



**Minutes of the
Millcreek Planning Commission
October 26, 2022
5:00 p.m.
Special Meeting**

The Planning Commission of Millcreek, Utah, met in a special public meeting on Wednesday, October 26, 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
Aryel Cianflone (absent)
Scott Claerhout (electronic)
David Hulsberg (excused)
Christian Larsen
Nils Per Lofgren (excused)
Skye Sieber
Ian Wright

City Staff

John Brems, City Attorney (electronic)
Elyse Sullivan, City Recorder
Francis Lilly, Planning & Zoning Director
Kurt Hansen, Facilities Manager
Brad Sanderson, Planning Manager
Katie Larsen, Planner
Robert May, Long Range Planner
Sean Murray, Planning Admin. Asst.
Carlos Estudillo, Planner (electronic)

Attendees: T. Mazejy (electronic), Justin Heppler (electronic), Nancy Carlson Gotts, Laurel Bevans, Angela Kirsling, Steve Schaller, Herb Jimenez, Rosemary Stum, Angelo Calacino, Robert Madsen, Wade Budge, McCall Judd, Dan Milar, Warren Lloyd, LeeAnne Hansen

**SPECIAL MEETING – 5:00 p.m.
TIME COMMENCED: 5:00 p.m.**

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

1. Public Hearings

1.1 Consideration of RC-22-003, Request for a Residential Compatibility Overlay Zone (RCOZ) C Special Exception to Construct a Single-Family Dwelling with a Reduced Front Yard Setback from 25 to 18 Feet Location: 3682 S. Craig Circle Applicant: Warren Lloyd Planner: Brad Sanderson

Brad Sanderson said the request was for a reduced front yard setback from 25 to 18 feet on the newly created lot at 3682 S. Craig Circle. He highlighted the lot on the former and new subdivision plats and briefly gave a history of the property. He showed the commission the proposed site plan with and without the exception. For the exception, the commission must determine whether the lot circumstances are unusual or extraordinary on the basis of unusual lot shape, unusual or difficult terrain, drainage problems, or another reason. The burden of proof was on the applicant. Sanderson highlighted existing conditions of the property which included a large existing tree which the applicant hoped to maintain, steep grade on the back

of the lot, and a drainage easement in the rear of the property. The proximate neighborhood, properties within 150 feet surrounding the subject property, consisted of 20 total properties and 16 residential structures. All properties were within the R-1-8 Zone, although properties ranged between 7,000 and 30,000 sq ft. in size, and the median property size was approximately 10,000 sq ft. The majority of the homes had 30 foot front yard setbacks but there were some exceptions. He presented a table of the neighboring lots' data on lot size, shape, terrain, drainage issues, and front yard setback. He showed the commission the buildable area of the subject lot, which could accommodate a structure with a 60 by 60 foot footprint. The buildable area could be extended using retaining walls and/or landscape tiers. He proposed two options for the house layout in the buildable area that met all the setback requirements. Staff's conclusion was that the burden of demonstrating that the requested front yard setback reduction, from 25 feet to 18 feet, was compatible with the front yard setbacks of other homes within the proximate neighborhood area had not been met. He reported that the East Mill Creek Community Council provided a unanimous recommendation for the commission to deny the proposed RCOZ C exception. Sanderson also recommended denial.

Commissioner Reid asked if the other lots in the cul-de-sac would want special exceptions. Sanderson said only one had started building, and they did not seek one. He noted there was a piped gully in the rear of the homes in an easement. Commissioner Reid questioned the applicant's statement that the proposed residence maintains similar setbacks of the existing homes on Craig Circle. Sanderson said "similar" may be subjective.

Warren Lloyd, architect with Lloyd Architects, said the lot configuration was unique because it contained a large percentage of drainage. He felt the proposed home design was appropriate to the neighborhood. The 7 foot exception would be on the front corner of the house and the corner of the proposed front porch. The unusual lot shape had a prominent bulb that created an unusual setback. There was also a drainage easement on the side and rear of the lot. Commissioner Reid asked if there would be a basement. Lloyd said there would be a walkout basement.

Wade Budge, representing property owner, commended Warren Lloyd's design in context with the neighborhood. His interpretation of the code was that this type of application was appropriate for the exception. He felt an appropriate condition for the approval of the exception would be an average 30 foot front yard setback, and the exception should only be in the two requested points. He described the lot size, terrain, drainage problem, and double cul-de-sac as making the lot unusual. He stated that there would not be a binding precedent with the exception because of the lot differences. He recommended approval of the setback reduction.

LeeAnne Hansen, East Mill Creek Community Council, said "unusual" was not "extraordinary." The council felt there could be a precedent set with unusual but not extraordinary lots. The council recommended denial of the application.

Chair LaMar opened the public hearing.

Amy Verkler, 2780 E. Craig Drive, said the lots were recently platted and the proposed homes did not fit the neighborhood. She noted that a house could fit in the buildable area.

She expressed concern with potential exceptions happening with lot 4 which was near her home.

Chair LaMar summarized an emailed comment received from Roger Dudley (see attached).

Chair LaMar closed the public hearing.

Commissioner Sieber said the architectural design could be flexible to fit in the buildable area. Commissioner Larsen said the request was modest, but the buildable area was not unusual and could be accommodated. Commissioner Reid was concerned about setting a precedent. Chair LaMar said there used to be a single family home on the lot. In 2019, the lot was approved to be subdivided into 5 lots and in 2021 it was redesigned and platted into 4 lots. The lots were recently created and therefore not extraordinary. Commissioner Claerhout and Wright agreed with the points of denial.

Commissioner Larsen moved that the Planning Commission deny the RCOZ Option C to grant a special exception pertaining to application file number, RC 22 003. Commissioner Sieber seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout voted yes, Commissioner Larsen voted, yes, Commissioner Sieber voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

**1.2 Consideration of PUD-22-002, Request for an 8-Unit Multi-Family Development
Location: 1546 E. 3900 S. Applicant: Dan Milar Planner: Katie Larsen**

Katie Larsen said there used to be a single family home on the site. The lot size was 16,651 square feet, and in the R-M zone which lists planned unit developments as a conditional use. The project would consist of eight units, 4 facing 3900 South and 4 facing south toward the surrounding residential area. Units would be accessed from 3900 S., wherein underground parking would be provided for each unit. The project must meet underlying R-M Zone and subdivision requirements found in Title 18, and the preliminary plan did. The proposal met or exceeded code requirements with 2 covered parking spots for each unit, 3 guest parking stalls, 50% lot coverage, 42% open space, a 25 foot road width, and the required design standards. The proposal comprised of 80+% brick and stone on the façade, visual breaks, horizontal articulation, and change in materials and texture for greater than 50% of the façade. She showed the commission the proposed site plan, building elevations, and landscaping plan. The property currently had many mature trees that the applicant had preserved, though, where trees have had to be removed, new ones were to be planted per Millcreek Code 19.77. Along the front of the property, the applicant proposed enhanced landscaping to be allowed a lesser setback of 20 feet as per Millcreek Code 19.77, in which the R-M zone required 25 feet.

The Millcreek Community Council voted to recommend approval of the application, though there was one abstaining vote due to concerns over the ditch onsite. The East Mill Creek Community Council unanimously voted to recommend approval. Larsen's conclusions were that the development met all requirements necessary for a subdivision per Millcreek's subdivision code. The plat would create shared access, parking, public utility, and other related easements necessary for the development to function as a subdivision. Governing bylaws would be private and would be required to be recorded at the time the plat was

recorded. No detriments had been identified by staff pertaining to this specific application and therefore no conditions of approval were determined as necessary. The proposal was subject to further review by planning and engineering staff. Larsen recommended approval of the application as proposed.

Chair LaMar asked about the height of the underground parking. Larsen did not recall, but noted it met code.

Dan Milar, applicant, said the garage had to be eight feet in height. Commissioner Reid asked about the retention pond. Milar said it was shallow, possibly 2 feet deep. Commissioner Reid asked about standards for retention landscaping. Lilly said there were not good standards. Larsen noted it would be turfed. Commissioner Reid asked for landscaping that was more drought tolerant. Milar said he would consider variation if it did not impact percolation. Commissioner Wright noted the residents could use it as open green space.

Chair LaMar opened the public hearing.

There were no comments.

Chair LaMar closed the public hearing.

Lilly noted the applicant's willingness to work on the landscaping for the retention, so it could be a condition of approval. Commissioner Wright appreciated the open space on the back of the project. Chair LaMar asked for more architectural flair on the rear of the building. Commissioner Wright agreed.

Commissioner Reid moved to approve the conditional use permit as proposed in the plan for PUD-22-002 with one additional condition that the applicant work with the staff to reduce turf and water needs of the stormwater retention pond. Commissioner Claerhout seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout voted yes, Commissioner Larsen voted, yes, Commissioner Sieber voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

1.3 Consideration of CU-22-017, Request for a Conditional Use Permit to Develop a Multipurpose Paved Trail Along the East Bank and a 120-Foot Bridge Across the Jordan River Location: 761, 797, 821 and 833 West 4060 South Applicant: Salt Lake County Parks and Recreation Planner: Katie Larsen

Katie Larsen said Salt Lake County Parks and Recreation was proposing to develop a 12 foot wide, 1,412 lineal foot multipurpose paved trail along the east bank of the Jordan River, along with a 120 foot bridge that would connect the new trail with the existing Jordan River Trail on the west riverbank. Due to the project location residing entirely within the Agricultural Zone (A-1, A-5), the applicant was required to obtain plan approval for the proposed trail improvements with the Millcreek Planning and Zoning Department. Public and quasi-public uses are listed as a conditional use in the zone and staff analysis would be based on Standards for Approval per Millcreek Code 19.84.060. The Jordan River Parkway is a north-south system of trails that parallel the Jordan River, connecting 45 miles through Salt Lake County. The Millcreek General Plan identifies the Jordan River Parkway as an area for

improvements in Goal O-7: Identify and maintain recreational access to Jordan River Parkway for all residents and visitors, with three associated strategies. She showed the commission the proposed site plan and a rendering of the bridge. There would be wayfinding signage on two junctions of the proposal, one east of the bridge and one entering 4060 South. The bridge would extend 120 feet from east to west to meet the existing Jordan River Trail. The bridge would need to satisfy all building and engineering requirements.

Larsen described the environmental impact and access of the area. The Jordan River has a long history of straightening, channelization, and dredging. This has resulted in long segments of steep, eroding banks. Erosion causes excess sediment in the water and adversely impacts water quality and the river's health. Without bank stabilization, the banks will continue to erode, damaging habitats and affecting water quality. Noxious weeds are another major threat. As the dominant vegetation on the current proposed project area (including phragmites, salt cedar, and Russian olive), if not contained, they will continue to spread and increase in density, making this necessary work more expensive in the future, and increasing the risk of wildfire. Salt Lake County is working to mitigate as many detriments as possible by working with groups like the Jordan River Commission. The trail and bridge are being built in the AE flood plain, meaning there is a 1% annual chance of flooding, this detriment is to be addressed and approved by the City's Flood Plain Engineer as per Millcreek Code 17.24 and 19.74. She reported that Salt Lake County has a perpetual access agreement to 4060 South, making access to the public road by trail users legal. Millcreek and the county were currently working to build a park and trailhead along Meadowbrook Expressway (4000 South), which would serve as an access point and parking area for trail users. If parking became an issue on 4060 South, residents may place no parking signage.

Larsen said the Millcreek Community Council unanimously voted in favor of the project. Members expressed concerns of parking issues arising on the private lane that the trail would connect to. Larsen acknowledged the proposal met preliminary requirements and was supportive of the General Plan's goals. She recommended approval of the application.

Chair LaMar asked about the access on 4060 S. being only pedestrian. Larsen said 4060 S. was a private road and the expected access would only be pedestrian and bicycle. Chair LaMar asked if vehicles could use 4060 S. for parking. Larsen said there would not be parking on or near 4060 S. Lilly said Salt Lake County owned part of the right-of-way on 4060 S., so the park users could use it. Larson noted a nearby parking lot off of 3900 S. for trail users.

Angelo Calacino, applicant, said there were no plans to do any off street parking accessible from 4060 S. There would be a trailhead and vehicular parking added off 3900 S. He said there were also plans to add a boat ramp in the area. This section of trail would end where it met the new access bridge. The property to the east of the bridge would remain as open space and only accessible for the county to 4060 S. for maintenance purposes. Commissioner Sieber asked if the bridge would be similar in design to others nearby. Calacino said it had a curved design and would be wide enough for county vehicles to drive over. The county would maintain the bridge.

Chair LaMar opened the public hearing.

Steve Schaller, 735 W. 4060 S., said 4060 S. was a private lane. He was worried about vagrants and other traffic having more access to his neighborhood.

Angela Kirsling, 750 W. 4060 S., said her property was the closest to the park. She said there were no streetlights in the area, and it was a safety concern with the amount of homeless people. She inquired about a fence. The private lane was not big enough for side by side cars and did not have any room for parking.

Herb Jimenez, 4060 S. 742 W., said people were crossing his property to access city-owned property. He felt an east side Jordan River trail was not needed since it was on the west side. He asked if the bridge would replace the existing nearby bridge. He acknowledged water overflowing from the river on the banks.

Calacino said a simple fence would be installed around the neighboring three lots to the west of the county's open space, so trail users would not access the private property, but the residents could access the trail. A field fence had been installed around the open space to prevent vehicles from accessing the property. The access from 4060 S. would have bollards to prevent vehicles and only allow pedestrians and cyclists. The Jordan River Trail on the east side was part of the County's and Millcreek's master plans. The county property would be maintained as open space. The nearby bridge to the northwest would remain intact to create a loop for users. Commissioner Sieber asked if there were public use hours for the Jordan River Trail and how it was enforced. Calacino said it was dusk to dawn, and local law enforcement helps police it. He said county vehicles were authorized to be on the trail for maintenance, but not public vehicles. There were bollards and fences to deter vehicular access.

Chair LaMar closed the public hearing.

Commissioner Wright requested more consideration for parking. He thought having more people recreating would help decrease problems in the neighborhood. Chair LaMar and Commissioner Larsen agreed. Commissioner Larsen was in favor of extending the trail as far east and west as possible. He asked why there would not be "no parking signs" placed on 4060 S. Katie Larsen said they could be as a condition. Calacino said it was a private street, so the county would have to work with the other owners. The county would not advertise trail access from 4060 S. He noted that authorized use did deter unauthorized use of the property. Commissioner Sieber requested the applicant work with the other property owners to discourage parking on the private street, though not necessarily through the use of signs.

Commissioner Larsen moved that CU-22-017 be approved based on the findings and conclusions found in the staff report with the additional condition that the applicant work with the property owners along 4060 S. to discourage unauthorized parking. Commissioner Sieber seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout voted yes, Commissioner Larsen voted yes, Commissioner Sieber voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

1.4 Consideration of SD-22-012, Request for a Multi-Family Subdivision Project Consisting of 89 Residential Units Location: 1395 E. Miller Avenue Applicant: PEG Development Planner: Robert May

Robert May said the application was a technicality. The commission reviewed the conditional use permit application in July 2022. There was technicality in the land configuration that needed to be fixed to accommodate the existing and new Brickcreek development. Chair LaMar asked if the building went from 5 stories to 6. May said no, it was a typo in the staff report.

McCall Judd, PEG Companies, said nothing had changed from the conditional use permit application. They were cleaning up the land and creating two lots.

May said the Millcreek Community Council recommended approval of the application. Commissioner Sieber clarified if there were two motions to be made. May confirmed.

Chair LaMar opened the public hearing.

There were no comments.

Chair LaMar closed the public hearing.

Commissioner Larsen moved to grant preliminary subdivision approval of the Brick Lofts and Office Condominium plat as described in SD-22-012 with the conditions recommended in the staff report. Commissioner Wright seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout voted yes, Commissioner Larsen voted, yes, Commissioner Sieber voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

Commissioner Larsen moved to grant preliminary subdivision approval of the Brickcreek Phase 2 plat as described in SD-22-012 with the conditions recommended in the staff report. Commissioner Wright seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout voted yes, Commissioner Larsen voted, yes, Commissioner Sieber voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

2. Commission Business

2.1 Updates from the Planning and Zoning Director

There were no updates.

3. Calendar of Upcoming Meetings

- Millcreek Community Council Mtg., 11/1/22, 6:30 p.m.
- Canyon Rim Citizens Association Mtg., 11/2/22, 7:00 p.m.
- East Mill Creek Community Council Mtg., 11/3/22, 6:30 p.m.
- Mt. Olympus Community Council Mtg., 11/7/22, 6:00 p.m.
- Millcreek Stakeholder Mtg., 11/9/22, 7:00 p.m.
- Historic Preservation Commission Mtg., 11/10/22, 6:00 p.m.
- City Council Mtg., 11/14/22, 7:00 p.m.
- Planning Commission Mtg., 11/16/22, 5:00 p.m.

ADJOURNED: Commissioner Larsen moved to adjourn the meeting at 6:38 p.m. Commissioner Wright seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout voted yes, Commissioner Larsen voted yes, Commissioner Sieber voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

APPROVED: _____ **Date**
Shawn LaMar, Chair

Attest: _____
Elyse Sullivan, City Recorder

DRAFT

From: [Brad Sanderson](#)
To: [Planning Commission](#)
Cc: [Elyse Sullivan](#)
Subject: FW: Warren Loyd's Exception Request
Date: Monday, October 24, 2022 4:53:32 PM

All,

The below email was sent to Millcreek staff regarding one of the applications you will be considering this Wednesday concerning an RCOZ C – special exception. I did not want to send this earlier as I wanted it to be fresh on you minds for this week and so as to not confuse this with any of last week's agenda items.

From: nancy carlson-gotts <[REDACTED]>
Sent: Saturday, October 8, 2022 7:49 PM
To: Roger Dudley <[REDACTED]>
Cc: Brad Sanderson <bsanderson@millcreek.us>
Subject: Re: Warren Loyd's Exception Request

Thank you Roger, will include in our submission

On Saturday, October 8, 2022 at 05:43:08 PM MDT, Roger Dudley <[REDACTED]> wrote:

Nancy -- thank you for your call today to discuss Mr. Lloyd's ("Lloyd") request to reduce the front yard setback from 25' to 18' on the property at 3682 South Craig Circle ("Property"). Respectfully, I request you include this email message with the EMCC's written notice to Millcreek City Planning Commission. And, as noted above I have copied Mr. Brad Sanderson.

First, we are pleased, delighted, and 100% supportive of the development of four residential lots on the property formerly known as the Boyd property, now developed by Rob Reynolds.

Second, as an adjacent property owner to the Property, we are 100% supportive of the setback adjustment requested by Lloyd. The request to reduce the setback to 18' is logical and prudent based on the Property's frontage on the South Craig Circle curve. As the adjacent neighbor, we strongly request the EMCC and Millcreek Planning Commission to accept and adopt the request to reduce the front yard setback. However, as a responsible response to the requested front yard setback, the EMCC might consider a lesser adjustment; i.e. authorize a setback of 20' or a compromise that will accommodate the City's requirement and Lloyd's request. As you know, the Property footprint is not a basic flat rectangular lot, and a compromise certainly could/will satisfy all concerned participants.

Please note, I do not represent the owner of the Property nor have I spoken with Mr. Lloyd regarding his request. but, as an adjacent property owner, an agreeable

compromise certainly can be granted. You indicated your concern about not granting variances to upset precedent. However, we all know variances are discussed and agreed to accommodate all parties.

As requested, I ask you to attach this email with the EMCC's written comment to the City at a minimum, My best outcome would be for the EMCC to reverse its recommendation and support Lloyd's request or offer a compromise as suggested above.

Regards,

--

Roger D. Dudley

