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**MEETING MINUTE SUMMARY**  
**MILLCREEK PLANNING COMMISSION SPECIAL & REGULAR MEETING**  
**July 18, 2018 4:00 PM**

**Approximate meeting length:** 5 hours

**Number of public in attendance:** 27 plus those who did not sign or whose names were illegible

**Summary Prepared by:** Alexandra Muller

**Meeting Conducted by:** Chairman Tom Stephens

**ATTENDANCE**

Commissioners	Present	Absent
Tom Stephens (Chair)	x	
Fred Healey (Vice Chair)	x	
David Carlson		x
Scott Claerhout	x	
Shawn LaMar	x	
Mark Mumford	x	
Heather Wilson	x	
Dave Allen	x	
Russ Booth	x	

Millcreek	Present	Absent
Jeff Silvestrini	x	
Francis Lilly	x	
Alexandra Muller	x	
Robert May	x	
John Brems	x	
Blaine Gehring	x	
Erin O'Kelley	x	

**Special Work Meeting began at 4:06p.m.**

**Millcreek Center Discussion** – Gunn Avenue/Lilac Park Development Proposal

Mr. Lilly described the background for the special work meeting where developers had approached Millcreek for additional height then invited the developers to speak.

Speaker 1: Jeremy Carver,

Address: 12747 Whisper Grove Circle, Draper

Mr. Carver laid out what the developers were requesting in exchange of what they would provide and then spoke of the current projects. He spoke of the potential entrance to Millcreek and then spoke the potential linear park with the issue of the wall as a sound buffer.

The Mayor gave background on feedback he had heard from residents and businesses including on the lilac bush project which was a priority. He explained about public engagement where he had participated in walking around the neighborhood in the proposed to speak with residents.

Speaker 2: Kyle Jardine

Address: 180 North University, Provo

Mr. Jardine spoke about the height of his office building on Highland drive.

Speaker 3: Jay Christiansen

He spoke of engaging the public and that it was largely positive with only a few people who didn't like it. He added that a majority of developers had lived in Millcreek and spoke of the how the park was designed specifically for Millcreek.

Mr. Lilly explained the staff position – more impactful than what zoning allows already but moving toward master plan for city center and this will support it. He wouldn't have brought it if the city wasn't getting something of value in exchange.

Vice Chair Healey said he was in favor of the development ideas and wasn't as concerned about the height impact but did state he wanted to measure height in feet rather than stories.

Commissioner Allen said he was in favor but concerned over future expenses and parking issues.

Commissioner Mumford wanted to make sure it was done right and had heard from residents that they did not want another Sugar House.

**Adjourned at 4:57pm.**

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**Regular Meeting began at 5:05p.m.**

Chairman Stephens read the opening statement.

Commissioner LaMar arrived at 5:00pm.

Commissioner Allen left at 5:10pm.

**ZM-17-005** Joe Johnsen requests a rezone from RM to C-2, subject to a development agreement, for an 8-unit mixed use multifamily building. **Location:** 2780 East 3300 South  
**Community:** East Mill Creek. **Planner:** Francis Lilly

Mr. Lilly presented the staff report and gave the background of why the project came back to the Planning Commission as well as the significant changes Mr. Johnson had made. He explained the general plan consideration as well as the responses from the community council and neighborhood.

Joe Johnson, applicant  
1946 S Claybourne Avenue, Salt Lake City  
Mr. Johnson thanked Mr. Lilly for his help and thought it came back with a better project. He added it was a productive process for everyone.

**Public comment opened at 5:39pm**

Speaker 1: Arthur Healey  
Address: 2725 E Loren Heights Drive  
Mr. Healey said he had spoken with Mr. Johnson and the concessions that he allowed for the residents. Mr. Healey said he had wanted to acknowledge the major differences from original project and he thanked professionalism of Mr. Lilly and the planning staff.

Speaker 2: Bryan Ludwig  
Address: 2791 Loren Heights Drive  
Mr. Ludwig said his property abuts the project and thanked Mr. Lilly for his help. He said the residents liked the concession in height and wanted to see a proposed landscape buffer in the development agreement. He spoke of the grade change in the area and issues that would occur if a wall was going to be installed.

Speaker 3: Paige Self  
Address: 2779 E Loren Height Drive  
Ms. Self voiced concern regarding drainage issues and then thanked planning staff for working through the entire process. She thanked the developer for the concessions he had made and said the project would shape the area for the future of neighborhood.

Speaker 4: Michael Ivins  
Address: 2741 Loren Heights Drive  
Mr. Ivins asked if the developer would consider burying the power lines and added he would consider pitching in on cost. He said he appreciated concession on units.

Speaker 5: Ben Johnson  
Mr. Johnson said that compromise on project had been achieved as everyone was equally dissatisfied. He said he hoped this project would assist zoning for the area. He said he thought the proposed 26 feet in height but now heard it was going to be 30 feet height.

Chairman Stephens invited Mr. Johnson to respond to the public comments.

Mr. Johnson said it was a good learning experience and he needed to do his part as a developer to implement what had been discussed. He said he would be a good neighbor and said people could join him when he installed the fence and trees. He thanked public for coming up with a better project.

**Public comment closed at 5:55pm.**

Chairman Stephens opened up Planning Commission to the discussion and motion.

Commissioners discussed amongst themselves issues of drainage, and short-term rental issues. They also discussed the artist renderings and appropriate handicap parking.

Chairman Stephens explained what a development agreement was to the public.

Vice Chair Healey said the tree chosen was very slow growing and suggested they needed to look at alternatives types of trees.

### **Motion 6:09pm**

Vice Chair Healey recommended to approve zone change to City Council on application # ZM-17-005 with planning staff recommendations and the additional 2 modifications to not allow short-term rentals and plant appropriate tree type that the developer, neighborhood and planning staff can agree upon.  
Commissioner Booth seconded the motion.

Vice Chair Healey – Yes  
Commissioner Booth – Yes  
Commissioner Wilson – Yes  
Commissioner Claerhout – Yes  
Chairman Stephens – Yes  
Commissioner LaMar – Yes  
Commissioner Mumford – Yes

### **Motion passed.**

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**2. CU-18-010** Chad Manning requests a Conditional Use Permit for a 9-unit rental multifamily development **Location:** 3252 South Melbourne Street **Community:** Canyon Rim (City Hall Open House)  
**Planner:** Robert May

Mr. May presented the staff report and explained changes.

Chairman Stephens asked if there would be a continuation for the application?  
Mr. May answered yes.

Chairman Stephens asked where the turnaround was because it looked as if people could only back up in reverse instead of turning around?

Mr. May said that was correct at this point in the project.

Mr. May explained due to the cancellation of the community council that planning staff had an open house at the Millcreek City Hall where 11 people attended

Brigham Wilcox, Developer  
Address: 5412 S Wayman Lane

Mr. Wilcox pointed out clarifications and then spoke of about access and speed in the area.

### **Public Comment opened at 6:43pm**

Speaker 1: Steven Fullmer  
Address: 3226 Melbourne

Mr. Fullmer voiced concern over being able to turn on to Melbourne. He added that people cut through Melbourne to get to Honeycutt, causing accidents.

Speaker 2: Steve Anderson  
Address: 1823 E. Bagend Street

Mr. Anderson also voiced concern about traffic accidents on Melbourne. He also said that it was difficult to get a cell phone signal and another tall building in area would have an impact.

Speaker 3: Valerie Neeley  
Address: 3249 S Melbourne

Ms. Neely voiced concerns over traffic and parking issues. She said she couldn't even exit out of her house.

Speaker 4: Roger Bishop  
Address: 3231 Melbourne

Mr. Bishop said he was concerned about parking and added that other events nearby would cause spillover parking so he couldn't even get into his home. He asked about solutions and mitigation efforts to the concerns he had brought up.

Speaker 5: Ann Dillingham  
Address: 1817 E 3300 S

Ms. Dillingham said the easement was hers and asked what would happens if she tried to sell her home. She added there was a power pole in the backyard.

Speaker 6: Tom Kern  
Address: 2868 S Lakeview Drive

Mr. Kern asked if the Planning Commission had envisioned a traffic light for the area?

Chairman Stephens suggested he contact the City Council.

**Public comment closed 6:54pm.**

Vice Chair Healey asked about addressing the antennae issue and having the developer work with community because he said it could easily be fixed. He said the intersection was very dangerous.

Mr. May said traffic was a concern and that a traffic study could be requested. He said the easement would be eliminated from project.

Commissioner Claerhout spoke about traffic safety and that a traffic light was needed due to all the issues in the area.

Mr. Lilly said since this was continued issue it could be addressed. He said the process would begin at the Canyon Rim Citizen's Association and he would speak with the City Engineer. He said he would have more answers.

Commissioner Claerhout said telephone poles needed to be removed as they were dangerous.

Commissioner LaMar asked about access on 3300 south?

Mr. Lilly said he will talk would speak to the Utah Department of Transportation (UDOT).

**Motion at 7:01pm.**

Commissioner LaMar motioned to continue application #CU-18-010 to a future date. Commissioner Mumford seconded the motion.

Commissioner LaMar – Yes  
Commissioner Mumford – Yes  
Commissioner Wilson – Yes  
Commissioner Claerhout – Yes  
Vice Chair Healey – Yes  
Chairman Stephens – Yes  
Commissioner Booth – Yes

**Motion passed.**

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**3. CU-18-011** Ensign Engineering requests a Conditional Use Permit for a drive through coffee shop  
**Location:** 2330 East 3300 South **Community:** East Millcreek **Planner:** Robert May

Mr. May presented staff report and explained changes such as adding drive through window. He spoke of parking, the traffic study, and the neighborhood response.

Planner Erin O'Kelley left at 7:06pm

Sue Jacobson, developer

Address: 5670 Wilshire, Los Angeles

Ms. Jacobson thanked Mr. May and Mr. Lilly for helping get their application material in on time. She described that there were 2 service windows on each side and added that they were not looking at being a problematic site. She described renovating the old Dan's grocery store and the 2 access points. Ms. Jacobson said she wanted to work with the community to make this happen as it was not in anyone's interest to have a bad site.

Mr. May spoke of the traffic issues for the project.

Vice Chair Healey asked if the northern entrance was a right turn entrance only?

Ms. Jacobson answered yes.

Commissioner LaMar asked about hours of operation and the run time of vehicles at the drive through.

Ms. Jacobson said it was from 6am to 7pm but was not sure. She said the vehicles run time at other locations ran 2 or 3 minutes approximately.

Mr. May clarified the difference between an order window and pick up window as described in the ordinance. He said he had received an email voicing concern about traffic problems in the area.

Mr. Lilly said he had received a comment from a resident name Nick at 2511 E Evergreen Ave speaking to the detrimental effect on air quality from the idling vehicles waiting on their orders. Mr. Lilly said it was a fair point and gave his thoughts on detrimental effect on air quality. He suggested planting certain trees, having enhanced landscaping, or posting a no idling sign even though he pointed out that it was not enforceable.

**Public comment opened at 7:27pm.**

No comment from the public.

**Public comment closed at 7:28pm.**

Chairman Stephens opened Planning Commission for discussion and motion.

Commissioner LaMar thanked Mr. Lilly for comments on the air quality control.

Mr. Lilly said there wasn't an ordinance but it was something planning staff could work on and then explained that there could not be total elimination but only mitigation of the issue.

Commissioner Wilson said mitigation should be based on incentives such as extending hours on certain days.

Commissioner Booth commented they needed to be careful on selective enforcement.

**Motion at 7:33pm.**

Vice Chair Healey motioned to approve #CU-18-011 for the conditional use with 2 additional conditions: right turn exit and air quality signage.  
Commissioner Claerhout seconded the motion.

Commissioner Mumford– Yes  
Commissioner Wilson– Yes  
Commissioner LaMar– Yes  
Commissioner Claerhout – Yes  
Vice Chair Healey – Yes  
Chairman Stephens – Yes  
Commissioner Booth – Yes

**Motion passed.**

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**4. SD-18-004** Robert Renza is requesting a Preliminary Plat Approval for a 2-lot Single Family Residential Subdivision **Location:** 3821 South Parkview Drive **Community:** N/A **Planner:** Francis Lilly

Mr. Lilly presented the staff report and also spoke of the development agreement requirements. He explained the process of why the application needed to go through the Planning Commission.

Robert “Skip” Renza, developer  
Address: 3667 Oakwood Lane  
Mr. Renza thanked Mr. Lilly and the planning staff. He said it had been a long process.

**Public comment opened at 7:53pm.**

No comment offered by the public.

**Public comment closed at 7:53pm.**

Chairman Stephens opened Planning Commission to discussion and motion.

**Motion at 7:54pm.**

Commissioner LaMar recommended approval for Preliminary Plat #SD-18-004 for a 2-lot Single Family Residential Subdivision with the 11 conditions listed in the staff report.  
Commissioner Claerhout seconded.

Commissioner Wilson– Yes  
Commissioner Mumford– Yes  
Commissioner LaMar– Yes  
Commissioner Claerhout – Yes  
Vice Chair Healey – Yes  
Chairman Stephens – Yes  
Commissioner Booth – Yes



**Motion passed.**

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**5. SD-18-005** Wes Erickson is requesting Preliminary Plat Approval for a 2 lot Single Family Residential Subdivision **Location:** 2371 East 2880 South **Community:** N/A **Planner:** Robert May

Mr. May presented a staff report and explained the staff recommendations.

Wes Erickson, developer

Address: 16739 E Prentice Circle, Centennial Colorado

Mr. Erickson gave background on the property and in particular a wall that he said had been built 40 years ago.

**Public comment opened at 8:06pm.**

Speaker 1: John Deems

Address: 2392 East 2900 South

Mr. Deems said he wished the city had incorporated earlier as he used to be a building inspector. He asked about fire safety issues and commented there were too many McMansions around. Mr. Deems spoke about the drains near his home and how he would get 9 bags of leaves every year. He is fine with the project but was more concerned there were no drains which was why he was there.

Chairman Stephens suggested he should speak with the Mayor and City Council as respects the drainage issues.

Speaker 2: Tom Kerns,

Address: 2868 S Lakeview Drive

Mr. Kern spoke of his decades issue with rodents in the area.

Mr. May commented that it may be a public health or nuisance issue.

Commissioner Booth suggested an inspection by the health department?

**Public comment closed at 8:12pm.**

Chairman Stephens opened Planning Commission for discussion and motion.

**Motion at 8:13pm.**

Commissioner Booth motioned to approve #SD-18-005 for preliminary plat approval with conditions 1-10 listed in staff report.

Commissioner Wilson seconded the motion.

Commissioner Booth– Yes

Commissioner Wilson– Yes  
Commissioner LaMar– Yes  
Commissioner Claerhout – Yes  
Vice Chair Healey – Yes  
Chairman Stephens – Yes  
Commissioner Mumford – Yes

**Motion passed.**

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Break from 8:13pm – 8:18pm.

**BUSINESS MEETING**

1. **ZT- 18-007** Setback Reduction Provisions – Reconsideration of recommendation to remove provision in Section 19.77.050

Mr. Lilly explained the background of the provision and how City Council had asked the Planning Commission to reconsider. He presented possible standards for setback reduction and then explained each of the 7 possible standards. He also gave samples from different cities.

Commissioners expressed concerns over developers taking advantage of extra feet allowed or their meetings turning into negotiation sessions with applicants instead of having a clear ordinance.

The Mayor explained the reasoning behind why the City Council sent it back to the Planning Commission.

**Motion at 8:45pm.**

Vice Chair Healey motioned to reconsider recommendation to the City Council of #ZT-18-007.

Commissioner Claerhout seconded the motion.

Commissioner Booth– Yes  
Commissioner Wilson– Yes  
Commissioner LaMar– Yes  
Commissioner Claerhout – Yes  
Vice Chair Healey – Yes  
Chairman Stephens – Yes  
Commissioner Mumford – Yes

**Motion passed.**

Vice Chair Healey motioned to recommend approval of #ZT- 18-007 subject to the additional language of items #1: Outside of city centers, town centers and village

centers, as designated by the General Plan, and outside of the light manufacturing and mixed use zones, in no event shall the front yard setback be less than the average of the front yard setbacks of neighboring structures, located on the same side of the street, that are located within a 300' distance of the nearest property line of the subject property  
AND #3: Setbacks must comply with the clear view requirements for intersecting streets as found in Chapter 19.76 of the Code.

Commissioner Clearhout seconded the motion.

Commissioner Booth– Yes  
Commissioner Wilson– Yes  
Commissioner LaMar– Yes  
Commissioner Claerhout – Yes  
Vice Chair Healey – Yes  
Chairman Stephens – Yes  
Commissioner Mumford – Yes

**Motion passed.**

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Unanimous vote yes to approve June 12<sup>th</sup> and 20<sup>th</sup> minutes.

**Adjourned at 8:49pm.**

Approved