

CITY CENTER OVERLAY - DEVELOPMENT AGREEMENT ZONE

- 19.73A.010: Purpose and Intent:
- 19.73A.020: Scope:
- 19.73A.030: Uses Allowed:
- 19.73A.040: Development Approval:
- 19.73A.050: Development Standards:
- 19.73A.060: Other Applicable Regulations:

19.73A.010: PURPOSE AND INTENT:

The purpose of the City Center Overlay – Development Agreement (CCOZ-DA) Zone is to allow permit flexibility in the strict application of the City Center Overlay Zone Design standards given particular site conditions and opportunities for additional development of public open space, while adhering to the goals of the City Center Master Plan. The application of the development agreement concept is intended to advance the goals of the Millcreek City Center Master Plan and to further the purpose and intent of the City Center Overlay Zone, , thus ensuring substantial compliance with the intent of zone regulations and other provisions of this title related to public health, safety, and general welfare, and at the same time securing the advantages of large scale site planning for mixed use development appropriate in Millcreek's City Center.

19.73A.020 SCOPE AND ELIGIBILITY:

The City Council may approve a CCOZ-DA zone upon receiving a recommendation from the Planning Commission regarding adoption of the zone and a development agreement. Once a CCOZ-DA zone is established over a particular property, the provisions of this chapter shall apply to all property located within the CCOZ-DA zone as shown on the official zoning map. Development Agreements are entered into and approved at the sole discretion of the City. The CCOZ-DA overlay zone may only be applied to land within the Mill Center and Marketplace Districts of the City Center Overlay Zone.

19.73A.030: USES ALLOWED:

The uses allowed on any lot in the CCOZ-DA zone shall be the same uses allowed in the underlying zone in which the lot is located. Allowed uses may be restricted or modified by development agreement conditions. Allowed uses may not create a nonconforming use or structure.

19.73A.040: DEVELOPMENT APPROVAL:

A. Generally: The use and development of land located in the CCOZ-DA zone shall be approved according to applicable administration and development review procedures applicable to the underlying zone set forth in this title except as modified by this chapter.

1. A CCOZ-DA zone may be used only in combination with the Mill Center and Marketplace Districts within the City Center Overlay Zone, subject to the requirements of this chapter.
2. A CCOZ-DA zone may only be applied to property that has at least 100 feet of frontage along the Millcreek Common or that provides a grade-separated non-vehicular access to the Millcreek Common.
3. Variations from applicable development standards of the City Center Overlay Zone may be approved pursuant to the provisions of this chapter.

B. Preliminary Site Plan Approval: A preliminary site plan shall be submitted and considered concurrently with an application for approval of a rezone to the CCOZ-DA zone. Such

plan shall be considered pursuant to provisions of section 19.02.080 of this title, and the application process described in section 19.73.030, except as modified by this section.

1. The preliminary site plan shall show generally, building elevations, **architectural features**, building materials, building height, open space, parking, residential unit types, commercial space layouts, landscaping, pedestrian and traffic circulation, drainage, utility layout, and proposed improvements to public spaces; and
 2. If the development is proposed to be developed in phases, the preliminary site plan shall also show phase boundaries. Each phase shall be of such size, composition, and arrangement so that construction, marketing, and operation of each phase is feasible as a unit, independent of any subsequent phases.
 3. A development shall be in single ownership and control or under option to purchase by an individual or a corporate entity at the time of application, or the application shall be filed jointly by all owners of the property.
 4. As part of the Preliminary Site Plan Approval, the City at its sole discretion may obtain recommendations from various consultants, including but not limited to: a qualified traffic and parking consultant, and a designer with demonstrated expertise in urban design and placemaking. Consultant services shall be commissioned by the City and paid for by the applicant. The recommendations of these consultants shall be forwarded to staff and the Millcreek Planning Commission and City Council as part of an application for a CCOZ-DA **zone** approval.
 5. Upon receiving ~~a~~ professional recommendations from various consultants, and upon completion of the application process as described in MKZ 19.73.030, each community council and the planning commission shall make a recommendation to the city council regarding **a complete application for a CCOZ-DA rezone and development agreement**. ~~At the same time,~~ The planning commission shall approve, approve with conditions, or disapprove ~~a preliminary site plan~~ **the completed application, consisting of, but not limited to, the preliminary site plan and draft development agreement** for the property where the development is proposed to be located. **At the same time, the planning commission will make a recommendation to the city council to adopt, adopt with conditions or not adopt the rezone of the subject property to the CCOZ-DA Zone.** Planning commission approval of a preliminary site plan shall not be effective unless and until CCOZ-DA **re-zone** is approved by the city council.
- C. Zone Change: After action by the planning commission, the city council shall consider the application for ~~CCOZ-DA zone~~ **to re-zone the subject property to the CCOZ-DA zone** regarding **as an** amendment of the official zoning map.
1. Submittal of an application for **the** CCOZ-DA zone does not guarantee the application will be approved. A zoning map amendment may be approved only if the city council, after receiving a recommendation from the planning commission, finds **that** the proposed City Center Overlay Zone-Development Agreement and the associated preliminary site plan:
 - a. ~~Does~~ **Do** not conflict with any applicable policy **and guidance** of the general plan or the City Center Master Plan;
 - b. Will allow integrated planning and design of the site and, on the whole, better development than would be possible under the strict application of the City Center Overlay Zone

- c. Meets the use, and other requirements of this chapter and the zone with which the City Center Overlay Zone-Development Agreement zone will be combined, except as otherwise allowed by this chapter.
 - d. Enhances the public welfare, enhances urban form design and walkability, and supports public investment in the Millcreek City Center.
 - e. Does not adversely impact existing public utilities, including but not limited to power, gas, telecommunications, storm water, culinary water, or sanitary sewer.
- 2. In order to make findings necessary to approve City Center Overlay Zone-Development Agreement zone, conditions of approval may be imposed to assure the master development will:
 - a. Accomplish the purpose of this title;
 - b. Be developed as one integrated land use rather than as an aggregation of individual and unrelated buildings and uses; and
 - c. Meet the requirements of the zone in which the proposed development is located except as such requirements are modified by this chapter and as shown on an approved preliminary site plan for the development.
- 3. Zoning conditions, as provided in MKC section 19.90.060 , also may be placed on property at the time of zoning to restrict or prohibit uses or development that would not be compatible with adjoining uses, notwithstanding whether such uses then exist or future uses as shown in the general plan.
- D. Subdivision Requirements: An application for subdivision approval may proceed concurrently with an application for a site plan approval. Compliance with the requirements of this chapter does not exempt any applicant from meeting other applicable requirements of this title.
- E. Construction Limitations: Upon approval of a zone change and development agreement construction shall proceed in accordance with approved plans and specifications, subject to subsequent conditional use and subdivision approval, if required by the underlying zone, and shall conform to any conditions associated with the preliminary site plan, zone change, or final site plan approval.
- F. Amendments: Amendments to approved plans shall be obtained by following the same procedure required for the original approval.
- G. Development Agreement. In conjunction with approval of a zone change and a preliminary site plan approval, the city may elect to enter into a development agreement with the owner of a proposed development which includes the following provisions.
 - 1. Upon approval of a preliminary site plan and a related development agreement, the preliminary site plan shall vest in the owner the right to develop the subject property as a development, within the parameters set forth in the approved preliminary site plan and approved development agreement.
 - 2. The development agreement may, among other things, provide that:

- a. The land subject to the preliminary site plan may be subdivided and the subdivided tracts may be sold to different owners; and
- b. Any utility, grading and drainage plans, landscaping, fencing, screening plans, signs, lighting, materials and massing requirements, and site plans will be required as part of the site plan approval.

H. Expiration of Preliminary Site Plan and Development Agreement: Each development agreement shall include a clause that allows the City to re-zone the property and withdraw from the Development Agreement if the Development Agreement is not recorded within two (2) years of execution of the Development Agreement, or in the event the applicant has failed to commence physical construction within two (2) years of the execution of the Development Agreement. The applicant can make a written request for an extension of the 24-month period to the Planning Director, but for a period not exceed one (1) year.

19.73A.050: DEVELOPMENT STANDARDS:

- A. Generally: The development standards for any lot in the CCOZ-DA zone shall be the same as in the underlying zone in which the lot is located except as modified by this chapter and an approved site plan and development agreement.
- B. Bulk and Yard Regulations: Bulk and yard regulations for the underlying zone may be modified by development agreement, subject to the following limitations:
 - 1. Maximum height standards shall not be modified.
 - 2. Required minimum setbacks may be modified only for building facades that front Millcreek Common.
 - 3. Required setbacks may be modified, but in no event to the point where shade trees, otherwise required, will not flourish to full maturity.
- C. Design Standards and Parking Requirements. Design standards and parking requirements established in the underlying zone and in MKZ 19.80 may be modified by development agreement, subject to the following limitations:
 - 1. Parking requirements may be modified subject to a shared parking analysis using standards established in *Shared Parking, Third Edition* by the International Council of Shopping Centers.
 - 2. Stucco and EIFS are prohibited for use as materials on any façade visible from a right-of-way.
 - 3. All underlying design standards expressed in numerical form are limited to a reduction not exceeding 10% from the underlying standard.
 - 4. Minimum and maximum heights shall not be modified.
 - 5. Sign standards shall not be modified.
 - 6. Setbacks may be modified, but in no event to the point where shade trees, otherwise required, will not flourish to full maturity.
- D. Effect on Adjacent Properties: The arrangement of structures and open spaces within a development shall assure that adjacent properties will not be adversely affected.
 - 1. Height and intensity of buildings and uses shall be arranged around the boundaries of the development in manner compatible with existing adjacent developments and zones, and with adjacent public spaces.

Commented [FL1]: I agree that stepbacks should not be modified along Highland Drive, 1300 East, and 3300 South, unless there's a compelling design reason to do so.

However, it's important to note that the Millcreek Common is substantially wider now than it was contemplated in the City Center Master Plan. It is now 230 feet in width, and I believe the Master Plan contemplated a 150-175' wide Common. 230 feet is slightly wider than the Avenue de Champs-Elysees in Paris. I don't think that step-backed buildings along an open space that is 230 feet are that desirable *if* an architect can demonstrate something that's just as attractive. As for view corridors, the City Center Master Plan calls for broad building corners and we are preserving and incorporating them in our plans.

Commented [FL2]: Tom suggested no more than a 10% reduction. However, our own parking code really allows for a much greater reduction, and we've advised developers not to pursue reductions greater than 20% based on prior Planning Commission Feedback.

I think it's simpler to create an opportunity to apply a different parking standard, such as the one adopted by the ICSC. Currently, I cannot use ICSC standards in our shared parking table (which was designed for a suburban context, but not necessarily for the Millcreek Common which, for the purposes of parking, is more like an outdoor mixed use shopping mall. In some cases, this actually requires more parking, rather than less, but it depends on how the ratios work and how the parking is shared.

Developers in our code already have an 'escape lane' for lower parking, without need of a development agreement. The CCOZ-DA option would allow us to use ICSC numbers to find an appropriate parking ratio.

- E. Lot Area and Width: A development shall not be subject to the lot width and lot area requirements of the underlying zone in which the development is located. Lot area and widths shall be shown on an approved site plan.
- F. Setback and Buffer Requirements: Setbacks and buffer requirements shall be as shown on an approved site plan.
- G. Walls and Fences: Walls and fences shall be as shown on an approved site plan.
- H. Height of Buildings: Maximum building height shall be as shown on an approved site plan.
- I. Open Space: Open space requirements and the location and amenities of all open space shall be reviewed and approved as part of the preliminary site plan process.
- J. Public and Community Facilities: In addition to dwellings and commercial facilities allowed by the underlying zone, a development may include areas for public or private recreation buildings, and other similar community facilities.
- K. Required Improvements:
 - 1. All streets in a City Center Overlay Zone-Development Agreement zone shall be constructed according to city standards and specifications adopted by the city, and shall advance the goals of the City Center Master Plan [...and shall not be open to any modification as part of the rezone process to the CCOZ-DA zone?]
 - 2. ~~Sidewalks shall be installed along both sides of all streets except where alternate pedestrian ways are provided as part of an approved site plan.~~ [Allowing “alternate pedestrian ways” in lieu of sidewalks is a bit worrisome, based upon our experience with developers to date who have promoted “walkways” in backyards.]
 - 4. Stormwater shall be controlled and managed according to a stormwater plan approved by the city.
 - 5. Infrastructure improvements, including but not limited to utilities, irrigation, street signs, street lighting, fencing, and other required improvements, shall be provided in accordance with city standards and specifications.
- M. Grading and Drainage Plans: A detailed grading and drainage plan shall be submitted as part of a site plan application.
- N. Landscaping, Fencing, and Screening Requirements: Landscaping, fencing, and screening related to the uses within the site and as a means of integrating the proposed development into its surroundings shall be submitted as part of a site plan application.
- O. Signs and Lighting: The size, location, design, and nature of signs, if any, and the intensity and direction of area lighting shall be detailed in a site plan application and shall conform to the City Center Master Plan and the City Center Overlay Zone, and shall comply with all applicable requirements in the City Center Overlay Zone, and shall avoid dark sky illumination.
- P. Nonconforming uses and noncomplying structures. Nonconforming uses or noncomplying structures may not be included in any CCOZ-DA approval unless first declared legal through special exception subject to the standards of MKZ 19.88

Commented [FL3]: We can add language to this effect if it is important. If anything, I would use the CCOZ-DA to enhance the street standards and the guidance from the City Center Master Plan, not escape them.

Commented [FL4]: I propose we delete this. The streetscape standards in the City Center Master Plan and CCOZ are well articulated, and already provide developers with a lot of alternatives. I can't think of a reason not to enforce them.

19.73A.060: APPLICATION PROCESS

An application for an adoption of a CCOZ-DA zone and enactment of a development agreement shall follow the process as outlined in MKZ 19.73.030, in addition to the following public meeting requirements:

- A. Neighborhood Meeting. Prior to submitting a complete application, an applicant shall conduct a neighborhood meeting, and provide adequate proof of notice to include the following:
 - 1. The applicant shall send a written notice stating the place, date, and time of the neighborhood meeting to all property owners, as identified in the Salt Lake County recorder's records, whose property is within 600 feet of the property described in the rezone.
 - 2. The applicant shall notify these owners at least one week prior to the neighborhood meeting.
 - 3. The neighborhood meeting shall be conducted at a location within Millcreek.
 - 4. Phone calls or informal door to door contacts shall not be considered to constitute a neighborhood meeting.
 - 5. The record of a neighborhood meeting shall include:
 - a. A list of all individuals who were notified;
 - b. A roster of attendees; and
 - c. A copy of the minutes.
- B. Joint Work Session of the Planning Commission and City Council. Prior to submitting a complete application and after conducting a neighborhood meeting, an applicant shall schedule with the City a joint work session of the Planning Commission and City Council. The purpose of the joint work session will be to discuss the proposed project and potential development agreement in conceptual detail.

Commented [FL5]: Section added to address process concerns.

19.73A.070: OTHER APPLICABLE REGULATIONS:

To the extent that use and development of land located in a City Center Overlay Zone-Development Agreement zone includes any matter governed by other applicable regulations set forth in this title, such regulations shall apply in addition to the requirements of this chapter.

CITY CENTER OVERLAY - DEVELOPMENT AGREEMENT ZONE

Note: The three-year sunset provision will be included in the ordinance adoption document, and not in the zone text below.

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- 19.73A.050: Development Standards:
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2. A CCOZ-DA zone may only be applied to property that has at least 100 feet of frontage along the Millcreek Common or that provides a grade-separated non-vehicular access to the Millcreek Common.
3. Variations from applicable development standards of the City Center Overlay Zone may be approved pursuant to the provisions of this chapter.

- B. Preliminary Site Plan Approval: A preliminary site plan shall be submitted and considered concurrently with an application for approval of a rezone to the CCOZ-DA zone. The preliminary site plan shall be considered pursuant to provisions of section 19.02.080 of this title, and the application process described in section 19.73.030, except as modified by this section.
1. The preliminary site plan shall show generally, building elevations, architectural elements, building materials, building height, open space, parking, residential unit types, commercial space layouts, landscaping, pedestrian and traffic circulation, drainage, utility layout, and proposed improvements to public spaces; and
 2. If the development is proposed to be developed in phases, the preliminary site plan shall also show phase boundaries. Each phase shall be of such size, composition, and arrangement so that construction, marketing, and operation of each phase is feasible as a unit, independent of any subsequent phases.
 3. A development shall be in single ownership and control or under option to purchase by an individual or a corporate entity at the time of application, or the application shall be filed jointly by all owners of the property.
 4. As part of the Preliminary Site Plan Approval, the City at its sole discretion may obtain recommendations from various consultants, including but not limited to: a qualified traffic and parking consultant, and a designer with demonstrated expertise in urban design and placemaking. Consultant services shall be commissioned by the City and paid for by the applicant. The recommendations of these consultants shall be forwarded to staff and the Millcreek Planning Commission and City Council as part of an application for a CCOZ-DA zone approval.
 5. Upon receiving a professional recommendations from various consultants, and upon completion of the application process as described in MKZ 19.73.030, each community council and the planning commission shall make a recommendation to the city council regarding a complete application for a CCOZ-DA rezone and development agreement. The planning commission shall approve, approve with conditions, or disapprove the completed application, consisting of, but not limited to, the preliminary site plan and draft development agreement for the property where the development is proposed to be located. At the same time, the planning commission will make a recommendation to the city council to adopt, adopt with conditions or not adopt the rezone of the subject property to the CCOZ-DA Zone. Planning commission approval of a preliminary site plan shall not be effective unless and until CCOZ-DA rezone is approved by the city council.
- C. Zone Change: After action by the planning commission, the city council shall consider the application to rezone the subject property to the CCOZ-DA zone as an amendment of the official zoning map.
1. Submittal of an application for the CCOZ-DA zone does not guarantee the application will be approved. A zoning map amendment may be approved only if the city council, after receiving a recommendation from the planning commission, finds that the proposed City Center Overlay Zone-Development Agreement and the associated preliminary site plan:
 - a. Do not conflict with any applicable policy and guidance of the general plan or the City Center Master Plan;

- b. Will allow integrated planning and design of the site and, on the whole, better development than would be possible under the strict application of the City Center Overlay Zone
 - c. Meets the use, and other requirements of this chapter and the zone with which the City Center Overlay Zone-Development Agreement zone will be combined, except as otherwise allowed by this chapter.
 - d. Enhances the public welfare, enhances urban design and walkability, and supports public investment in the Millcreek City Center.
 - e. Does not adversely impact existing public utilities, including but not limited to power, gas, telecommunications, storm water, culinary water, or sanitary sewer.
- 2. In order to make findings necessary to approve City Center Overlay Zone-Development Agreement zone, conditions of approval may be imposed to assure the master development will:
 - a. Accomplish the purpose of this title;
 - b. Be developed as one integrated land use rather than as an aggregation of individual and unrelated buildings and uses; and
 - c. Meet the requirements of the zone in which the proposed development is located except as such requirements are modified by this chapter and as shown on an approved preliminary site plan for the development.
- 3. Zoning conditions, as provided in MKC section 19.90.060, also may be placed on property at the time of zoning to restrict or prohibit uses or development that would not be compatible with adjoining uses, notwithstanding whether such uses then exist or future uses as shown in the general plan.
- D. Subdivision Requirements: An application for subdivision approval may proceed concurrently with an application for a site plan approval. Compliance with the requirements of this chapter does not exempt any applicant from meeting other applicable requirements of this title.
- E. Construction Limitations: Upon approval of a zone change and development agreement construction shall proceed in accordance with approved plans and specifications, subject to subsequent conditional use and subdivision approval, if required by the underlying zone, and shall conform to any conditions associated with the preliminary site plan, zone change, or final site plan approval.
- F. Amendments: Amendments to approved plans shall be obtained by following the same procedure required for the original approval.
- G. Development Agreement. In conjunction with approval of a zone change and a preliminary site plan approval, the city may elect to enter into a development agreement with the owner of a proposed development which includes the following provisions.
 - 1. Upon approval of a preliminary site plan and a related development agreement, the preliminary site plan shall vest in the owner the right to develop the subject property as a development, within the parameters set forth in the approved preliminary site plan and approved development agreement.

2. The development agreement may, among other things, provide that:
 - a. The land subject to the preliminary site plan may be subdivided and the subdivided tracts may be sold to different owners; and
 - b. Any utility, grading and drainage plans, landscaping, fencing, screening plans, signs, lighting, materials and massing requirements, and site plans will be required as part of the site plan approval.
- H. Expiration of Preliminary Site Plan and Development Agreement: Each development agreement shall include a clause that allows the City to re-zone the property and withdraw from the Development Agreement if the Development Agreement is not recorded within two (2) years of execution of the Development Agreement, or in the event the applicant has failed to commence physical construction within two (2) years of the execution of the Development Agreement. The applicant can make a written request for an extension of the 24-month period to the Planning Director, but for a period not exceed one (1) year.

19.73A.050: DEVELOPMENT STANDARDS:

- A. Generally: The development standards for any lot in the CCOZ-DA zone shall be the same as in the underlying zone in which the lot is located except as modified by this chapter and an approved site plan and development agreement.
- B. Bulk and Yard Regulations: Bulk and yard regulations for the underlying zone may be modified by development agreement, subject to the following limitations:
 1. Maximum height standards may only be modified for office/commercial/civic mixed use buildings, regulated by MKZ 19.73.070 (N)(5)(b). In order to qualify for a modification of the maximum height, an office/commercial/civic mixed use building, **as defined in MKZ 19.73.060**, shall contain at least 40,000 square feet of public uses. In no case shall the maximum height of an office/commercial/civic mixed use building exceed 85 feet.
 2. Required minimum setbacks may be modified only for building facades that front Millcreek Common.
 3. Required setbacks may be modified, but in no event to the point where shade trees, otherwise required, will not flourish to full maturity.
- C. Design Standards and Parking Requirements. Design standards and parking requirements established in the underlying zone and in MKZ 19.80 may be modified by development agreement, subject to the following limitations:
 1. Parking requirements may be modified subject to a shared parking analysis using standards established in *Shared Parking, Third Edition* by the International Council of Shopping Centers.
 2. Stucco and EIFS are prohibited for use as materials on any façade visible from a right-of-way, **or Millcreek Common**.
 3. **Except as specified in this chapter**, all underlying design standards expressed in numerical form are limited to a modification not exceeding 10% from the underlying standard.

4. Minimum and maximum heights shall not be modified, except for office/commercial/civic mixed use buildings **as defined in MKZ 19.73.060**, with at least 100 feet of frontage on the Millcreek Common.
 5. Sign standards shall not be modified.
- D. **Effect on Adjacent Properties:** The arrangement of structures and open spaces within a development shall assure that adjacent properties will not be adversely affected. Height and intensity of buildings and uses shall be arranged around the boundaries of the development in manner compatible with existing adjacent developments and zones, and with adjacent public spaces.
 - E. **Lot Area and Width:** A development shall not be subject to the lot width and lot area requirements of the underlying zone in which the development is located. Lot area and widths shall be shown on an approved site plan.
 - F. **Setback and Buffer Requirements:** Setbacks and buffer requirements shall be as shown on an approved site plan.
 - G. **Walls and Fences:** Walls and fences shall be as shown on an approved site plan.
 - H. **Height of Buildings:** Maximum building height shall be as shown on an approved site plan.
 - I. **Open Space:** Open space requirements and the location and amenities of all open space shall be reviewed and approved as part of the preliminary site plan process.
 - J. **Public and Community Facilities:** In addition to dwellings and commercial facilities allowed by the underlying zone, a development may include areas for public or private recreation buildings, and other similar community facilities.
 - K. **Required Improvements:**
 1. All streets in a City Center Overlay Zone-Development Agreement zone shall be constructed according to city standards and specifications adopted by the city, and shall advance the goals of the City Center Master Plan.
 2. Stormwater shall be controlled and managed according to a stormwater plan approved by the city.
 3. Infrastructure improvements, including but not limited to utilities, irrigation, street signs, street lighting, fencing, and other required improvements, shall be provided in accordance with city standards and specifications.
 - M. **Grading and Drainage Plans:** A detailed grading and drainage plan shall be submitted as part of a site plan application.
 - N. **Landscaping, Fencing, and Screening Requirements:** Landscaping, fencing, and screening related to the uses within the site and as a means of integrating the proposed development into its surroundings shall be submitted as part of a site plan application.
 - O. **Signs and Lighting:** The size, location, design, and nature of signs, if any, and the intensity and direction of area lighting shall be detailed in a site plan application and shall conform to the City Center Master Plan and the City Center Overlay Zone, and shall comply with all applicable requirements in the City Center Overlay Zone, **and shall**

adhere to best practices regarding dark sky illumination, pursuant to the guidelines of the International Dark Sky Association, as referenced in MKZ 19.73.070.

- P. Nonconforming uses and noncomplying structures. Nonconforming uses or noncomplying structures may not be included in any CCOZ-DA approval unless first declared legal through special exception subject to the standards of MKZ 19.88

19.73A.060: APPLICATION PROCESS

An application for an adoption of a CCOZ-DA zone and enactment of a development agreement shall follow the process as outlined in MKZ 19.73.030, in addition to the following public meeting requirements:

- A. Neighborhood Meeting. Prior to submitting a complete application, an applicant shall conduct a neighborhood meeting, and provide adequate proof of notice to include the following:
1. The applicant shall send a written notice stating the place, date, and time of the neighborhood meeting to all property owners, as identified in the Salt Lake County recorder's records, whose property is within 600 feet of the property described in the rezone.
 2. The applicant shall notify these owners at least one week prior to the neighborhood meeting.
 3. The neighborhood meeting shall be conducted at a location within Millcreek.
 4. Phone calls or informal door to door contacts shall not be considered to constitute a neighborhood meeting.
 5. The record of a neighborhood meeting shall include:
 - a. A list of all individuals who were notified;
 - b. A roster of attendees; and
 - c. A copy of the minutes.
- B. Joint Work Session of the Planning Commission and City Council. Prior to submitting a complete application and after conducting a neighborhood meeting, an applicant shall schedule with the City a joint work session of the Planning Commission and City Council. The purpose of the joint work session will be to discuss the proposed project and potential development agreement in conceptual detail.

19.73A.070: OTHER APPLICABLE REGULATIONS:

To the extent that use and development of land located in a City Center Overlay Zone-Development Agreement zone includes any matter governed by other applicable regulations set forth in this title, such regulations shall apply in addition to the requirements of this chapter.

CU-20-010
Two-Lot Subdivision and CUP for
a Java Jo's
Drive Through Coffee Shop

Applicant: Ryan Corbin

Planner: Samah Safiullah

June 16th, 2021 Planning Commission



Existing Conditions

- The existing parcel is currently being used as a parking lot for Smith's Grocery.
- The existing and proposed parcel is zoned C-2 and faces 4500 South, which is a UDOT road.
- There is currently sidewalk, curb, and gutter on the parcel.
- The applicant is creating a new lot with ingress and egress through subdivision while simultaneously applying for a Conditional Use Permit.



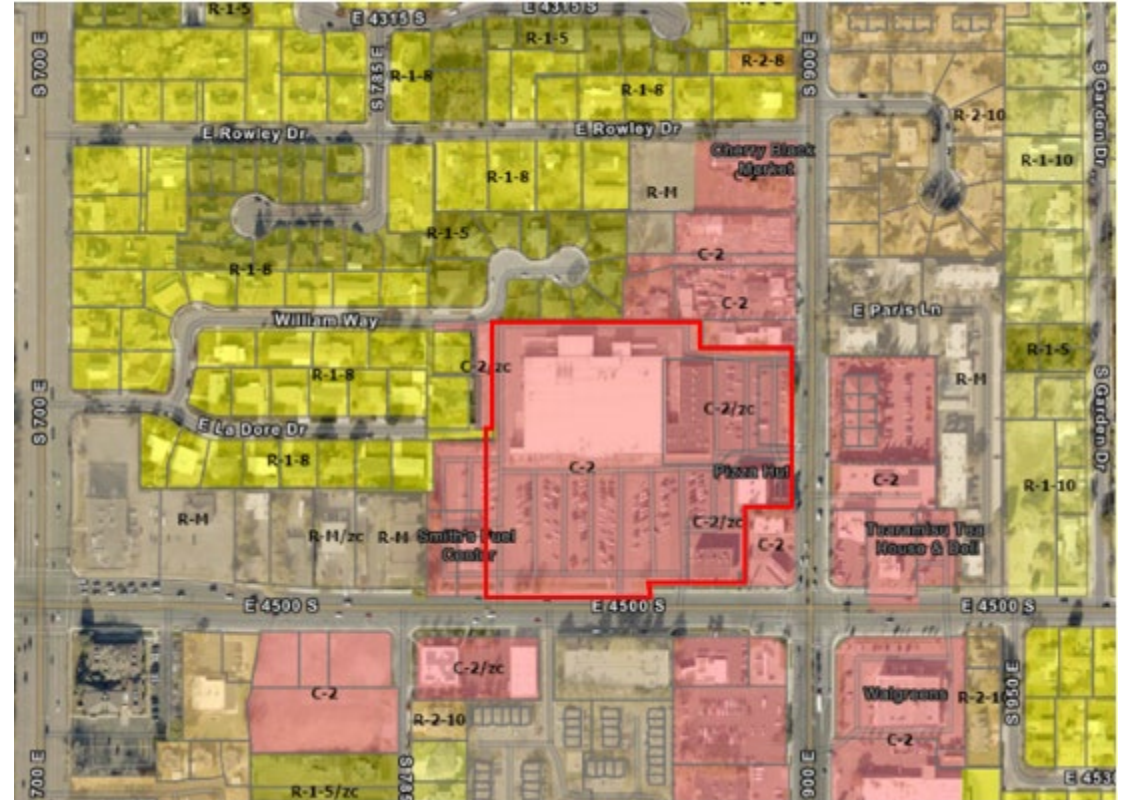


Figure 1: Vicinity map showing the project location in Millcreek, Utah



Scope of Project

- The proposed project will eliminate a few parking stalls and build a 600 square foot building. The applicant is simultaneously subdividing the land to create a separate parcel for the coffee shop. The proposal plans to restripe a portion of the parking lot to accommodate for the new building. There will be a cross-access easement with Smith's Grocery



Scope of Project

- Millcreek Planning recommends additional landscaping due to the requirements of Chapter 19.77 Water Efficient Landscape Design And Development Standards:

Drive-Through Service Facilities and Automatic Car Washes. Plantings and related landscape improvements shall be provided in conjunction with **drive-through service facilities** and automatic car washes in order to: introduce a more aesthetically pleasing approach to these types of vehicular activities on newly developed or redeveloped sites; better integrate these types of land uses into the established character of surrounding area improvements; and screen queued vehicles from the view of passing motorists on adjacent roadways.

Traffic Study

- Millcreek Planning and Public Works requires traffic studies for any drive-through use, and this is a particular concern due to the existing traffic pattern on 4500 South between 700 East and 1300 East. The traffic study itself does not propose any necessary mitigation, provide an additional lane is provided for the drive-through, and the queuing area is maintained as presented on the site plan.
- The plan shows queue storage for 13 and an additional 2 order-waiting stalls off to the side, which is adequate by the traffic study's findings and exceeds the required amount.





PRELIMINARY - NOT FOR CONSTRUCTION



3 PERSPECTIVE VIEW - SOUTHEAST CORNER



2 PERSPECTIVE VIEW - SOUTHWEST CORNER AND MENU



1 NORTH ELEVATION
1/4" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION



CALL US BEFORE
@ 8:15 AT LEAST 48 HOURS
PRIOR TO THE
COMMENCEMENT OF ANY
CONSTRUCTION

| BENCHMARK | |
|------------------|------------------|
| STREET NUMBER | 450 SOUTH STREET |
| 4 TO EAST STREET | |
| AREA - 428.17 | |

Landscape

| Trees | | | | |
|-------|--------|-------------|----------------------|------------|
| Qty | Symbol | Common Name | Botanical Name | Plant Size |
| 3 | | Amur Maple | Amur glabrate 'Plum' | 2' Cal. |

| Shrubs | | | | |
|--------|--------|--------------------|--------------------|------------|
| Qty | Symbol | Common Name | Botanical Name | Plant Size |
| 8 | | Reverend, Lilibeth | Rosa rugosa | 1 Galien |
| 8 | | Flowering Quince | Floeribunda indica | 1 Galien |

| Annuals/Perennials | | | | |
|--------------------|--------|-------------|----------------|------------|
| Qty | Symbol | Common Name | Botanical Name | Plant Size |
| 1 | | Daylily | Hemerocallis | 1 Galien |

① - All plant bed areas, include 2" deep 2'-2' dia. Slope Rock & Check under "Structure" or sign.
 (Symbol with size noted beside it)



SALT LAKE CITY
45 W. 1000 S., Suite 300
Sandy, UT 84070
Phone: 801.255.0529

LAYTON
Phone: 801.547.1103

TUOLE
Phone: 435.843.3590

CEDAR CITY
Phone: 435.885.1453

RICHFIELD
Phone: 435.895.2563

WWW.ENSIGNING.COM

OWNER:
JAVA JO'S
MILLCREEK SMITHS
SALT LAKE CITY, UT 84110

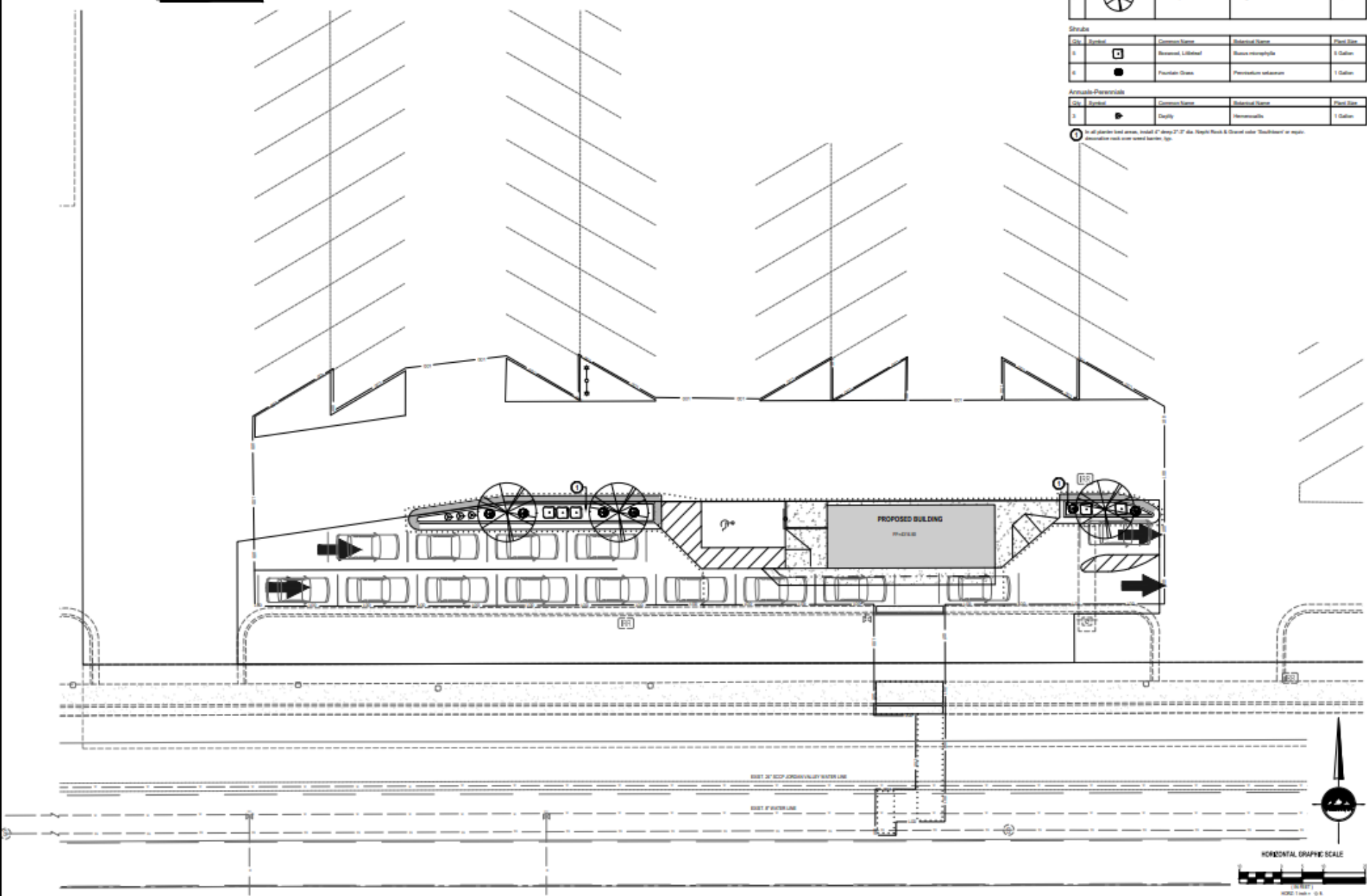
DESIGNER:
ENR CORP.
PHONE: 854.4212

**JAVA JO'S
MILLCREEK SMITHS
4500 SOUTH 900 EAST
MILLCREEK, UTAH**

LANDSCAPE PLAN

DATE: 05/11/2011
LAYOUT: 05/11/2011
DRAWING: L-100

L-100



Neighborhood Feedback

At their meeting on Tuesday, June 1st, 2021 the Millcreek Community Council voted to recommend:

Motion to approve without any proposed mitigation for detrimental effects. Comments were made regarding increased traffic patterns.



Model Motion

- Recommendation for item CU-21-010 to be continued to July Planning Commission meeting.



Addressing last meeting's comments

From the “assumptions” section Traffic Study:

- *West Smith's Access / 4500 South (S.R. 266): A right-turn deceleration lane may be required. However, the threshold is exceeded in afternoon background conditions, and implementation may not be feasible due to the location of the sidewalk.*
- Technical Review process may include asking UDOT for traffic mitigation, if recommended by Planning Commission.

Landscaping

Chapter 19.77 WATER EFFICIENT LANDSCAPE DESIGN AND DEVELOPMENT STANDARDS; 19.77.080

Functional And Aesthetic Enhancements

C. Drive-Through Service Facilities and Automatic Car Washes. Plantings and related landscape improvements shall be provided in conjunction with drive-through service facilities and automatic car washes in order to: introduce a more aesthetically pleasing approach to these types of vehicular activities on newly developed or redeveloped sites; better integrate these types of land uses into the established character of surrounding area improvements; and screen queued vehicles from the view of passing motorists on adjacent roadways.

CU-20-011

Conditional Use Permit for the Relocation
of an Existing Drive-Through Teller Canopy,
Reconfiguration of Parking Lot, and
Consolidation of Lots

Applicant: David Anderson

Planner: Samah Safiullah

June 16th, 2021 Planning Commission



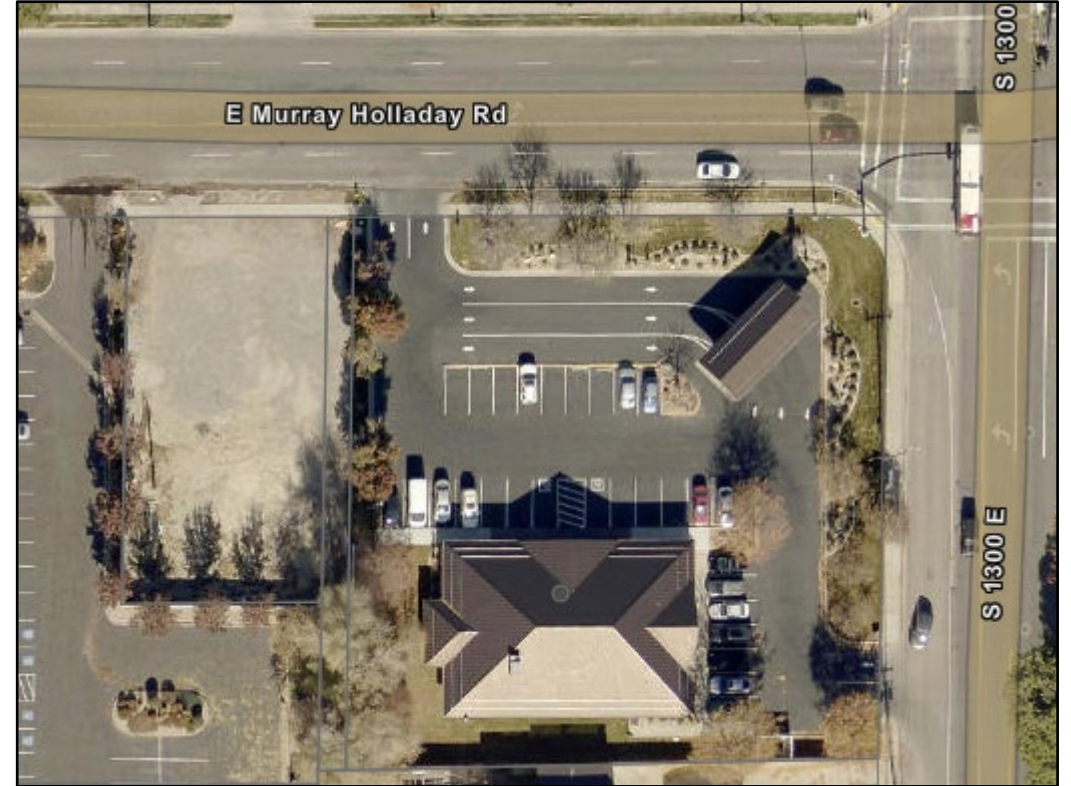
Existing Conditions

- Adjacent parcel to existing MACU is vacant.
- The existing and proposed parcels are zoned as R-M.
- There is currently sidewalk, curb, and gutter on the parcel.





Figure 1: Vicinity map showing the project location in Millcreek, Utah



Scope of Project

The existing parcel on 1298 East Murray Holladay Road contains the existing drive-through teller. The vacant parcel to the left is where the proposed relocation will take place. The proposal will include a new exit only accessible by Murray Holladay Boulevard. The new parcel will be landscaped to match the existing site and to meet [Chapter 19.77 Water Efficient Landscape Design and Development Standards](#). The project is expected to be completed in one phase.



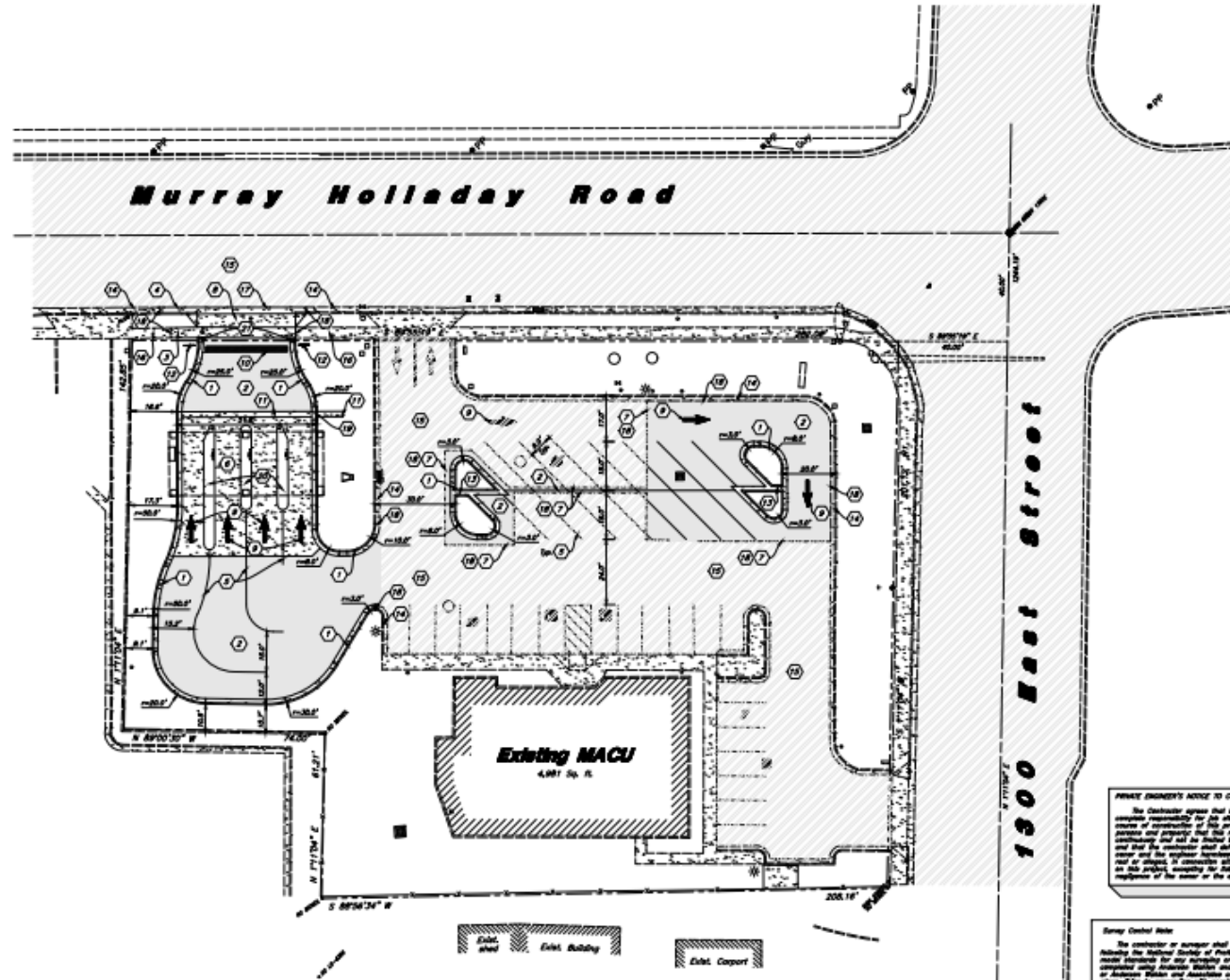
Scope of Project

19.77.080 Functional And Aesthetic Enhancements

- 3. **Drive-Through Service Facilities and Automatic Car Washes.** Plantings and related landscape improvements shall be provided in conjunction with drive-through service facilities and automatic car washes in order to: introduce a more aesthetically pleasing approach to these types of vehicular activities on newly developed or redeveloped sites; better integrate these types of land uses into the established character of surrounding area improvements; and screen queued vehicles from the view of passing motorists on adjacent roadways.
- Proposed Uses. Drive-Through Teller and Parking Lot.
- Density. 36 additional parking stalls, increased landscaping and street trees.
- Access. Two access points, one from 1300 East and one from Murray Holladay Road
- Dedication. This parcel already contains sidewalk, curb, and gutter. Improvements will be made.
- Parking. Parking lot is being reconfigured, additional stalls are being added.



Site Plan



Scale 1" = 20'

Site Data
 Site Area = 54,877 s.f. (1.264 ac.)
 Landscape Area Provided = 22,265 s.f. (0.509 ac.)
 Impervious Area Provided = 30,612 s.f. (0.700 ac.)
 Building Area = 4,887 s.f. (0.112 ac.)
 Parking Required = 24,000 s.f. = 25 stalls
 Proposed Parking = 35 stalls (0.204,000)
 Existing Parking Parking = 20 stalls (0.204,000)

- Site Construction Notes**
1. Const. 24" Curb & Gutter (1/24)
 2. Const. Asphalt Paving (2/24)
 3. Const. Conc. Slope per Missouri City Std.
 4. Const. Curb & Gutter Match Existing per Missouri City Std.
 5. Const. 4" Wide Field Drain (24") Contractor shall provide 12 min. min. slope.
 6. Const. Conc. Paving (2/24)
 7. Const. Flexible Storm Drain Edge
 8. Const. Conc. Drive Approach per Missouri City Std.
 9. Const. Structural Areas per MCTD
 10. Const. 24" Wide Stop Bar
 11. Const. 2" Conc. Slabbing (2/24)
 12. Const. 20' x 20' EXIST' Sign. The Arch. Firm
 13. Const. New Floor Drainage (2/24)
 14. Existing Curb & Gutter
 15. Existing Asphalt Paving
 16. Existing Storm
 17. Remove existing curb & gutter, then new exterior asphalt edge of asphalt per MPD plan No. 202
 18. Const. 4" Match Existing Improvements
 19. Const. 2" Curb Cut w/ 18" Transition from 4" Curb to 2" Curb Road Edge
 20. Const. raised concrete drive-thru island. One architectural panel = 4" min. height.
 21. 18" Transition from 4" Curb to 4" Curb

- General Site Notes**
1. All dimensions are in feet or inches unless noted.
 2. The site boundaries and edges to be installed or checked by the City.
 3. All markings, directional arrows and stop bars will be provided to the City in plan or as shown in the plan.
 4. Street curb lengths of all public streets shall include sidewalk, see note.
 5. Contractor shall place asphalt paving in the direction of vehicle travel where applicable.
 6. Limits of demolition/structural areas shown on the plan may not be as exact as shown. It is the contractor's responsibility to verify the location of the limits of the work to be completed. The contractor shall determine the extent of construction. The contractor is responsible for removal of existing work and of materials that is part of the contract.

Construction Survey Note

The Construction Survey Layout for this project will be provided by American Surveying & Associates, Inc. The Survey and Professional Services Agreement will be provided to the client by American Surveying & Associates, Inc. The Survey Layout prepared for this project will be provided to the client by American Surveying & Associates, Inc. The Survey and Site Guide for use in the Site Work File Plan.

OWNER'S NOTICE TO CONTRACTOR

The Contractor agrees that he shall assume all and complete responsibility for all site conditions during the course of the project, including but not limited to, all existing and proposed site conditions, including all utility lines and structures, and that the contractor shall defend, indemnify, and hold the owner and the engineer harmless from any and all claims, suit or charges, in connection with the performance of work on this project, including the liability arising from the site negligence of the owner or the engineer.

Survey Control Note

The contractor or surveyor shall be responsible for obtaining the National Grid of Professional Surveyors (NGPS) control information for any existing or construction layout to be completed using American Surveying & Associates, Inc. Survey or American Surveying & Associates, Inc. Surveying and Mapping Services. Prior to proceeding with construction, the contractor shall verify the accuracy of the survey information and for verifying any additional control points shown on an A.S.I. survey. Improvement plans, or an electronic data provided by American Surveying & Associates, Inc. surveyor shall also be maintained as shown on the plan, and only those control points shall those existing and performance information shown on the plan, or an electronic data provided by American Surveying & Associates, Inc. shall be used for construction and construction. The contractor shall be responsible for the accuracy of the survey information shown on the plan, and for any additional control points.



Site Plan

ANNA
 AMERICAN SURVEYING & ASSOCIATES
 1200 East Murray Holladay Road, Suite 100, Murray, MO 64575
 (417) 331-5229 • anna@anna-surveying.com

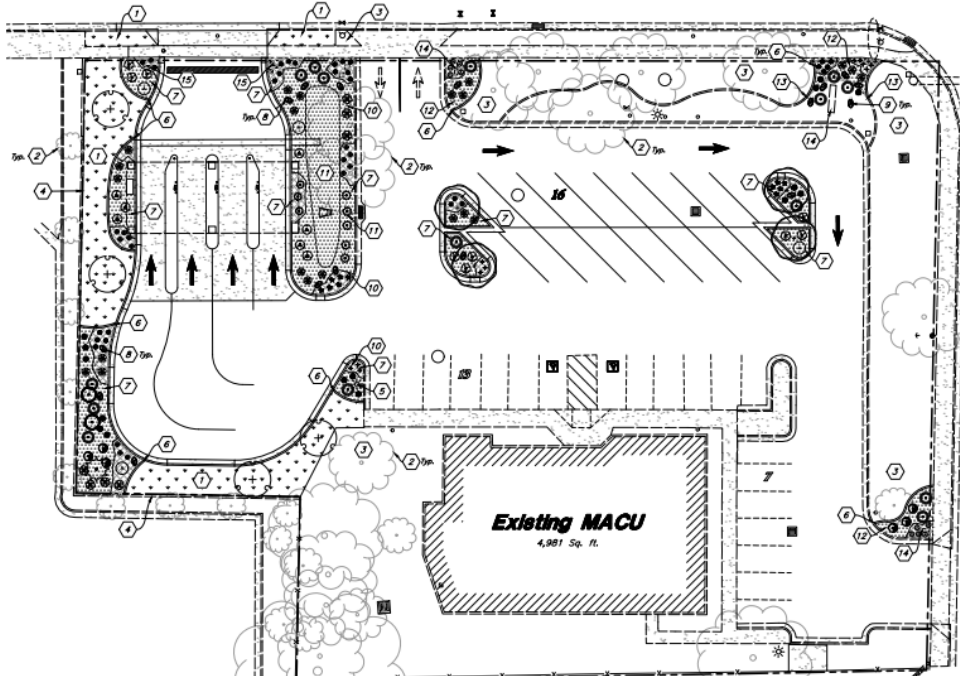
MACU McCook
 1200 East Murray Holladay Road
 Holladay, MO 64575

6 May, 2021

CL1

Landscape Plan

Murray Holladay Road



General Landscape Notes

- Plant material quantities are provided for bidding purposes only. It is the contractor's responsibility to verify all quantities listed on the plans and the availability of all plant materials and their specific sizes prior to submitting a bid. The contractor must notify the Landscape Architect prior to submitting a bid if the contractor determines a quantity deficiency or availability problem with specified material. The contractor shall provide sufficient quantities of plants equal to the symbol count or to fill the area shown on the plan using the specified spacing. Please refer to the schedule for plant material quantities.
- Contractor shall cut Blue Sticks before excavation for plant material.
- Prior to construction, the contractor shall be responsible for locating all underground utilities and shall avoid damage to all utilities during the course of the work. It shall be the responsibility of the contractor to protect all utility lines during the construction period, and repair any and all damage to utility structures, site furnishings, etc. which occurs as a result of the landscape construction.
- The landscape contractor shall assume the site conditions under which the work is to be performed and notify the general contractor in writing of unsatisfactory conditions. Do not proceed until conditions have been corrected.
- The contractor shall provide all materials, labor and equipment required for the proper completion of all landscape work as specified and shown on the drawings.
- See civil and architectural drawings for all structures, hardscape, grading, and drainage information.

- Prior to placement of topsoil in all landscaping areas, all subgrade areas shall be assessed by scarifying the soil to a depth of 6 inches in order to create a transition layer between existing and new soils. Remove all construction debris and foreign material.
- Provide an eight (8) inch depth of imported topsoil in all shrub areas and twelve (12) inches in parking islands.
- All plant material holes shall be dug twice the diameter of the rootball and 6 inches deeper. Excavated material shall be removed from plant and tree pit and replaced with plant quality material. The top of the root balls shall be planted flush with the finish grade.
- Plant backfill mix shall be composed of 3 parts topsoil to 1 part soil mix, and shall be mixed at the planting hole. Deep water all plant material immediately after planting. Add backfill mixture to depressions as needed. The ground surface shall be finished in the plant bed and extend up near the base of the plant. The wood mulch shall be covered with the specified stone and the remainder of the primer.
- All new plants shall be balled and burlapped or container grown, unless otherwise noted on plant schedule. Container grown trees shall have the container cut and removed. Trees in soil and burlap shall have the strings, burlap or plastic cut and pulled away from the trunk exposing 1/3 of the root ball. For trees in wire baskets, cut and remove the wire basket.
- Upon completion of planting operations, all landscape areas with trees, shrubs, and perennials shall receive specified stone over Dearth Pro® weed barrier. Stone shall be evenly spread on a carefully prepared grade free of weeds. The top of stone should be slightly below

Notes of the Project Existing Vicinity Lot to the West Shall be Developed into a Remote Drive Thru. The Existing Remote Drive Thru to the East Will be Removed and Replaced with Parking and Paving Islands.

Landscape Data
 Total Commercial
 Site Area = 52,877 s.f. (1,214 sq.)
 Landscape Area Required = 13,219 s.f. (30%)
 Existing/New Landscape Area = 15,783 s.f. (34%)
 Street Trees Required: 1 Tree per 40 LF
 SF LF of Road Frontage = 1 Tree (If Provided) +
 Parking Lot Trees Provided = 4 Trees **
 Driveway Trees Provided = 37 (40%) ***
 Driveway Shrubs Provided = 31/78 (40%) ****

* New Frontage Calculation Exclude Driveway
 ** Street Trees Outside Other Street Trees to the East

*** Drive Thru Lot Doesn't Have Parking Resonance to the Parking Lot so the New Parking Islands Two Shade Trees Have Been Added to Parking Islands

**** Driveway Trees and Shrub Calculations are Only Being Applied Only Apply to the New Lot to the West

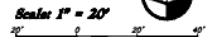
***** Calculation Doesn't Include Ornamental Grasses or Perennials Only Apply to the New Lot to the West

PLANT SCHEDULE

| SYMBOL | QTY | BOTANICAL / COMMON NAME | SIZE |
|---------------------------|-----|---|-------------------|
| DECIDUOUS TREES | | | |
| + | 4 | Cercis canadensis / Eastern Redbud | 2" Cal. / 6-8" HL |
| ⊙ | 4 | Zelkova serrata 'Muhammad' / Musakho Zelkova | 2" Cal. / 6-8" HL |
| EVERGREEN TREES | | | |
| ⊙ | 1 | Cedrus atlantica 'Fastigiata' / Columnar Blue Atlas Cedar | 6-8" HL |
| ⊙ | 2 | Picea glauca pendula / Weeping White Spruce | 6-8" HL |
| DECIDUOUS SHRUBS | | | |
| ⊙ | 3 | Cornus sericea 'Yakely' / Yakely Dogwood | 2 gal |
| ⊙ | 7 | Ribes alpinum 'Green Mound' / Green Mound Alpine Currant | 2 gal |
| ⊙ | 22 | Rosa x 'Melgale' / Red Drift Groundcover Rose | 5 gal |
| ⊙ | 9 | Spiraea x bumalda 'Anthony Waterer' / Anthony Waterer Bumalda Spiraea | 5 gal |
| ⊙ | 6 | Spiraea x bumalda 'Goldflame' / Goldflame Spiraea | 2 gal |
| EVERGREEN SHRUBS | | | |
| ⊙ | 15 | Juniperus sabina 'Buffalo' / Buffalo Juniper | 5 gal |
| ⊙ | 4 | Picea pungens 'Glauca' / Dwarf Globe Blue Spruce | 5 gal |
| ⊙ | 5 | Pinus mugo 'Steamhead' / Mugo Pine | 5 gal |
| ⊙ | 7 | Taxus x media 'Dark Green Spreading' / Green Spreading Yew | 5 gal |
| ORNAMENTAL GRASSES | | | |
| ⊙ | 3 | Cotoneaster x acutiflorus 'Vari Forester' / Karl Forester Grass | 2 gal |
| ⊙ | 12 | Pennisetum alopecuroides 'Hameln' / Hameln Fountain Grass | 1 gal |
| PERENNIALS | | | |
| ⊙ | 16 | Hemerocallis x 'Red Hot Returns' / Red Hot Returns Daylily | 1 gal |
| ⊙ | 16 | Hemerocallis x 'Shells de Oro' / Shells de Oro Daylily | 1 gal |
| ⊙ | 16 | Nepeta x fossanii 'Dramona' / Cabinet | 1 gal |
| ⊙ | 11 | Rudbeckia fulgida 'Goldstrum' / Black Eyed Susan | 1 gal |
| ⊙ | 11 | Salvia x superba 'May Night' / May Night Salvia | 1 gal |
| ⊙ | 10 | Zauschneria gornetii 'Orange Carpet' / Hummingbird Trumpet | 1 gal |
| GROUND COVERS | | | |
| ⊙ | QTY | BOTANICAL / COMMON NAME | TYPE |

Landscape Notes

- See Sheet L.S.1 for Planting Details.
- All Landscape Material Shall be Fully Irrigated by an Automatic Irrigation System. Dip for Planting Areas and Spray for Lawn Areas. See Irrigation Sheets L.S.1 for Layout and Sheet L.S.1 for Details. See Irrigation Sheet for Spacing Zone Plans.
- Adjust Landscape Material as Needed to Allow Access to all New and Existing Utilities. Irrigation Components Shall be Spaced Between Plant Material to Allow Easy Access for Maintenance.
- All Areas Disturbed by Construction Shall be Landscaped and Not Left Undone.
- The Landscape Contractor Shall be Selected at Time of Bidding.
- After Landscape Contractor is Selected, the Landscape Contractor Shall Provide a Soil Test From a Certified Agency on Existing and/or Imported Topsoil in Landscape Areas.
- No Existing Landscape on the Vicinity Lot to the West Shall be Removed. One Shade Tree and Inventory Landscape in the Parking Island Shall be Removed.
- All Street Trees Shall be Planted Within 15' of Back of Curb and Linked up as Needed to Allow 8' Clearance Under the Canopy.
- Equipment Cannot Stay Longer Than Two Weeks on Jobsites Unless Otherwise Approved by MACU Corporate Real Estate-Facilities Team.
- From the Beginning of the Project Through the Final Walk Thru Parking Lots, Sidewalks and Gutters Shall be Free of Dirt and Debris at the End of Each Day.
- See Landscape Notes for Details regarding Landscape Maintenance Period.



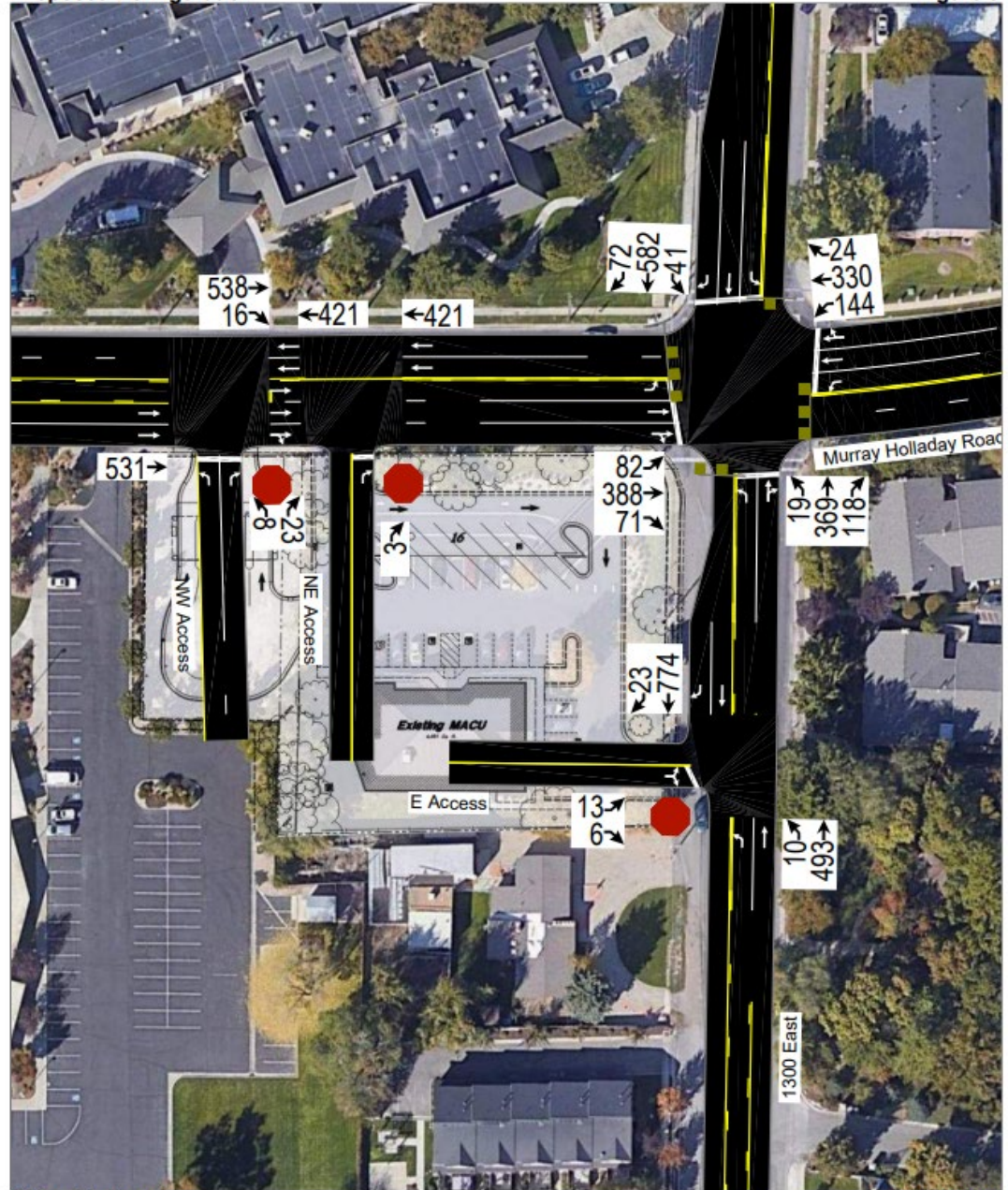
Designed By: LC
 Drafted By: LC
 Client Name: MACU
 20-089a

ANWA
 ANDERSON WAHLEN & ASSOCIATES
 2010 North Redwood Road, Salt Lake City, Utah 84114
 (801) 521-4029 - www.anwa.com

Landscape Plan
MACU Microcreek
 1298 East Murray Holladay Road
 Holladay, Utah 84117

Plant material shall be delivered to the site by the contractor. The contractor shall be responsible for the care and maintenance of the plants and shall ensure that they are delivered to the site in good condition. The contractor shall be responsible for the removal of any dead or damaged plants from the site. The contractor shall be responsible for the replacement of any plants that are lost or damaged during the construction period. The contractor shall be responsible for the maintenance of the plants during the construction period. The contractor shall be responsible for the removal of any dead or damaged plants from the site. The contractor shall be responsible for the replacement of any plants that are lost or damaged during the construction period. The contractor shall be responsible for the maintenance of the plants during the construction period.





Neighborhood Feedback

At their meeting on Tuesday, June 1st, 2021 the Millcreek Community Council voted to recommend:

Motion to approve and add a merge lane at the north west exit and pedestrian striping at the intersection and orange crossing flags (with sponsorship) going north/south across Murray Holladay Road.



Planning Staff Analysis/Traffic Study

Millcreek Planning and Public Works requires traffic studies for any drive-through use. Staff has created recommendations based off the proposed configuration and recommendations of Hales Engineering:

- Mountain America Credit Union may be required to install increased signage, a raised center median, striping changes, or a pork-chop median at the access under the discretion of Millcreek Public Works Department. This is to prevent the illegal westbound left-turn movement into the northeast access from the Murray Holladay Road. If Millcreek Public Works finds that the first implemented mitigation measures do not work, then applicant must install a secondary or replacement mitigation measure.
- Millcreek Public Works requires the existing northeast access be limited to a right-in right-out (RIRO) only configuration to increase safety and eliminate northbound left-turn conflicts at the northeast access with the proposed northwest (exit-only) access. This may be done at the discretion of the city engineer. Signage and/or a pork-chop median at the access to prevent left-turns are recommended.
- 1300 East is currently not functioning at an ideal manner. Signal timing may be adjusted as needed to minimize queuing and unnecessary delays on all approaches.
- Staff does not agree with the Millcreek Community Council's proposal to add a new merge lane, as the traffic study did not recommend this mitigation and staff recommends following the findings of the study.
- The lighting on the parking lot will need to be subject to the Dark Sky requirements listed in the conditions below. Landscaping will be subject to Chapter 19.77 Water Efficient Landscape Design and Development Standards.
- Public improvements including extension of current sidewalk, curb, and gutter



Model Motion

- Motion to Approve a Conditional Use Permit for the Relocation of an Existing Drive-Through Teller Canopy, Reconfiguration of Parking Lot, and Consolidation of Lots, and all of the conditions within the staff report.

