250' measurement only applies to that same quadrant of the intersection. For the purposes of this chapter, leasing offices, lobbies, required parking, and any required residential amenity spaces are not considered commercial uses.	Shall include mixed uses on corners in the Neighborhood District, and 100% residential buildings are not allowed in the Mill Center and Market Place districts. Residential uses shall include amenities as required by MKC Chapter 19.44.050.
Rooftop Gardens, Patios, and Amenity Space	Not allowed within 100' feet of a R-1 or R-2 zone boundary in the Neighborhood or Market Place districts, unless the rooftop garden, patio or amenity space is not located above the highest occupied floor of a building, or is obstructed from view from the zone boundary by at least 20 feet of occupied floor space.
Sale or lease of new or used vehicles of all types, watercraft, mobile homes, travel trailers, campers, motorcycles and other recreational vehicles, including licensed and non-licensed mobile construction equipment and other non-licensed mobile commercial equipment.	Not allowed
Secondhand stores including general merchandise, precious metal dealer/processor and/or precious gem dealer.	Limited to a maximum of 2,500 square feet
Commercial indoor and outdoor self-storage facilities of all types as a principal use, including mini-storage units, neighborhood storage, indoor and temperature controlled storage facilities.	Not allowed. Self storage, for residents of the building, as part of and internal to a multi-family or mixed use development is allowed, if located on an upper floor.

Tattoo and Other Body Art Businesses	Not allowed
Short term ("payday", "car" title, check cashing and similar) loan services	Not allowed
Drive-Through Uses as an Accessory Use	Not allowed for restaurant or food or beverage services uses in the Neighborhood district Drive through windows, order boxes, or access lanes are not are allowed to front on the Millcreek Common Street, and for all other districts drive-through uses shall conform to the requirements of Section 19.62.050 and other applicable requirements of this Title.
Indoor and outdoor gun ranges, both for profit and non-profit	Not allowed
Manufacturing as a principal use	Not allowed, excepting the manufacture of beer and spirits
Freestanding fireworks seasonal sales	Not allowed.
Structured parking, including parking garages and podium parking.	Not allowed to face any street unless wrapped with commercial or office uses on the first floor, street facing facade.
Sidewalk Dining	Allowed on any street except for alleys and woonerfs, to within 5 feet of the curb
Restaurant and Retail uses facing Millcreek Common	Restaurants and retail are the only uses allowed on the first floor facing Millcreek Common

19.73.040 – Bulk and Yard Regulations

The Tables below and Map 2 establish supplemental bulk and yard regulations for all buildings within CCOZ. These regulations modify and/or supersede any conflicting requirements found in the underlying zone.

Building Heights - Minimum and maximum heights are described in Map 2 below and in the chart below, and on the Official Planning and Zoning maps published by the City. Any proposed development that overlaps a defined height line that represents a change in building heights, on the Official Planning and

Zoning map, shall use the lower standard or may step up the building height as per the Official Planning and Zoning map, at that height line.

Table 19.73-3 – Height Requirements and Map

Height Requirements		Minimum	Maximum
East of Highland Drive, north of 33rd South	Tan area	12 feet	26 feet
North end of the Neighborhood District and south end of the Market Place	Yellow area	12 feet	38 feet
Various areas along Richmond, Highland near 33rd, and along 33rd. This area along Highland Drive is 75' wide, as measured from the west ROW line as of the adoption date of the ordinance.	Light Orange areas	24 feet	50 feet
Areas along Millcreek Common and on the north side of 3300 South	Dark Orange areas	40 feet	74 feet
South Side of 3300 South near the 1300 East Intersection	Dark Brown Areas	48 feet	74 feet

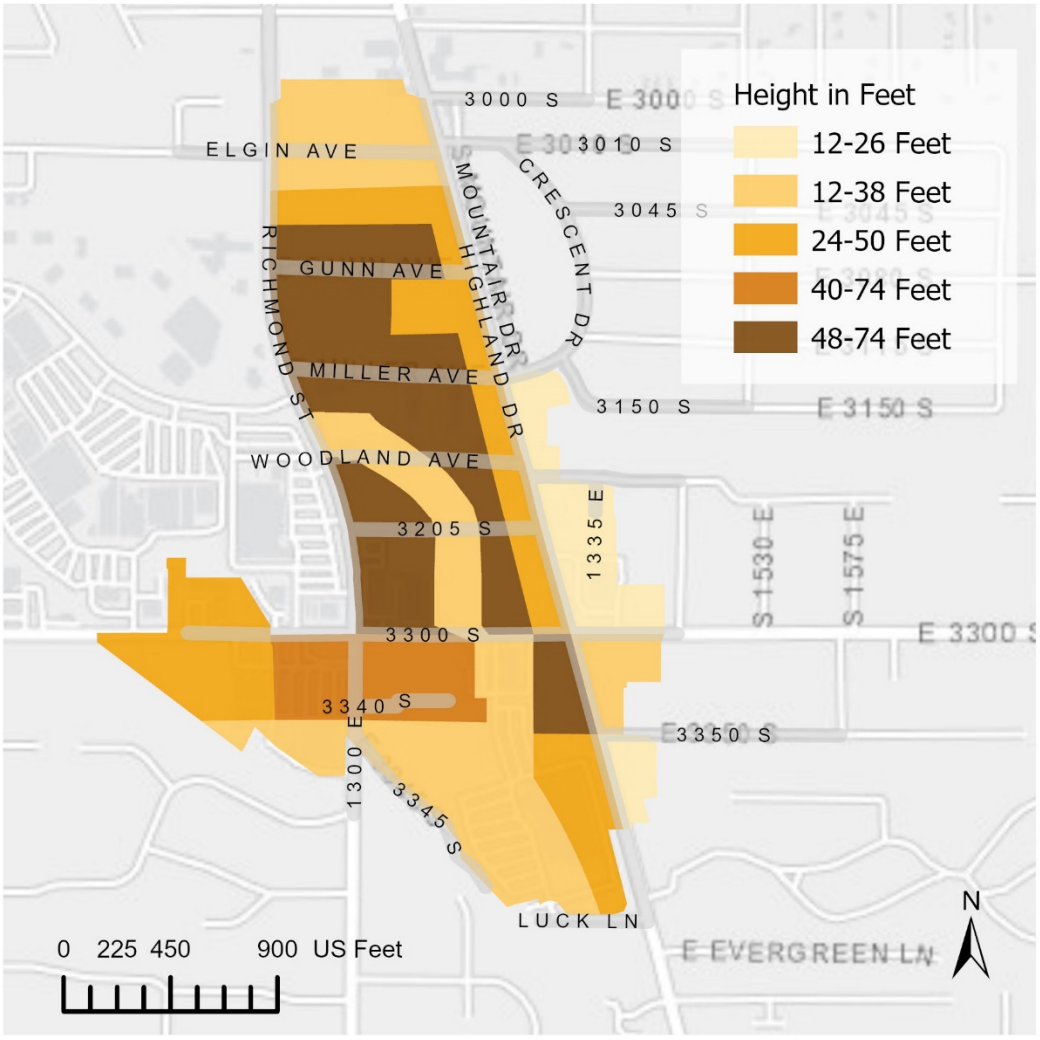


TABLE 19.73-4 – Bulk and Yard Regulations

BULK AND YARD REGULATIONS	
Minimum Building Height	Minimum building heights are described in Map 2 above and in this table
Maximum Building Height	Varies by district – see section 19.73.14 (e) and Note 2 below, and Map 2 above
Height exceptions	Roof structures for the housing of elevators, stairways, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, shade structures (awnings, fabric roof coverings, wood and metal open frame structures, etc.), towers (where required by City ordinances), flagpoles, chimneys, stealth wireless or

	television installations, theater lofts, solar panels, may be erected above the height limits prescribed in this chapter, but no space above the height limit shall be allowed for the purpose of providing additional habitable floor space. No such structures except towers and solar panels, may be located closer than 10' to edge of the building. The maximum increase in height for the above features shall be 12'.
Height Transitions	Height transitions are required for buildings within 100 feet of an R-1 or R-2 zone. See Note 1 and 2.
Maximum Lot Coverage	80 percent
Minimum Lot Coverage	50 percent
Maximum Front Yard	10 feet, subject to the build-to-line (see Note 4) standards established in Section 19.73.050 (8) and (14). The front yard setback is measured from the ROW line, except in the case of a plaza adjacent to the street, where the setback is measured from the edge of the plaza furthest from the street.
Off-Street Parking	Not allowed between front plane of the building and the curb on the street it fronts.
Residential Density	No maximum density is established.

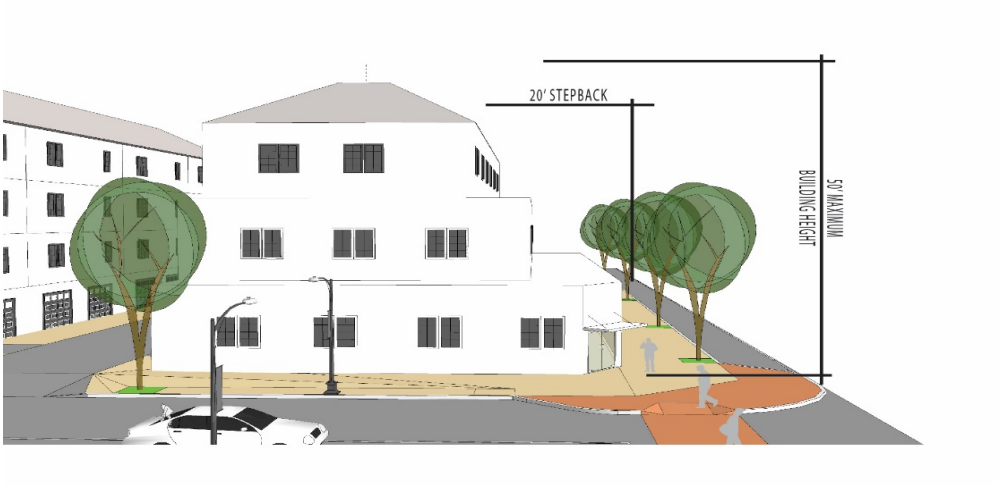
TABLE 19.73-4: NOTES

1. For any development in CCOZ that is directly abutting an R-1 or R-2 zone, the maximum height for structures within 100 feet of the residential zone boundary shall not exceed 30 feet, as measured from the property line abutting the residential zone. If the residential zone abuts the CCOZ at a property line, the setback is measured from that property line. Buildings may step up after the 100' transition requirement has been met.

2. For any building over 40 feet in height or for any development on properties fronting on the Millcreek Common ~~Street~~, 33rd South, Richmond and/or with frontage on Highland Drive, a twenty-foot stepback of the building façade, facing any street, is required between bottom of the first story and the top of the third story and upper stories. This stepback shall be segmented, such as, a ten foot initial stepback between the first and second floors and then an additional ten foot stepback between the second and third floors or shall create a stepback of 20' between

the first and third floors, that should be utilized as a usable space for residents or businesses within the building (See Figure 1).

Figure 1 Building Stepbacks and Setbacks



3. For the purposes of this chapter, where setbacks are measured from a right-of-way (ROW) containing a fully improved sidewalk, setbacks from a right of way shall be measured from the edge of the sidewalk that is directly abutting the public right-of-way.

4. Build-to-lines are defined as the line at which construction of a building façade is to occur on a lot, running parallel to the front property line, and ensuring a uniform (or more or less even) building façade line on the street. The flexibility provided in this Chapter is intended to allow for additional sidewalk space and façade variation, seating, for outdoor uses such as restaurants and to promote sidewalk dining.

19.73.050 – Design Standards

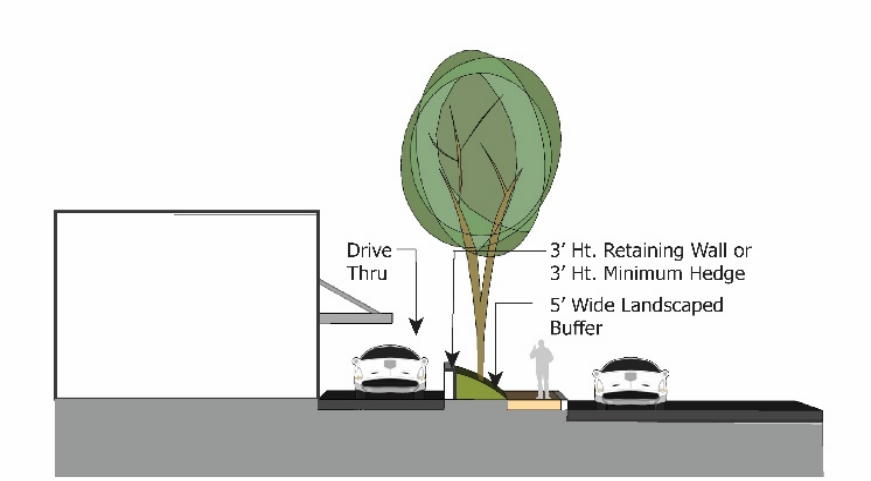
1. **Objectionable Conditions and Violations of Applicable Law.** All uses shall be free from unsafe, unhealthy, objectionable and or unreasonable odor, dust, smoke, emissions, noise, vibration, or similar problems, nor be in violation of any federal, state or local law.

2. **Landscaping on Public Right-of-Way.** Where a development directly abutts a public right-of-way, the development is required to install the street tree, curb, gutter, and sidewalk, pavement matching, street lights, landscaped planters, and street furniture as per the appropriate street cross section as shown in sub-section 6 below. This landscaping shall not be included any required open space.

3. **Drive-Through Uses as an Accessory Use.** Drive through uses, such as financial institutions, food and beverage services, are permitted as an accessory use in CCOZ, except that drive-throughs associated with a food and/or beverage service, are not allowed in the Mill Center District and the Neighborhood District. Existing restaurants in the Mill Center District continue to be a legal use. Drive through facilities shall include a canopy or roof that is architecturally integrated and attached to the building and that mirrors the roof form of the primary building. Drive through windows are not permitted on facades that face a right-of-way, unless existing site or access

conditions prohibit a drive through window on a façade that does not face a right-of-way. In situations where a drive through window is required on a street facing façade, the building shall incorporate a five-foot wide landscaped buffer, either sloped to a 3' tall retaining wall or a minimum 3' hedge, between the drive-through lane and the adjacent parking or right-of-way.

Figure 2 Drive-Through requirements



4. **Requirements for Residential Uses.** Requirements for any residential use established in CCOZ shall comply with the requirements established in Chapter 19.44 Multi-Family Residential and Chapter 19.78 Planned Unit Development of the Code, unless modified by this chapter.
5. **Street Trees**

   General street tree standards can be found in subsection 9, Landscaping General below. Additionally, to recognize the orchards that once stood in this area:

   Neighborhood Streets shall be planted with groups of flowering ornamental trees that are non-fruit bearing. Trees from the following list are suggested:

   - Spring Snow Crabapple, *Malus 'Spring Snow'*
   - Chanticleer Pear, *Pyrus calleryana 'New Bradford'*
   - Kwanzan Flowering Cherry, *Prunus Serrulata*
   - Eastern Redbud, *Cercis canadensis*
   - Fruitless Mulberry, *Morus alba*

   Highland, Richmond, and 33rd South street trees – wherever possible trees that consume greater CO2 should be planted in expandable grates within the park strip.Trees intended to create uniformity and distinction for these roads are suggested, subject to City approval, as well as a Tree planting plan as required in subsection 9.

6. **Street Types**

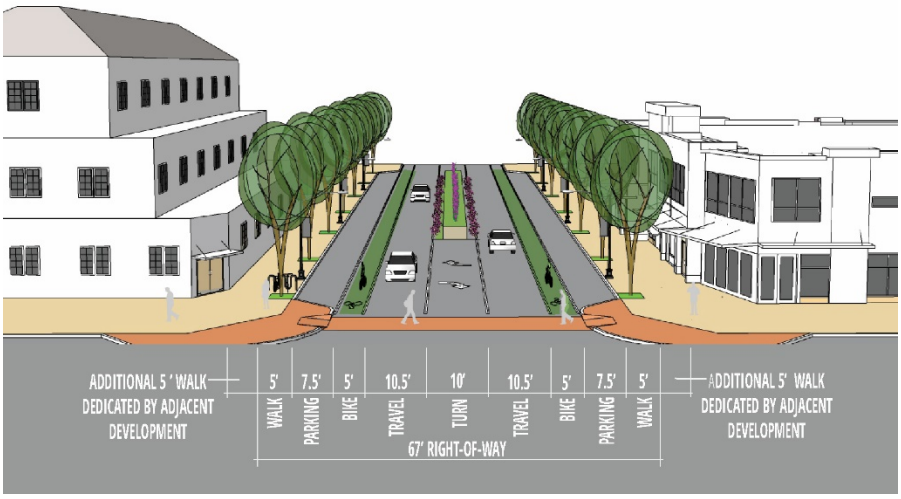
   The seven street types identified below are intended to create a specific identity for the City Center District. All public sidewalks shall be colored a consistent tan color with complimentary accent colors at intersections and mid-block crossings. Exact dimensions and requirements will need to be coordinated with Public Works.

A. Highland Drive

Highland Drive serves as the primary eastern collector through the district. This street section is characterized by narrow travel lanes, dedicated bike lanes, on-street parking (where feasible), generous sidewalks, and curb bulb outs at intersections for traffic calming. The intent is to slow traffic through the district, accommodate all modes of travel and focus on pedestrian connectivity.

Requirements	
Vehicular Zone	
ROW Width	67’
Travel Lanes	2
Center Turn Lane	1
Lane Width	10.5’
Center Median	Permitted mid-block and low turn demand areas
Parking Lanes	7.5’ On-street parallel required on each side
Bicycle	5’ Dedicated bike lanes each side using green thermoplastic or colored concrete
Pedestrian Zone	
Walkways	10’ min. attached colored concrete sidewalk on each side with complementary enhanced paving at intersections and mid-block pedestrian crossings (5’ within ROW, 5’ dedicated by property owner)
Street Buffer	Trees in grates within the 10’ walkway dimension noted above
Furnishings	Bike racks, seating, lighting, planters

Figure 3 Typical Cross Section for Highland Drive



B. Richmond/13th East Boulevard

A minimum of two lanes in each direction with a median turning lane, punctuated with landscaped medians in areas not needing left turns, these streets are envisioned as grand boulevards.

Requirements	
Vehicular Zone	
ROW Width	90’
Travel Lanes	4
Center Turn Lane	1, 12’
Lane Width	12’
Center Median	Permitted except at intersections, 12’
Parking Lanes	No parking on street
Bicycle	5’ Protected bike lanes each side, using green thermoplastic or colored concrete
Pedestrian Zone	
Walkways	5’ min. attached colored concrete sidewalk on each side with complementary enhanced paving at intersections and mid-block pedestrian crossings (5’ within ROW, 5’ dedicated by property owner which can be dedicated to Cty or provided through a public pedestrian easement and can encroach on the setback)
Street Buffer	5’ park strip xeriscape with large trees
Furnishings	Bike racks, bus shelters, lighting

Figure 4 Typical Cross Section for Richmond/13th East Boulevard

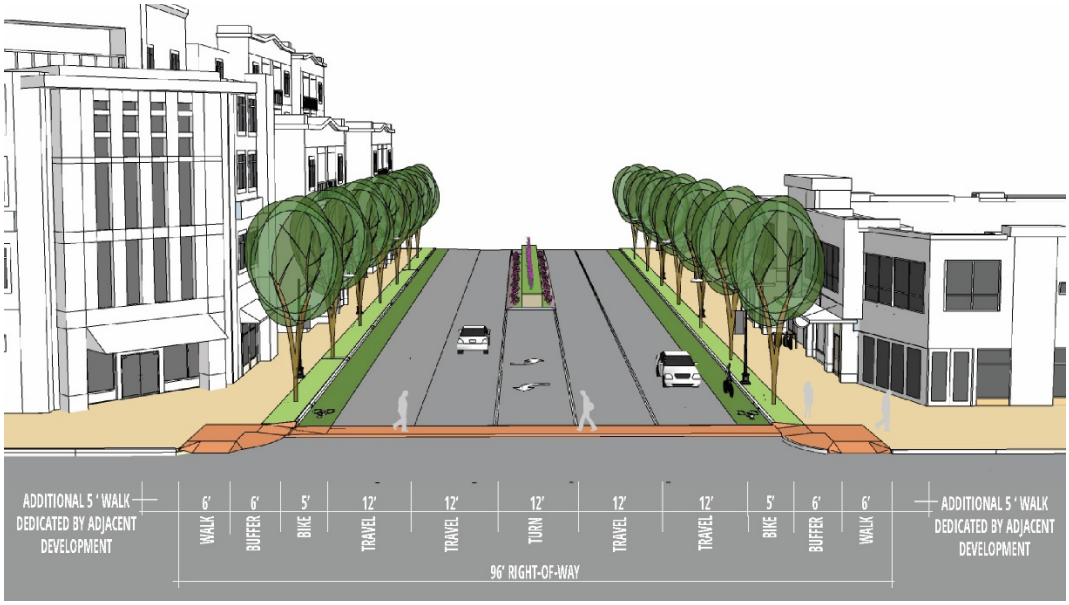


C. 33rd South Boulevard

This street is controlled by UDOT but plays an important role in the recognition of the City Center and the flow of major volumes of traffic in an east/west direction. To facilitate mobilty with the City Center area, protected bike lanes are recommended to create better connections, between Highland and Richmond streets.

Requirements	
Vehicular Zone	
ROW Width	96’
Travel Lanes	4
Center Turn Lane	1, 12’
Lane Width	12’
Center Median	Permitted except at intersections, 12’
Parking Lanes	No parking on street
Bicycle	5’ Protected bike lanes each side, using green thermoplastic or colored concrete
Pedestrian Zone	
Walkways	6’ minimum attached colored concrete sidewalk on each side with complementary enhanced paving at intersections and mid-block pedestrian crossings (5’ within ROW, 5’ dedicated by property owner which can be dedicated to city or provided through a public pedestrian easement and can encroach on the setback)
Street Buffer	6’ park strip xeriscape with large trees
Furnishings	Bike racks, bus shelters, lighting

Figure 5 Typical Cross Section for 33rd South

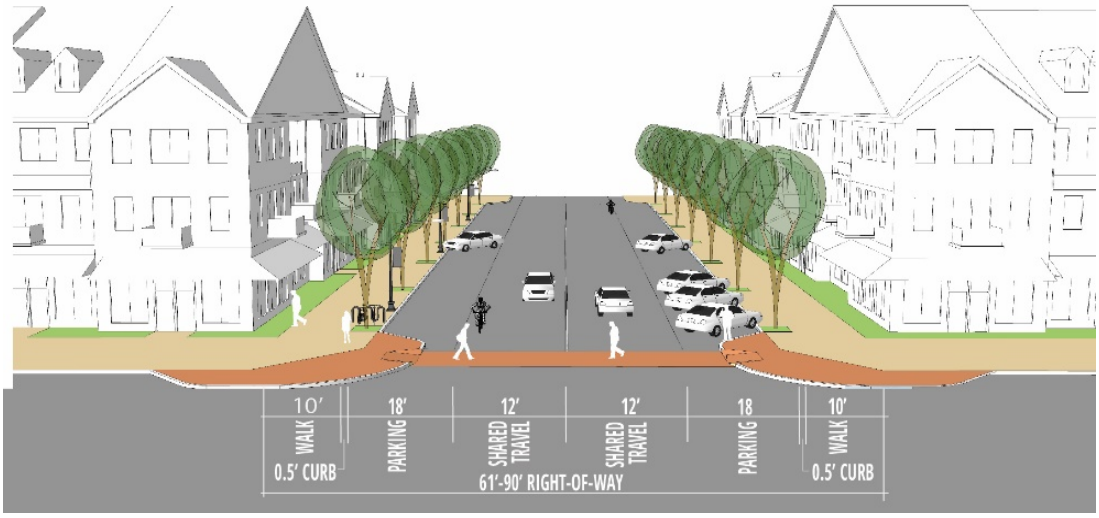


D. Neighborhood Streets

Connecting neighborhood streets include all of the streets that run east and west between Highland and Richmond Street/1300 East through the City Center. These streets are characterized by narrower right-of-way widths with similar goals of accommodating all modes of local traffic.

Requirements	
Vehicular Zone	
ROW Width	61’ to 80’
Travel Lanes	2
Center Turn Lane	None
Lane Width	12’
Center Median	Not permitted
Parking Lanes	8.5’ On-street parallel, 18’ for angled head in, or head out on each side, depending on ROW
Bicycle	Shared with travel lanes
Pedestrian Zone	
Walkways	5’ min. attached sidewalk on each side
Street Buffer	5’ min. landscape area with trees
Furnishings	Bike racks, seating, lighting, planters

Figure 6 Typical Cross Section for a Neighborhood Street

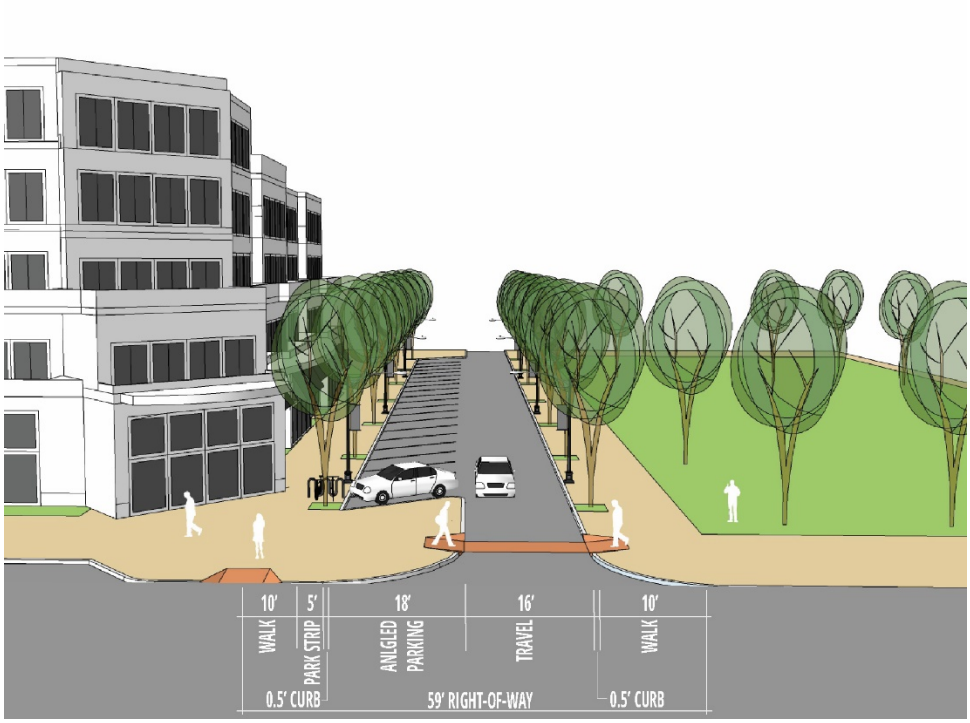


E. Millcreek Common Street and Frontage

If vehicular access and parking is provided between any building and Millcreek Common, it must meet the following requirements:

Requirements	
Vehicular Zone	
ROW Width	varies
Travel Lanes	1
Center Turn Lane	None
Lane Width	16’
Center Median	Not permitted
Parking Lanes	8.5’ On-street parallel parking, both sides – or angled on the building side
Bicycle	Shared with travel lanes
Pedestrian Zone	
Walkways	10’ min. outside edge, 5’ inside edge
Street Buffer	5’ min. landscape area, with trees
Furnishings	Bike racks, seating, lighting, planters, sculptures

Figure 7 Potential Cross Section for Millcreek Common Street



F. Laneway

Laneways are to be used as access to parking, rear loaded buildings, loading and delivery areas, services areas for refuse and utilities at the rear of lots, and as connectors for pedestrians. Laneways are intended as a shared vehicular access to the rear of buildings that allows the front façade to remain tied to the pedestrian realm.

Requirements	
Vehicular Zone	
ROW Width	30’ (one way)
Travel Lanes	1
Center Turn Lane	None
Lane Width	16’ (one way)
Center Median	Not permitted
Parking Lanes	Not permitted
Bicycle Lane	shared
Pedestrian Zone - shared	
Walkways	5’ one side, 4’ other side
Street Buffer	5’ with tree grates and trees tied to 5’ walkway, and breakable bollards on 4’ walkway edge
Furnishings	None

Figure 8 Typical Cross Section for a Laneway



G. Woonerf

A shared street promoting for pedestrian and bicycle use over vehicular use but in an undefined manner. No curbs and weaving vehicular ways, punctuated by landscaped islands, help to create a street that is open for all users but in a very low speed, safe, environment.

Requirements	
Vehicular Zone	
ROW Width	40’ (two way)
Travel Lanes	2 but unmarked other than by pavement distinction
Center Turn Lane	None
Lane Width	10’
Center Median	Not permitted
Parking Lanes	One side and purposefully restricts traffic flow to one lane
Bicycle Lane	shared
Pedestrian Zone - shared	
Walkways	10’
Street Buffer	Regular spaced landscaped islands, with trees
Furnishings	Seating within the islands

Figure 8 Typical Cross Section for a Woonerf



7. Corner Lots

Corner lots are deemed to have two front yards. Building corners that face street intersections shall be angled, rounded, setback or otherwise designed to soften the intersection of the perpendicular building facades to ensure vision clearance and create a public space. A corner plaza is required for all street intersections except for internal/mid-block (off of Highland and Richmond) intersections on Neighborhood streets and for laneways and woonerfs. Streets that require a plaza shall design a minimum of 20' wide 15' deep usable public plaza space and shall include provisions for shade and protection from inclement weather and seating. For sale art sculpture(s) are encouraged.

Figure 9 Corner Plaza



8. Front Yard Setback and Build-to-Line

The front yard setback is the build-to-line within 300' of all public street intersections within the CCOZ boundary. At least 50% of the front elevation of the building(s) must be within 10 feet of the build-to-line, except for the corners specified above. A build-to-line is defined as the line at which construction of a building façade is to occur in a lot, running parallel to the front property, and ensuring a uniform building facade line on the street.

9. Landscaping General

Landscaping shall comply with this chapter and MKC 19.77. At a minimum, street trees are required in planting areas or tree grates every 40', depending on tree type, on center and within 15' of back of curb. Trees must be 2" minimum caliper canopy type, at least 30' in height at maturity and maintained with a limb clearance of 8' above the ground. A Street Tree planting plan is required, which may modify the minimum separation requirement above, depending on the width of the tree canopy at maturity and shall utilize the trees suggested in subsection 5 above. Landscaping along the street shall comply with the requirements of the street cross sections, the suggested tree list, the Street Tree Planting plan, and Chapter 19.77.

10. Garbage and Recycling

The development shall be designed to accommodate and efficiently manage the collection, storage, and removal of garbage in harmony with the neighborhood so as to minimize detrimental effects of the collection, storage, and removal on any use within the development or abutting uses. Dumpster enclosures are required. No refuse dumpster or dumpster enclosure structure shall be located closer than 10 feet to any perimeter property line, unless the dumpster or dumpster enclosure structure is located within a parking structure. Enclosure structures must have a minimum of four sides that reflect or emulate the materials, design, and quality of the overall development. All developments shall provide recycling services.

11. Parking General

General parking requirements are subject to MKC 19.80.40, except as specified below. Parking requirements may be modified as per 19.80.40. These standards do not include guest parking, which shall be as required in 19.80.40.

Requirements	
Studio apartments	1 per unit
1- or two-bedroom apartments	1.5 per unit
3 or more bedrooms	2 per unit
Commercial/retail	3 per 1000 square feet
Service uses	3 per 1000 square feet
Office (excluding call type centers)	3 per 1000 square feet

Bicycle Parking as per Section 19.80.040 (c) with the additional requirement that all such bike racks shall be painted the "blue" used in Millcreek's logo.

12. Parking On-Street

On-street parking, located on the same side of the street in front of the building housing the businesses, in the form of parallel or angled spaces can account for up to two-thirds of the required commercial, retail, or office parking.

13. Parking Off-Street

All off-street and structured/garage parking shall be located to the side or rear of the building to preserve street facing facades for transparency and pedestrian activity. Structured parking that faces a street shall be wrapped with commercial or office uses. Surface parking lots are not allowed if visible from the adjacent street. Guest parking shall not require a fee.

Figure 10 Typical Off-Street Parking Locations



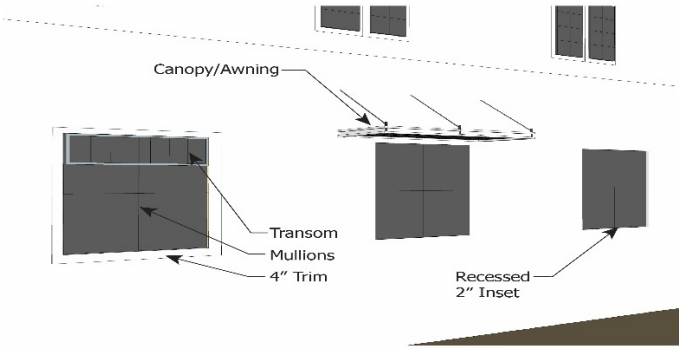
14. Building Design

a. Entrances and Windows

Entrances to the first floor of buildings shall front on the public street. On double or triple frontage lots, entrances are required where the greatest amount of pedestrian traffic is anticipated. Windows shall constitute at least 50% of first floor street-facing facades, and 25 percent of all upper story facades. Windows shall be at least 50 percent transparent. Interior lighting is required. Street facing windows that are not on the same façade as the main building entrance, may cover the first floor windows with nonadvertising window films using a mountain, mill, orchard or mountain related sports theme. Living screens may replace up to 50% of the window requirement for the lowest anticipated pedestrian traffic frontage. Mirrored windows are not allowed. Any east or west facing windows above the third story shall be non-relective to prevent glare. Awnings are required for any buildings facing Millcreek Common Street and on the NW corner of Highland Drive and 33rd South and the NE corner of 13th East and 33rd South.

In adjacent buildings, opposing residential bedroom windows, located on building walls lower than 36', where such buildings are closer than 20 feet from each other, shall offset the window a minimum of 5 feet and provide window blinds for each opposing window, or reduce the opacity of the window to prevent one side from viewing the other. For opposing residential bedroom windows on building walls higher than 36', a minimum 40' separation is required, as well as window blinds. In no case shall any balconies have a separation from an opposing balcony of less than 10'.

Windows above the first floor shall conform to the following standards:



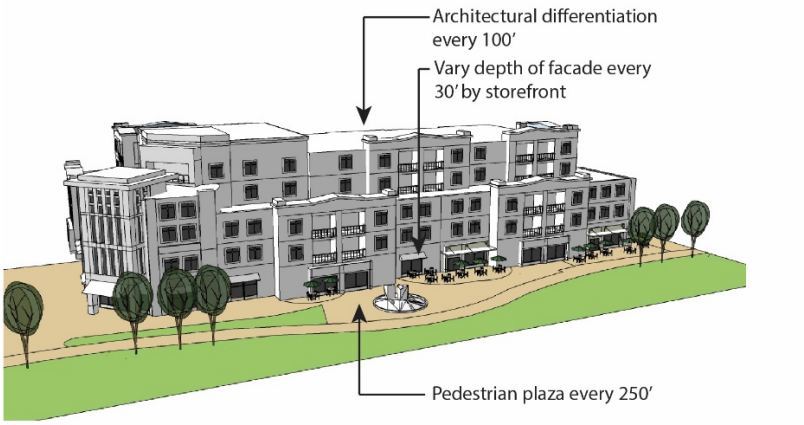
b. Building Materials

Exterior materials of a durable or resilient nature such as brick, stone, composite materials, or other materials of similar quality, hardiness, and low maintenance characteristics are required. New development in the CCOZ, shall incorporate common, locally found materials such as granite, stone, sandstone, and brick as part of the first floor of each building for at least 50% of the first floor, excluding the windows. For the Mill Center District this requirement increases to a minimum of 75% for the first floor excluding the windows. For all Districts, all stories above the first floor shall incorporate at least 50% of the above specified materials. Stucco and EIFS are prohibited for use as materials on any façade visible from a right-of-way. Other materials may be considered for soffits, or as accent or unique architectural features. Twenty-five year guarantee, architectural shingles are required for pitched roofs and other longer lasting roof materials for flat roofs are required.

c. Building Length and Facades

No new building elevation may exceed 100 feet in length without at least a 3' variation in the depth of the façade along the public right of way and a 2' variation on other faces. Residential unit balconies shall not be interpreted to meet this requirement. No single building shall exceed 300' in length. A separation of a minimum of ten feet is required, which creates a passageway to interior spaces. Such passageways shall be lighted, provide a safe pedestrian space and include vegetation in boxes every 30' of depth. As a minimum, provide pedestrian plazas every 250 feet of building length to break up long building façades along public rights-of-way. Top floors shall have architectural differentiation from the other floors in the building and rooflines shall vary every 100', as a minimum. For first floor uses in the mixed use building type, the appearance of small shops/storefronts with variation in the first floor façade every 30' is required. All buildings fronting on Millcreek Common ~~Street~~ shall include a permanent or retractable fabric awning, extending a minimum of 10' from the storefront/façade to provide shade and refuge from inclement weather. Awnings must be cantilevered from the front façade of the building. Such awnings shall be provided in colors that reflect colors incorporated as part of the exterior of the building or the green or blue found in Millcreek's logo. Only permanent awnings are allowed to meet this requirement for buildings facing the Millcreek Common.

Figure 11 Building Façade Variation



d. Building Massing and Façade Articulation

All buildings shall be designed to have at least three of the following:

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

B. Change in height at the top of the building by at least 10 feet for every 100 feet of façade length.

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

D. Indentations/recesses at least 10' in depth along the street facing facades at 100' intervals.

E. Usable terraces (a larger balcony intended as a private resident leisure space) at least 10' in depth along the street facing facades.

F. Covered walkways on south, east or west facing facades on street(s) other than Millcreek Common Street.

G. Except for Millcreek Common facing buildings, columns or pilasters with a minimum 4-inch horizontal depth from the plane of the façade and spaced at a minimum interval of 50 feet.

H. Stepbacks where not otherwise required.

e. Building Types

A. Mixed Use – Intended for a mix of primarily residential with commercial/office or commercial and office uses required to be located on the first floor, and optional above the first floor at or near the front build-to-line with parking to the rear, underground, or podium type. No podium parking is allowed fronting on Millcreek Common Street.This building type may support office, retail, hotel/hospitality or residential uses mixed either vertically or horizontally. For residential units, provide outdoor balconies or patios for 100% of the residential units at a minimum of 6' deep and 60 square feet each. Provide indoor bike storage or bike lockers.



Requirements	
Front Build-to Zone	0’-10’
Minimum Side Yard Setback	10’ between buildings
Minimum Rear Yard Setback	10’, except when abutting an R-1, R-2, or R-4-8.5 zone the setback is 25’
Minimum Height	See Map 2
Maximum Height	See Map 2
Principal Entrance Location	Front or corner side of facade
Vehicular Access	From alley or rear of building
Minimum Transparency	50% on ground floor
Required First Floor Uses	Office, retail, craftsman industrial or residential (50% must be non-residential use). Any mixed use building that fronts on Millcreek Common Street shall have 100% non-residential uses on the first floor facing that street.
Depth of first floor non-residential uses	Not less than 30 feet unless at least 40 percent of the habitable floor area of the building consists of nonresidential uses, in which case the depth of first-floor non-residential uses can be reduced to not less than 20 feet.
Upper Story Uses	Any permitted use or conditional use
Where allowed	Corners in the Neighborhood District, the entire Mill Center, and the entire Market Place
Storefront Width	Not to exceed 30 feet

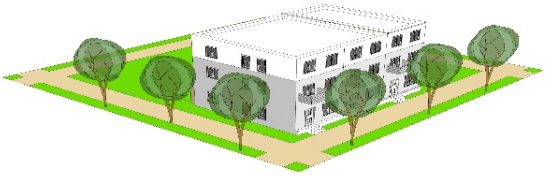
B. Office/Commercial/Civic mixed use – Minimum 2-story building that mixes uses with the primary use of office, retail, civic or commercial use.



Requirements	
Front Build-to Zone	0’-15’
Minimum Side Yard Setback	10’ between buildings

Minimum Rear Yard Setback	10', except when abutting an R-1, R-2, or R-4-8.5 zone the setback is 25'
Minimum Height	See Map 2
Maximum Height	See Map 2
Principal Entrance Location	Front or corner side of facade
Vehicular Access	From alley or rear or within the building
Minimum Transparency	50% on ground floor
Ground Story Uses	Office, Retail, Civic, or Commercial
Depth of first floor uses	30' minimum depth
Upper Story Uses	May vary
Where allowed	Mill Center, Market Place

C. Multi-family –A multi-story building that contains residential uses internal to the structure with parking to the rear, in a separate structure or podium style below the building. Parking structures shall include one 220 volt electric vehicle charging station for every ten stalls. Provide outdoor balconies or patios for 100% of the units at a minimum of 6' deep and 60 square feet each. Provide indoor bike storage or bike lockers.



Requirements	
Front Build-to Zone	0'-15'
Minimum Side Yard Setback	0' per unit, 10' between buildings
Minimum Rear Yard Setback	10',-except when abutting an R-1, R-2, or R-4-8.5 zone the setback is 25'
Minimum Height	See Map 2
Maximum Height	See Map 2
Principal Entrance Location	Front or corner side of facade
Vehicular Access	From alley or rear of building
Minimum Transparency	40% for ground floor and 15% for other floors
Ground Story Uses	For buildings located on corners; office, residential or live/work units, retail, personal services, or residential (50% of the street facing front facades must be non-residential use)
Upper Story Uses	Residential or parking only
Where allowed	Neighborhood District

D. Townhome - Horizontally attached multi-story units in a rowhouse configuration. This building type can include live/work units. Parking and private garages shall be to the rear of

the building allowing the primary façade to front a public street or public greenspace. Provide outdoor balconies or patios for 100% of the units at a minimum of 6' deep and 60 square feet each. Where private garages are proposed, they shall be wired for at least one 220 volt line for electrical vehicle charging. Guest parking shall not include any driveway that accesses a garage.



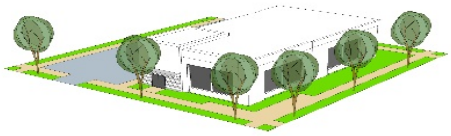
Requirements	
Front Build-to Zone	0'-15'
Minimum Side Yard Setback	0' per unit, 10' between buildings
Minimum Rear Yard Setback	~~5'~~–10'
Minimum Height	2 stories
Maximum Height	3 stories
Principal Entrance Location	Front or corner side of facade
Vehicular Access	From alley or rear of building
Minimum Transparency	15%
Ground Story Uses	Residential or live/work units
Upper Story Uses	Residential only
Where allowed	Neighborhood District

E. Adaptive Reuse – There are several existing buildings within the CCOZ that could be reworked into a new use. The following general requirements are required:

- If the character of the existing building is deemed historic or historically significant due to its age or displays a unique architectural style or unique features, as determined by the Zoning Administrator, then reconstruction should attempt to retain as much of that character as possible.
- Windows shall address the street frontage and encompass at least 50% of the first story building facades if structurally feasible.
- Parking shall be located (or relocated) to the rear of the building.



F. **Commercial single purpose buildings** – Buildings with the primary use being commercial use.



Requirements	
Front Build-to Zone	0’-15’
Minimum Side Yard Setback	10’ between buildings
Minimum Rear Yard Setback	10’, except when abutting an R-1, R-2, or R-4-8.5 zone the setback is 25’
Minimum Height	See Map 2
Maximum Height	See Map 2
Principal Entrance Location	Front or corner side of facade
Vehicular Access	From alley or rear of building
Minimum Transparency	50% on ground floor
Ground Story Uses	Commercial
Upper Story Uses	Commercial
Where allowed	Mill Center, Market Place

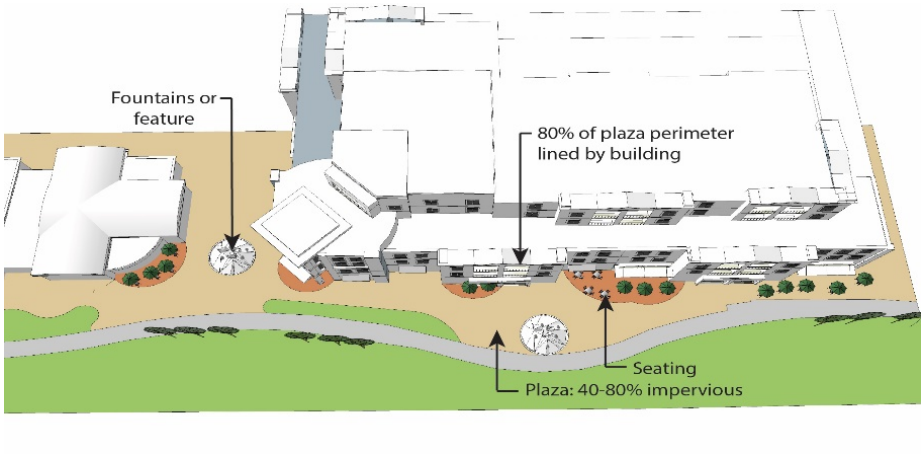
14. Open Space and Plazas

For all development that includes residential uses, the open space requirement is 20% . This open space requirement shall be fulfilled through rooftops, terraces for general resident use, plazas and pocket parks. The required common open space shall be for general use by the residents of the building and/or the public, and be usable land areas that are not occupied by buildings, dwellings, structures, parking areas, streets, public park strips, curb-gutter-sidewalk, driveways, or alleys and shall be accessible by all residents of the development. For the purposes of this chapter, gross site area is defined as the total area of the development excluding anything in the public right of way. For development or redevelopment involving sites that are one acre in size or greater, at least 40 percent of required open space must be in the form of a plaza that is located at the front, corner or side of the building, and open and accessible to the public at all times. The following requirements must be met:

- At least 80% of the plaza’s perimeter that does not front on vehicular right-of-way shall be lined by building frontages.
- Fully enclosed permanent structures are not permitted.
- Playgrounds are not permitted.
- Minimum pervious surface = 40%
- Maximum pervious surface = 80%
- Must include seating, shade structures, and one tree (2” caliper minimum) per 800 sf of plaza area

- Special features such as fountains and for sale public art installations are encouraged. Active features should be incorporated into the plaza.

Figure 11 Typical Plaza



15. Pocket Leisure spaces

Residential development involving sites 2 acres in size or greater shall include a pocket leisure space that fronts on or is easily accessible from a public street, open and accessible to the public at all times, and meets the following requirements:

- Minimum size = 2,500 square feet
- Maximum size = 20,000 square feet
- Include some form of child play structure
- Must include seating, shade structures, turf, hard surfaces, and one tree (2" caliper minimum) per 800 sf of park area

Figure 12 Typical Pocket Leisure space



16. Rooftop Patios and Gardens

If a rooftop patio or garden is included as part of a development, the rooftop patio or garden shall include a minimum of 25% of its area covered with trees to provide shade. This 25% is defined using the canopy of the tree at maturity. Seating, tables, outdoor gas bar-b-ques, solar cells (see #23), and shade structures are

required. All features listed above shall be setback 10' from the roof edge except solar cells. Grow boxes are encouraged.

Private roof top park space is encouraged to take advantage of the mountain and valley views, but shall not include active play spaces.

17. On-site open space/park substitution – in-lieu substitutions

The open space/park requirement may be modified through potential substitutions for any development that faces the Millcreek Common or could benefit from contributing to pedestrian connections to the Commons. Such substitutions are intended to enhance with features or acquire land or improve land that is destined to become part of the "Millcreek Common". The Millcreek Common is the signature open space in the City Center and is a benefit to all development in the City Center, including improved pedestrian connections to the Common. In-lieu substitutions are encouraged for the benefit of the City Center by application to the Community Development Director, under the following circumstances:

1. In-lieu substitutions of land: are intended to fulfill the requirements for open/park space may be allowed when it can be factually established by a qualified land appraiser, that the substituted land is at least equal to or greater in value than the associated development property, as if it were to be fully developed as proposed. The City will determine with the developer the actual property to be appraised, both in the proposed development and in the "Millcreek Common". The City will select and employ through a contract, an appraiser. The cost of the appraisal shall be born by the developer, through reimbursement to the City. New appraisals will not be required if recent (within one year) information is readily available.
2. Cash in-lieu: the City may determine that in certain situations, accepting cash as an in-lieu substitution, where it can be shown that acceptance of those funds, is more effective in acquiring open space/park land and improving pedestrian connections within the City Center. Cash in-lieu payments shall not be accepted without a qualified appraisal process as per (1) above. The City shall be obligated, in a timely manner, to use the in-lieu funds within the City Center for land purchases, open space, pedestrian system enhancements, and/or park related improvements.
3. Any land which has been dedicated, set aside, platted, or otherwise approved as open space, may not be substituted or used for any purpose other than those allowed by this chapter.
4. In-lieu substitutions shall be reviewed by the Community Development Director, through an application, however, final approval of the in-lieu substitution rests with the City Council. Such approvals shall occur prior to issuance of a Final Site Plan approval or a building permit.

18. Perimeter Fencing

To ensure maximum pedestrian connectivity, fencing between parcels is not required. No fencing of any kind will be allowed along the Richmond, 33rd, Highland Drive and Millcreek Common Street frontage. Privacy and/or security fencing is only allowed to screen unsightly, utility, or vehicle service areas from public right-of-way.

Fencing along a Neighborhood street frontage is permitted to define front porches and can consist of wrought iron/similar materials, wood or composites. Vinyl is prohibited as a fencing material. a minimum of 50% open at a max height of 42". Fences may incorporate a max 18" high stone, brick wall at the base.

19. Private Outdoor Lighting and Outdoor Dining

Lighting for streets and parking lots on the interior of the development is required. All lighting fixtures shall be directed downward with mechanisms to prevent dark sky illumination (see guidance from https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/). The applicant shall submit a plan which indicates the type and location of lights in relation to the development and designed for pedestrian/vehicular safety. Pedestrian lighting may include bollards and all lighting shall follow established themes described in subsection 21 below. Minimum average foot-candles for interior streets shall be 0.3 and the fixture height shall not exceed 25 feet. Such fixtures shall be located a minimum of 10' from the public right-of-way. All parking luminaries, except those required for security, must be extinguished one hour after the end of business hours.

Outdoor seating and dining may be partially or fully covered to extend the outdoor dining experience through the spring and fall months. Outdoor patio heaters and misters are permitted. Restaurant tables and chairs may be movable or permanent and should be reflected on the site plan. If alcohol is served, the restaurant will need to provide signage and decorative fencing per the health department code. Fencing materials shall be wrought iron (or a similar facsimile). Any accommodation for dogs shall be subject to the Salt Lake County Health Department regulations (Paws on the Patio HACCP plan).

20. Access Between Uses

Vehicular and pedestrian access is required between uses that does not force vehicles/pedestrians out to the adjacent streets.

21. Signs

Signs are limited to low profile monument signs, externally lit wall signs, projecting signs with a minimum of 8 feet clearance above the ground, and temporary A-frame signs. Any projecting sign along the Mill Common shall be limited to 42 inches in width. Lighting from signs shall be directed downward and ~~generally~~ comply with dark sky philosophies. Illuminated signs along Mill Common may not be backlit. Size, location, and number limitations are defined in MKC 19.82.

22. Street Lighting **Figure 13**



All street lights located on 33rd South, Richmond, and Highland Drive, shall incorporate a luminaire (Figure 13) atop a 14' pole. The light shall be low intensity, shielded from uses on adjoining lots, and directed away from abutting properties, yet lighting the street and adjacent walkway. All lighting shall incorporate full cut-off fixtures to minimize light pollution and be dark sky compliant.

All lighting on Neighborhood streets and Millcreek Common Street shall utilize the street light shown in Figure 13 or a suitable substitute approved by the City.

All lighting on Laneways, Woonerfs, and required passages between buildings shall use downward directed sconce styles for wall lighting and lit bollards along the street.

23. Small Wireless Facilities in Rights-of-Way in the City Center Overlay Zone.

Small wireless facilities in rights-of-way in the City Center Overlay Zone shall meet the requirements established for Small Wireless Facilities Deployment in MKC Title 16, and shall utilize street light poles or intersection semaphore structures for mounting wireless facilities. To the greatest extent possible such installations shall use the materials/colors of the pole they are using and should blend with the streetscape.

24. Solar Rooftops, HVACs, and Charging Stations

Rooftops may be used as garden type open space, and/or passive recreation space but shall incorporate solar panels for power generation. 50% of the entire rooftop space shall be covered with solar panels.

All Heating, Ventilating, and Air Conditioning equipment (HVAC) shall be recessed by at least 10' from the exterior edge of the building. Such equipment shall be enclosed such that it is not readily recognizable as HVAC equipment.

For the residential portions of a mixed use or multi-family building, one electric vehicle 220 volt charging station is required for every 10 units. For the non-residential portions of mixed use, office, and commercial buildings, two charging stations per floor are required in the parking areas. Charging stations may be located in interior parking garages.

25. Rooftop Cell Service Towers and Overhead Utility Lines

All existing overhead lines shall be located underground as part of any new development in the CCOZ. No new development shall exhibit any above ground utility or communication lines. Rooftop telecommunication equipment is only allowed as a "stealth" installation. Such facilities shall appear to be an integrated part of the building.

19.73.060 – General Standards of Applicability

1. The use and development of property within CCOZ is also subject to other applicable chapters in the zoning ordinance and the regulations of the underlying zone except where specific regulations are provided in this chapter, including but not limited to applicable health and safety codes, building codes, and engineering standards.
2. Standards in other chapters may apply. In the event there is language elsewhere in Title 19 of this code that conflicts with language in this chapter, the CCOZ standards prevail.

Chapter 19.73 – City Center Overlay Zone (CCOZ)
Planning Commission Recommendation Draft – 25 November 2019

Amend 19.04.448 as follows:

"Commercial recreation" means one or more recreational ~~facilities~~ activities or uses, either indoor or outdoor, operated as a business and open to the general public for a fee, ~~such as golf driving ranges and baseball batting range.~~ "Commercial recreation" does not include the following indoor or outdoor recreational, gaming or amusement uses: firearm ranges; target shooting of all kinds; paintball; motorized activities of all kinds, irrespective of power source; mechanical, video, electronic or computerized recreational or amusement arcades. "Commercial recreation" does not preclude the issuance of temporary and seasonal licenses or licenses for large scale events of state, national, or international importance/recognition as defined by MKZ Title 5.

19.73.010 – Purpose and Intent

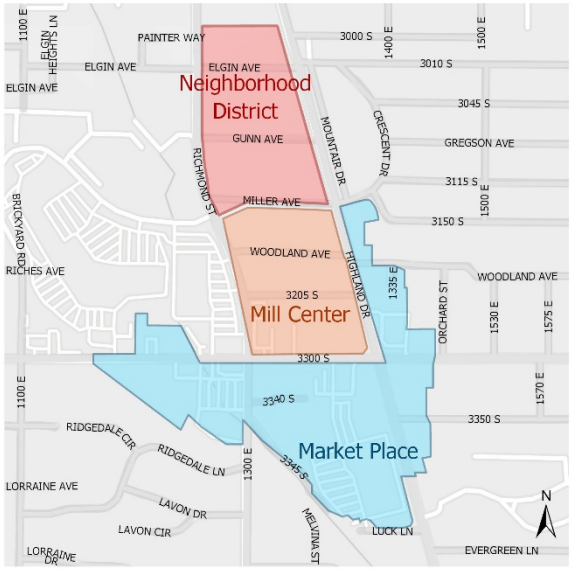
The purpose of the City Center Overlay Zone (CCOZ) is to supplement and modify the standards of the existing commercial and multifamily zones to promote the creation of a walkable mixed-use city center for Millcreek. The City Center is located approximately between Highland Drive and 1300 East, and 3000 South and along 3300 South and as particularly set forth on the Map 1 below and the official Millcreek Zoning Map. The CCOZ zone is intended to facilitate development that promotes quality growth, fosters harmonious development and outstanding design, increases property values, and creates new retail, residential, and other commercial opportunities**.**

19.73.12 Applicability and Use of the CCOZ

Any new development, exterior remodeling covering more than 50% of the building, or building expansions exceeding 15% of the gross square footage of the existing building, shall conform to the City Center Overlay Zone. Conformity shall not be required for maintenance, exterior painting, or interior remodeling of a building. New signs or sign replacements shall also comply with the CCOZ.

The CCOZ area is composed of three districts – the Neighborhood, the Mill Center, and the Market Place**.** The CCOZ covers the area shown in the map below:

Map 1 – City Center Overlay Zone Boundaries



19.73.15 CCOZ application processing

1. Preapplication conference meeting with representatives from the Community Development Department is required.
2. Application – an application and associated fees, shall be submitted and reviewed by staff for completeness. An incomplete application, that does not address the required CCOZ and other City ordinance required information, as determined by staff, will be returned to the applicant and not be processed until all information required by the City ordinances is provided. The City will provide a list of application requirements. The initial application will generally consist of concept plans with the following minimum requirements:

a. The applicant's name, address, telephone number, e mail, and interest in the property.

b. The property owner's name, address, e mail, and telephone number, if different than the applicant, and the property owner's signed consent to the filing of the application.

c. A property survey, property boundaries, right-of-way center lines, utility access, and recorded easements. The survey shall also include the street address and legal description of the subject property.

d. The current zoning classification, zoning district boundaries, and present use of the subject property.

e. A conceptual site plan or plans, drawn to scale, including sketches of the types of buildings proposed, floor plans, elevations of proposed buildings, materials, landscaping, parks, plazas, pedestrian pathways, parking, low impact design stormwater techniques to be applied to the site, known faultlines and recommended setbacks, oblique sketches of the project to show any view related issues (Valley and Mountains), and conceptual street cross sections using the requirements of sections 19.73.40 and 19.73.50 of this chapter.

f. A written explanation of the project that describes the thematic elements of the project, the place making concepts, one or more signature features, commercial and mixed-use designs (if applicable), potential tenants, its' relationship to the goals for the City Center and other details that will provide reasons that the development will create a long term benefit to the City and proposed techniques to mitigate any anticipated detrimental effects.

h. A preliminary traffic study that defines potential traffic generation, the integration of the new development with the adjacent street corridors, traffic capacity/level of service issues on adjacent roads and intersections, and suggest mitigation solutions for anticipated traffic congestion problems. The traffic study may also address parking demands, if the applicant believes that the standards found in the Parking Chapter are inappropriate. Applicants shall follow the requirements of 19.80.040 to create a parking study. Such studies shall be commissioned by the City and paid for by the applicant.

i. Provide letters from all utility companies providing service to the project site describing their ability to serve the project.

j. A site-specific geologic hazard study and report, if required by MKC 19.75.

k. A summary table showing floor area by use, required parking by use, materials percentages, percentages of doors and windows, residential amenities if required, and open space requirements.

l. Other information or documentation the Community Development Department and/or Public Works may deem necessary, as described on the application form, for proper review and analysis of a particular application and its potential detrimental effects.

2. Application processing and review – the initial application and fee, composed of the concept plan information as described above and the conceptual development agreement, shall be reviewed by staff and discussed with the applicant in an internal pre-development review meeting. Subsequent to that meeting, changes may be made to the submittal documents, if needed.

Staff will assess the application for its' compliance with the regulations of this chapter and determine if any potential detrimental effects need mitigation to include the following list of potential issues and standards, that may need to be addressed and mitigated:

1. Decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards.
2. Negative impacts on the adequacy of utility systems, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, or preserving existing systems.
3. Negative impacts on connectivity and safety for pedestrians and bicyclists.
4. Detrimental effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, electromagnetic

disturbances, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance.

5. Environmental impacts that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people such as waste disposal, fire safety, geologic hazards such as faultlines, soil or slope conditions, liquifaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.
6. Modifications to signs and exterior lighting to assure compatibility within the overlay zone.
7. Incompatible designs in terms of use, scale, intensity, height, mass, setbacks, character, construction, solar access, landscaping, fencing, screening, and architectural design and exterior detailing/finishes and colors within the overlay zone in which the use will be located.
8. Reduction in the tax base and property values.
9. Reduction in the current level of economy in governmental expenditures.
10. Insufficient emergency fire service and emergency vehicle access.
11. Reduction in usable public open space
12. Graffiti prevention applications and designs
13. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.
14. Increase personal safety through the application of Crime Prevention Through Environmental Design (CPTED) principles to building design, especially for parking garages.

3. Final Development Plan – this plan submittal, subsequent to any Planning Commission public hearing(s) including an associated fee, is a detailed plan that addresses every section requirement of this ordinance, especially MKC 19.73.40 and 19.73.50, in a precise manner.
4. Conditional use approval ~~will~~ shall be required for any building that meets any one of the following criteria:
    a. A total square footage greater than 25,000 square feet.
    b. A ground floor footprint greater than 15,000 square feet
    c. A height greater than 36 feet, not including any element described as a height exception in Table 19.73-4.

The City will provide a checklist of the information required. Final development plans shall be required to the detail required by the City and shall be processed by staff. Building permit applications may be submitted after appropriate assurances in the form of cash escrow bonds are submitted for the public improvements.

19.73.020 – Permitted and Conditional Uses

Permmited uses on any lot in the CCOZ zone shall be the permitted and conditional uses allowed in the C-2 zone, with the addition of single purpose multi-family dwellings in the Neighborhood District. Uses shall be located within one of the Building Types , see section 19.73.050 (14) e. except for the use limitations as set forth in Section 19.60.030.

In addition to the ~~conditional~~ uses listed below, any building that meets any one of the following criteria shall be approved using the City's Conditional Use Process:

a. Any proposed building with a total square footage greater than 25,000 square feet,
b. Any proposed building with a ground floor footprint greater than 15,000 square feet,
c. Any proposed building with a height greater than 36 feet, excluding any element described as a height exception in Table 19.73-4.

Such buildings shall be processed using the standards found in this Chapter as well as in Chapter 19.84 Conditional Uses.

Table 19.73-1 – Permitted and Conditional Uses (subject to 19.73.020)

General Categories of Use by District
Neighborhood District - Multi-family, mixed use, neighborhood retail and neighborhood services, office uses (2,500 square feet or less), commercial indoor recreation, temporary/seasonal/mobile food businesses
Mill Center – mixed use including residential on upper floors, office, retail, service uses, entertainment, civic uses, commercial indoor recreation/entertainment uses, temporary/seasonal/mobile food businesses
Market Place – retail commercial use, office, mixed use, commercial indoor recreation, temporary/seasonal/mobile food businesses

19.73.030 – Prohibited Uses and Use Limitations

Table 19.73-2 – Prohibited Uses and Use Limitations

The following uses are prohibited or limited in CCOZ zone:

USES	LIMITATION
Automobile Service Station, car wash and detailing businesses	Not allowed
Equipment, Car or Truck Rental or storage	Not allowed, except for car rental as an accessory use to a hotel
Non-Stealth Telecommunications Facilities.	Not allowed. Stealth telecommunication facilities are only allowed on rooftops.
Sexually oriented businesses	Not allowed subject to MKC 19.91.11

Pawnshop, smoke shops and related products, military surplus, and retail tobacco as the principal use	Not allowed
Residential Uses are permitted by district and within the building types specified in section 19.73.050 (14), except that mixed use buildings located within 250' of the NW corner of Highland Drive on 33rd South and the NE corner of 13th East on 33rd South shall contain no more than 25% of the building floor area as residential uses. The 250' measurement only applies to that same quadrant of the intersection. For the purposes of this chapter, leasing offices, lobbies, required parking, and any required residential amenity spaces are not considered commercial uses.	Shall include mixed uses on corners in the Neighborhood District, and 100% residential buildings are not allowed in the Mill Center and Market Place districts. Residential uses shall include amenities as required by MKC Chapter 19.44.050.
Rooftop Gardens, Patios, and Amenity Space	Not allowed within 100' feet of a R-1 or R-2 zone boundary in the Neighborhood or Market Place districts, unless the rooftop garden, patio or amenity space is not located above the highest occupied floor of a building, or is obstructed from view from the zone boundary by at least 20 feet of occupied floor space.
Sale or lease of new or used vehicles of all types, watercraft, mobile homes, travel trailers, campers, motorcycles and other recreational vehicles, including licensed and non-licensed mobile construction equipment and other non-licensed mobile commercial equipment.	Not allowed
Secondhand stores including general merchandise, precious metal dealer/processor and/or precious gem dealer.	Limited to a maximum of 2,500 square feet
Commercial indoor and outdoor self-storage facilities of all types as a principal use, including mini-storage units, neighborhood storage, indoor and temperature controlled storage facilities.	Not allowed. Self storage, for residents of the building, as part of and internal to a multi-family or mixed use development is allowed, if located on an upper floor.

Tattoo and Other Body Art Businesses	Not allowed
Short term ("payday", "car" title, check cashing and similar) loan services	Not allowed
Drive-Through Uses as an Accessory Use	Not allowed for restaurant or food or beverage services uses in the Neighborhood district Drive through windows, order boxes, or access lanes are not are allowed to front on the Millcreek Common Street, and for all other districts drive-through uses shall conform to the requirements of Section 19.62.050 and other applicable requirements of this Title.
Indoor and outdoor gun ranges, both for profit and non-profit	Not allowed
Manufacturing as a principal use	Not allowed, excepting the manufacture of beer and spirits
Freestanding fireworks seasonal sales	Not allowed.
Structured parking, including parking garages and podium parking.	Not allowed to face any street unless wrapped with commercial or office uses on the first floor, street facing facade.
Sidewalk Dining	Allowed on any street except for alleys and woonerfs, to within 5 feet of the curb
Restaurant and Retail uses facing Millcreek Common	Restaurants and retail are the only uses allowed on the first floor facing Millcreek Common

19.73.040 – Bulk and Yard Regulations

The Tables below and Map 2 establish supplemental bulk and yard regulations for all buildings within CCOZ. These regulations modify and/or supersede any conflicting requirements found in the underlying zone.

Building Heights - Minimum and maximum heights are described in Map 2 below and in the chart below, and on the Official Planning and Zoning maps published by the City. Any proposed development that overlaps a defined height line that represents a change in building heights, on the Official Planning and

Zoning map, shall use the lower standard or may step up the building height as per the Official Planning and Zoning map, at that height line.

Table 19.73-3 – Height Requirements and Map

Height Requirements		Minimum	Maximum
East of Highland Drive, north of 33rd South	Tan area	12 feet	26 feet
North end of the Neighborhood District and south end of the Market Place	Yellow area	12 feet	38 feet
Various areas along Richmond, Highland near 33rd, and along 33rd. This area along Highland Drive is 75' wide, as measured from the west ROW line as of the adoption date of the ordinance.	Light Orange areas	24 feet	50 feet
Areas along Millcreek Common and on the north side of 3300 South	Dark Orange areas	40 feet	74 feet
South Side of 3300 South near the 1300 East Intersection	Dark Brown Areas	48 feet	74 feet

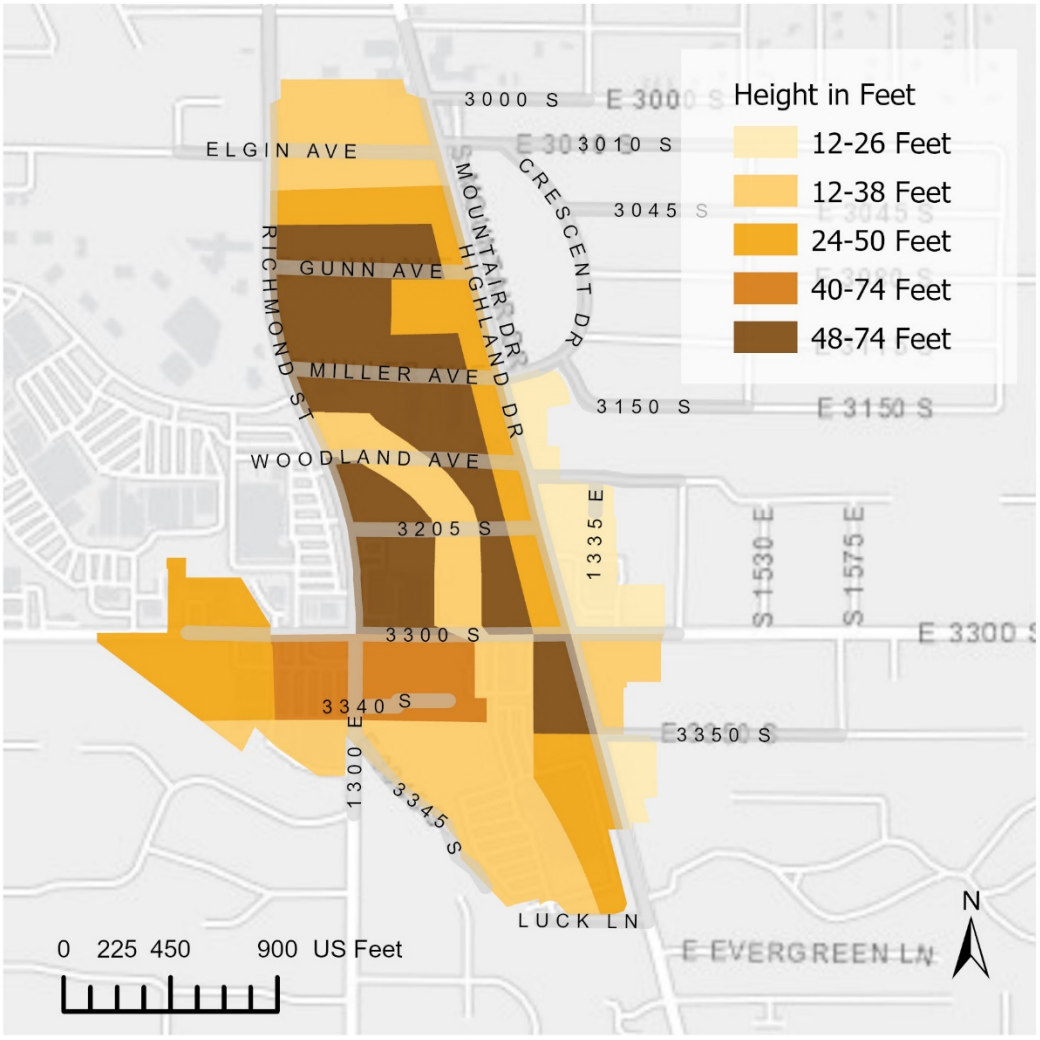


TABLE 19.73-4 – Bulk and Yard Regulations

BULK AND YARD REGULATIONS	
Minimum Building Height	Minimum building heights are described in Map 2 above and in this table
Maximum Building Height	Varies by district – see section 19.73.14 (e) and Note 2 below, and Map 2 above
Height exceptions	Roof structures for the housing of elevators, stairways, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, shade structures (awnings, fabric roof coverings, wood and metal open frame structures, etc.), towers (where required by City ordinances), flagpoles, chimneys, stealth wireless or

	television installations, theater lofts, solar panels, may be erected above the height limits prescribed in this chapter, but no space above the height limit shall be allowed for the purpose of providing additional habitable floor space. No such structures except towers and solar panels, may be located closer than 10' to edge of the building. The maximum increase in height for the above features shall be 12'.
Height Transitions	Height transitions are required for buildings within 100 feet of an R-1 or R-2 zone. See Note 1 and 2.
Maximum Lot Coverage	80 percent
Minimum Lot Coverage	50 percent
Maximum Front Yard	10 feet, subject to the build-to-line (see Note 4) standards established in Section 19.73.050 (8) and (14). The front yard setback is measured from the ROW line, except in the case of a plaza adjacent to the street, where the setback is measured from the edge of the plaza furthest from the street.
Off-Street Parking	Not allowed between front plane of the building and the curb on the street it fronts.
Residential Density	No maximum density is established.

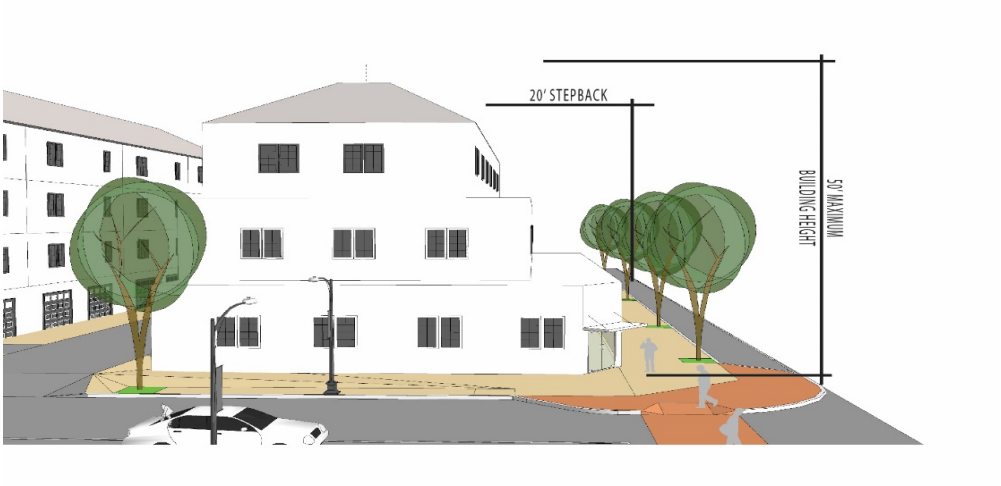
TABLE 19.73-4: NOTES

1. For any development in CCOZ that is directly abutting an R-1 or R-2 zone, the maximum height for structures within 100 feet of the residential zone boundary shall not exceed 30 feet, as measured from the property line abutting the residential zone. If the residential zone abuts the CCOZ at a property line, the setback is measured from that property line. Buildings may step up after the 100' transition requirement has been met.

2. For any building over 40 feet in height or for any development on properties fronting on the Millcreek Common ~~Street~~, 33rd South, Richmond and/or with frontage on Highland Drive, a twenty-foot stepback of the building façade, facing any street, is required between bottom of the first story and the top of the third story and upper stories. This stepback shall be segmented, such as, a ten foot initial stepback between the first and second floors and then an additional ten foot stepback between the second and third floors or shall create a stepback of 20' between

the first and third floors, that should be utilized as a usable space for residents or businesses within the building (See Figure 1).

Figure 1 Building Stepbacks and Setbacks



3. For the purposes of this chapter, where setbacks are measured from a right-of-way (ROW) containing a fully improved sidewalk, setbacks from a right of way shall be measured from the edge of the sidewalk that is directly abutting the public right-of-way.

4. Build-to-lines are defined as the line at which construction of a building façade is to occur on a lot, running parallel to the front property line, and ensuring a uniform (or more or less even) building façade line on the street. The flexibility provided in this Chapter is intended to allow for additional sidewalk space and façade variation, seating, for outdoor uses such as restaurants and to promote sidewalk dining.

19.73.050 – Design Standards

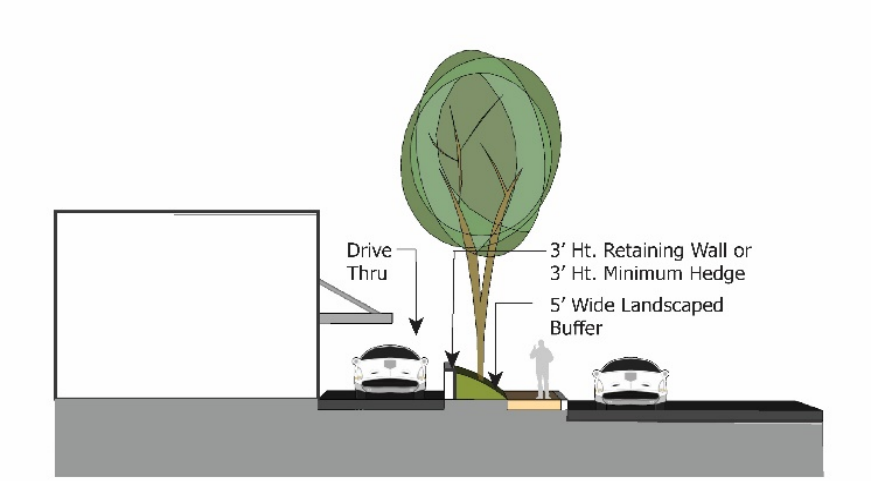
1. **Objectionable Conditions and Violations of Applicable Law.** All uses shall be free from unsafe, unhealthy, objectionable and or unreasonable odor, dust, smoke, emissions, noise, vibration, or similar problems, nor be in violation of any federal, state or local law.

2. **Landscaping on Public Right-of-Way.** Where a development directly abutts a public right-of-way, the development is required to install the street tree, curb, gutter, and sidewalk, pavement matching, street lights, landscaped planters, and street furniture as per the appropriate street cross section as shown in sub-section 6 below. This landscaping shall not be included any required open space.

3. **Drive-Through Uses as an Accessory Use.** Drive through uses, such as financial institutions, food and beverage services, are permitted as an accessory use in CCOZ, except that drive-throughs associated with a food and/or beverage service, are not allowed in the Mill Center District and the Neighborhood District. Existing restaurants in the Mill Center District continue to be a legal use. Drive through facilities shall include a canopy or roof that is architecturally integrated and attached to the building and that mirrors the roof form of the primary building. Drive through windows are not permitted on facades that face a right-of-way, unless existing site or access

conditions prohibit a drive through window on a façade that does not face a right-of-way. In situations where a drive through window is required on a street facing façade, the building shall incorporate a five-foot wide landscaped buffer, either sloped to a 3' tall retaining wall or a minimum 3' hedge, between the drive-through lane and the adjacent parking or right-of-way.

Figure 2 Drive-Through requirements



4. **Requirements for Residential Uses.** Requirements for any residential use established in CCOZ shall comply with the requirements established in Chapter 19.44 Multi-Family Residential and Chapter 19.78 Planned Unit Development of the Code, unless modified by this chapter.
5. **Street Trees**

   General street tree standards can be found in subsection 9, Landscaping General below. Additionally, to recognize the orchards that once stood in this area:

   Neighborhood Streets shall be planted with groups of flowering ornamental trees that are non-fruit bearing. Trees from the following list are suggested:

   - Spring Snow Crabapple, *Malus 'Spring Snow'*
   - Chanticleer Pear, *Pyrus calleryana 'New Bradford'*
   - Kwanzan Flowering Cherry, *Prunus Serrulata*
   - Eastern Redbud, *Cercis canadensis*
   - Fruitless Mulberry, *Morus alba*

   Highland, Richmond, and 33rd South street trees – wherever possible trees that consume greater CO2 should be planted in expandable grates within the park strip.Trees intended to create uniformity and distinction for these roads are suggested, subject to City approval, as well as a Tree planting plan as required in subsection 9.

6. **Street Types**

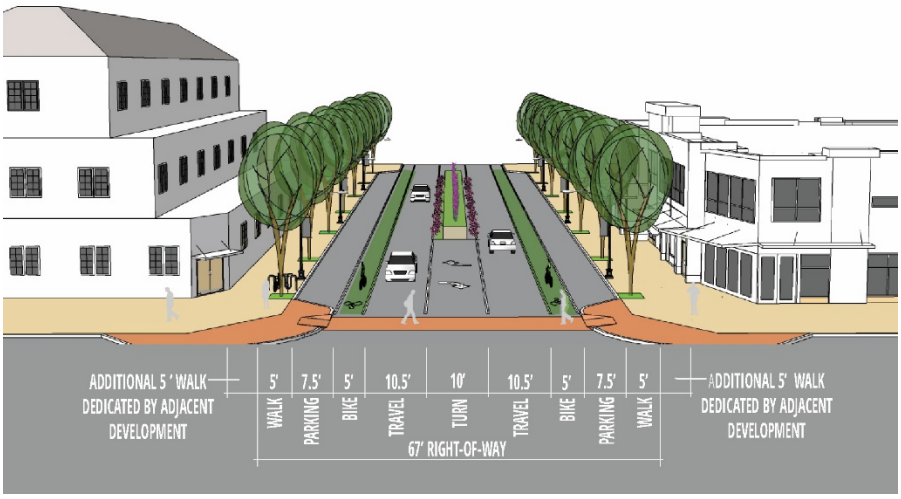
   The seven street types identified below are intended to create a specific identity for the City Center District. All public sidewalks shall be colored a consistent tan color with complimentary accent colors at intersections and mid-block crossings. Exact dimensions and requirements will need to be coordinated with Public Works.

A. Highland Drive

Highland Drive serves as the primary eastern collector through the district. This street section is characterized by narrow travel lanes, dedicated bike lanes, on-street parking (where feasible), generous sidewalks, and curb bulb outs at intersections for traffic calming. The intent is to slow traffic through the district, accommodate all modes of travel and focus on pedestrian connectivity.

Requirements	
Vehicular Zone	
ROW Width	67’
Travel Lanes	2
Center Turn Lane	1
Lane Width	10.5’
Center Median	Permitted mid-block and low turn demand areas
Parking Lanes	7.5’ On-street parallel required on each side
Bicycle	5’ Dedicated bike lanes each side using green thermoplastic or colored concrete
Pedestrian Zone	
Walkways	10’ min. attached colored concrete sidewalk on each side with complementary enhanced paving at intersections and mid-block pedestrian crossings (5’ within ROW, 5’ dedicated by property owner)
Street Buffer	Trees in grates within the 10’ walkway dimension noted above
Furnishings	Bike racks, seating, lighting, planters

Figure 3 Typical Cross Section for Highland Drive



B. Richmond/13th East Boulevard

A minimum of two lanes in each direction with a median turning lane, punctuated with landscaped medians in areas not needing left turns, these streets are envisioned as grand boulevards.

Requirements	
Vehicular Zone	
ROW Width	90’
Travel Lanes	4
Center Turn Lane	1, 12’
Lane Width	12’
Center Median	Permitted except at intersections, 12’
Parking Lanes	No parking on street
Bicycle	5’ Protected bike lanes each side, using green thermoplastic or colored concrete
Pedestrian Zone	
Walkways	5’ min. attached colored concrete sidewalk on each side with complementary enhanced paving at intersections and mid-block pedestrian crossings (5’ within ROW, 5’ dedicated by property owner which can be dedicated to Cty or provided through a public pedestrian easement and can encroach on the setback)
Street Buffer	5’ park strip xeriscape with large trees
Furnishings	Bike racks, bus shelters, lighting

Figure 4 Typical Cross Section for Richmond/13th East Boulevard

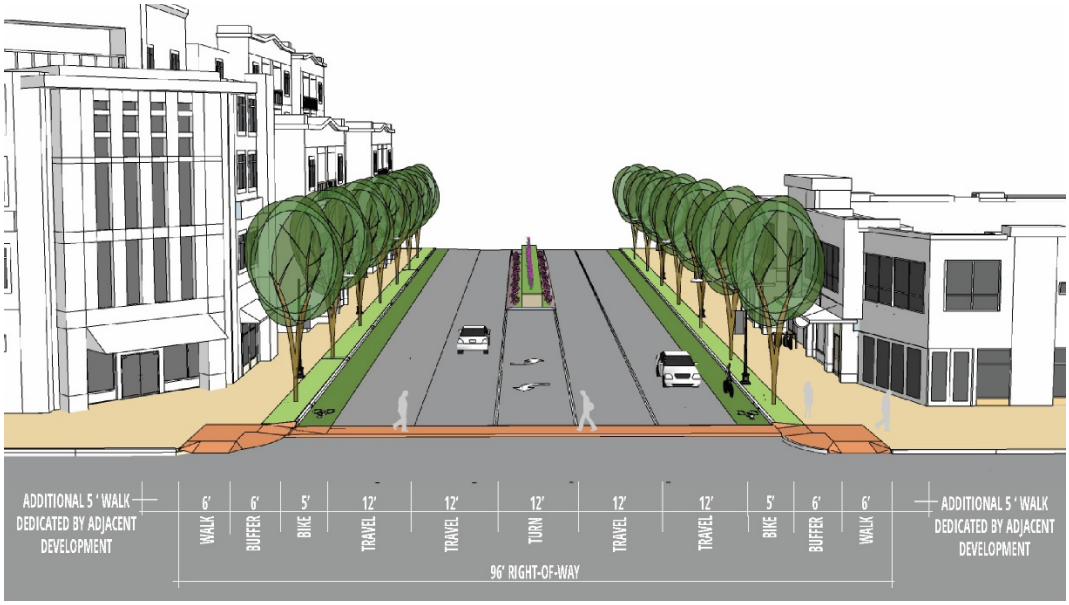


C. 33rd South Boulevard

This street is controlled by UDOT but plays an important role in the recognition of the City Center and the flow of major volumes of traffic in an east/west direction. To facilitate mobilty with the City Center area, protected bike lanes are recommended to create better connections, between Highland and Richmond streets.

Requirements	
Vehicular Zone	
ROW Width	96’
Travel Lanes	4
Center Turn Lane	1, 12’
Lane Width	12’
Center Median	Permitted except at intersections, 12’
Parking Lanes	No parking on street
Bicycle	5’ Protected bike lanes each side, using green thermoplastic or colored concrete
Pedestrian Zone	
Walkways	6’ minimum attached colored concrete sidewalk on each side with complementary enhanced paving at intersections and mid-block pedestrian crossings (5’ within ROW, 5’ dedicated by property owner which can be dedicated to city or provided through a public pedestrian easement and can encroach on the setback)
Street Buffer	6’ park strip xeriscape with large trees
Furnishings	Bike racks, bus shelters, lighting

Figure 5 Typical Cross Section for 33rd South

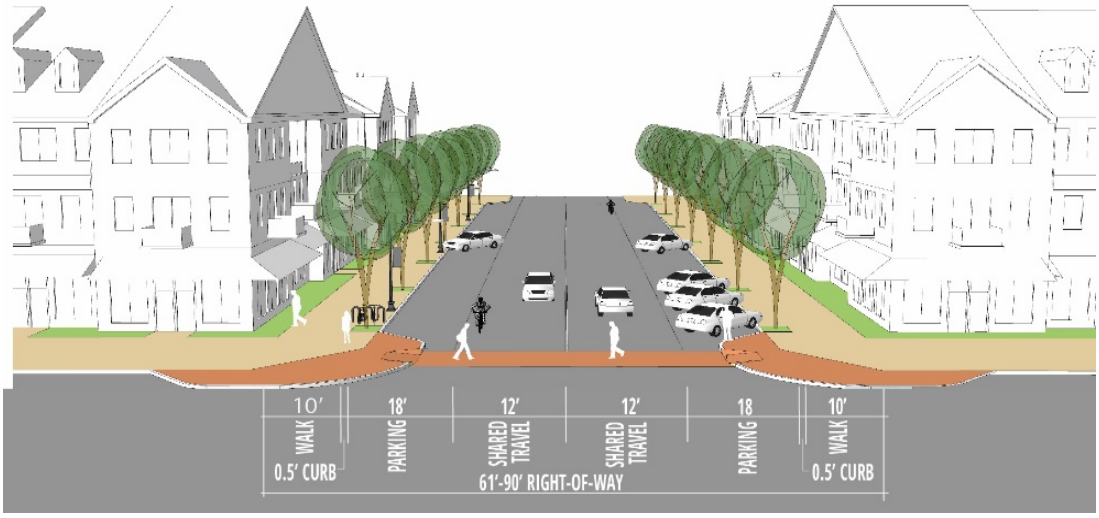


D. Neighborhood Streets

Connecting neighborhood streets include all of the streets that run east and west between Highland and Richmond Street/1300 East through the City Center. These streets are characterized by narrower right-of-way widths with similar goals of accommodating all modes of local traffic.

Requirements	
Vehicular Zone	
ROW Width	61’ to 80’
Travel Lanes	2
Center Turn Lane	None
Lane Width	12’
Center Median	Not permitted
Parking Lanes	8.5’ On-street parallel, 18’ for angled head in, or head out on each side, depending on ROW
Bicycle	Shared with travel lanes
Pedestrian Zone	
Walkways	5’ min. attached sidewalk on each side
Street Buffer	5’ min. landscape area with trees
Furnishings	Bike racks, seating, lighting, planters

Figure 6 Typical Cross Section for a Neighborhood Street

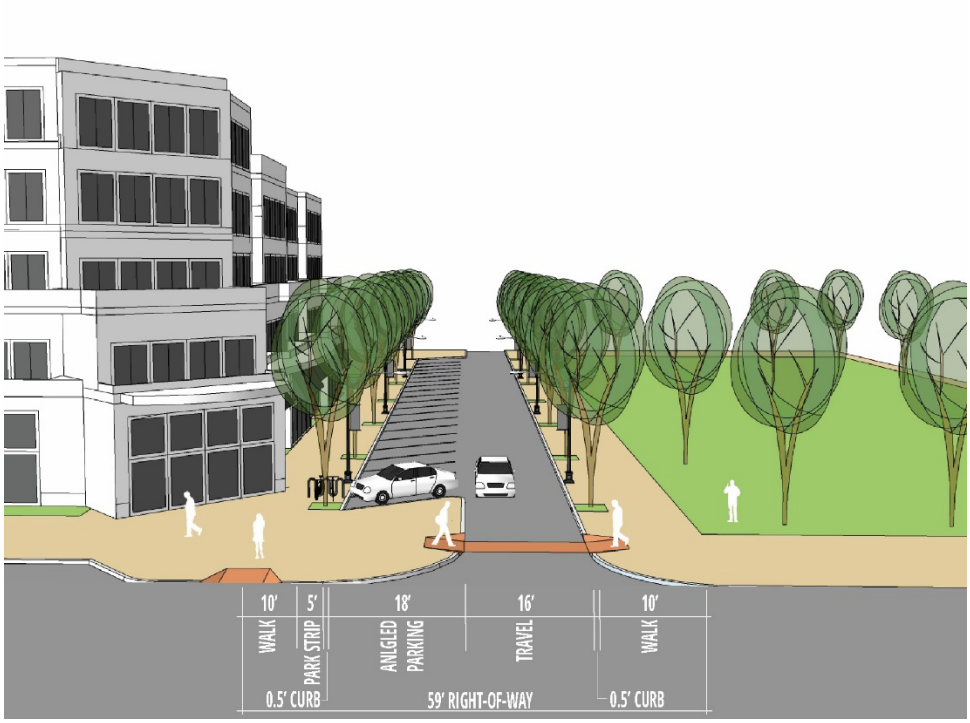


E. Millcreek Common Street and Frontage

If vehicular access and parking is provided between any building and Millcreek Common, it must meet the following requirements:

Requirements	
Vehicular Zone	
ROW Width	varies
Travel Lanes	1
Center Turn Lane	None
Lane Width	16’
Center Median	Not permitted
Parking Lanes	8.5’ On-street parallel parking, both sides – or angled on the building side
Bicycle	Shared with travel lanes
Pedestrian Zone	
Walkways	10’ min. outside edge, 5’ inside edge
Street Buffer	5’ min. landscape area, with trees
Furnishings	Bike racks, seating, lighting, planters, sculptures

Figure 7 Potential Cross Section for Millcreek Common Street



F. Laneway

Laneways are to be used as access to parking, rear loaded buildings, loading and delivery areas, services areas for refuse and utilities at the rear of lots, and as connectors for pedestrians. Laneways are intended as a shared vehicular access to the rear of buildings that allows the front façade to remain tied to the pedestrian realm.

Requirements	
Vehicular Zone	
ROW Width	30’ (one way)
Travel Lanes	1
Center Turn Lane	None
Lane Width	16’ (one way)
Center Median	Not permitted
Parking Lanes	Not permitted
Bicycle Lane	shared
Pedestrian Zone - shared	
Walkways	5’ one side, 4’ other side
Street Buffer	5’ with tree grates and trees tied to 5’ walkway, and breakable bollards on 4’ walkway edge
Furnishings	None

Figure 8 Typical Cross Section for a Laneway



G. Woonerf

A shared street promoting for pedestrian and bicycle use over vehicular use but in an undefined manner. No curbs and weaving vehicular ways, punctuated by landscaped islands, help to create a street that is open for all users but in a very low speed, safe, environment.

Requirements	
Vehicular Zone	
ROW Width	40’ (two way)
Travel Lanes	2 but unmarked other than by pavement distinction
Center Turn Lane	None
Lane Width	10’
Center Median	Not permitted
Parking Lanes	One side and purposefully restricts traffic flow to one lane
Bicycle Lane	shared
Pedestrian Zone - shared	
Walkways	10’
Street Buffer	Regular spaced landscaped islands, with trees
Furnishings	Seating within the islands

Figure 8 Typical Cross Section for a Woonerf



7. Corner Lots

Corner lots are deemed to have two front yards. Building corners that face street intersections shall be angled, rounded, setback or otherwise designed to soften the intersection of the perpendicular building facades to ensure vision clearance and create a public space. A corner plaza is required for all street intersections except for internal/mid-block (off of Highland and Richmond) intersections on Neighborhood streets and for laneways and woonerfs. Streets that require a plaza shall design a minimum of 20' wide 15' deep usable public plaza space and shall include provisions for shade and protection from inclement weather and seating. For sale art sculpture(s) are encouraged.

Figure 9 Corner Plaza



8. Front Yard Setback and Build-to-Line

The front yard setback is the build-to-line within 300' of all public street intersections within the CCOZ boundary. At least 50% of the front elevation of the building(s) must be within 10 feet of the build-to-line, except for the corners specified above. A build-to-line is defined as the line at which construction of a building façade is to occur in a lot, running parallel to the front property, and ensuring a uniform building facade line on the street.

9. Landscaping General

Landscaping shall comply with this chapter and MKC 19.77. At a minimum, street trees are required in planting areas or tree grates every 40', depending on tree type, on center and within 15' of back of curb. Trees must be 2" minimum caliper canopy type, at least 30' in height at maturity and maintained with a limb clearance of 8' above the ground. A Street Tree planting plan is required, which may modify the minimum separation requirement above, depending on the width of the tree canopy at maturity and shall utilize the trees suggested in subsection 5 above. Landscaping along the street shall comply with the requirements of the street cross sections, the suggested tree list, the Street Tree Planting plan, and Chapter 19.77.

10. Garbage and Recycling

The development shall be designed to accommodate and efficiently manage the collection, storage, and removal of garbage in harmony with the neighborhood so as to minimize detrimental effects of the collection, storage, and removal on any use within the development or abutting uses. Dumpster enclosures are required. No refuse dumpster or dumpster enclosure structure shall be located closer than 10 feet to any perimeter property line, unless the dumpster or dumpster enclosure structure is located within a parking structure. Enclosure structures must have a minimum of four sides that reflect or emulate the materials, design, and quality of the overall development. All developments shall provide recycling services.

11. Parking General

General parking requirements are subject to MKC 19.80.40, except as specified below. Parking requirements may be modified as per 19.80.40. These standards do not include guest parking, which shall be as required in 19.80.40.

Requirements	
Studio apartments	1 per unit
1- or two-bedroom apartments	1.5 per unit
3 or more bedrooms	2 per unit
Commercial/retail	3 per 1000 square feet
Service uses	3 per 1000 square feet
Office (excluding call type centers)	3 per 1000 square feet

Bicycle Parking as per Section 19.80.040 (c) with the additional requirement that all such bike racks shall be painted the "blue" used in Millcreek's logo.

12. Parking On-Street

On-street parking, located on the same side of the street in front of the building housing the businesses, in the form of parallel or angled spaces can account for up to two-thirds of the required commercial, retail, or office parking.

13. Parking Off-Street

All off-street and structured/garage parking shall be located to the side or rear of the building to preserve street facing facades for transparency and pedestrian activity. Structured parking that faces a street shall be wrapped with commercial or office uses. Surface parking lots are not allowed if visible from the adjacent street. Guest parking shall not require a fee.

Figure 10 Typical Off-Street Parking Locations



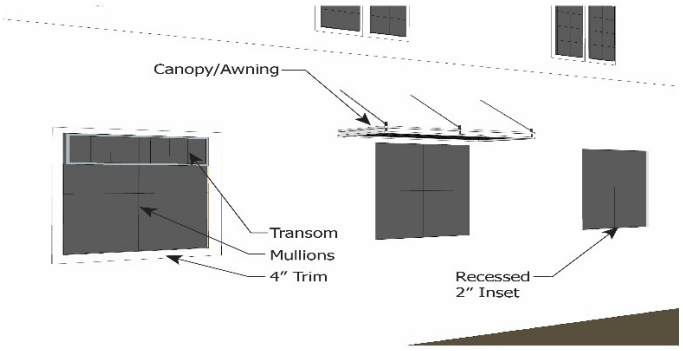
14. Building Design

a. Entrances and Windows

Entrances to the first floor of buildings shall front on the public street. On double or triple frontage lots, entrances are required where the greatest amount of pedestrian traffic is anticipated. Windows shall constitute at least 50% of first floor street-facing facades, and 25 percent of all upper story facades. Windows shall be at least 50 percent transparent. Interior lighting is required. Street facing windows that are not on the same façade as the main building entrance, may cover the first floor windows with nonadvertising window films using a mountain, mill, orchard or mountain related sports theme. Living screens may replace up to 50% of the window requirement for the lowest anticipated pedestrian traffic frontage. Mirrored windows are not allowed. Any east or west facing windows above the third story shall be non-relective to prevent glare. Awnings are required for any buildings facing Millcreek Common Street and on the NW corner of Highland Drive and 33rd South and the NE corner of 13th East and 33rd South.

In adjacent buildings, opposing residential bedroom windows, located on building walls lower than 36', where such buildings are closer than 20 feet from each other, shall offset the window a minimum of 5 feet and provide window blinds for each opposing window, or reduce the opacity of the window to prevent one side from viewing the other. For opposing residential bedroom windows on building walls higher than 36', a minimum 40' separation is required, as well as window blinds. In no case shall any balconies have a separation from an opposing balcony of less than 10'.

Windows above the first floor shall conform to the following standards:



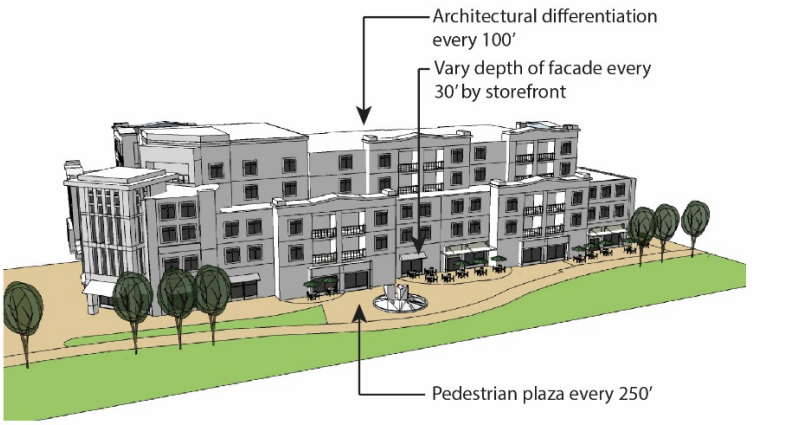
b. Building Materials

Exterior materials of a durable or resilient nature such as brick, stone, composite materials, or other materials of similar quality, hardiness, and low maintenance characteristics are required. New development in the CCOZ, shall incorporate common, locally found materials such as granite, stone, sandstone, and brick as part of the first floor of each building for at least 50% of the first floor, excluding the windows. For the Mill Center District this requirement increases to a minimum of 75% for the first floor excluding the windows. For all Districts, all stories above the first floor shall incorporate at least 50% of the above specified materials. Stucco and EIFS are prohibited for use as materials on any façade visible from a right-of-way. Other materials may be considered for soffits, or as accent or unique architectural features. Twenty-five year guarantee, architectural shingles are required for pitched roofs and other longer lasting roof materials for flat roofs are required.

c. Building Length and Facades

No new building elevation may exceed 100 feet in length without at least a 3' variation in the depth of the façade along the public right of way and a 2' variation on other faces. Residential unit balconies shall not be interpreted to meet this requirement. No single building shall exceed 300' in length. A separation of a minimum of ten feet is required, which creates a passageway to interior spaces. Such passageways shall be lighted, provide a safe pedestrian space and include vegetation in boxes every 30' of depth. As a minimum, provide pedestrian plazas every 250 feet of building length to break up long building façades along public rights-of-way. Top floors shall have architectural differentiation from the other floors in the building and rooflines shall vary every 100', as a minimum. For first floor uses in the mixed use building type, the appearance of small shops/storefronts with variation in the first floor façade every 30' is required. All buildings fronting on Millcreek Common ~~Street~~ shall include a permanent or retractable fabric awning, extending a minimum of 10' from the storefront/façade to provide shade and refuge from inclement weather. Awnings must be cantilevered from the front façade of the building. Such awnings shall be provided in colors that reflect colors incorporated as part of the exterior of the building or the green or blue found in Millcreek's logo. Only permanent awnings are allowed to meet this requirement for buildings facing the Millcreek Common.

Figure 11 Building Façade Variation



d. Building Massing and Façade Articulation

All buildings shall be designed to have at least three of the following:

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

B. Change in height at the top of the building by at least 10 feet for every 100 feet of façade length.

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

D. Indentations/recesses at least 10' in depth along the street facing facades at 100' intervals.

E. Usable terraces (a larger balcony intended as a private resident leisure space) at least 10' in depth along the street facing facades.

F. Covered walkways on south, east or west facing facades on street(s) other than Millcreek Common Street.

G. Except for Millcreek Common facing buildings, columns or pilasters with a minimum 4-inch horizontal depth from the plane of the façade and spaced at a minimum interval of 50 feet.

H. Stepbacks where not otherwise required.

e. Building Types

A. Mixed Use – Intended for a mix of primarily residential with commercial/office or commercial and office uses required to be located on the first floor, and optional above the first floor at or near the front build-to-line with parking to the rear, underground, or podium type. No podium parking is allowed fronting on Millcreek Common Street.This building type may support office, retail, hotel/hospitality or residential uses mixed either vertically or horizontally. For residential units, provide outdoor balconies or patios for 100% of the residential units at a minimum of 6' deep and 60 square feet each. Provide indoor bike storage or bike lockers.



Requirements	
Front Build-to Zone	0’-10’
Minimum Side Yard Setback	10’ between buildings
Minimum Rear Yard Setback	10’, except when abutting an R-1, R-2, or R-4-8.5 zone the setback is 25’
Minimum Height	See Map 2
Maximum Height	See Map 2
Principal Entrance Location	Front or corner side of facade
Vehicular Access	From alley or rear of building
Minimum Transparency	50% on ground floor
Required First Floor Uses	Office, retail, craftsman industrial or residential (50% must be non-residential use). Any mixed use building that fronts on Millcreek Common Street shall have 100% non-residential uses on the first floor facing that street.
Depth of first floor non-residential uses	Not less than 30 feet unless at least 40 percent of the habitable floor area of the building consists of nonresidential uses, in which case the depth of first-floor non-residential uses can be reduced to not less than 20 feet.
Upper Story Uses	Any permitted use or conditional use
Where allowed	Corners in the Neighborhood District, the entire Mill Center, and the entire Market Place
Storefront Width	Not to exceed 30 feet

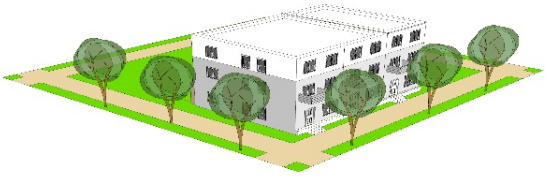
B. Office/Commercial/Civic mixed use – Minimum 2-story building that mixes uses with the primary use of office, retail, civic or commercial use.



Requirements	
Front Build-to Zone	0’-15’
Minimum Side Yard Setback	10’ between buildings

Minimum Rear Yard Setback	10', except when abutting an R-1, R-2, or R-4-8.5 zone the setback is 25'
Minimum Height	See Map 2
Maximum Height	See Map 2
Principal Entrance Location	Front or corner side of facade
Vehicular Access	From alley or rear or within the building
Minimum Transparency	50% on ground floor
Ground Story Uses	Office, Retail, Civic, or Commercial
Depth of first floor uses	30' minimum depth
Upper Story Uses	May vary
Where allowed	Mill Center, Market Place

C. Multi-family –A multi-story building that contains residential uses internal to the structure with parking to the rear, in a separate structure or podium style below the building. Parking structures shall include one 220 volt electric vehicle charging station for every ten stalls. Provide outdoor balconies or patios for 100% of the units at a minimum of 6' deep and 60 square feet each. Provide indoor bike storage or bike lockers.



Requirements	
Front Build-to Zone	0'-15'
Minimum Side Yard Setback	0' per unit, 10' between buildings
Minimum Rear Yard Setback	10',-except when abutting an R-1, R-2, or R-4-8.5 zone the setback is 25'
Minimum Height	See Map 2
Maximum Height	See Map 2
Principal Entrance Location	Front or corner side of facade
Vehicular Access	From alley or rear of building
Minimum Transparency	40% for ground floor and 15% for other floors
Ground Story Uses	For buildings located on corners; office, residential or live/work units, retail, personal services, or residential (50% of the street facing front facades must be non-residential use)
Upper Story Uses	Residential or parking only
Where allowed	Neighborhood District

D. Townhome - Horizontally attached multi-story units in a rowhouse configuration. This building type can include live/work units. Parking and private garages shall be to the rear of

the building allowing the primary façade to front a public street or public greenspace. Provide outdoor balconies or patios for 100% of the units at a minimum of 6' deep and 60 square feet each. Where private garages are proposed, they shall be wired for at least one 220 volt line for electrical vehicle charging. Guest parking shall not include any driveway that accesses a garage.



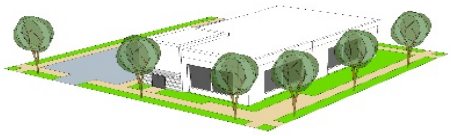
Requirements	
Front Build-to Zone	0'-15'
Minimum Side Yard Setback	0' per unit, 10' between buildings
Minimum Rear Yard Setback	~~5'~~–10'
Minimum Height	2 stories
Maximum Height	3 stories
Principal Entrance Location	Front or corner side of facade
Vehicular Access	From alley or rear of building
Minimum Transparency	15%
Ground Story Uses	Residential or live/work units
Upper Story Uses	Residential only
Where allowed	Neighborhood District

E. Adaptive Reuse – There are several existing buildings within the CCOZ that could be reworked into a new use. The following general requirements are required:

- If the character of the existing building is deemed historic or historically significant due to its age or displays a unique architectural style or unique features, as determined by the Zoning Administrator, then reconstruction should attempt to retain as much of that character as possible.
- Windows shall address the street frontage and encompass at least 50% of the first story building facades if structurally feasible.
- Parking shall be located (or relocated) to the rear of the building.



F. **Commercial single purpose buildings** – Buildings with the primary use being commercial use.



Requirements	
Front Build-to Zone	0’-15’
Minimum Side Yard Setback	10’ between buildings
Minimum Rear Yard Setback	10’, except when abutting an R-1, R-2, or R-4-8.5 zone the setback is 25’
Minimum Height	See Map 2
Maximum Height	See Map 2
Principal Entrance Location	Front or corner side of facade
Vehicular Access	From alley or rear of building
Minimum Transparency	50% on ground floor
Ground Story Uses	Commercial
Upper Story Uses	Commercial
Where allowed	Mill Center, Market Place

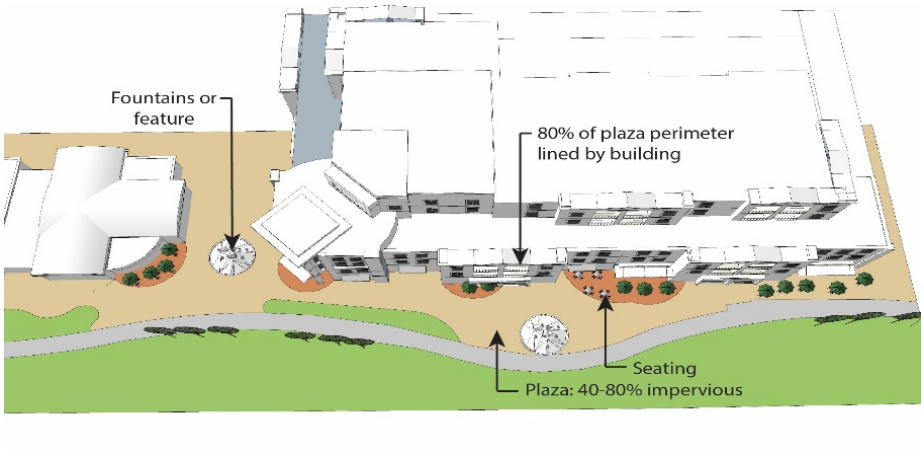
14. Open Space and Plazas

For all development that includes residential uses, the open space requirement is 20% . This open space requirement shall be fulfilled through rooftops, terraces for general resident use, plazas and pocket parks. The required common open space shall be for general use by the residents of the building and/or the public, and be usable land areas that are not occupied by buildings, dwellings, structures, parking areas, streets, public park strips, curb-gutter-sidewalk, driveways, or alleys and shall be accessible by all residents of the development. For the purposes of this chapter, gross site area is defined as the total area of the development excluding anything in the public right of way. For development or redevelopment involving sites that are one acre in size or greater, at least 40 percent of required open space must be in the form of a plaza that is located at the front, corner or side of the building, and open and accessible to the public at all times. The following requirements must be met:

- At least 80% of the plaza’s perimeter that does not front on vehicular right-of-way shall be lined by building frontages.
- Fully enclosed permanent structures are not permitted.
- Playgrounds are not permitted.
- Minimum pervious surface = 40%
- Maximum pervious surface = 80%
- Must include seating, shade structures, and one tree (2” caliper minimum) per 800 sf of plaza area

- Special features such as fountains and for sale public art installations are encouraged. Active features should be incorporated into the plaza.

Figure 11 Typical Plaza



15. Pocket Leisure spaces

Residential development involving sites 2 acres in size or greater shall include a pocket leisure space that fronts on or is easily accessible from a public street, open and accessible to the public at all times, and meets the following requirements:

- Minimum size = 2,500 square feet
- Maximum size = 20,000 square feet
- Include some form of child play structure
- Must include seating, shade structures, turf, hard surfaces, and one tree (2" caliper minimum) per 800 sf of park area

Figure 12 Typical Pocket Leisure space



16. Rooftop Patios and Gardens

If a rooftop patio or garden is included as part of a development, the rooftop patio or garden shall include a minimum of 25% of its area covered with trees to provide shade. This 25% is defined using the canopy of the tree at maturity. Seating, tables, outdoor gas bar-b-ques, solar cells (see #23), and shade structures are

required. All features listed above shall be setback 10' from the roof edge except solar cells. Grow boxes are encouraged.

Private roof top park space is encouraged to take advantage of the mountain and valley views, but shall not include active play spaces.

17. On-site open space/park substitution – in-lieu substitutions

The open space/park requirement may be modified through potential substitutions for any development that faces the Millcreek Common or could benefit from contributing to pedestrian connections to the Commons. Such substitutions are intended to enhance with features or acquire land or improve land that is destined to become part of the "Millcreek Common". The Millcreek Common is the signature open space in the City Center and is a benefit to all development in the City Center, including improved pedestrian connections to the Common. In-lieu substitutions are encouraged for the benefit of the City Center by application to the Community Development Director, under the following circumstances:

1. In-lieu substitutions of land: are intended to fulfill the requirements for open/park space may be allowed when it can be factually established by a qualified land appraiser, that the substituted land is at least equal to or greater in value than the associated development property, as if it were to be fully developed as proposed. The City will determine with the developer the actual property to be appraised, both in the proposed development and in the "Millcreek Common". The City will select and employ through a contract, an appraiser. The cost of the appraisal shall be born by the developer, through reimbursement to the City. New appraisals will not be required if recent (within one year) information is readily available.
2. Cash in-lieu: the City may determine that in certain situations, accepting cash as an in-lieu substitution, where it can be shown that acceptance of those funds, is more effective in acquiring open space/park land and improving pedestrian connections within the City Center. Cash in-lieu payments shall not be accepted without a qualified appraisal process as per (1) above. The City shall be obligated, in a timely manner, to use the in-lieu funds within the City Center for land purchases, open space, pedestrian system enhancements, and/or park related improvements.
3. Any land which has been dedicated, set aside, platted, or otherwise approved as open space, may not be substituted or used for any purpose other than those allowed by this chapter.
4. In-lieu substitutions shall be reviewed by the Community Development Director, through an application, however, final approval of the in-lieu substitution rests with the City Council. Such approvals shall occur prior to issuance of a Final Site Plan approval or a building permit.

18. Perimeter Fencing

To ensure maximum pedestrian connectivity, fencing between parcels is not required. No fencing of any kind will be allowed along the Richmond, 33rd, Highland Drive and Millcreek Common Street frontage. Privacy and/or security fencing is only allowed to screen unsightly, utility, or vehicle service areas from public right-of-way.

Fencing along a Neighborhood street frontage is permitted to define front porches and can consist of wrought iron/similar materials, wood or composites. Vinyl is prohibited as a fencing material. a minimum of 50% open at a max height of 42". Fences may incorporate a max 18" high stone, brick wall at the base.

19. Private Outdoor Lighting and Outdoor Dining

Lighting for streets and parking lots on the interior of the development is required. All lighting fixtures shall be directed downward with mechanisms to prevent dark sky illumination (see guidance from https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/). The applicant shall submit a plan which indicates the type and location of lights in relation to the development and designed for pedestrian/vehicular safety. Pedestrian lighting may include bollards and all lighting shall follow established themes described in subsection 21 below. Minimum average foot-candles for interior streets shall be 0.3 and the fixture height shall not exceed 25 feet. Such fixtures shall be located a minimum of 10' from the public right-of-way. All parking luminaries, except those required for security, must be extinguished one hour after the end of business hours.

Outdoor seating and dining may be partially or fully covered to extend the outdoor dining experience through the spring and fall months. Outdoor patio heaters and misters are permitted. Restaurant tables and chairs may be movable or permanent and should be reflected on the site plan. If alcohol is served, the restaurant will need to provide signage and decorative fencing per the health department code. Fencing materials shall be wrought iron (or a similar facsimile). Any accommodation for dogs shall be subject to the Salt Lake County Health Department regulations (Paws on the Patio HACCP plan).

20. Access Between Uses

Vehicular and pedestrian access is required between uses that does not force vehicles/pedestrians out to the adjacent streets.

21. Signs

Signs are limited to low profile monument signs, externally lit wall signs, projecting signs with a minimum of 8 feet clearance above the ground, and temporary A-frame signs. Any projecting sign along the Mill Common shall be limited to 42 inches in width. Lighting from signs shall be directed downward and ~~generally~~ comply with dark sky philosophies. Illuminated signs along Mill Common may not be backlit. Size, location, and number limitations are defined in MKC 19.82.

22. Street Lighting **Figure 13**



All street lights located on 33rd South, Richmond, and Highland Drive, shall incorporate a luminaire (Figure 13) atop a 14' pole. The light shall be low intensity, shielded from uses on adjoining lots, and directed away from abutting properties, yet lighting the street and adjacent walkway. All lighting shall incorporate full cut-off fixtures to minimize light pollution and be dark sky compliant.

All lighting on Neighborhood streets and Millcreek Common Street shall utilize the street light shown in Figure 13 or a suitable substitute approved by the City.

All lighting on Laneways, Woonerfs, and required passages between buildings shall use downward directed sconce styles for wall lighting and lit bollards along the street.

23. Small Wireless Facilities in Rights-of-Way in the City Center Overlay Zone.

Small wireless facilities in rights-of-way in the City Center Overlay Zone shall meet the requirements established for Small Wireless Facilities Deployment in MKC Title 16, and shall utilize street light poles or intersection semaphore structures for mounting wireless facilities. To the greatest extent possible such installations shall use the materials/colors of the pole they are using and should blend with the streetscape.

24. Solar Rooftops, HVACs, and Charging Stations

Rooftops may be used as garden type open space, and/or passive recreation space but shall incorporate solar panels for power generation. 50% of the entire rooftop space shall be covered with solar panels.

All Heating, Ventilating, and Air Conditioning equipment (HVAC) shall be recessed by at least 10' from the exterior edge of the building. Such equipment shall be enclosed such that it is not readily recognizable as HVAC equipment.

For the residential portions of a mixed use or multi-family building, one electric vehicle 220 volt charging station is required for every 10 units. For the non-residential portions of mixed use, office, and commercial buildings, two charging stations per floor are required in the parking areas. Charging stations may be located in interior parking garages.

25. Rooftop Cell Service Towers and Overhead Utility Lines

All existing overhead lines shall be located underground as part of any new development in the CCOZ. No new development shall exhibit any above ground utility or communication lines. Rooftop telecommunication equipment is only allowed as a "stealth" installation. Such facilities shall appear to be an integrated part of the building.

19.73.060 – General Standards of Applicability

1. The use and development of property within CCOZ is also subject to other applicable chapters in the zoning ordinance and the regulations of the underlying zone except where specific regulations are provided in this chapter, including but not limited to applicable health and safety codes, building codes, and engineering standards.
2. Standards in other chapters may apply. In the event there is language elsewhere in Title 19 of this code that conflicts with language in this chapter, the CCOZ standards prevail.

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

File # ZM-19-016

City Council Staff Report

Meeting Date: 9 December 2019

Applicant: Greg Sneyd

Property Address: 1643-1647 East Woodland Avenue

Parcel: (16-28-329-034-0000) .38 acres / 16,552 s.f.

Rezone from R-1-8 to 1-6 to allow for each home to be on separate parcel by utilizing the subdivision flag lot policy located at 1643-1647 East Woodland Avenue

Zone: R-1-8

Community Council: Canyon Rim and East Millcreek

Prepared By: Robert May, Planner

SYNOPSIS AND SCOPE OF DECISION

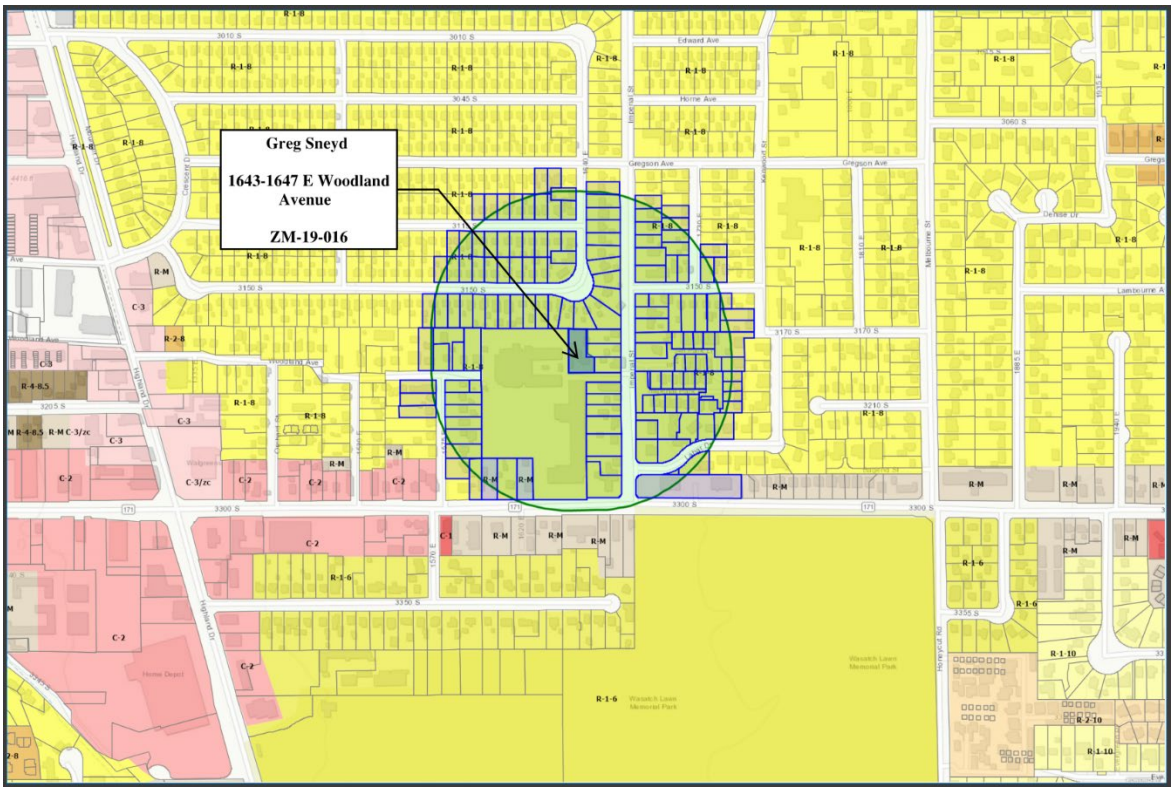
The applicant, Mr. Sneyd is petitioning the Millcreek City Council to rezone property (*16-28-329-034-000*) located at 1643-1647 E Woodland Avenue from an R-1-8 to an R-1-6 to allow for a flag lot. The subject parcel currently has two dwellings located on the property, making it nonconforming. In order to separate the two homes and establish two separate parcels that are accessed off of Woodland Avenue, a rezone to a higher density is required to make way for a proper flag lot. Additionally, one of the dwellings access is subject to an access license with the neighboring State of Utah property (Jean Massieu School of the Deaf) to the west. Such license poses questionable concerns in terms of guaranteed access in perpetuity. An informal neighborhood meeting was held by the developers and the neighboring property owners on April 30, 2019. A summary is attached to this report. The act of approving a rezone request and zone map amendment must be executed by the Millcreek City Council with a recommendation from the Millcreek Planning Commission.

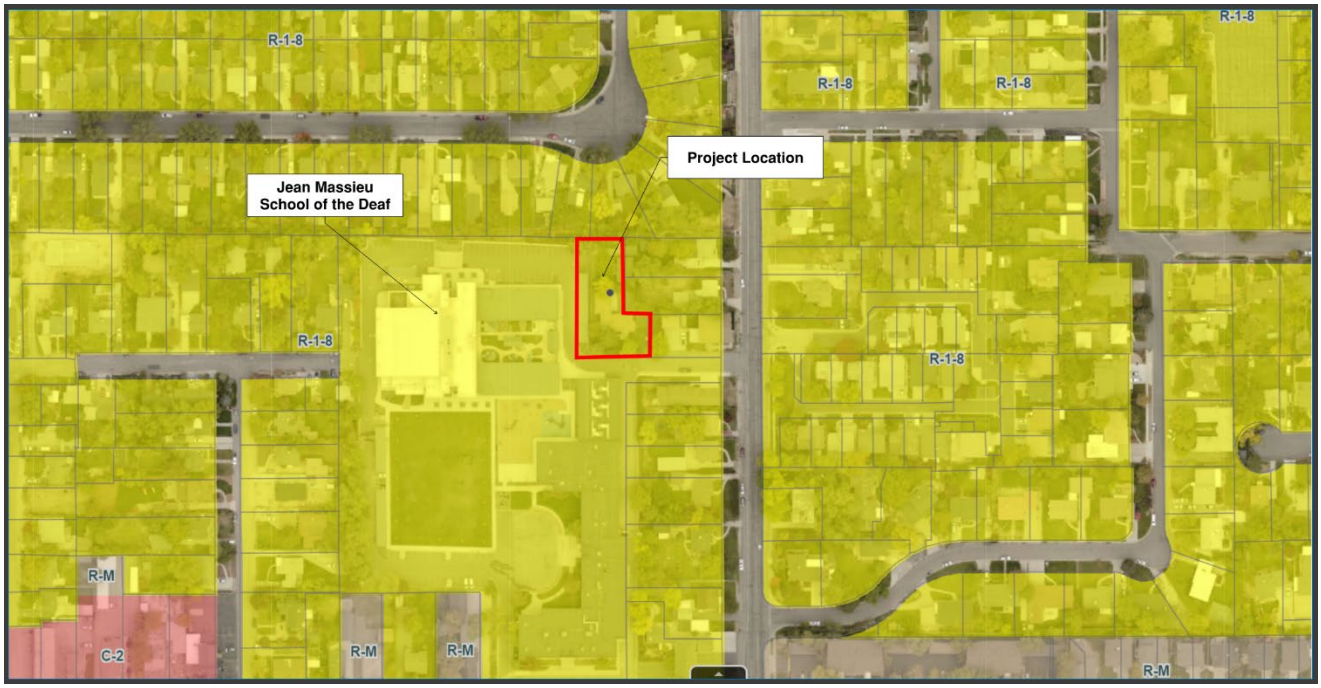
Request: **Rezone from R-1-8 to R-1-6**

File #: ZM-19-016

SITE & VICINITY DESCRIPTION

Zone Maps





Request: **Rezone from R-1-8 to R-1-6**

File #: **ZM-19-016**

Google Street Views



Looking north at property from Woodland



Request: **Rezone from R-1-8 to R-1-6**

File #: **ZM-19-016**



Looking west down Woodland

PROJECT INFORMATION

Currently in the R-1-8 Zone, to properly plat a flag lot subdivision a total of 20,000 s.f. must be maintained among lot widths and setback requirements. This equates to an 8,000 s.f. base lot and a 12,000 s.f. flag lot. Due to the subject parcel only consisting of roughly 16,500 s.f, a flag lot in the R-1-8 Zone is not possible.

Under the same requirements, to properly plat a flag in the R-1-6 Zone, a total of 15,000 s.f must be maintained. A minimum of 6,000 s.f base lot and a 9,000 s.f. flag lot with similar widths and setbacks.

Project Characteristics					
Requirement	**R-1-8**	**R-1-6**	**R-1-6 Flag Lot**	**Proposed**	
				Base Lot	**Flag Lot**
Height	28' Max	28' Max	28' Max	**18'***	**28' Max***
Front Yard Setback	25'	25'	20'	**26'**	**20'**
Side Yard Setback	8'	8'	20'	**8'**	**20'**
Rear Yard Setback	15'/30'	15'/30'	20'	**15'**	**20'**
Lot Width	65'	60'	60'	**80'**	**76'**
Lot Area	8,000 s.f.	6,000 s.f	9,000 s.f. min.	**7,592 s.f.**	**9,000 s.f.**

***The proposed rezone to R-1-6 will still be subject to the Residential Compatibility Overlay (RCOZ) Zone limiting the development in terms of height and lot coverage, etc.

Request: **Rezone from R-1-8 to R-1-6**

File #: ZM-19-016

Concept Plan



Flag lot and access diagram



During the preliminary design of the flag lot and its current configuration with two existing homes residing on the property, it was inevitable that the north dwelling would have to be removed.

Flag lot setbacks of 20' all sides would render the existing dwelling noncompliant. The developer has agreed to remove the existing home and plat a new buildable footprint that will meet the current requirements.

Due to the flag lot constraints and Residential Compatibility Overlay Zone, the developer is proposing to construct a home that will be compatible to the existing neighborhood. Construction of new home will be subject to the max zone height of 28 feet and a maximum lot coverage of 35% which will significantly reduce any ability of a large obnoxious dwelling.

Staff finds that many of the protections are in place already through the Flag Lot constraints and the Residential Compatibility Overlay Zone. Although some residents were curious of application, no opposition from residents has been documented.

COMMUNITY COUNCIL RECOMMENDATION

At their regularly scheduled October meetings, the Canyon Rim Community Association and East Millcreek Community Council each **recommended approval** to the Millcreek Planning Commission of the proposed rezone from R-1-8 to R-1-6.

PLANNING STAFF ANALYSIS AND FINDINGS

Staff finds that the proposed rezone for two of the proposed lots is in harmony of the general plan and future land use map designated for this specific area of Millcreek. The "Neighborhood 1" zoning designation is preserved by maintaining an R-1 Zoning.

Staff finds that by rezoning subject property to make way for a flag lot provides a secure access to the north dwelling and new tax identification number for tax assessment purposes.

Staff finds that with a development agreement limiting the proposed rezone to a 2-lot flag lot subdivision as per plan and requiring the removal of the existing home to the north before a subdivision plat is recorded will guarantee the intent of the proposal and ensure zoning compliance.

Staff finds that adding the condition of approval requested by Planning Commission that the rezone proposal be subject to Chapter 19.77 (*Water Efficient Landscape Design and Development*) is redundant in that the this code, specifically 19.77.040, *Landscape Design Standards And Guidelines* already applies to subdivisions and allows staff to require a tree inventory and preservation plan.

Staff would recommend leaving the *Water Efficient Landscape Design and Development* requirements out of the Development Agreement unless City Council feels a stricter standard needs to be applied in addition to the existing code.

19.77.020 Scope and Applicability

Homeowner-provided landscape improvements within the front, side and rear yards of single- and two-family dwellings are exempt from the requirements of this chapter.

1. Newly Established Land Uses. Except as noted above, these landscape standards shall be applied to all new developments in the City. Residential development projects such as but not limited to planned unit developments, condominiums, multifamily residential developments **and residential subdivision projects** in which improvements such as but not limited to the dwelling units, common area, recreational amenities and infrastructure improvements are provided by the developer shall be landscaped in accordance with the requirements of this chapter.

PLANNING COMMISSION RECOMMENDATION

The Millcreek Planning Commission **recommended approval** of rezone proposal ZM-19-016 located at 1643-1647 East Woodland Avenue based on Planning Staff analysis and findings and with a development agreement outlining the following conditions and added the condition of approval be subject to the Chapter 19.77 (*Water Efficient Landscape Design and Development*) in an effort to preserve as many of the mature tree as possible:

- Limiting the proposed rezone to a 2-lot flag lot subdivision as per plan
- Requiring the removal of the existing home to the north before a subdivision plat is recorded

CITY COUNCIL RECOMMENDATION

Planning Staff recommends to the Millcreek City Council **to approve** rezone proposal ZM-19-016 based on Planning Staff analysis and findings and with a development agreement outlining the following conditions:

- Limiting the proposed rezone to a 2-lot flag lot subdivision as per proposed in Exhibit A of the Development Agreement.
- Requiring the removal of the existing home to the north before a subdivision plat is approved by the City and plat is recorded.

SUPPORTING DOCUMENTS

- Site plans
- East Millcreek Community Council Letter of Recommendation (*Canyon Rim Does not provide letter*)
- Development Agreement

MILLCREEK, UTAH
ORDINANCE NO. 19-54

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT APPROXIMATELY 1643-1647 EAST WOODLAND AVENUE FROM R-1-8 (SINGLE-FAMILY RESIDENTIAL) TO R-1-6 (SINGLE-FAMILY RESIDENTIAL)

WHEREAS, the Millcreek Council ("Council") met in regular session on December 9, 2019 to consider among other things, an ordinance rezoning certain property located at approximately 1643-1647 East Woodland Avenue from R-1-8 (single-family residential) to R-1-6 (single-family residential); and

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

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

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

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

WHEREAS, on September 25, 2019, the required notice was published; and

WHEREAS, on October 16, 2019, the proposed amendment was submitted to the planning commission for its recommendation; and

WHEREAS, on October 16, 2019, the planning commission held the required public hearing with respect to this rezone; and

WHEREAS, at the October 16, 2019 planning commission meeting the Millcreek Planning Commission recommended approval of the proposed rezone; and

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

WHEREAS, on December 9, 2019 the Council caused the required notice to be given; and

WHEREAS, on December 9, 2019, the Council considered the rezone during a public meeting; and

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

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

NOW THEREFORE, be it ordained by the Council that the property described in File # ZM-19-016 filed by Greg M. Sneyd located at 1643-1647 East Woodland Avenue is hereby rezoned/reclassified from R-1-8 (single-family residential) to R-1-6 (single-family residential) such property being more particularly described as follows:

Legal Description

BEGINNING AT A POINT THAT IS SOUTH ALONG ROAD CENTERLINE 729.35 FEET (43.9 RODS) AND WEST 149.79 FEET FROM THE CENTER OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERDIAN; THENCE

N 00°12'35"E 65.81 FEET: THENCE

N 50°29'21"W 46.52 FEET; THENCE

N 00°12'35"E 92.53 FEET; THENCE

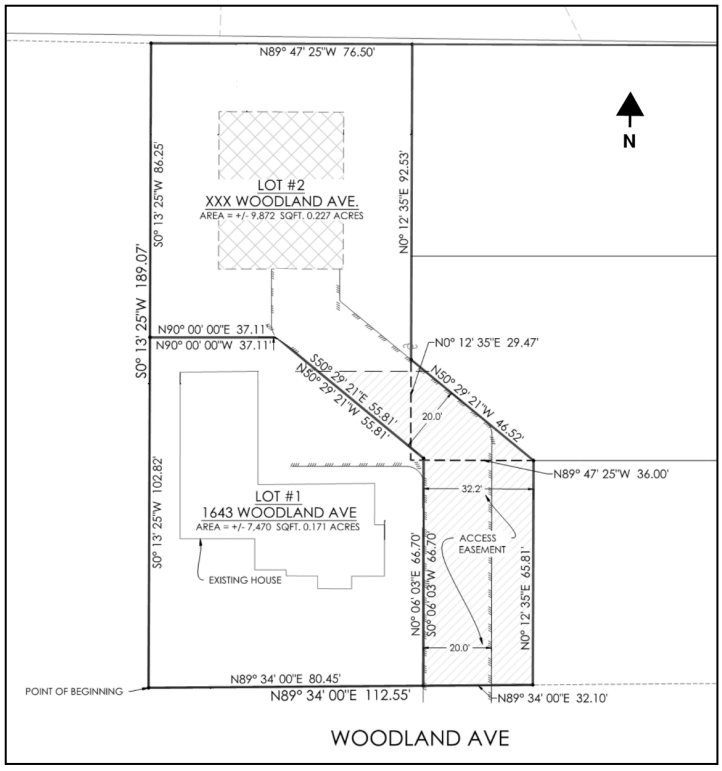
N 89°47'25"W 76.50 FEET; THENCE

S 00°13'25"W 189.07 FEET; THENCE

N 89°34'00"E 112.55 FEET; THENCE

TO THE POINT OF BEGINNING.

DESCRIBED PARCEL OF LAND CONTAINS 17,340 SQ. FT. OR 0.398 ACRES MORE OR LESS.



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

This Ordinance assigned Ordinance No. 19-54, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder.

PASSED AND APPROVED this 9th day of December 2019.

MILLCREEK COUNCIL

By:_____
Jeff Silvestrini, Mayor

ATTEST:

_____
Elyse Greiner, CMC 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-XX: SAME TITLE AS ABOVE
was passed and adopted the ____ day of _____2019 and certifies that copies of the foregoing Ordinance 19-XX 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

When recorded, return to:

Millcreek
Attn: Jeff Silvestrini
3330 South 1300 East
Millcreek, UT 84106

DEVELOPMENT AGREEMENT

This Development Agreement (this "Agreement") is entered into this 9th day of December, 2019, by and between Gregory M. Sneyd ("Developer"), for the land to be included in or affected by the project located at approximately 1643-1647 South Woodland Avenue, Millcreek, UT 84106, a municipal corporation of the State of Utah ("City"). The Developer and the City are sometimes referred to as the "Parties."

RECITALS

WHEREAS, Developer owns approximately .38 acres of real property located at 1643-1647 South Woodland Avenue, Millcreek, UT 84106 ("Property") and intends to develop the Property. A legal description of the Property is attached hereto as exhibit "A." The Parties desire that the Property be developed in a unified and consistent fashion and establish minimum standards for a new private use development consisting of single-family homes (the "Project") on the Property; and

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

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

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

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

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

2. **Reserved Legislative Powers**. Nothing in this Agreement shall limit the future exercise of police power by the City in enacting zoning, subdivision, development, transportation, environmental, open space, and related land-use plans, policies, ordinances and regulations after the date of this Agreement, provided that the adoption and exercise of such power shall not restrict Developer's vested rights to develop the Project as provided herein. This Agreement is not intended to and does not bind the Millcreek Council in the independent exercise of its legislative discretion with respect to such zoning regulations.

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

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

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

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

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

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

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

TO DEVELOPER:	Gregory M. Sneyd 3018 South 2300 East Millcreek, UT 84109
TO CITY:	Millcreek Jeff Silvestrini, Mayor 3330 South 1300 East Millcreek, Utah 84106

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

10. **Choice of Law and Venue**. Any dispute regarding this Agreement shall be heard and settled under the laws of the State of Utah. Any Utah litigation regarding this Agreement shall be filed in the Third District Court in Salt Lake City, Utah. Any federal litigation regarding this Agreement shall be filed in the United States District Court for the District of Utah in Salt Lake City, Utah.

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

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

13. **Term of Agreement.** The term of this Agreement shall be for a period of ten (10) years or until fulfillment of the obligations of the parties unless earlier terminated or modified by a written amendment agreed to and approve by the parties. If this Agreement is not recorded at the Office of the Salt Lake County Recorder within thirty (30) days of the Effective Date, the City may terminate this Agreement and Developer irrevocably consents that the Property be rezoned to it original zone(s). Additionally, if proposed plat is not recorded at the Office of the Salt Lake County Recorder within one (1) year of the Effective date the City may vacate or void the proposed plat and this Agreement and Developer irrevocably consents that the Property be rezoned to its original zone.

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

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

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

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

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

Millcreek

_____

Jeff Silvestrini, Mayor

ATTEST:

_____

Elyse Greiner, CMC, City Recorder

DEVELOPER

By: _____

Gregory M. Sneyd, Owner

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

The foregoing instrument was acknowledged before me this 3 day of Dec, 2019, by Jeff Silvestrini the Mayor respectively, of Millcreek, a Utah municipality.

_____
Notary Public

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

The foregoing instrument was acknowledged before me this 3 day of Dec 2019 by Jana Stratford

Jana Stratford
Notary Public

JANA STRATFORD
Notary Public - State of Utah
Comm. No. 706593
My Commission Expires on
Jun 4, 2023

Exhibit A

BOUNDARY DESCRIPTION (REZONE)

BEGINNING AT A POINT THAT IS SOUTH ALONG ROAD CENTERLINE 729.35 FEET (43.9 RODS) AND WEST 149.79 FEET FROM THE CENTER OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERDIAN; THENCE

N 00°12'35"E 65.81 FEET: THENCE

N 50°29'21"W 46.52 FEET; THENCE

N 00°12'35"E 92.53 FEET; THENCE

N 89°47'25"W 76.50 FEET; THENCE

S 00°13'25"W 189.07 FEET; THENCE

N 89°34'00"E 112.55 FEET; THENCE

TO THE POINT OF BEGINNING.

DESCRIBED PARCEL OF LAND CONTAINS 17,340 SQ. FT. OR 0.398 ACRES MORE OR LESS.

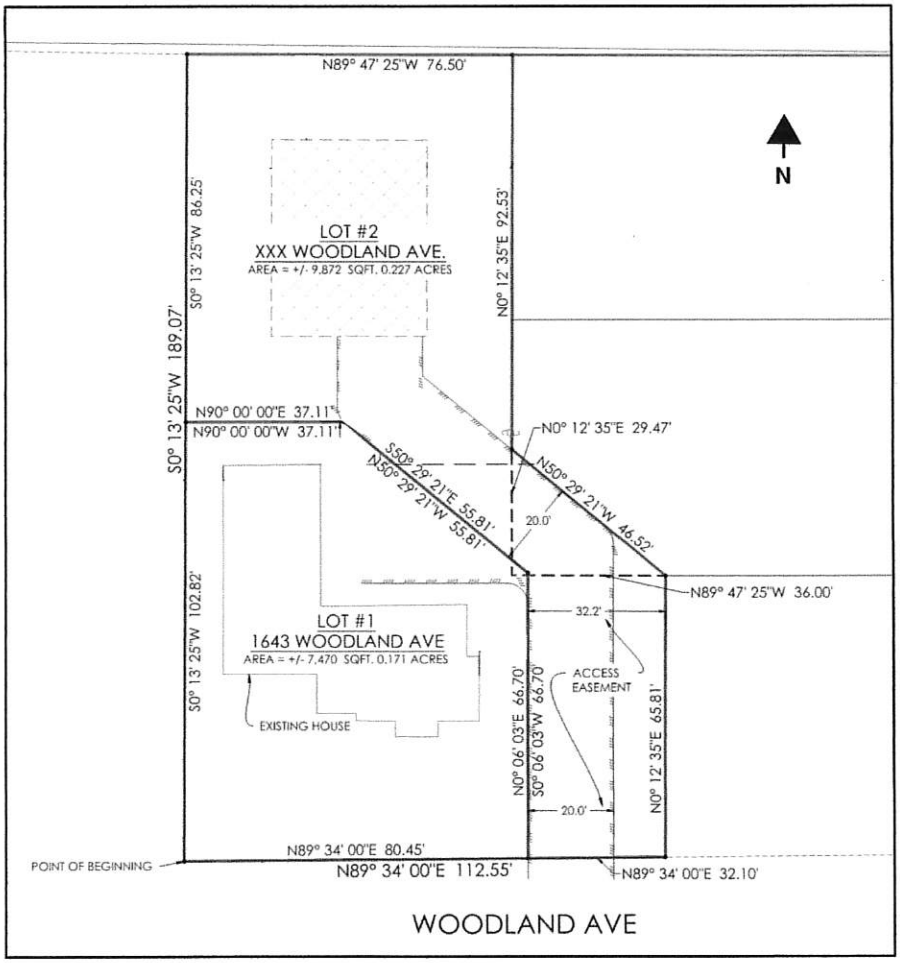


Exhibit B

Developer and the City agree that the proposed development will incorporate the following:

1. limiting the proposed rezone to a 2-lot flag lot subdivision as per Exhibit A

2. requiring the removal of the existing home to the north before a subdivision plat is approved by the City and plat is recorded.

MILLCREEK, UTAH
ORDINANCE NO. 19-55

AN ORDINANCE OF THE MILLCREEK COUNCIL APPROVING A DEVELOPMENT AGREEMENT LOCATED AT APPROXIMATELY 1643-1647 EAST WOODLAND AVENUE, MILLCREEK UTAH 84106 REZONING FROM R-1-8 (SINGLE-FAMILY RESIDENTIAL) TO R-1 6 (SINGLE-FAMILY RESIDENTIAL FOR A 2-LOT FLAG LOT SUBDIVISION WITH RESPECT TO APPROXIMATELY .38 ACRES OF REAL PROPERTY

WHEREAS, the Millcreek Council ("*Council*") met in regular meeting on December 9, 2019, to consider, among other things, an ordinance of the Millcreek Council approving a master development agreement for a 2-lot flag lot subdivision with respect to approximately .38 acres of real property located at approximately 1643-1647 South Woodland Avenue, Millcreek, UT 84106.

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

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

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

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

PASSED AND APPROVED by the Council this 9th day of December 2019.

M**ILLCREEK**

_____
Jeff Silvestrini, Mayor

ATTEST:

_____
Elyse Greiner, CMC 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 19-55: SAME TITLE AS ABOVE
was passed and adopted the ____ day of _____2019 and certifies that copies of the foregoing Ordinance 19-55 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

December 9, 2019

The City Council (the "City Council") of Millcreek, Utah (the "City"), pursuant to due notice met in regular session at the regular meeting place of the City Council located at 3330 South 1300 East, in Millcreek, Utah at 7:00 p.m. on Monday, December 9, 2019 with the following members present:

Jeff Silvestrini	Mayor
Silvia Catten	Councilmember
Dwight Marchant	Councilmember
Cheri Jackson	Councilmember
Bev Uipi	Councilmember

Also present:

John Geilmann	City Manager
John Brems	City Attorney
Elyse Greiner	City Recorder

Absent:

The Mayor stated that the meeting was called pursuant to notice for the purpose, among other things, of approval of the issuance of not more than $4,350,000 Tax and Revenue Anticipation Notes, Series 2020A of Millcreek, Utah. Thereupon, the following resolution was introduced in written form, discussed in full, and pursuant to motion made by Councilmember _____ and seconded by Councilmember _____, adopted by the following vote:

AYE:

NAY:

The resolution is as follows:

RESOLUTION NO. 19-39

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN $4,350,000 TAX AND REVENUE ANTICIPATION NOTES, SERIES 2020A OF MILLCREEK, UTAH AND ENTERING INTO CERTAIN COVENANTS AND MAKING CERTAIN REPRESENTATIONS IN CONNECTION THEREWITH; APPROVING THE FORM OF NOTES; AND RELATED MATTERS.

WHEREAS, the City Council (the "City Council") of Millcreek, Utah (the "City"), has determined to issue its not more than $4,350,000 Tax and Revenue Anticipation Notes, Series 2020A (the "Notes") for the purpose of meeting the current expenses of the City for the fiscal year ending June 30, 2020, until the payment of taxes and receipt of other revenues for said fiscal year, and

WHEREAS, in order to allow the City (with the consultation and approval of the City's Municipal Advisor, Lewis Young Robertson & Burningham, Inc. (the "Municipal Advisor")) flexibility in setting the pricing date of the Notes to optimize financial options to the City, the City Council desires to grant to the Mayor or Mayor pro tem (collectively, the "Mayor"), and City Manager of the City (the "Designated Officers") the authority to select the purchaser and approve the final interest rates, principal amounts, maturity, and purchase price at which the Notes shall be sold, to determine whether the Notes should be sold, and any changes with respect thereto from those terms which were before the City Council at the time of adoption of this Resolution, provided such terms do not exceed the parameters set forth for such terms in this Resolution (the "Parameters");

WHEREAS, there is an immediate and pressing need for raising funds in the amount of not more than $4,350,000 for the fiscal year commencing July 1, 2019 until the payment of taxes and revenues for said fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Millcreek, Utah, as follows:

Section 1. For the purpose of meeting the current expenses of the City for the fiscal year beginning July 1, 2019, until the payment of taxes and revenues of said fiscal year, the City hereby authorizes the issuance of the Notes which shall be designated "Millcreek, Utah Tax and Revenue Anticipation Notes, Series 2020A" in the initial aggregate principal amount of not to exceed $4,350,000. The Notes shall be sold at a price not less than ninety-seven percent (97%) of the total principal amount thereof, shall bear interest at a maximum net effective rate or rates of not to exceed 5.00% per annum, shall be due and payable no later than June 30, 2020, in lawful money of the United States of America at the office of the City Recorder in Millcreek, Utah, and are subject to redemption prior to maturity, as shall be approved by the Designated Officers and all within the Parameters set forth herein. The issuance of the Notes shall be subject to the final approval of Bond Counsel and to the approval of the Attorney for the City.

Section 2. The Note Purchase Contract in substantially the form presented to this meeting and attached hereto as Exhibit A is hereby authorized, approved, and confirmed. The Mayor and the City Recorder are hereby authorized to execute and deliver the Note Purchase Contract in substantially the form and with substantially the content as the form presented at this meeting for and on behalf of the City with final terms as may be established by the Designated Officers in consultation with the Municipal Advisor within the Parameters set forth herein and with such alterations, changes or additions as may be necessary or as may be authorized by Section 3 hereof. The Designated Officers are each hereby authorized to select a purchaser (the "Purchaser"), to specify and agree as to the final principal amount, discounts, maturity, interest rates, and purchase price with respect to the Notes for and on behalf of the City, provided that such terms are within the Parameters set by this Resolution. The execution and delivery of the Note Purchase Contract by the Mayor shall demonstrate the approval of the Designated Officers.

Section 3. The Designated Officers and other appropriate officials of the City are authorized to make any alterations, changes or additions to the Notes, the Note Purchase Contract, or any other document herein authorized and approved which may be necessary to conform the same to the final terms of the Notes (within the Parameters set by this Resolution), to correct errors or omissions therein, to complete the same, to remove ambiguities therefrom, or to conform the same to other provisions of said instruments, to the provisions of this Resolution or any resolution adopted by the City Council or the provisions of the laws of the State of Utah or the United States.

Section 4. The Notes shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF UTAH
MILLCREEK, UTAH
TAX AND REVENUE ANTICIPATION NOTES, SERIES 2020A

Note No. Dated Date: _____ $_____

Millcreek, Utah (the "City"), hereby acknowledges itself to be indebted and for value received hereby promises to pay to the bearer hereof the sum of _____ Dollars ($_____) in lawful money of the United States of America on June 30, 2020 (the "Maturity"), upon presentation and surrender hereof at the office of the City Recorder, 3330 South 1300 East, Millcreek, Utah 84106, as paying agent and registrar or alternatively, the holder hereof shall provide the paying agent and registrar with a written certificate (at no cost or expense to the holder hereof and in substantially the form attached) that this Note has been lost, stolen, mutilated or destroyed, with interest thereon at the rate of _____% per annum from and including the Dated Date until paid, payable at Maturity, provided that interest shall not accrue beyond the Maturity so long as principle and interest on the Note are paid prior to the end of the 2-day grace period. If the Notes are not paid on or prior to July 2, 2020, then they shall accrue interest at a default rate of eighteen percent (18%) per annum from and including July 1, 2020 until the Notes are fully paid, including principal, non-default interest and default interest. Interest on this Note shall be computed on the basis of a 360-day year consisting of twelve 30-day months.

This Note is one of a series of notes known as "Tax and Revenue Anticipation Notes, Series 2020A of Millcreek, Utah," which issue is issued in the aggregate principal amount of _____ Dollars ($_____) pursuant to applicable provisions of Title 11, Chapter 14, Utah Code Annotated 1953, as amended.

This Note is subject to redemption prior to maturity at any time upon 10 days' notice to the holder, in whole or in part, at the option of the City at a redemption price equal to the par amount of the Note to be redeemed, plus accrued interest to the date of redemption.

It is hereby covenanted, certified, recited and declared that this Note is given to meet current expenses of the City during said current fiscal year until payment of the taxes and other revenues for such year, that taxes and other anticipated revenues within the limit provided by law and sufficient to pay principal of and interest on this Note as the same falls due and, together with other budgeted revenues to be received, sufficient to pay all budgeted maintenance and operation and other expenses of the City for such fiscal year have been or will be levied and collected in such fiscal year on all taxable property within the City and that a sufficient fund has been appropriated for the payment of the principal of and interest on this Note as the same shall fall due.

It is hereby certified, recited and declared that the entire indebtedness of the City hereby incurred is not in excess of seventy-five percent (75%) of the taxes and other revenues levied and collected by the City for the fiscal year ended June 30, 2020, is not in

excess of ninety percent (90%) of the taxes and other revenues of the City levied and collected or to be levied and collected for the 2019 fiscal year, and that said indebtedness was and is contracted for the purpose for which said taxes and other revenues are levied and collected.

It is hereby certified, recited and declared that all acts, conditions and things essential to the validity of this Note exist, have happened and have been done, and that every requirement of law affecting the issue thereof has been duly complied with, and that this Note is within every debt and other limit prescribed by the Constitution and laws of the State of Utah. The full faith, credit, resources and all taxable property within the limits of the City are hereby irrevocably pledged to the levy of taxes and the collection of other revenues for the fiscal year in which this Note is issued and for the collection and proper allocation of such taxes and other revenues provided for such fiscal year to the prompt payment of principal and interest on this Note according to its terms.

IN WITNESS WHEREOF, Millcreek, Utah by its City Council, has caused this Note to be manually signed by its Mayor and attested by the manual signature of its City Recorder and the seal of the City to be affixed hereto as of December ____, 2019.

MILLCREEK, UTAH

(SEAL)

_____

Mayor

ATTEST:

_____

City Recorder

Section 5. The Notes shall be executed by the Mayor of the City and attested by the City Recorder and sealed with the seal of the City. The Mayor is hereby authorized, empowered, and directed to execute, and the City Recorder to execute, attest and affix the seal of the City to the Notes, and the acts of said Mayor and City Recorder in so doing are and shall be the act and deed of the City.

Section 6. There shall be levied by the City in the fiscal year beginning July 1, 2019, a sufficient tax to pay the principal and interest on the Notes as the same fall due and there shall be collected sufficient anticipated revenue, other than taxes, to pay all budgeted maintenance and operation and other expenses of the City, and there is hereby appropriated from the collection of taxes and other revenues for said fiscal year, together with other anticipated budgeted revenues, a sum sufficient to pay both principal and interest of the Notes as the same shall fall due. The City covenants to levy and collect taxes and other anticipated revenues within the limit provided by law, sufficient to pay the principal of and interest on the Notes as the same fall due and sufficient to pay all budgeted maintenance, operation and other expenses of the City for such fiscal year.

Section 7. The City recognizes that the purchasers and holders of the Notes will have accepted them on, and paid therefor a price which reflects, the understanding that interest thereon is not includible in gross income for federal income tax purposes under laws enforced at the time the Notes shall have been delivered. In this connection, the City agrees that it shall take no action which may cause the interest on any of the Notes to be includible in gross income for federal income tax purposes. Prior to or contemporaneously with the delivery of the Notes, the Mayor shall execute an arbitrage and tax certificate on behalf of the City respecting the investment and use of the proceeds of the Notes. Said certificate shall be a representation and certificate of the City, and an executed copy thereof shall be filed at the office of the City.

Section 8. The Mayor, City Recorder and other appropriate officials of the City are each hereby authorized and directed to execute such certificates and agreements as shall be necessary to establish that the Notes are not "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations promulgated or proposed thereunder, including Sections 1.148-1 through 1.148-11 of the Income Tax Regulations as the same presently exist, or may from time to time hereafter be amended, supplemented or revised.

Section 9. The City further covenants and agrees to and for the benefit of the holders of the Notes that the City (i) will not take any action that would cause interest on the Notes to be includible in gross income for federal income tax purposes, (ii) will not omit to take or cause to be taken, in timely manner, any action, which omission would cause the interest on the Notes to be includible in gross income for federal income tax purposes, and (iii) will, to the extent possible, comply with any other requirements of federal tax law applicable to the Notes in order to preserve the exclusion from gross income for federal income tax purposes of interest on the Notes.

Section 10. The Notes so issued shall be delivered to the City Recorder of the City and her receipt taken therefor, and she shall stand charged on his official bond with

the Notes delivered to her and the proceeds thereof and she shall deliver the Notes to the Purchaser, its agents or assigns, as per the terms of the Note Purchase Contract of said Purchaser, as and when the Notes may be and are legally issued, upon receipt of the purchase price therefor, which said price and sale is this day ratified and confirmed. The Note Purchase Contract between the City and the Purchaser is substantially in the form attached hereto as Exhibit A, is in all respects approved and the Mayor and the City Recorder are, respectively authorized to execute and attest and deliver the Note Purchase Contract to the Purchaser on behalf of the City.

Section 11. All resolutions and orders or parts thereof in conflict with the provisions hereof are to the extent of such conflict hereby repealed. This Resolution shall be in full force and effect immediately upon its adoption.

ADOPTED this December 9, 2019.

MILLCREEK, UTAH

(SEAL)

_____
Mayor

ATTEST:

_____
City Recorder

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

I, Elyse Greiner, the duly chosen, qualified and acting City Recorder of Millcreek, Utah, do hereby certify that the foregoing constitutes a full, true and correct copy of the proceedings of the City Council of Millcreek, Utah, had and taken at a lawful meeting of said City held on the December 9, 2019, insofar as the same relate to the issuance and sale of not more than $4,350,000 Tax and Revenue Anticipation Notes, Series 2020A, of said City, as recorded in the regular official book of records of the proceedings of the City kept in the office of the City Recorder. The meeting therein shown was duly held and the persons therein named were present at said meeting as therein shown.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this December 9, 2019.

(SEAL)

_____
City Recorder

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

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Elyse Greiner, the duly chosen, qualified and acting City Recorder of Millcreek, Utah, do hereby certify:

(a) that in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, public notice of the 2019 Annual Meeting Schedule of the City Council of Millcreek, Utah (the "City") was given specifying the date, time and place of the regular meetings of the City scheduled to be held during the year, by causing a Notice of Annual Meeting Schedule for the City in the form set forth in Exhibit B hereto, to be (i) posted in December 2018 at the principal office of the City; said Notice of Annual Meeting Schedule having continuously remained so posted and available for public inspection during the regular office hours of the undersigned until the date hereof; (ii) published in December 2018 on the Utah Public Notice Website (http://pmn.utah.gov); and (iii) provided in December 2018 to at least one newspaper of general circulation within the geographic jurisdiction of the City, pursuant to its subscription to the Utah Public Notice Website (http://pmn.utah.gov), or to any other local media correspondent.

(b) that in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, public notice of the meeting of the City on December 9, 2019, was given by specifying in a Notice of Meeting in the form attached as Exhibit C, the agenda, date, time and place of the December 9, 2019, City Council meeting and by causing said Notice of Meeting to be (i) posted at the principal office of the City not less than 24 hours prior to the date and time of the December 9, 2019, meeting; said Notice of Meeting having continuously remained so posted and available for public inspection during the regular office hours of the undersigned until the date and time of the December 9, 2019 regular meeting; (ii) published on the Utah Public Notice Website (http://pmn.utah.gov) at least twenty-four (24) hours prior to the convening of the meeting; and (iii) provided at least twenty-four (24) hours prior to the convening of the meeting to at least one newspaper of general circulation within the geographic jurisdiction of the City pursuant to its subscription to the Utah Public Notice Website (http://pmn.utah.gov), or to any other local media correspondent.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this December 9, 2019.

(SEAL)

_____
City Recorder

EXHIBIT A

NOTE PURCHASE CONTRACT

(See Transcript Document No. 3)

EXHIBIT B

NOTICE OF ANNUAL MEETING SCHEDULE

EXHIBIT C

NOTICE OF MEETING

MILLCREEK, UTAH
RESOLUTION NO. 19-38

A RESOLUTION ADOPTING COUNCIL DISTRICTS AS VOTER PARTICIPATION AREAS FOR PURPOSES OF INITIATIVES, REFERENDA, AND OTHER POLITICAL ACTIVITIES

WHEREAS, the Millcreek Council ("*Council*") met in regular session on December 9, 2019, to consider, among other things, adopting Council Districts as Voter Participation Areas for purposes of initiatives, referenda, and other political activities; and

WHEREAS, the 2019 Utah Legislature passed H.B. 119 that amended the Election Code relating to initiatives, referenda, and political activities of public entities; and

WHEREAS, a portion of H.B. 119 was codified at Utah Code Ann. § 20A-7-401.3; and

WHEREAS, H.B. 119 as codified in Utah Code Ann. § 20A-7-401.3 requires certain municipalities to establish Voter Participation Areas; and

WHEREAS, H.B. 119 as codified in Utah Code Ann. § 20A-7-401.3 provides that a city or county that has established council districts that are not at-large districts may, regardless of the number of council districts that are not at-large districts, use the council districts as voter participation areas; and

WHEREAS, the City has established Council Districts for election of Council Members; and

WHEREAS, the Council has determined to use the Council Districts as Voter Participation Areas; and

WHEREAS, the Council finds that using Council Districts as Voter Participation Areas is in the best interest of the residents of the City.

NOW, THEREFORE, BE IT RESOLVED that the Council Districts shall be used as Voter Participation Areas as provided in Utah Code Ann. § 20A-7-401.3(2)(b).

This Resolution, assigned No. 19-38, shall take effect immediately upon passage and acceptance as provided herein.

PASSED AND APPROVED by the Council of Millcreek, Utah, this 9th day of December, 2019.

MILLCREEK

By: _____
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

MILLCREEK MEETING SCHEDULE
2020

All Millcreek meetings and hearings are open to the public and held every month at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106, unless otherwise posted.

City Council

2nd & 4th Monday
Regular Meeting – 7:00 p.m.
Work Meeting – 5:00 p.m. (as needed)

3rd Monday
Work Meeting – 5:30 p.m.

Meetings conflicting with holidays will be conducted the following Tuesday

January 13	**January 27**	**January 21 (Tuesday)**
February 10	**February 24**	**February 18 (Tuesday)**
March 9	**March 23**	**March 16**
April 13	**April 27**	**April 20**
May 11	**May 26 (Tuesday)**	**May 18**
June 8	**June 22**	**June 15**
July 13	**July 27**	**July 20**
August 10	**August 24**	**August 17**
September 14	**September 28**	**September 21**
October 12	**October 26**	**October 19**
November 9	**November 23**	**November 16**
December 14	**December 28**	**December 21**

Community Reinvestment Agency

2nd & 4th Monday (same dates as City Council)
Regular Meeting – 7:00 p.m., or as soon thereafter as the City Council meeting recesses/concludes

Planning Commission

3rd Wednesday
Regular Meeting – 5:00 p.m.

January 15	**February 19**	**March 18**	**April 15**
May 20	**June 17**	**July 15**	**August 19**
September 16	**October 21**	**November 18**	**December 16**

Meeting dates and times are subject to change or cancellation.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during any meeting or hearing should notify City Hall, (801) 214-2700, at least two days prior to the meeting date.

MILLCREEK, UTAH
ORDINANCE NO. 19-53

AN ORDINANCE OF THE MILLCREEK COUNCIL ADOPTING MILLCREEK'S 2020 REGULAR MEETINGS SCHEDULE

WHEREAS, on Date, 2019 the Millcreek Council (the "*Council*") met in regular session on December 9, 2019 to consider, among other things, adopting Millcreek's 2020 regular meeting schedule; and

WHEREAS, Utah Code Ann. § 52-4-202(2) provides that any public body which holds regular meetings that are scheduled in advance over the course of a year shall give public notice at least once each year of its annual meeting schedule; and

WHEREAS, Utah Code Ann. § 10-3-502 provides that the council of each municipality shall, by ordinance, prescribe the time and place for holding its regular meetings which shall be held at least once each month.

NOW, THEREFORE, BE IT ORDAINED by the Council that the attached 2020 meeting schedule be adopted as the Council regular meeting schedule and the City Recorder is directed to give notice hereof as required by Utah Code Ann. § 52-4-202(2).

PASSED AND APPROVED this 9th of December, 2019.

MILLCREEK COUNCIL

By:_____
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 19-53: AN ORDINANCE OF THE MILLCREEK COUNCIL ADOPTING MILLCREEK'S 2020 REGULAR MEETINGS SCHEDULE
was passed and adopted the ____ day of _____2019 and certifies that copies of the foregoing Ordinance 19-53 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