



**Minutes of the
Millcreek Planning Commission
March 16, 2022
5:00 p.m.
Regular Meeting**

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, March 16, 2022 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was conducted electronically and live streamed via the City's website with an option for online public comment.

PRESENT:

Commissioners

Shawn LaMar, Chair
Victoria Reid, Vice Chair
David Allen (electronic, left at 8:07pm)
Scott Claerhout (electronic)
Skye Sieber (electronic)
Tom Stephens (electronic)
Ian Wright (electronic)
Christian Larsen (excused)
Aryel Cianflone (electronic, left at 10:05pm)

City Staff

Francis Lilly, Planning and Zoning Director
Elyse Sullivan, City Recorder
John Brems, City Attorney
Robert May, Long Range Planner
Kurt Hansen, Facilities Manager
Carlos Estudillo, Planner
Brad Sanderson, Current Planning Manager
Jen Smith, Staff Engineer
Katie Larsen, Planner

Attendees: Josh Gibbons (electronic), Jake Green (electronic), Kimberly Fetzer, Joe Pienezza, Shane Siddoway, Logan Fawcett, Genny Hayward, RoBERT Peart, Jeff Gibson, Lynda Bagley Gibson, Wayne Johnson, Ryan Simmons, Tyler Morris, Nathan Anderson, Wallace Fetzer

REGULAR MEETING – 5:00 p.m.

TIME COMMENCED: 5:05 p.m.

Chair LaMar called the meeting to order and read a statement explaining the duties of the Planning Commission.

1. Public Hearings

1.1 Consideration of ZM-22-002, Rezone Request from RM to MD to Accommodate a Mixed-Use Development Location: 175 W. Central Avenue Applicant: Premier Realty Investment, LLC Planner: Robert May

Robert May said the application would come back as a conditional use permit request at a future meeting upon approval of the rezone. He showed the Commission a future trail map with Millcreek and Murray, a site plan, photos of the site, a map highlighting the property as being a transit-oriented development, and renderings of the building. He noted that there would be a connection from Brick Oven Way in Murray to Central Avenue in Millcreek that would run through the property. The proposed project would consist primarily of podium

parking with off-street and on-street surface parking. The Millcreek off-street parking code would require 870 parking spaces prior to any shared parking reduction or parking study analysis. The applicant was requesting an overall parking reduction for the project of 19.5% by providing 669 parking spaces. The reduction consists of a 3% shared parking reduction and an additional 16.5% parking reduction based on the results of a parking study performed by Hales Engineering. After the parking study was performed the unit type changed slightly. There is a difference of fifty-five 1-bedrooms being converted to studios which resulted in a positive net roughly equaling 41 parking spaces. This changes the required residential parking spaces from 841 to 800. He presented graphs illustrating the parking demands. Hales Engineering completed a time-of-day parking analyses for city rates and ITE parking generation rates. The ITE time-of-day analysis yielded a maximum parking demand of 622 stalls and a recommended parking supply of 653 stalls. Local data gathered at apartment complexes in and around Millcreek yielded a parking demand rate of 1.03 stalls per bedroom. Based on the project total of 423 units (576 bedrooms) and a 5% increase in parking demand, Hales Engineering recommended a minimum parking supply of 627 stalls for the project site.

The traffic impact study (TIS) analyzed traffic operations at key intersections for existing (2021) and future (2026) conditions with and without the proposed project and would recommend mitigation measures as needed. The 2021 and 2026 background plus project found all study intersections to be an acceptable level of service (LOS). Since all the intersections evaluated in the previous TIS (March 2021), were functioning at LOS C or better, it is anticipated that all intersections will continue to function high (adequate LOS). The addition of 11 more units and reduction of 5,000 square feet of commercial space is not anticipated to change the results significantly and LOS of intersections. Furthermore, the proposed commercial retail space has been further reduced by 4,000 square feet, resulting in the 7,000 square foot neighborhood grocery market. In addition to the Hales TIS, Murray City and Millcreek engineering and planning staff find that by continuing Brick Oven Way north through the development site and connecting to Central Avenue, it provides an alternative route for traffic, which greatly improves circulation for fire safety and emergency responders.

May said that Salt Lake County adopted the redevelopment West Millcreek Project Area Plan before Millcreek incorporated. The plans included minimum standards designed to guide and encourage development that aligned with goals of the General Plan. The standards are to provide an attractive urban environment, blend harmoniously with adjoining areas, provide for an open space, support transit use, and create a walkable community. The proposed project has incorporated each standard into its design and is helping Millcreek connect vital pedestrian paths while triggering a sense of place for the public and residents. May described the environmental, social, housing, economic, transportation, and pedestrian movement benefits of the proposed project. He said the project would include a 7,000 square foot (sf) grocery store.

May said the applicant held a neighborhood meeting on November 1, 2021. There was a good public turnout, and the project feedback was positive. The Millcreek Community Council voted 9-1 to recommend approval of the application with conditions to be included in the development agreement that the developer will make best efforts to enhance the UTA bus routes in the area, include two emergency caches sites, and have a robust property

management and maintenance crew on site 24 hours a day. Staff recommended approval of the rezone with the conditions in the staff report.

The applicant declined to comment.

Wayne Johnson, Millcreek Community Council, said the council liked the project. He noted that there was concern from the neighbors to the south about parking and the one-way bridge to the west.

Chair LaMar opened the public hearing.

There were no comments.

Chair LaMar closed the public hearing.

Chair LaMar noted that he and Commissioner Reid visited the site with staff. Commissioner Stephens brought up that the development agreement did not include the 7,000-sf grocery store. May said it was a separate agreement, but it should be noted in the development agreement. Commissioner Stephens this was a classic application for the MD Zone. Chair LaMar said exhibit E of the development agreement addressed the store. Commissioner Allen said the development was appropriate for the location and zone. Commissioner Wright asked if the grocery store could be a condition of approval. May said yes but requested the wording to be flexible. Chair LaMar said in 2019 on the Glenwood project, the Commission approved a 1.7 parking ratio. This project would be a 1.53 ratio. He wondered if the ratio should be higher. The majority of the parking would be residential. He suggested increasing the commercial space to provide for shared parking. May felt confident staff and the applicant could come up with a solution. Commissioner Stephens asked if the ratio was per unit or bedroom. Chair LaMar clarified per unit. Commissioner Sieber recommended that sod not be a requirement in landscaping. May said he would work with the applicant. Commissioner Reid recommended maintaining a natural buffer of vegetation between the pathway and creek and to post signs to remind owners to clean up after their dogs every 30 feet. May said the Salt Lake County Stream Care Guide could assist with the conditions of approval. Commissioner Reid noted that guide called for 100-foot buffers but that probably would not happen. Commissioner Sieber noted that some plant/tree species should not be planted near the water. Commissioner Stephens said the conditions were recommended standards for the City Council to adopt and the Planning Commission conditions should be for the conditional use permit. Chair LaMar recommended a 1.6 parking ratio on the basis of other projects in the area but if the unit/commercial sf changed, the ratio could change.

Commissioner Reid moved to recommend approval of rezone application ZM-22-002 with the development agreement conditions listed in the staff report with the additional conditions: the applicant will adhere to the recommendations of the Salt Lake County Stream Guide to the extent possible, will maintain a natural buffer with existing vegetation from the pathway to the stream bank to protect from pollutants and protect habitat, post signs every 30 feet to remind pet owners to clean up pet waste, sod will be removed from the landscape plan along the path, the standard for parking will be 1.6 parking spaces per unit, and will have a minimum of 7,000 sf of commercial space which includes a grocery

store. Commissioner Allen seconded. Chair LaMar called for the vote. All Commissioners present voted yes. The motion passed unanimously.

**1.2 Consideration of ZM-22-003, Rezone Request from R-1-10 to R-1-8 to Accommodate the Subdividing the Lot and Building Two Single Family Homes
Location: 4070 S. 1300 E. Applicant: Genevieve Hayward Planner: Katie Larsen**

Katie Larsen said the property currently had one single-family dwelling and several detached structures on it. The corner lot had approximately 17,000 sf with access from 4085 S. The property abuts an R-2-8 Zone and is surrounded mainly by R-1-8 and R-1-10 zones. The subdivision would provide one lot (1287 East) with 8496 sf and the other (1295 East) with 8368 sf. A 7ft dedication is required on 1300 East and a new curb, gutter, and sidewalk would be installed on 4085 S. Larsen showed the Commission the proposed subdivision plat. The property is located within Neighborhood 1 in the General Plan. Staff finds that a rezone from R-1-10 to R-1-8 would be appropriate and serve the intentions of the Future Land Use Map (maintain single-family detached character). There was a neighborhood meeting on February 9, 2022, and the overall response was positive. The Millcreek Community Council recommended approval of the project on an 8-1 vote but made one recommendation, that consideration for both driveways be placed on 4085 S. Staff does not feel that is necessary and there would be no issues with a driveway on 1300 E. Staff recommended approval of the rezone based on staff findings and conditions in the staff report.

The applicant declined to comment.

Wayne Johnson, Millcreek Community Council, said the council did not have concerns.

Chair LaMar opened the public hearing.

There were no comments.

Chair LaMar closed the public hearing.

Chair LaMar asked about driveway placement on 1300 E. Larsen said chapter 14 of Millcreek Code required the driveway to be 25 feet from a corner lot intersection. Chair LaMar's preference on the driveway location was for it to be up to the applicant and staff. Commissioner Claerhout confirmed as numerous houses had driveways on 1300 E.

Commissioner Sieber, as respects to ZM-22-003, moved to recommend approval of the rezone based on staff findings and conditions located in the staff report. Commissioner Claerhout seconded. Chair LaMar called for the vote. All Commissioners present voted yes. The motion passed unanimously.

1.3 Consideration of ZM-22-005, Rezone Request from R-1-10 to R-1-21 to Accommodate a Proposed Land Boundary Adjustment that will Consist of Annexing 4,240 Square Feet on the North of 2279 E. Keller Lane to 2254 Alva Circle and Rezoning from R-1-10 to R-1-8 on the Remainder of 2279 Keller Lane to Meet Compliance with Code Applicant: Laurel Osborn Planner: Carlos Estudillo

Carlos Estudillo said the applicant was requesting a rezone from R-1-10 to R-1-21 to accommodate a proposed land consolidation that will consist of annexing 4,240 sq ft off the

north of 2279 E. Keller Lane (12,770 sf to 8,530 sf) to 2254 Alva Circle (29,190 sf to 33,430 sf). Consequently, the applicant was also requesting a rezone from R-1-10 to R-1-8 at the remainder of 2279 E. Keller Lane to meet compliance with the requirements stipulated in Chapter 19.14 of the Millcreek Code. He showed the Commission the existing plat and the proposed site plan. A lot boundary is shared at the north property line of 2279 E. Keller Lane and southeast corner of 2254 E. Alva Circle. There are 5-foot public utility easements on the properties which triggers a new a subdivision plat per Millcreek Code. Chair LaMar asked if the easement would be vacated with the subdivision plat. Estudillo did not know at that point. The properties would continue to operate as single-family homes and would not modify the Neighborhood 1 intent of the General Plan. Estudillo reported that the East Mill Creek Community Council wondered about setting a precedence for residential rezones near Keller Lane. Staff explained to them that the city could not accept a non-conforming lot, so the rezone was necessary to meet city code. A neighborhood meeting was noticed for February 21, 2022 but nobody came. The applicant did meet with neighbors separately and noted that there had been no concerns. During the East Millcreek Community Council, a neighbor residing nearby sent an email expressing concern for a possible precedence that this rezone could trigger, encouraging members of the neighborhood to start changing the zone of their parcels. Estudillo noted the East Mill Creek Community Council recommended approval of the rezone. He reviewed the staff findings and conclusions located in the staff report and said one condition of approval would be that the rezones would take effect upon the recording of the subdivision plat.

Chair LaMar opened the public hearing.

Kimberly Fetzer, 2279 E. Keller Lane, said she was also an applicant for the application. She noted that the Alva Circle property had turned into a neighborhood garden and the additional property would expand it.

Estudillo read an emailed comment from Paul Anderson, 2218 Keller Lane. *“Letter sent to TRUST NOT IDENTIFIED, 2218 KELLER LANE, MILLCREEK UT 84109 I do not know what Laurel Osborn Fetzer has planned for the property after rezoning. As R-1-21 (and conditional uses for R-1-21) allow up to four horses, animals and fowl for family food production, and Sportsman's kennel with a minimum lot area of one acre, I oppose the rezoning petition. If Laurel Osborn Fetzer owns/controls the property north of 2254 Alva Circle (previously owned by her deceased parents Charles and Dafney Osborn) horses and other animals could potentially have direct access to the Millcreek Stream. My opinion is such access would be very undesirable. I would not want horses to be ridden on local (I do not know if this is even legal) streets.”*

Wallace Fetzer, 2254 Alva Circle, said the property had strict animal restrictions and the rezone would not change that. There are two horses on the property. There is an 18-inch berm and fence on the property. No wastewater could enter Mill Creek.

Chair LaMar read an email received from James Allyn, 2197 Keller Lane. *“... With respect to the applicant's request I am largely in support, but only insofar as it could be accomplished without necessitating a zone change to 2279 Keller Ln. from R 1-10 to R 1-8. This would mean a smaller boundary adjustment such that the Keller parcel would be left with the requisite 10,000 sq. ft. The applicant has done wonderful things with both Alva*

parcels in bringing back some rural elements to East Millcreek and I absolutely applaud these efforts. While seeking to add to these parcels is within their private property rights I would argue that the zone change to the Keller parcel is only marginally supported by the General plan and other factors. For instance, it is somewhat misleading when staff points out that, ... 'the surrounding neighborhood is fairly mixed, with a variety of zones, such as C-1, R-2-8, R-2-10, R-1-4, and RM, present within a radius of 600' [and a]change of residential zones would not affect the overall neighborhood character....' They fail to mention that all of those zones occur east of the Keller parcel along the 2300 East corridor and commercial corner of Evergreen and 2300 East; within that same 600 ft. radius to the west on Alva and Keller dozens of parcels are all not only zoned R 1-10 but have the required 10,000 sq. ft. While it is true that, if approved, the zone change would not materially affect the present appearance along Keller there is a likelihood that the change would be cited as support for future applicants seeking their own changes just as staff/applicant has cited recent changes in support of their application. To maintain consistency on Keller Ln., I would like to see 2279 remain zoned @ R 1-10."

Elyse Sullivan read a comment received from the City's website from [Adrianna Karras, 4115 S. 1615 E.](#) "Keep farm animals in the neighborhoods. We have moved horses out of millcreek for years."

Chair LaMar closed the public hearing.

Chair LaMar asked about the number of horses in relation to acreage. Estudillo said he would check the code. Francis Lilly said there were code requirements on where farm animals could go, such as in a corral forty feet from the street and neighboring residences.

Commissioner Stephens moved that based on the staff findings and conclusions, the Planning Commission recommends approval for request ZM-22-005 to rezone the parcel located at 2279 E. Keller Lane from R-1-10 to R-1-8. Additionally, moved to recommend approval for the rezone of a partial parcel being annexed to 2254 E. Alva Circle from R-1-10 to R-1-21 to complete the requested lot consolidation between 2279 E. Keller Lane and 2254 E. Alva Circle, upon recordation of the subdivision plat. Commissioner Allen seconded. Chair LaMar called for the vote. All Commissioners present voted yes. The motion passed unanimously.

1.4 Consideration of CU-21-019, Request for a Conditional Use Permit for a Mixed-Use Building Consisting of 217 Residential Units and 7,400 Square Feet of Ground Floor Commercial Space Location: 1350 E. Miller Avenue Applicant: Boyer Company Planner: Robert May

Robert May noted that the application first came to the Commission in December 2021 and not much had changed since then. The building fronts onto both Miller Avenue and Millcreek Common and has a 20-foot stepback at the first floor for each. The buildings east and west sides have stepbacks of 10 feet. Parking will be located within the first two floors of the structure. The principal entrance and exit to the property would be located off of Miller Avenue. The woonerf to the east of the building currently has beautiful mature Sycamore trees along the unnamed laneway. The applicant wishes to save the existing mature trees and incorporate them into the project design. The proposed project is a 7 story (5 story wood construction over 2 story concrete podium) multi-family building containing semi-

underground parking. The proposed building is a total of 5 1/2 levels above grade with a maximum building height of 71 feet as measured from existing grade plane to the roof of the building. Due to the grade change, heights range from 61 feet to 71 feet. He showed the Commission the building elevations. The building is designed to mimic an old factory, mill, or warehouse, which has been repurposed into a multi-family project. The building exterior is clad in brick all around with metal and glass accents, and areas of fiber cement siding, with metal awnings at the ground level. He noted that the south facing frontage has 100% non-residential uses. These spaces will be utilized as small retail/restaurant spaces. City Center Overlay Zone (CCOZ) developments over 1 acre in size must have a minimum of 40% plaza space in addition to the minimum 20% open space.

May said the applicant was requesting an additional parking reduction based on the conclusions and recommendations from the Fehr & Peers parking study. By providing 337 parking spaces, the request would be an additional reduction of approximately 9%. The required parking spaces per the Millcreek Off-Street Parking Code is 385.66 stalls. The required parking spaces after utilizing the shared parking reduction is 372 stalls (-3.5%). Fehr & Peers recommended that the Millcreek Planning Commission allow for parking to be combined and shared at the development, and that the proposed 351 parking spaces would be sufficient to meet the parking requirements of the Millcreek Flats development. The parking study was commissioned with 227 units and 7,400 square feet of commercial space, but the updated plans proposed 217 units and 6,800 square feet of commercial.

May showed an image of the Miller Avenue right-of-way and said the applicant was making an effort to preserve the existing sycamore trees. He showed images of the developer's building design inspiration. At their meeting on March 1, 2022, the Millcreek Community Council recommended approval of the application on a 7-2 vote. Due to the project location being within 600 feet of the Canyon Rim Citizen Association boundaries, they also reviewed the project and gave a unanimous recommendation of approval at their meeting on March 2, 2022. He recommended preliminary conditional use approval of the application.

Commissioner Sieber asked if the parallel parking on Miller Avenue was including in the parking ratio. May said he would let the applicant answer. Commissioner Stephens asked if the west and south side shared space with Millcreek Common. May said the south side faced the Common. Commissioner Stephens said the CCOZ required a 10-foot awning for properties fronting Millcreek Common. May said the awnings would be installed per code. Commissioner Reid asked where the plaza space was. May highlighted it on the plan. Commissioner Reid asked about the length of building. May requested the applicant respond. Lilly said the building was within code requirements. Commissioner Cianflone felt the building was large and asked about the square shape when the original Millcreek Common rendering had the building formed to the Common. Lilly said the Millcreek Common concept was a master plan for how potential development could happen along Millcreek Common, but Millcreek does not own and cannot control all the property surrounding it. He noted that the city cannot control the shape of a building on property the city does not own. Commissioner Wright asked about seeing into the center courtyard. May said the original building version was shaped as a horseshoe but that footprint had changed. He showed the Commission the proposed building stepbacks.

Ryan Simmons, Boyer Company, thanked staff for reviewing the project. He said it was difficult to make a great project within the code parameters. They could not fit the requirements for parking, units, or commercial space with the diagonal building shape. They moved the plaza space to the south side, changed the setback, and changed the building shape. The proposed shaped met code and provided the right numbers for the developer. The eight stalls on Miller Avenue are in addition to the parking study counts.

Wayne Johnson, Millcreek Community Council, said the council recommended reviewing the parking reduction and the southwest corner encroaching into the open space of the Common.

Chair LaMar opened the public hearing.

There were no comments.

Chair LaMar closed the public hearing.

Chair LaMar said the parking ratio was 1.45 and similar to other projects. Commissioner Allen said every project had a parking reduction and could have residential spillover so there would not be space for people visiting the Common. He noted it was not the Commission's job to make good economics, just good planning. Commissioner Wright said he was excited for the original building proposed and was disappointed it went to a box shape. He also expressed concern about spillover parking. Commissioner Reid felt the building was too large and preferred the other shape. Commissioner Allen asked if the parking reduction was discretionary. Chair LaMar said the Planning Commission had the tool to recommend parking adjustments. He said the project would be 49 stalls short of code. May said staff guided the applicant on the parking percentage which were formed from professional traffic engineers making comparisons based on national data and similarly sized local projects. The applicants must justify why the city should allow a parking reduction. Commissioner Allen argued that the studies were based on national urban design data and there was not a study based on the Millcreek Common because nothing had been built yet. He noted every project sought a reduction from the requirements and he felt it was a mistake. This project did not support transit development. Commissioner Wright expressed concern for lack of parking since it was already occurring in the Mountaire neighborhood.

Commissioner Stephens said the city center had become bigger and taller than anticipated. The Planning Commission failed to limit the density and height and the applicant was entitled to approval of the project based on code. Commissioner Wright wondered about the Commission's purpose if they could not help negotiate/make recommendations on projects. Commissioner Stephens noted that the City Council amended ordinances that would have created lesser density and heights. It would not be known if there was a failure by the Council or Commission in doing so until some years had passed. Commissioner Cianflone asked about changing the parking ratio. Lilly asked if the reduction consideration was being treated the same as other projects. Commissioner Cianflone said the precedence that had been set was not something they wanted to keep following. Chair LaMar said there were four categories for parking consideration, the code, the shared parking, the parking study, and the additional request of reduction. Lilly acknowledged that the project was not on a Millcreek Common street, was adding more commercial, provided more open space, and had a bigger

fenestration. He said the developer could eliminate commercial space along the Common to provide for more parking space, but he would rather have commercial space than parking stalls. Commissioner Reid suggested that if parking was not adequate, an option could be permitted parking for the residents on the other side of Highland Drive to prevent spillover from the Common. Lilly said neighborhoods could have a permit parking program. Commissioner Reid asked about public parking. Lilly said there would be over 100 regulated street stalls for the public. Commissioner Claerhout did not want to delay the project. Commissioner Wright asked if there was underground parking. May said there were two levels of underground parking.

Simmons said it was hard to condense 12 months of work into one Planning Commission meeting. He said the city requested to shut down Woodland Avenue and add an amphitheater, so the developers moved the parking garage entrance to Miller Avenue to accommodate it. It would be easier and less expensive to enter the garage from Woodland Avenue because of the slope change. The city also asked the building to be moved off of the Common and the developers conceded. Without the Woodland Avenue street front, the commercial dynamic changed to more neighborhood friendly. This was the result of the give and takes. He felt they were trying to be responsible developers and work with the city. Commissioner Allen appreciated the feedback and noted that the projects come to the Planning Commission after months of negotiations with Millcreek staff. He felt the Planning Commission did not get to provide input early enough in the planning process. Chair LaMar did not have concern with the parking when he included the seven street stalls on Miller Avenue. May recommended a work meeting moving forward to discuss future projects. Commissioner Reid expressed concern with the size of buildings which would require changing the code.

Commissioner Stephens, as respects to CU-21-019, preliminary conditional use for a mixed-use building consisting of 217 residential units and 7,400 square feet of ground floor commercial space, moved to grant preliminary conditional use approval subject to the applicant working with EPG designers to ensure the open space complements the City Center Master Plan and its goals subject to all the conditions stated in the staff report. Commissioner Claerhout seconded.

The conditions in the staff report were:

- 1. Development's guest parking stalls within development will be available for shared parking during business hours operating hours.*
- 2. Prior to receiving final approval, applicant shall bond for all required improvements, including curb, gutter, sidewalk, street trees and required irrigation, required setback landscaping, streetlights, and any other improvement required by the City.*
- 3. Applicant shall make best efforts to incorporate travel demand management strategies for the project, including but not limited to subsidizing the cost of transit passes for commercial and residential uses, providing safe, secure, and convenient bicycle storage beyond what is required by Millcreek code.*
- 4. The applicant will ensure that every residential unit has at least one dedicated parking space.*
- 5. Applicant shall provide service availability letters from all utility providers prior to receiving final conditional use approval.*
- 6. Applicant shall verify with Millcreek Engineering staff through appropriate studies as required by the City's Geological Hazards ordinance that the soils are suitable for development prior to receiving final conditional use approval.*

7. *Applicant shall install dark-sky compliant lighting, and submit a lighting and photometric plan, including for signage, for review by planning staff prior to receiving final conditional use approval.*
8. *Applicant shall comply with the materials palette presented in the application.*
9. *The applicant shall obtain preliminary plan approval from the Fire Marshal prior to receiving final conditional use approval.*
10. *Prior to receiving a certificate of occupancy, applicant shall apply an anti-graffiti material or coating on the north, west, and south building facades, and on any fencing the applicant installs on the project.*
11. *The design of the site and building shall comply with all applicable development standards, including but not limited to the City's Recreational Facility and Open Space Standards, Medium and High-Density Residential Development Standards, the Millcreek Urban Forestry Standards, and any site development standard required by the City Engineer and Fire Marshal.*
12. *Prior to receiving final conditional use 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.*
13. *Signs and accessory structures will require separate building permits and staff review for zoning/land use compliance.*
14. *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 including the alley (ROW) of any off-street parking area as required by Section 19.80.030 of the zoning ordinance.*
15. *Any modifications to these approved plans must be approved by the Planning Department, in writing, prior to the changes being implemented in the field.*
16. *Landscaping shall be installed in compliance with Chapter 19.77 Water Efficient Landscape Design and Development Standards and as required by the City Center overlay Zone. Any revisions to the landscape plan package shall be reviewed and approved in writing by the director or designee prior to commencement of construction. Re-certification of compliance with the requirements of the landscaping ordinance shall be provided by the qualified professionals who prepared and submitted the plan revisions.*
17. *The developer agrees to preserve the existing row of sycamore trees along the east side of the project and incorporate them into the final landscape design.*
18. *The applicant will comply with all requirements established through the technical review process prior to receiving final conditional use approval.*
19. *All items of the staff report, and discussions located in the meeting minutes.*

Chair LaMar called for the vote. Commissioners Stephens, Claerhout, Sieber, Reid, Cianflone and LaMar voted yes. Commissioners Wright and Allen voted no. The motion passed.

The Commission took a break from 8:07-8:23 p.m. Commissioner Allen left the meeting.

1.5 Consideration of CU-21-020, Request for a Conditional Use Permit for a Mister Carwash and a C-Store Fuel Station Location: 4181 S. State Street Applicant: Elliott Smith Planner: Brad Sanderson

Brad Sanderson said the subject property had an existing car dealership on it. He showed the Commission the proposed site plan. The Mister Carwash would lease the northern portion of the property. There would be a subsequent subdivision of the property. The carwash is a permitted use, but the drive-thru portion was a conditional use. He said the c-station was conceptual and may happen at a later date. He presented the landscaping plan, building elevations, and a sound study noise level exhibit. The majority of the sound came out of the tunnel space. Staff was requesting an 8-foot fence to mitigate noise, dimming the lighting on the canopy facing nearby residential, having normal business operating hours from 7 a.m. –

10 p.m. as conditions of approval, and that the applicant get all relevant outside agency approvals. He recommended approval of the application.

Commissioner Reid asked what a decorative fence was. Sanderson said something with a pattern. He recommended an eight-foot solid masonry fence. Commissioner Sieber asked about ingress/egress. Sanderson said the main ingress/egress was on State Street, but cars could cut through the southern portion of the property. Commissioner Sieber asked how many cars could queue in the three lanes.

Joe Pienezza, representing the landlord and Mister Carwash, said the three-lane queue was to mitigate the car stacking. The highest volume store was in West Jordan and on opening day the queue was not even half full. He noted the queuing was fast. Chair LaMar asked about water usage and recycling. Pienezza said the biggest expense was water. They clean and reuse over 60% of the water. When the water gets backed up, it overflows into discharge. A separator cleans the water before it is discharged into the sewer.

Wayne Johnson, Millcreek Community Council, said the council approved the application. He appreciated the queuing space.

Chair LaMar opened the public hearing.

There were no comments.

Chair LaMar closed the public hearing.

Chair LaMar asked about noncompliant signage being removed. Sanderson said the bigger sign was at the point of access and the other sign was unnecessary. He clarified on item 4 that a photometric study had not been done but he wanted the applicant to turn lights off after 10 p.m. He also wanted the applicant to obtain necessary approvals by service companies.

Commissioner Reid moved to approve a conditional use permit for a Mister Carwash, CU-21-020, with the conditions in the staff report and in addition to modify the language in number three to say that it will be an eight-foot-tall masonry decorative fence on the east border, on number four to add language that all lights except emergency lights be dimmed after 10 p.m., and add a fifth condition that Mister Carwash should obtain permits from all applicable outside agencies. Commissioner Sieber seconded.

The conditions in the staff report were:

- 1. The applicant will secure the necessary approvals from the sanitary sewer district and relocate the sewer line and easement, per the proposed plans, prior to submitting a building permit.*
- 2. The carwash and vacuums shall not operate between the hours of 10:00pm and 7:00am, so long as there is an adjoining residential use.*
- 3. The applicant shall install a minimum eight-foot-tall masonry decorative fence along the east property line with masonry columns or posts, prior to operation.*
- 4. All lighting sources shall be shielded and directed downward to prevent any outward glare onto adjoining residential properties and all lights except emergency lights be dimmed after 10 p.m.*
- 5. Mister Carwash should obtain permits from all applicable outside agencies.*

Chair LaMar called for the vote. All Commissioners present (not Commissioner Allen) voted yes. The motion passed unanimously.

1.6 Consideration of CU-22-004, Request for a Conditional Use Permit for a Mixed-Use Building Consisting of 78 Residential Units and 5,673 Square Feet of Ground Floor Commercial Space Location: 1265 E. Villa Vista Avenue Applicant: CW Jasper, LLC Planner: Robert May

Robert May said the project consisted of 78 residential units and 4,421 sf feet of commercial space. The existing project area consisted of three residential properties: two single-family houses and one apartment building. The road along south property line, formerly known as Gunn Avenue, now named Villa Vista had no curb, gutter, or sidewalk. The site had two prior conditional use permits approved, CU-20-001 for 27 condos and 38,000 sf of commercial, and CU-20-003 with 35 condos with 19,000 sf of commercial. The 7-story building would have ground-floor commercial retail with a fitness center for residents. There would be on-site covered parking using a shared parking concept between commercial and residential uses. The provided parking would be primarily off-street in an enclosed multi-level parking garage with access on Villa Vista. There would be six on-street angled parking spaces available for the public. The proposed building would conform to the City Center Overlay Zone by following all the required setbacks and clearances. The building at its highest point would be 75 feet to the top of the roof deck. There would be gathering spaces on the street, at the building entrance, and on the 3rd level amenity deck. He presented building renderings and elevations, and the proposed site plan to the Commission. May went through the parking stall numbers. The required number of stalls before shared parking was 145, the stalls required with shared parking was 132, and the total stalls proposed was 118. He showed the Commission the proposed site plan. At their regularly scheduled meeting on March 1, 2022, the Millcreek Community Council voted to recommend approval with the condition that the applicant must mitigate any detrimental impacts caused from water runoff coming from the project location. The Canyon Rim Citizens Association unanimously recommended approval at their meeting on March 2, 2022. Staff recommended approval of the application.

Tyler Morris, Cottonwood Residential, said the 9.5% parking reduction allowed in the City Center Overlay Zone and through shared parking was similar to other projects. Cottonwood Residential operationally likes to see 1.5 stalls per unit. Hales Engineering uses parking stalls per bedroom and Fehr & Peers does stalls per unit. Hales recommended above 101 stalls with the benefit of shared parking, or 114 without shared parking. The proposal has 118 stalls. It was 1.33 stalls per unit on Fehr & Peers' metrics. ULI would recommend 100 stalls. He said they were providing a greater parking ratio in Millcreek than is provided in Salt Lake City projects. Chair LaMar asked about the shared rate. Morris intended the commercial to be office space, so all 13 spaces would be available at night. He anticipated about 40 stalls available for public use all the time. Every residence would have one dedicated parking stall. Commissioner Cianflone pointed out that every application had the same parking reduction request.

Wayne Johnson, Millcreek Community Council, said the council recommended approval with the condition that the developer controls the water in the ditch on the north end of the property. He read six concerns from a councilmember who is also a neighbor to the subject property. Those concerns were about the ditch water on the north side flooding the neighbors to the west, the height of the building, decreased parking, the 5-foot side yard too close to the

one-story residence next door, the size and location of the sidewalk, and the study Salt Lake City was conducting on Richmond Street.

Chair LaMar noted the Canyon Rim Citizens Association's recommendation of unanimous approval.

Francis Lilly commented on the Salt Lake City study referenced. Salt Lake City would like to redo Richmond Street, but it would be a multi-year project. They want to do a sidewalk and bike path on the west side of Richmond and there was not enough right-of-way for that. The project on the east side would not affect those plans.

Chair LaMar opened the public hearing.

Linda Bagley, 3074 Richmond Street, said irrigation water comes from the east and floods her property. She thought the right-of-way would be wider than 90 feet. She felt her concerns had not been addressed.

Chair LaMar closed the public hearing.

Chair LaMar asked about the ditch. May said the Big Cottonwood Lower Canal Company had a ditch along the northern boundary of the property. The applicant was only required to deal with the ditch on their property. The ditch would be piped and buried. Commissioner Stephens asked about the height of the building. May said the stair tower was an additional five feet greater than the 75-foot height allowed by code. Chair LaMar requested an additional ten parking spaces to raise the parking ratio. Commissioner Wright expressed concern with building height and parking. Chair LaMar requested a parking ratio instead of a firm count to allow for unit flexibility. He noted the 13 commercial spaces could be used for shared parking, in which case may be okay. The ratio, 1.34, was the lowest ratio of the projects the Commission had seen. Commissioner Stephens noted the final commercial use was unknown. Chair LaMar requested a minimum of a 1.45 parking ratio.

Morris asked about Chair LaMar's formula for calculating ratios. Morris said they were providing more commercial than necessary so they would remove the extra commercial space to make the parking work. The recommended parking threshold between 12-7am was 132 stalls. The requested parking reduction was to get to 118 stalls (which included the street stalls). May noted that there would be over 50 street parking stalls when Villa Vista was built out. Chair LaMar asked if street parking could be residentially permitted. Lilly said it would time-limited during business hours then free at night. He said it could be permitted at night for residents.

Commissioner Stephens, as respect CU-22-004, moved to grant a preliminary conditional use permit for the mixed-use building consisting of 78 residential units and 5,673 square feet of ground floor commercial space located at 1265 E. Villa Vista Avenue subject to the conditions stated in the staff report, numbers 1-18. Commissioner Claerhout pointed out the commercial square footage was 4,421. May confirmed the clarification. **Commissioner Stephens amended the motion to reflect the 4,421 square footage. Commissioner Claerhout seconded.**

The conditions in the staff report were:

1. *Development's guest parking stalls within development will be available for shared parking during business hours operating hours.*
2. *Prior to receiving final approval, applicant shall bond for all required improvements, including curb, gutter, sidewalk, street trees and required irrigation, required setback landscaping, streetlights, and any other improvement required by the City.*
3. *Applicant shall make best efforts to incorporate travel demand management strategies for the project, including but not limited to subsidizing the cost of transit passes for commercial and residential uses, providing safe, secure, and convenient bicycle storage beyond what is required by Millcreek code.*
4. *The applicant will ensure that every residential unit has at least one dedicated parking space.*
5. *Applicant shall provide service availability letters from all utility providers prior to receiving final conditional use approval.*
6. *Applicant shall verify with Millcreek Engineering staff through appropriate studies as required by the City's Geological Hazards ordinance that the soils are suitable for development prior to receiving final conditional use approval.*
7. *Applicant shall install dark-sky compliant lighting, and submit a lighting and photometric plan, including for signage, for review by planning staff prior to receiving final conditional use approval.*
8. *Applicant shall comply with the materials palette presented in the application.*
9. *The applicant shall obtain preliminary plan approval from the Fire Marshal prior to receiving final conditional use approval.*
10. *Prior to receiving a certificate of occupancy, applicant shall apply an anti-graffiti material or coating on the north, west, and south building facades, and on any fencing the applicant installs on the project.*
11. *The design of the site and building shall comply with all applicable development standards, including but not limited to the City's Recreational Facility and Open Space Standards, Medium and High-Density Residential Development Standards, the Millcreek Urban Forestry Standards, and any site development standard required by the City Engineer and Fire Marshal.*
12. *Prior to receiving final conditional use 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.*
13. *Prior to receiving final conditional use approval, the applicant shall obtain written approval from the Big Cottonwood Lower Canal Company.*
14. *Signs and accessory structures 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 including the alley (ROW) of any off-street parking area as required by Section 19.80.030 of the zoning ordinance.
15. *Any modifications to these approved plans must be approved by the Planning Department, in writing, prior to the changes being implemented in the field.*
16. *Landscaping shall be installed in compliance with Chapter 19.77 Water Efficient Landscape Design and Development Standards and as required by the City Center overlay Zone. Any revisions to the landscape plan package shall be reviewed and approved in writing by the director or designee prior to commencement of construction. Re-certification of compliance with the requirements of the landscaping ordinance shall be provided by the qualified professionals who prepared and submitted the plan revisions.*
17. *The applicant will comply with all requirements established through the technical review process prior to receiving final conditional use approval.*
18. *All items of the staff report, and discussions located in the meeting minutes.*

Chair LaMar called for the vote. All Commissioners present (not Commissioner Allen) voted yes. The motion passed unanimously.

Chair LaMar expressed sympathy to Bagley's concerns about the irrigation water.

1.7 Consideration of ZT-22-001, Consideration of a Text Amendment of the Commercial Design Standards in Millcreek Code Chapter 19.60.060 for Mixed Use Building and Development Requirements Applicant: Nathan Anderson Planner: Robert May

Robert May said the text amendment would apply to the code, not just one project. The amendment was to define how commercial space depth would be measured. The definition would read:

“Depth of commercial space may be measured parallel and along the street frontage or perpendicular to the street frontage.

(1) Depth measured parallel and along the street frontage or perpendicular to the street frontage shall meet all standards and requirements for vertical and unified site plan for mixed use development Chapter 19.60.060 (1-5).

(2) Depth measured parallel and along the street frontage must have a minimum perpendicular depth to the street frontage of 12’ feet.”

May showed the Commission a simple site plan illustrating the current code and proposed code. Chair LaMar asked about depth that did not include a 100% frontage. May said the mixed-use zone had frontage requirements.

Nathan Anderson, applicant, said graphically he wanted the option to go north and south not only east and west for a project for live-work units. He showed the Commission a proposed building rendering for Highland Drive. He said the original design created a 50-foot-tall building which did not fit the area.

Commissioner Stephens asked about justifying a stairwell within the 12-foot depth. May noted that the stairwell could be excluded from the 12 feet. Lilly said the second story was included too, noting it was not just the first story 12 feet, so allowing the stairs could be less of a concern based on the design.

Chair LaMar noted from the staff report that the community councils expressed that they were pleased to see staff and the applicant proposing an alternative to the commercial code for mixed use development and that they supported adding alternative language to the code. The Mt. Olympus Community Council was more skeptical of the efforts of the proposed text amendment and were concerned about the space being viable commercial space. However, when presented with the option to limit the proposed text amendment to live/work units and that it must consist of two floors, a motion was passed 3-2 with 2 abstaining.

Chair LaMar opened the public hearing.

There were no comments.

Chair LaMar closed the public hearing.

May added that the motion should include that the new depth of commercial space definition would be prohibited to properties within 500 feet of a major intersection.

Chair LaMar, in consideration of ZT-22-001, moved that the recommendation from the Planning Commission is to accept the text amendment for the commercial design standards in Millcreek code as it relates to the live/work units and its to have another option to change the layout with all the conditions in the staff report with one addition as recommended by staff is this would not be applicable within 500 feet of a major intersection. Commissioner Reid seconded. Chair LaMar called for the vote. All Commissioners present (not Commissioners Allen or Cianflone) voted yes. The motion passed unanimously.

2. Commission Business

2.1 Approval of February 16, 2022 Meeting Minutes

Chair LaMar moved to approve the minutes as presented from staff. Commissioner Reid seconded. Chair LaMar called for the vote. Commissioners LaMar, Reid, Larsen, Wright, Stephens, and Claerhout present voted yes. Commissioner Sieber abstained. The motion passed.

2.2 Updates from the Planning and Zoning Director

Francis Lilly thanked Commissioners Reid, Larsen, and Wright for assisting in creating a public arts policy and standing up a historic preservation commission. He thanked the Commission for the long meeting. He said the Commission would have the Open and Public Meeting Act training at the next meeting. He announced the city hall groundbreaking on March 17.

3. Calendar of Upcoming Meetings

- City Council Mtg., 3/28/22, 7:00 p.m.
- Mt. Olympus Community Council Mtg., 4/4/22, 6:00 p.m.
- Millcreek Community Council Mtg., 4/5/22, 6:30 p.m.
- Canyon Rim Citizens Association Mtg., 4/6/22, 7:00 p.m.
- East Mill Creek Community Council Mtg., 4/7/22, 6:30 p.m.
- City Council Mtg., 4/11/22, 7:00 p.m.
- Planning Commission Mtg., 4/20/22, 5:00 p.m.

ADJOURNED: Chair LaMar moved to adjourn the meeting at 10:16 p.m. Commissioner Reid 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