



**Minutes of the  
Millcreek Planning Commission  
February 19, 2020  
5:00 p.m.  
Regular Meeting**

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, February 19, 2020 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106.

**PRESENT:**

**Commissioners**

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

**City Staff**

John Brems, City Attorney  
Elyse Sullivan, City Recorder  
Erin O’Kelley, Planner  
Robert May, Planner  
John Miller, City Engineer  
Fred Lutze, Deputy City Engineer

**Attendees:** Mayor Jeff Silvestrini, Council Member Dwight Marchant, Aldo Arnone, John Neville, Stephen Styles, Renzo Canepari, Ryan Mertens, Amanda Mertens, Dan Slaughter, Cara Jean Means, Herb & Joni Schoepf, Joanna Trout, John Trout, Sean Patterson, Alisa R., Chris Ensign, and Sean Hansen.

**REGULAR MEETING – 5:00 p.m.**

**TIME COMMENCED: 5:01 p.m.**

Chair LaMar called the meeting to order.

**1. Public Hearings**

**1.1 Consideration of ZT-20-001/ZM-20-001, Adoption of an Institutional Facilities (IF) Zone and Rezone of the St. Mark’s Hospital Property from R-M and C-1 to IF**

**Location: 1200 E. 3900 S. Applicant: Perkins & Will Planner: Erin O’Kelley**

Erin O’Kelley said an application for a new ordinance was being proposed, Institutional Facilities Zone (IF), and an application for the St. Mark’s property to be rezoned into the IF zone. The scope of the rezone did not include surrounding residential property. The St. Mark’s property is currently zoned R-M (Residential Multi-Family) and C-1 (Commercial Low Density) and the property is currently non-conforming. The existing St Marks structures do not meet zoning codes and ordinances of the RM or C-1 zones. St. Mark’s approached the City wanting to construct an additional 5-story patient tower on the north side of the property. Landscaping, parking, and traffic flow would be modified to accommodate the new

building and the new structure will contain new patient rooms, operating facilities, and space for future medical facilities.

O'Kelley went over the IF Zone goals: provide strict regulations that mitigate detrimental effects caused from a large campus-like institutional use especially next to any residential neighborhoods; provide an outlet for growth of an institution that is moderate and least impactful to adjacent properties while still providing economic growth; and help direct development in a way that promotes City values such as increasing guidelines catered to landscaping, parking, other initiatives in the Millcreek General Plan. The first part of the proposed code is neighborhood outreach and contact; it is the intent of staff to require that any future development on the property be noticed to affected property owners. Anything greater than 10,000 square feet or taller than 30 feet must be noticed to surrounding property owners within 300 feet. St. Mark's has completed this task for their rezone.

Staff proposed very strict regulations to permitted and conditional uses in the zone. The permitted uses would be a nursing facility, assisted care, accessory structure, hospital, medical facility, residential facility for persons with disabilities or elderly, school, library, community center, or commercial parking lot. O'Kelley went over a table of development requirements with setbacks, building height, lot width, campus area, and accessory structure requirements. Lots less than 10 acres are restricted to 40 feet in height. Any portion of the property within 60 feet of a residential zone boundary height is limited to 30 feet. Lots greater than 10 acres may go up to 75 feet in height only if the building is greater than 60 feet from a residential boundary. If it is 100 feet away from the property line, the building may exceed 75 in height to a maximum of 100 feet. St. Mark's has buildings already over 100 feet tall. These are the strictest requirements that could be imposed without rendering St. Mark's as non-conforming. She illustrated the setbacks with building height and its proximity to residential development. O'Kelley said there would be required mitigation for neighborhood protection on lighting, garbage and recycling, and noise. The code provides 4 conditions for screening noise and certain developments would be able to pick how to screen its noise. Other design included requirements for shops and retail, entrances, fencing, and signs.

The St. Mark's property is designated on the Future Land Use map as Employment Commercial. This designation is meant to be for educational or campus like facilities that are adjacent to supporting retail or commercial. The property is also designated as a future study area for a village center. Village centers are meant to provide commercial benefits to nearby residents. At their meetings in February, all the community councils recommended adoption of the IF Zone and the Millcreek Community Council recommended approval of the St. Mark's rezone. At the neighborhood meeting on January 29, 2020, there were concerns about noise, maintenance of landscaping and the southern wall, height, utilities, generator maintenance, traffic increasing, parking and enforcement, and construction externalities. Other concerns that were raised in that meeting were worked into the development agreement as conditions of approval. She said staff was still fine tuning the development agreement conditions, but provided the following to the Commission:

- Removal of all the shrubs to the South side property line. Shrubs must be replaced with some landscaping that can help mitigate noise.
- Additional screening around accessory utility structures or any generators on the property located within 100 feet of a residence shall be required.

- For any development on the property that requires a building permit, a parking plan is required to be provided to the City at the time of building permit application to regulate parking use for employees and patients.
- Additional trees shall be planted on the South property line where not currently being utilized as screening for the property. Trees, when matured, shall be at 25-30 feet in height and must be compatible with existing landscaping. Minimum distance between trees shall be 20 feet.
- Wall located on the South property line must be enhanced where deteriorated.
- No additional parking garage structures may be built within 60 feet of the South property line abutting residential uses.

Commissioner Stephens said he wrote an email to Erin O’Kelley with a list of concerns about the new zone and she responded to those.

Chair LaMar asked for the applicant to provide comment. The applicant declined. There was no community council input provided.

*Chair LaMar opened the public hearing.*

John Neville, 1348 E. 3930 S., confirmed that no residential property would be rezoned. Chair LaMar confirmed, it would only be St. Mark’s property.

*Chair LaMar closed the public hearing.*

Commissioner Stephens went over his email to O’Kelley. He said the accessory uses would be permitted uses but maybe hotel/motels should be a conditional use and residential treatment centers should be a primary use. O’Kelley agreed with hotels/motels and said the City does require mitigation measures in single-family residential zones with residential treatment centers. Commissioner Stephens asked about noise constraints. O’Kelley said any exterior noise could not go above 50 decibels in a residential neighborhood per Salt Lake County Health Department Code. In the draft ordinance, it referenced outdoor music associated with restaurants complying with noise ordinances and she suggested that it could read as outdoor noise associated with restaurants or events shall comply with applicable noise ordinances. Commissioner Booth requested getting a meter to see what the Hospital’s baseline noise was currently. O’Kelley felt that the Hospital was creating over 50 decibels.

Commissioner Stephens said listing prohibited uses and stating that uses that were not permitted were prohibited was redundant. He suggested adding clarifying language that the prohibited uses were not limited to the list. O’Kelley said it was easier for the public and staff to determine what would be prohibited with the table. Commissioner Stephens asked if the ordinance was detailed enough for applicants other than St. Mark’s and wondered if the City should limit the zone to only the St. Mark’s location. O’Kelley said the ordinance was strict enough to limit other applications. Commissioner Reid said the zone treated commercial and institutional uses similarly and she felt the supporting commercial should not be larger than the institution. She recommended changing the introduction to say the zone was “... to promote institutional and supporting commercial projects.” O’Kelley said she would update the ordinance with the uses. Commissioner Stephens recommended setbacks and height limitations from residential zones be more stringent. Commissioner Sieber asked about the open space requirements and said the ordinance should state that requirement. O’Kelley said

the open space requirements were similar to the C-2 and C-3 zones, which required 20% open space not including driveways and parking lots.

Commissioner Reid said the purpose of the zone should be institutional uses supported by commercial and therefore the ordinance should limit the size of hotels. O'Kelley said if the hotel was attached, it could only be a certain percentage of the main building. Commissioner Sieber said village centers were referenced and the village center definition did not fit the St. Mark's property but did for the property surrounding it. O'Kelley said the Future Land Use Map in the General Plan designated the area as a village center, but it is a guiding document not regulatory. Chair LaMar asked about changing the mechanical height from 12 to 22 feet. O'Kelley said that was a response to the existing conditions of St. Mark's property. Chair LaMar suggested reducing the building height to allow for the mechanical height. He asked about the "theater loft" in a mechanical structure. O'Kelley said the term could be removed. Chair LaMar asked about the town center reference in the staff report. O'Kelley said it was not applicable for the St. Mark's property but could be elsewhere in the City. Chair LaMar asked about the permitted uses table with licensed massage therapy practices and recommended removing the third paragraph in the table. Commissioner Mumford asked about the enforcement for exceeding noise decibels. O'Kelley said the Salt Lake County Health Department regulates that standard. Commissioner Sieber asked about temporary special events on the campus. O'Kelley said the zoning ordinances did not address temporary special events. John Brems said noise laws were preempted by the County Health Code. Chair LaMar reviewed the proposed list of amendments to the proposed code; a language change to supporting commercial, 20% open space requirement, remove unnecessary licensed massage therapy practices language, and change mechanical height to 14 feet.

Applicant – St. Mark's Representative from Texas, said the existing mechanical building penthouses were about 22 feet in height. There would be 14-16 feet of mechanical that would sit on 2-foot pad on the roof and would be housed in a penthouse, but ductwork may extend above that. He said 86 feet was the height of the proposed building without the penthouse. O'Kelley said the maximum height was to the top of the occupiable space of use, so the 22 feet could not be used for the proposed uses on the property. The applicant said St. Mark's had hired a consultant to analyze the noise and address any mitigations for existing and new noise. The goal would be for noise readings at the property line, not including the helicopters on the roof. They would present the noise analysis to the City Council. Chair LaMar suggested that 114 feet be the maximum building height including mechanical. Commissioner Claerhout asked about parking.

Sean Patterson, St. Mark's COO, said the employee parking would move into the parking garage and operate on a sticker system. He said they would offer valet services at the Hospital's entrances. They were also considering a commuter lot that would shuttle to the Hospital.

**Commissioner Stephens, as respects to the adoption of the Institution Facilities ordinance ZT-20-001, moved to recommend adoption of the proposed ordinance subject to the staff report and the following recommended changes in the draft ordinance (not in order of importance): hotel/motel be a conditional use, maximum height could go up to 100 feet with an additional 22 feet for mechanical if the setback is in excess of 100 feet from residential, some of the language in the massage therapy accessory use be struck, added clarification on**

**the prohibited use table, there be added clarifying language regarding the village center (which would be up to staff), commercial be supporting institutional rather than being on an equal footing to institutional, residential hotel/motel maximum size or scale be not larger than the primary use, add open space language, and any conditions or recommendations in the staff report as respects to adoption of the ordinance. Commissioner Reid seconded. Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.**

O'Kelley said that the development agreement conditions listed in the staff report may be subject to change after discussions with St. Mark's and recommended that the Commission approve the development agreement approved by the City Council that addresses the conditions of the staff report, generally.

**Commissioner Mumford moved that ZM-20-001 be recommended to the City Council for adoption and the pending review of the development agreement be approved by St. Mark's and the City Attorney before it is approved by the City Council. Commissioner Claerhout seconded. Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.**

### **1.2 Consideration of ZT-20-002, Amendments to the City Center Overlay Zone Planners: Francis Lilly and Erin O'Kelley**

Erin O'Kelley said staff was proposing technical fixes to the recently adopted City Center Overlay Zone (CCOZ). The fixes came about from observation with the design of the Millcreek Common open space and with current development projects. The first fix was separation between residential and side and rear yard setbacks. She said a change came from the City Council public comment to allow for more sunlight to come in through residential windows with a separation of 40 feet between buildings but it could be interpreted to give the advantage to the building that gets developed first. She highlighted the changes in the draft ordinance, which included reducing that space to 30 feet. Chair LaMar asked why the change was from 40 feet to 30 feet. O'Kelley said the 10 feet would provide for a larger balcony and less wasted space. The second fix was 60% of the units must have balconies instead of 100%. That change was to create variation in the building designs. Commissioner Sieber pointed out that the balconies could create a price point change for the developers. The third fix was on stepbacks on building corners. The recommendation came from the Millcreek Common open space designer. If a developer wanted to maintain the building height on the corner, the developers could have that option instead of a stepback.

O'Kelley said the fourth fix was height exceptions for mechanical equipment on roofs changed from 12 to 14 feet because that was the standard height for elevator shafts. The fifth fix was on rooftop gardens and planting requirements because the original ordinance was too restrictive. Currently, rooftop gardens must include 25% of the area with trees. Staff recommended that the language be amended to provide the option of other live plant material. Commissioner Stephens pointed out that the ordinance referenced shade providing vegetation and wondered about the use of grasses and shrubs since they did not provide shade. The Commission decided the language should say plant material providing overhead shade instead of only trees. The sixth change was a graphic fix on landscape buffers. The graphic did not match the code and staff changed the 5-foot landscape buffer to 6 feet. Commissioner Reid recommended a change on 5. Building Types section E. Adaptive Reuse

(page 33), to retain as much of the original façade or character as possible instead of only the character. O’Kelley wondered about structural integrity and if old buildings would be covered in the future historic preservation ordinance. She said staff could look into it. She also said that all the community councils recommended approval of the proposed technical fixes as presented.

Chair LaMar asked for community council input. There was none.

*Chair LaMar opened the public hearing.*

There were no comments.

*Chair LaMar closed the public hearing.*

**Commissioner Reid moved to recommend approval of file # ZT-20-002, technical changes to the City Center Overlay Zone as recommended by staff with the additional language regarding adaptive reuse (e(1)) that would state that “...reconstruction should attempt to retain as much of the original façade or character of the building as possible” and 25 percent of the canopy provides overhead shade (referencing rooftop gardens). Commissioner Claerhout seconded. Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.**

The Commission took a break from 6:46-6:58 p.m.

### **1.3 Consideration of GP-20-001, Adoption of the Millcreek Transportation Master Plan as an Element of the General Plan Planner: Francis Lilly and John Miller, City Engineer**

Fred Lutze, Deputy City Engineer, said the General Plan was adopted without the Transportation Master Plan so it was being added as an element to the General Plan. He said the plan was from 2019-2040 because the regional model was to 2040, so the plan would be used until then as well. The goals of the plan are to improve existing facilities, incorporate complete streets, optimize funding sources, promote environmental compatibility, and integrate roadway and storm drain improvements. He showed the Commission the Roadway Functional Classification map. He said road grades A-D were acceptable, but E and F constituted as failure. Commissioner Mumford asked about the term failing. Lutze said it depended on traffic wait times. Chair LaMar asked about peak times being measured. Lutze said the assessment was taken at peak times. He said intersections of concern were targeted, counted, and got traffic projections. He showed the Commission typical street sections. In the original plan the right-of-way showed sidewalk, park strip, and curb and gutter sections but he proposed a change to 10-foot side treatments because there were varying widths of sidewalk throughout the City and ADA and UDOT standards may change. Staff also changed the private right-of-way section from 12-foot lanes to 12.5-foot lanes to match with public roadways. Lutze said he was highlighting changes for the Commission to the draft document that was provided in the staff report. He said the plan looks at capital improvement projects, roadway funding, and a capital facilities plan. Staff recommended continuance of the item in light of the community councils’ request for additional time for review.

*Chair LaMar opened the public hearing.*



There were no comments.

*Chair LaMar closed the public hearing.*

Commissioner Booth asked why 2300 E. was the only F rated street. Lutze did not know but said traffic counts would be taken with the next plan. John Miller, City Engineer, said 2300 E. would need to be widened for capacity to keep it from failing.

**Commissioner Reid moved to continue consideration of the Transportation Master Plan. Commissioner Booth seconded. Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.**

**1.4 Consideration of CU-20-001, Preliminary Conditional Use Permit for a Mixed-Use Building Consisting of 45 Residential Condominiums and 38,000 Square Feet of Commercial Space Location: 1257 E. Villa Vista Avenue Applicant: Han Sol 2 Planner: Erin O’Kelley**

Erin O’Kelley said the application was the first City Center Overlay Zone (CCOZ) project and was located in the Neighborhood District of the City Center. The application was for a mixed-use project that would have 27 residential units (not 45 as advertised) and 38,000 square feet of commercial. The existing project area is currently three residential properties; two single-family houses and one apartment building. Villa Vista Avenue along the southern property line, formerly known as Gunn Avenue, has no curb, gutter, or sidewalk and the pavement is approximately 37 feet wide. The west property line along Richmond Street has curb and gutter but no sidewalk. The parcels are zoned C-3 and subject to CCOZ. O’Kelley went over the project summary table which showed the proposal building height as 68 feet, 1,238 square feet per acre density, 15 foot front yard setback, 10 foot side and rear yard setbacks, 217 foot lot width, 33,438 square foot lot area, 20% open space, roof top patios, and a fitness center. The applicant would be utilizing a shared parking agreement with 165 stalls provided and would utilize the boulevard cross section from the CCOZ. She said the Millcreek Community Council recommended approval of the conditional use permit subject to the conditions recommended by staff with the addition that the developers on Villa Vista Avenue work together to enhance the storm drain system and install public improvements at the same time. Staff recommended approval of the conditional use permit subject to the following conditions:

- The development will be limited to 27 dwelling units only.
- Signs will require separate building permits and staff review for zoning/land use compliance.
- No light source (light bulb, fluorescent tube, or other direct source of light used to illuminate a parking area) shall be visible beyond the property line of any off-street parking area as required by Section 19.80.030 of the zoning ordinance.
- Any modifications to these approved plans must be approved by the Millcreek Planning & Zoning Department. Any adjustments that exterior design of the building must be approved by Planning Commission. Any changes to the site plan along a public right of way must be reviewed and approved by Millcreek Public Works Department.
- The applicant will comply with all requirements established through the technical review process prior to receiving final conditional use approval.
- All applicable fees from the technical review process required must be paid in full before final conditional use approval can be granted.

- The applicant will comply with all requirements of the Unified Fire Code and is subject to approval by the Fire Marshal.
- The applicant shall obtain a complete review for an approved building permit and shall continually comply with the requirements of Millcreek City, and utilities.
- The applicant and its successors shall properly and continually maintain all required landscaping, fencing, buildings, and roads through a property maintenance contract.
- The applicant shall be required to dedicate and record any required easements necessary to have a complete public right of way as designated in the City Center Master Plan, Transportation Master Plan and approved by Millcreek Public Works Department.
- An approved landscape plan that complies with the minimum standards found in Chapter 19.77 & 19.73 of the Millcreek Code must be completed before final approval can be granted.
- Applicant must continually work on enhancing all storm drain improvements necessary to accommodate development along Villa Vista. The applicant will be expected to work with neighboring developments and the City to coordinate the installment of any necessary public improvements.
- Applicant will be required to receive approval from Salt Lake County addressing department before final conditional use approval.
- Applicant will be required to perform a lot consolidation or must begin a subdivision application with the Planning and Zoning department to establish a condo plat before any building permit can be issued.
- All items of the staff report.

O’Kelley asked the Commission about the CCOZ code compliance matrix she presented. Chair LaMar said he would provide O’Kelley with some recommendations. Commissioner Booth asked about the bedroom count. O’Kelley said there would be 18 2-bedroom units and 9 3-bedroom units.

Applicant – Chris Ensign, 2265 E. Murray Holladay Road, said the top three floors would be the residences and there would be three floors of parking, one level at grade and two below. The units would be for sale. He asked the Commission for flexibility with bedroom counts in the units and possibly the unit count. Chair LaMar brought up the parking ratios changing with bedroom counts. Ensign said they would follow the parking requirements.

*Chair LaMar opened the public hearing.*

Dan Slaughter, University Credit Union, asked if the storm drain would extend into Richmond Avenue. O’Kelley said she would inquire with the City Engineers and get back to him.

*Chair LaMar closed the public hearing.*

Chair Booth asked about the construction timeline. Ensign said the project would start this summer and it would be a 2-year build. Commissioner Sieber asked about a crosswalk across Richmond Street. O’Kelley said the decision would be from the City’s Public Works Department. Commissioner LaMar said he was okay with the 27-unit count. Ensign asked if the unit count had to be fixed or if it just had to fit in the building envelope. Commissioner Reid said if the developer met the parking requirements, she would be okay allowing unit flexibility. Commissioner Claerhout disagreed and felt the application was incomplete without knowing the bedroom count of units. O’Kelley said staff would regulate the parking requirements and any other changes that came about. She said any alterations to parking or



unit count would need to be approved by the Planning Department, but staff recommended limiting the unit count to 27 in the development agreement. Ensign said he was okay with 27 units.

**Commissioner Stephens, as respects to CU-20-001 preliminary conditional use permit, moved to grant preliminary approval of the conditional use application subject to the conditions stated in the staff report. Commissioner Sieber seconded. Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.**

**1.5 Consideration of SD-20-001, Preliminary Plat Approval for a 1-Lot Subdivision in a R-1-8 Zone Location: 3833 S. Hillside Drive Applicant: Amanda Mertens Planner: Robert May**

Robert May said the subject parcel was in a neighborhood that was primarily low-density with some medium density R-2 lots. Lots in this immediate area on average consisted of between 6,000 to 10,000 square feet in area. The subject parcel consisted of slightly over 10,000 square feet and had roughly 200 feet of frontage along Hillside Drive. The parcel used to be three pieces. Each parcel lacked the required area and width to qualify for a zoning lot in the R-1-8 Zone. The applicant had acquired two of the parcels for the purpose of consolidating into one parcel and create a new dwelling lot. Due to the property having a narrow configuration with a shallow yard depth, the applicant had previously requested a variance from the Land Use Hearing Officer (LUHO) for a reduction in the front, side, and rear setbacks. On November 30, 2018, the LUHO granted the variance application request, reducing the setbacks as follows: reducing the required front yard setback from 25 feet to 20 feet; reducing the required rear yard setback from 15 feet to 5 feet; and reducing the required side yard setback on the north property line from 8 feet to 5 feet. May explained the process for variance approval.

Commissioner Stephens pointed out that a 5-foot rear yard setback was odd. May expressed concern about the dwelling meeting the Residential Compatibility Overlay Zone (RCOZ) requirements with the reduced setbacks. The applicant had proposed a home with a maximum height of almost 26 feet and would be required to design a structure that fits within the RCOZ building envelope. May said a surveyor would have to establish original grade but he felt the construction would be pushed into the hillside and would require extra engineering work. He said the neighborhood was accustomed to the existing trees and he would add into the approval conditions that some should be preserved, and ones removed should be replaced. The conditions found in the staff report were:

1. Lot is subject to the (RCOZ) Residential Compatibility Overlay Zone of the R-1-8 Zone with a maximum height restriction of 26 feet measured from natural grade.
2. With the exceptions of the reduced setbacks by the Land Use Hearing Officer, any future development must meet all requirements of the (RCOZ) Residential Compatibility Overlay Zone (Option A), specifically the building envelope as defined in Section 19.71.030 (6)
3. The proposed development shall be subject to the Millcreek Landscaping Code Chapter 19.77, specifically tree preservation under landscape design standards and guidelines (19.77.040).
4. The design of the site and buildings shall comply with all applicable development standards of the Millcreek Zoning Code and any site development standards required by the Millcreek Engineer and Building Official, and Unified Fire Authority.
5. Prior to receiving final plat approval, the applicant shall certify that existing utility services have the capacity to accommodate additional demand induced by the development, or that the services will be upgraded to meet the additional demand.

6. Accessory structures will require separate building permits and staff review for zoning/land use compliance.
7. Any modifications to these approved plans must be approved by the Planning Department, in writing, prior to the changes being implemented in the field.
8. The proposed subdivision plat must complete a final technical review that includes an engineering review to ensure that the final plat complies with all conditions of approval of the preliminary plat and to ensure that the final plat complies with the design standards, codes, and ordinances and with minimum engineering/surveying requirements, including any bonding for possible future improvements.
9. All accrued final technical review fees must be paid in full prior to recordation.
10. All public improvements must be installed or 100% bonded for and enter into an approved bond agreement with Millcreek prior to recordation.
11. The proposed plat must obtain Unified Fire and Salt Lake County Addressing approvals before recordation.
12. Each lot will consist of a one, one-family dwelling.
13. All public and private curb ramp, ramp and sidewalk development shall meet the requirements of Section 14.12.025 of the Millcreek Code.
14. All applicable zoning, building, health, fire and safety requirements must be met prior to receiving final approval of a building permit.
15. All items of the staff report, including but not limited to all applicable ordinances.

Commissioner Booth said the property was an eye sore and adding another housing unit would make it better. Commissioner Stephens asked if street improvements would be installed. May said yes. Commissioner Sieber asked if the property to the south would be required to install curb, gutter, and sidewalk on Hillside Drive. May said yes.

The applicant did not offer comment.

*Chair LaMar opened the public hearing.*

John Trout, 3834 Hillside Lane, said he planted the trees on the property. He expressed concern about privacy. He felt there needed to be more consideration because a dwelling did not fit on the property.

Amanda Mertens, 4622 S. Stratton Drive, said the property was an eye sore and the intent was to beautify the neighborhood. The main level would be built into the hill and the second level would walk out to the backyard. She said she could work with Trout on privacy windows.

*Chair LaMar closed the public hearing.*

Commissioner Stephens asked if the subdivision met the City's ordinance. May said yes, all requirements would be met. Commissioner LaMar said the landowner did have rights to develop and the dwelling would clean up the property. Commissioner Mumford expressed concern about drainage. May said the project would not be finished without completed drainage.

**Commissioner Stephens, as respects to SD-20-001, moved to grant preliminary plat approval subject to the conditions stated in the staff report. Commissioner Booth seconded.**

**Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.**

**1.6 Consideration of SD-20-002, Preliminary Plat Approval for a 3-Lot Subdivision in a R-1-5 Zone Location: 828 E. 4125 S. Applicant: Aldo Arnone Planner: Robert May**

Robert May said the property was recently rezoned from R-2-10 to R-1-5 to facilitate the proposed 3-lot subdivision. The subdivision would create two new single-family lots which would also result in extending Grand Cayman Drive to accommodate the required lot width. The subject property is a .57-acre parcel with an existing single-family home located on it. The property is a narrow deep parcel fronting on 4125 South and adjacent to Grand Cayman Drive. Staff had some concern due to the placement of the fire turn-around easements located on the lots adjacent to Grand Cayman. May said protections needed to be in place that would require the fire turnarounds to be brought into compliance in the event Grand Cayman was extended. He said that by requiring the property owner of the proposed subdivision lots adjacent to Grand Cayman to record a City approved "Temporary Fire-Turnaround Easement," it would ensure that the required hammerhead would remain in place as a fire turnaround only. Any future extension to Grand Cayman rendering the fire turnaround obsolete would result in the property owners of the easement to meet the standards and requirements for roadway development and curb, gutter, and sidewalk as required by Millcreek. Commissioner Reid asked if the turnaround would be asphalt. May said it would meet the fire code requirements, so it would be paved until Grand Cayman got extended. Commissioner LaMar asked if the property owner would own the turnaround after the road was extended. May said yes, except the right-of-way that would be improved. He also said that the subdivision could meet code requirements and was in harmony with the General Plan. He said it had always been the Public Works Department's intent to connect Grand Cayman to 4170 South to create better neighborhood connectivity and eliminate unwanted cul-de-sacs and hammerheads.

*Chair LaMar opened the public hearing.*

Applicant – Aldo Arnone, 633 E. Hollywood Avenue, said the property owner would be responsible to improve the right-of-way in the turnaround once it was removed, not the future developer to the east.

Renzo Canepari, 828 E. 4125 S., said he was the current owner of the subject property. He said he was selling his property with the provision that he rent back his home for a period of not more than 2 years. He wanted to verify that the provision would comply with City requirements. May said the property owner would need to obtain a business license for the rental and it would be limited to single-family use.

*Chair LaMar closed the public hearing.*

Chair LaMar said he was okay with the hammerhead turnaround language in the staff report. May said he would work the City attorney for final language. The conditions listed in the staff report were:

1. The design of the site and buildings shall comply with all applicable development standards of the Millcreek Zoning Code and any site development standards required by the Millcreek Engineer and Building Official, and Unified Fire Authority.

2. Prior to receiving final plat approval, the applicant shall certify that existing utility services have the capacity to accommodate additional demand induced by the development, or that the services will be upgraded to meet the additional demand.
3. Accessory structures will require separate building permits and staff review for zoning/land use compliance.
4. Any modifications to these approved plans must be approved by the Planning Department, in writing, prior to the changes being implemented in the field.
5. The proposed subdivision plat must complete a final technical review that includes an engineering review to ensure that the final plat complies with all conditions of approval of the preliminary plat and to ensure that the final plat complies with the design standards, codes, and ordinances and with minimum engineering/surveying requirements, including any bonding for possible future improvements.
6. All accrued final technical review fees must be paid in full prior to recordation.
7. All public improvements must be installed or 100% bonded for and enter into an approved bond agreement with Millcreek prior to recordation.
8. The proposed plat must obtain Unified Fire and Salt Lake County Addressing approvals before recordation.
9. Each lot will consist of a one, one-family dwelling.
10. Grand Cayman Drive will be extended as a public road that meets Millcreek's public road standards and ROW of 50' feet. Standards will include the installation of 25 feet of asphalt width, curb gutter, park strip and sidewalk and follow all public and private roadway development requirements of Section 14.12.020 of the Millcreek Code.
11. All public and private curb ramp, ramp and sidewalk development shall meet the requirements of Section 14.12.025 of the Millcreek Code.
12. Record a Temporary Fire-Turnaround Easement that is approved by Millcreek.
13. All applicable zoning, building, health, fire and safety requirements must be met prior to receiving final approval of a building permit.
14. All items of the staff report, including but not limited to all applicable ordinances.

**Commissioner Booth moved to approve the proposed 3-lot subdivision SD-20-002 with all the staff conditions located in the staff report. Commissioner Sieber seconded. Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.**

## **2. Business Meeting**

### **2.1 Approval of January 15, 2020 Meeting Minutes**

### **2.2 Approval of January 30, 2020 Special Work Meeting Minutes**

**Commissioner Sieber moved to approve the minutes of January 15, 2020. Commissioner Mumford seconded. Chair LaMar called for the vote. Commissioners LaMar, Booth, Sieber, Reid, Claerhout, and Mumford voted yes. Commissioner Stephens abstained. The motion passed.**

**Commissioner Stephens moved to approve the January 30, 2020 special work meeting minutes. Commissioner Mumford seconded. Chair LaMar called for the vote. Commissioners LaMar, Booth, Stephens, Reid, Claerhout, and Mumford voted yes. Commissioner Sieber abstained. The motion passed.**

### **2.3 Updates from the Planning and Zoning Director**

Robert May said staff removed the "Millcreek gully" subdivision on Craig Circle from the agenda as a continuing item, but it would come back before the Commission.

**3. Calendar of Upcoming Meetings**

- City Council Mtg., 2/24/20, 5:00 p.m. at City Hall
- Mt. Olympus Community Council Mtg., 3/2/20, 6:00 p.m. at 3450 E. Oakview Dr.
- Millcreek Community Council Mtg., 3/3/20, 6:30 p.m. at City Hall
- Canyon Rim Citizens Association Mtg., 3/4/20, 7:00 p.m. at 2375 E. 3300 S.
- East Mill Creek Community Council Mtg., 3/5/20, 6:30 p.m. at 2266 E. Evergreen Ave.
- City Council Mtg., 3/9/20, 5:00 p.m. at City Hall
- City Council Work Mtg., 3/16/20, 5:30 p.m. at City Hall
- Planning Commission Mtg., 3/18/20, 5:00 p.m. at City Hall

**ADJOURNED: Commissioner Reid moved to adjourn the meeting at 8:38 p.m. Commissioner Claerhout seconded. Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.**

**APPROVED:** \_\_\_\_\_ **Date**  
**Shawn LaMar, Chair**

**Attest:** \_\_\_\_\_  
**Elyse Sullivan, City Recorder**

