



**Minutes of the
Millcreek Planning Commission
June 15, 2022
5:00 p.m.
Regular Meeting**

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, June 15, 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 (electronic)
David Allen
Scott Claerhout
Skye Sieber
Tom Stephens (electronic, left at 7:02pm)
Ian Wright (excused)
Christian Larsen (excused)
Aryel Cianflone (excused)

City Staff

John Brems, City Attorney
Elyse Sullivan, City Recorder
Robert May, Long Range Planner
Kurt Hansen, Facilities Manager
Carlos Estudillo, Planner
Katie Larsen, Planner
Jen Smith, Dev. Review Engineer (electronic)
Jake Green, Dev. Review Specialist
(electronic)

Attendees: Mayor Jeff Silvestrini, Jon O'Neal, Rick Hansen, John Knoblock, Stefanie Jenkins, Fernando Castillo, Paul Diegel, Catherine Voytovich, Sophia Manousaki Steve Bassett, David Baird, Bruce Donoghue, Douglas Gibbons, Oliver Gibbons, Craig Kelley, Michael May, Gary Cannon, Matthew Webb, Dan Draper, Ryan Reynolds, Miles Maynes, Wayne Johnson, Stephanie Jenkins, Kim Whalen, Nathan Southwick

REGULAR MEETING – 5:00 p.m.

TIME COMMENCED: 5:13 p.m.

Chair LaMar called the meeting to order.

1. Public Hearings

1.1 Consideration of FC-22-003, Request for a Slope Waiver to Construct a New Two-Mile Segment of Bonneville Shoreline Trail Location: Parcels 163-620-0003, 162-540-0005, 162-540-0004, 162-537-6008, and 162-532-7023 Applicant: Trails Utah Planner: Katie Larsen

Katie Larsen said the parcels were located in the Foothills and Canyons Overlay Zone (FCOZ) and slope waivers could be granted for public uses. The FCOZ states that no development activities, including clearing, excavation, grading, and construction, are allowed

on slopes greater than thirty percent (30%), unless a slope waiver is granted by the Planning Commission as per 19.72.190. Sections of the trail would be located on slopes greater than 30% and in some cases, 40-50% wherein switchbacks would be needed to alleviate steepness. Only certain public uses are eligible for a slope waiver beyond 30 percent, which included pedestrian trails. According to the Environmental Assessment commissioned for the area in 2009, the alignment does not cross or impact any ephemeral streams or wetlands. The trail alignment is positioned to minimize intrusion into environmentally sensitive areas. This area is known to serve as habitat for many animals during winter months. The alignment is mindful to not intersect with existing social trails. The trail would be built to prevent soil instability and erosion. The cutting and removal of small trees and vegetation would be necessary but limited to the narrow trail corridor. Where vegetation is removed, natural revegetation would occur, wherein the applicant would help the process by adding seeds- Trails Utah is to provide a revegetation plan of the disturbed area.

Larsen showed pictures of the existing conditions and the proposed trail site plan. The Mt. Olympus Community Council discussed the application at their June 6, 2022 meeting. The item was recommended approval on a 5-4 vote. Concerns were expressed about the preservation of the hillside's visual aesthetics, problems of overcrowding and parking, and trespassing on private property. The council recommended a parking contingency plan. Staff found that the proposed FCOZ slope waiver application met the requirements of the FCOZ as per staff analysis and conditions. The proposal was supportive of Millcreek's objective to advance the goals of the General Plan, which support the completion of the Bonneville Shoreline Trail. If granted preliminary approval for a slope waiver, this project would have to go through an FCOZ review and obtain a conditional use permit in the underlying FR-5 Zone. Larsen recommended approval of the exception based on the following conditions:

1. If a new environmental assessment is commissioned on parcels where the trail alignment is, Trails Utah must inform Millcreek as it may warrant additional FCOZ review.
2. Clearing of vegetation must be contained to the narrow trail corridor.
3. Trails Utah shall remove all invasive species in the area where trail is located on the site plan.
4. The applicant must provide a revegetation plan of the disturbed area.
5. The proposed trail alignment must go through a comprehensive FCOZ review.
6. The applicant must submit a Conditional Use permit, as the underlying FR-5 Forestry and Recreation Zone requires.
7. Regulate access to designated trailheads with the use of wayfinding signs.

Commissioner Claerhout asked about existing trails. Larsen said other trails would have natural barriers added to direct users to the new trail. Commissioner Reid said the trailhead parking lots were at Grandeur Peak and Pipeline Trail in Millcreek Canyon. She said there was permitted parking for the Grandeur Peak neighborhood and asked about parking remediation. Larsen said parking would be addressed with the conditional use permit but there were preliminary plans to add "no parking" signs if parking became an issue. They would also place wayfinding signs at the trailheads. Commissioner Reid felt there was not enough parking space at the Grandeur Peak trail. Commissioner Claerhout noted there was off street parking there on the west side.

Applicant – John Knoblock, Trails Utah Board Chair, Bonneville Shoreline Trail Committee Member, and Millcreek resident, said he had started having conversations about this trail

connection in 1999. He said the higher trail alignment helped to alleviate earlier public concerns. The Rattlesnake trailhead parking lot had been expanded for anticipation of this project. Fifteen additional parking spaces were recently added on the west side of Wasatch Boulevard. He felt more parking could be added at the base of Grandeur Peak if needed. They have been working with Salt Lake County and the Forest Service on the trail. They will need to conduct a new weed survey to update the environmental study.

David Baird, Mt. Olympus Community Council, said the community likes the trail and the scope of the application for the slope waiver was supported. There was concern about parking with the conditional use permit.

Chair LaMar opened the public hearing.

Jeff Silvestrini, 3400 S. Crestwood Drive, speaking as a resident and as the Mayor of Millcreek, said the City Council supported the project and adopted two resolutions to secure the grant funding for acquiring the open space and appropriating \$10,000 to assist Trails Utah in constructing the trail. He said the trail would decrease social trails. He noted that the public streets were for everyone's use. The city could impose a resident-only parking permit if parking became a problem. The improved trail would control access and mountainside degradation, and it was a valuable recreational resource which would assist with future growth. He supported the trail and the traffic it would bring to his street.

Paul Diegel, 3665 Eastwood Drive, was in favor of the trail. He noted how valuable the trails were for recreation and aesthetics.

Dan Draper, 3205 Teton Drive, expressed gratitude for John Knoblock's work. He said a professionally designed trail would be a service to minimize social trails. There would be a need for parking, but this connection would not be a destination trail, so he did not anticipate a large increase of traffic.

Chair LaMar read a comment received via the City's website from Stan Pugsley, 3631 Folker Circle. *"We love the idea of the connection for the Bonneville Shoreline trail through Millcreek. It is a big opportunity to be connected by nature. Our family often walks on the trails above Wasatch Blvd on the north end and we always run into a dead end. The trails don't connect to anything on the north and don't connect to anything on the south. It is so sad. Please connect the trails. We would love to walk there as a family!"*

Elyse Sullivan, City Recorder, read an email received from Daniel Figuero and Brigitte Lee, 3252 S. Teton Drive. *"I have been very concerned about what is being proposed and strongly object to all aspects of it for the following reasons. Our property (3252 S Teton Dr, SLC 84109) is directly opposite to an unofficial path entrance to grandeur peak and seemingly directly in connection with this newly proposed 2 mile trail extension. It is a very steep climb and we frequently witness falls and injuries (one lady recently broke her wrist slipping on her way down so we assisted her and directed her to the hospital) This happens both in the summer and the winter and should not be used as an entrance as way too steep and slippery (rocks, dust, snow, ice). There is already a high volume of daily traffic throughout the day and all night long from people on foot, bicycle, motorbike, car, trucks and RVs. This passes through our small neighborhood with roads not designed for this type*

of traffic. There is a high volume of people bringing their dogs to walk up the mountain who run all over properties including our own leaving dog mess all over the grass and bushes. People also park up and use the grass edges as a toilet before and after going on their mountain hikes. Sometimes we have strange people parking up on our drive or sitting in our drive to look at the view late at night. Our road consistently has a number of cars parked on both sides for mountainside hikers, paragliders, dog walkers etc. We absolutely do not enjoy or condone the idea of even more of this type of traffic which would most certainly be the case if this proposal was to proceed. I believe this is the whole idea to attract as many people as possible to use the bonneville trail from both inside and outside of Utah. This will not only degrade the natural beauty of the mountainside as more and more people use it but also gradually scare away the various wildlife that live and roam across the mountains and come down into the neighborhood. An expansion of the bonneville trail will also hugely impact the already strained neighborhood infrastructure that line the bench access to the mountains bringing more vehicles, exhaust pollution, noise pollution, blocked roads from increased parking, higher likelihood of accidents and crime, trash littering etc, etc.”

Matthew Webb, 2930 S. Warr Road, said he had dreamed of accessing Pipeline Trail from his home. He felt the trail addition would be a benefit to his family and others to reduce traffic in the canyon. The existing permitted parking has alleviated any parking issues. He said seeing people use the trails inspired him and his family to be more active.

Doug Gibbons, 3119 Grace Street, did not feel there would be pressure on parking. The trail connection would act as a pass through. He would like to get his biking kids off the roads. Taking opportunistic trails out of use would improve the space, cut down on invasive weeds, and protect wildlife. He appreciated Millcreek’s approach for recreational opportunities.

Chair LaMar closed the public hearing.

Commissioner Stephens said the public testimony and staff report was compelling and he was in favor of granting a slope waiver. Commissioner Reid felt the connection was a great addition to Millcreek. Commissioner Claerhout felt the connection would be an improvement. Chair LaMar said he and Commissioner Sieber did a site visit with John Knoblock. Commissioner Sieber added that the visit was helpful to see the connections to the north and south of the Bonneville Shoreline trail. She said the updated weed survey was a good move. Commissioner Allen said discouraging social trails should be explored.

Commissioner Allen moved to approve project FC-22-003, the request for a slope waiver to build a new segment of the Bonneville Shoreline Trail based on staff analysis and subject to conditions in the staff report. Commissioner Claerhout seconded. Chair LaMar called for the vote. All Commissioners present voted yes. The motion passed unanimously.

**1.2 Consideration of SD-22-008, Request to Subdivide an Existing Duplex Location:
3419 S. 1300 E. Applicant: Brad Reynolds Planner: Carlos Estudillo**

Carlos Estudillo said the subdivision would accommodate the goals of separate ownership of the duplex. The parcel was rezoned in 2019 (ZM-19-014) and the duplex was currently under construction. The subdivision requires the applicant to dedicate approximately 7 feet of property for public improvements. Curb, gutter, and sidewalk must be installed and bonded for by the applicant. Brad Reynolds Construction finished the planned unit development,

Meadows of Millcreek PUD, to the south of this parcel and the duplex would be built similarly. The lot is 0.34 acres, and with the subdivision, one lot would be 0.185 acres and the other 0.18 acres, about 8,400 square feet each. There had been no neighborhood response and the application did not go to a community council. Staff recommended approval of the subdivision subject to the following conditions:

- 1) The applicant obtains all required approvals from affected entities, including but not limited to the Salt Lake City Department of Public Utilities, and the Salt Lake County Health Department.
- 2) The applicant obtains acceptance of the final plat and approval of the new lot boundaries prior to recording the amended subdivision plat.

The applicant declined to comment.

Chair LaMar opened the public hearing.

There were no comments.

Chair LaMar closed the public hearing.

Commissioner Reid asked if the duplexes would have separate ownership or would be rentals. Applicant, Ryan Reynolds, said this subdivision would assist with homeownership.

Commissioner Reid moved to approve the proposed subdivision SD-22-008 with the staff conditions outlined in the staff report. Commissioner Allen seconded. Chair LaMar called for the vote. All Commissioners present voted yes. The motion passed unanimously.

1.3 Consideration of ZM-22-008, Request to Rezone Property from R-1-8 to R-1-6 to Accommodate a Future 2-Lot Flag Lot Subdivision Location: 3209 S. Orchard St.

Applicant: Jon O'Neal Planner: Carlos Estudillo

Carlos Estudillo said the property would consist of two lots with a shared private access on 3209 S. Orchard Street with the intent of having two single-family homes. The existing parcel was zoned under R-1-8 and hosted two houses. One of residences was previously condemned by code compliance authorities and the other one was intended to remain as a residence. While two parcels would add medium density to the neighborhood, both parcels serve the use of establishing single-family neighborhoods. Not only would this allow the removal of a property that has long been condemned but would also revitalize a lot that has not been legally occupied for years. The overall lot size of the parcel is 17,425 square feet, which does not allow for a flag lot in the current zone (R-1-8). The Flag Lot policy requires a minimum lot size of 20,000 square feet under the R-1-8 zone. The R-1-6 flag lot subdivision only requires a total of 15,000 square feet, which this lot meets. He showed the Commission the proposed site plan and said the private drive entrance would be included in the flag lot's square footage. The General Plan designated the property as Neighborhood 1, which is comprised mainly of single-family homes.

There was an onsite neighborhood meeting on April 15, 2022, and comments were positive. Several neighbors were relieved to have fresh development on the condemned property. The Canyon Rim Citizens Association, East Mill Creek Community Council, and Millcreek

Community Council unanimously recommended approval of the rezone. Estudillo reviewed staff findings and conclusions from the staff report and recommended approval of the rezone.

Chair LaMar asked why the application went to three of the community councils. Estudillo said because of the proximity to the boundaries.

Applicant - Jon O'Neal said he purchased the property in April. The structures on the property were condemned but the home would be remodeled.

Wayne Johnson, Millcreek Community Council, said there was little discussion by the council. They generally do not like flag lots, but it would be a great solution to the property.

Chair LaMar opened the public hearing.

A comment received via the City's website, but not read during the meeting, from Craig Kelley, 3213 S. Orchard Street, said, "*I support this proposal, with the caveat of improved sidewalks.*"

Chair LaMar closed the public hearing.

Commissioner Allen said he did not like spot zoning or flag lots, however given the unique history of the parcel he was in favor of the rezone. Commissioner Claerhout agreed. Chair LaMar said the residents and community councils were in favor of the rezone, so he was too, in this case. John Brems, City Attorney, said the prior owner had issues with the city and requested that any fines due be paid as a condition.

Commissioner Allen moved to recommend approval for request ZM-22-008 to rezone the parcel located at 3209 S. Orchard St from R-1-8 to R-1-6 to accommodate a two-lot (flag lot) subdivision subject to the requirement that any past due penalties or fines be paid prior to approval. Commissioner Claerhout seconded. Chair LaMar called for the vote. All Commissioners present voted yes. The motion passed unanimously.

1.4 Consideration of ZM-22-007, Request to Rezone Property from R-1-8 to RM to Accommodate Construction of Townhomes Location: 4261 S. 700 E. Applicant: Miles Maynes Planner: Carlos Estudillo

Carlos Estudillo said the applicant was requesting a rezone from R-1-8 to R-M to accommodate a potential development that would consist of up to a 5-townhome complex. The General Plan Future Land Use map identified the property as Mixed Use 1. Estudillo asked the Planning Commission to assess the definition of "Mixed Use 1" and determine whether a residential multi-family complex was a proper use for the assigned future land use. Staff has deemed the project non-compliant even if a potential rezone was granted. The applicant requested to go forward with the rezone, but a new site plan that is compliant to code must be presented before a rezone is granted, as the rezone would likely require a development agreement. The existing parcel hosts one residence and the overall lot size is 14,811 square feet. The parcel faces 700 E., which is considered a minor arterial under the Transportation Master Plan. A private access of at least 25 feet would be necessary to serve as an entrance to the units from 700 E. Estudillo showed the Commission a proposed site plan.

Estudillo said the key characteristics of “Mixed-Use 1” are comprised of a mix of commercial, retail, professional offices, medium density residential, and service-oriented uses. Development along Mixed-Use 1 corridors will generally be 1 to 2 stories. Development abutting a lower intensity, established residential neighborhoods should provide transitions in massing and height. Mixed-use 1 provides opportunities for a mix of pedestrian and transit-oriented uses. Infill and redevelopment, and/or the adaptive reuse of vacant buildings or underutilized sites are encouraged, but not in a manner that clashes with the surrounding neighborhood in terms of use, mass, height, and scale. He asked the Commission what a Mixed-Use 1 recommendation would be.

The applicant held an on-site neighborhood meeting in April 2022. Residents voiced opinions on how a medium-density project would affect traffic, parking, safety, and the overall neighborhood which is composed of single-family homes. The feedback on the proposal was mixed, as some residents supported redevelopment for the sake of a renewed neighborhood but are concerned with potential detriments. The Millcreek Community Council had several concerns regarding the rezoning and about the potential development to be built if a rezone was granted. The council was concerned about the ingress and egress of the parcel on a very busy street and pulling in or backing out of a driveway on 700 E. The Millcreek Community Council voted to not approve a zone change from R-1-8 to R-M with five votes for the motion and one vote against it. The staff findings and conclusions were the following:

1. Rezoning the subject parcel will properly accommodate the applicant’s goal of a medium density residential use project.
2. The parcels use will remain residential but will allow for more density.
3. The proposed use will adopt the intended Future Land Use category of “Mixed-use 1” supporting Millcreek’s General Plan, unless recommended otherwise. A recommendation that does not meet the category of “Mixed-Use 1” could potentially trigger a General Plan Map Amendment.
4. Adding homes would benefit the city’s stock of housing, as the state is going through a rampant lack of housing and affordability.
5. There may be a few scenarios to consider for this proposal, such as:
 - a. R-M rezone subjected to a development agreement.
 - b. Recommend a different zone that may allow for a similar project.
 - c. Leave parcel as an R-1.

Estudillo said the applicant must develop a site plan that would comply with the recommended zone, and a potential development agreement. He requested feedback from the Commission and recommended continuance of the application.

Commissioner Reid asked what the other zones to consider would be. Estudillo said it depended on the use, single family or multi-family. He recommended RM per the General Plan and need for infill development. He asked the Commission what the intent of the Mixed Use 1 was.

Applicant - Miles Maynes, 690 E. Downing Street in Midvale, said he was looking to invest in housing in Millcreek. He wanted a project that would be a good fit for the neighborhood and city and would like to work collaboratively. Commissioner Reid asked about configuring the site to provide for turnaround and eliminate backing out onto 700 E. Maynes said there

was not enough space for that and meet the 40% open space requirement. Commissioner Reid suggested eliminating a unit to provide for a turnaround.

Wayne Johnson, Millcreek Community Council, said they had a lot of public input, and the applicant discussed the proposal with the neighbors. He said the council was shown a 3-story development proposal and felt it did not fit with the single-story neighbors. The council also heard a presentation from a state senator about traffic concerns on 700 E. and they were worried about the traffic. The council did not propose any other zoning.

Commissioner Reid asked about the height of the surrounding homes. Estudillo was not sure.

Chair LaMar opened the public hearing.

Stephanie Jenkins, 707 Cami Nicole Lane, lived to the south of the property and felt the lack of privacy and additional noise would be unwelcomed.

Kim Whalen, 4277 S. 700 E., north of the proposed project, expressed concern with traffic. Her lot required her to back onto 700 E. and adding traffic would increase the safety concern. Each time she has seen the proposal, the height and unit counts had changed. She wondered what the proposal would amount to. She expressed concern with the building height and privacy.

Nathan Southwick, working with Maynes, said they were interested in getting the Commission's feedback on the mixed-use zoning. He said the residents would be able to back out onto the driveway and not onto 700 E. The rezone would require a development agreement which would define the development details.

Commissioner Sieber asked if the access provided for someone to turn in while another exited at the same time. Estudillo said it could accommodate that. Jen Smith, Millcreek Engineer, said the proposal currently did not meet the engineering vehicular requirements. Estudillo clarified that the Commission should determine if the use was appropriate in the area though the project details were not yet known. Chair LaMar said the development agreement would define what the project would be to accompany the rezone. As the project moved along, the parameters would be tightened.

Chair LaMar closed the public hearing.

Commissioner Allen said mixed use was residential and commercial but felt that parcel size should be considered with that. He had concern about the density and vehicular turn around. He felt adding commercial on that site would not help with the traffic concerns. He said the applicant needs to propose a zone that fits the area; the Planning Commission's recommendation is the existing zone. Chair LaMar would not be in favor of a project that did not have sufficient turnaround. He said other considerations were for parking and open space on a site plan. He said the stairwell should not encroach on the garage. Commissioner Claerhout expressed concern about density. Commissioner Reid said she was okay with a multifamily project without commercial as mixed use. She asked about the zoning remaining intact after the development agreement expired. Chair LaMar said there was a time period for a development agreement which specified the details of the development. Brems confirmed

the zoning would remain intact and said they were 20–30-year agreements. The city would hope something would get developed in that time. Commissioner Reid said the zoning should be done right. Brems said the zone was the most important and the development agreement sharpened the zoning. Commissioner Reid did not feel the building should be taller than the houses to the south. Commissioner Sieber expressed concern with the proposed site plan and the difficult maneuverability; the logistics needed to be fine-tuned. Chair LaMar said mixed use did not need to have commercial with it.

Commissioner Allen moved to continue item ZM-22-007 to a future date to be selected by staff and the applicant. Commissioner Claerhout seconded. Chair LaMar called for the vote. All Commissioners present voted yes. The motion passed unanimously.

2. Commission Business

2.1 Approval of May 18, 2022 Meeting Minutes

Chair LaMar moved to approve the May 18th minutes as presented in the staff report. Commissioner Claerhout seconded. Chair LaMar called for the vote. All Commissioners present voted yes. The motion passed unanimously.

2.2 Updates from the Planning and Zoning Director

Robert May said there would be a mixed use/multifamily discussion at the next meeting on June 29th. The June 29th meeting would also include the Bonneville Shoreline trail conditional use permit application. Commissioner Reid congratulated Francis Lilly for the promotion to Assistant City Manager.

3. Calendar of Upcoming Meetings

- City Council Mtg., 6/27/22, 7:00 p.m.
- Planning Commission Meeting 6/29/22, 5:00 p.m.

ADJOURNED: Commissioner Allen moved to adjourn the meeting at 7:20 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