



**Minutes of the
Millcreek Planning Commission
January 18, 2023
5:00 p.m.
Regular Meeting**

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, January 18, 2023, 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
Scott Claerhout (electronic, left at 5:46pm)
David Hulsberg
Christian Larsen (excused)
Nils Per Lofgren (left at 8:14pm)
Skye Sieber (electronic, arrived at 5:54pm)
Dwayne Vance
Ian Wright (electronic)

City Staff

Francis Lilly, Planning & Zoning Director
Elyse Sullivan, City Recorder
Kurt Hansen, Facilities Manager
Carlos Estudillo, Planner
Brad Sanderson, Current Planning Manager
Robert May, Long Range Planner
Jake Green, Planning Engineer
Katie Larsen, Planner

Attendees: Tariq Mughal (electronic), Eric Skyta, Mercedes Willis, Todd Ogaard, Debbie Bowman, Katy Jackson, Russ Platt, Helen Carpenter, Carrie Greenberg, Becky Harrington, Becky Anderson, Steve Bowman, Dave Melin, Paige Self, Melinda Ames, Stew Macsherry, Kristopher Carambelas, Jeff & Lynda Gibson, Brian Ludwig, Daniel Olsson, Ellza Ungricht, Frank Belko, Dave Johnson, Laura Johnson, Paul Johnston

**REGULAR MEETING – 5:00 p.m.
TIME COMMENCED – 5:17 p.m.**

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

1. Commission Business

1.1 Oath of Office; Dwayne Vance

The Recorder administered the oath of office to Dwayne Vance.

2. Public Hearings

2.1 Consideration of CU-22-018, Request for Conditional Use Permit for a 5-Unit Multi-Family Project Location: 2769 E. 3300 S. Applicant: Kathleen Jackson Planner: Katie Larsen

Katie Larsen said the applicant was seeking a conditional use permit for a 5-unit residential complex in the R-M Zone. The property is currently surrounded by several different zones, R-1-8, C-2, and R-M. The project would consist of five units, two facing 3300 South and

three facing east-west toward the surrounding residential and commercial area. Units would be accessed from 3300 South or via the alley on the north side of the development. Parking is provided for each unit in an attached garage. Two guest parking spots are located near the north property line. Each unit would have two bedrooms and be targeted toward small families. The 30 foot high units would be for rent and not owner occupied. The architectural design is composed of materials such as brick, concrete and glass. All designs have been reviewed and currently meet architectural and design standards in Millcreek Code Chapter 19.44. Larsen showed the commission the building renderings, floorplans, and landscaping plan. The proposal meets the 40% open space requirement stipulated in the R-M Zone. The applicant has requested a front yard setback reduction to 15 feet by installing enhanced landscaping. Staff has determined that the proposal meets the criteria to qualify for the setback reduction. The proposal would include garden boxes as an amenity. She reported the Canyon Rim Citizens Association gave a unanimous recommendation of approval at their meeting but recommended the developer add signage to protect pedestrian traffic and consider adding solar panels/other energy efficient appliances. The East Mill Creek Community Council also gave a unanimous recommendation of approval at their meeting and recommended the developer add signage to protect pedestrian traffic. Larsen had not receive any public feedback on the application. She concluded that no detriments had been identified by staff and therefore no conditions of approval were determined as being necessary, though the proposal was subject to further review by city planning and engineering staff. She recommended approval of the application.

Commissioner Reid asked who was responsible for maintaining the alley on the north side of the project. Larsen said it was a private alley and the section touching the subject property would be upgraded. Chair LaMar asked about the guest parking locations. Larsen highlighted them on the landscaping plan. Commissioner Vance asked about on-street parking in front of the project. Larsen noted there was a deceleration lane in front of the project, so the safest on street parking would be in the nearby residential neighborhood. Commissioner Vance confirmed the project would not be platted as individual units. Commissioner Hulsberg asked what the required setback was since this would be reduced. Larsen said 25 feet, and the setback was measured after dedication was factored in.

Katy Jackson, applicant, said she was actively working with the staff.

Larsen clarified that the alley is a public alley. The developer is responsible for upgrading it and the city is responsible for maintaining it. Commissioner Reid was concerned about the potholes on the road. Larsen reiterated the community councils' responses.

Chair LaMar opened the public hearing.

Dave Johnson, 2812 E. Loran Heights Drive, asked about the access to and from 3300 S. and its impact on traffic on 3300 S.

Elyse Sullivan said she received an email with the subject line, "CU-22-018 Comments" from Joseph and Stephanie Bird, but she felt their comment was meant for application CU-22-019.

Jackson said the entrance on 3300 S. was right in and right out only. She did not feel 5 units would add traffic to 3300 S.

Chair LaMar closed the public hearing.

Commissioner Vance liked the design and layout though he had concern with parking. Commissioner Lofgren said the commission could only deny a conditional use if there were detrimental impacts that could not be mitigated, and this did not have any. Commissioner Reid asked about the city evaluating the condition of the alley and bringing it up to code. Francis Lilly said the code says while the city owns the right-of-way, it is the responsibility of those who front the alley right-of-way to maintain it. The city typically does not maintain any alley, that is up to the property owners. He said there was a reasonable expectation for the developer of this project to maintain their frontage of the alley. It may be the burden of the adjacent property owner to fix their section of the alley. He said the city could potentially start a code enforcement issue, but he would refer the problem to the city's public works department. The applicant intended to upgrade and improve the portion of the alley fronting their property.

Commissioner Hulsberg, in consideration of application CU-22-018 at 2769 E. 3300 S., a request for conditional use permit for a 5-unit multi-family project, moved to approve this application. Commissioner Lofgren seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout voted yes, Commissioner Hulsberg voted yes, Commissioner Lofgren voted yes, Commissioner Vance voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

2.2 Consideration of CU-22-019, Request for Conditional Use Permit for a 19-Unit Boutique Hotel in the C-2 Zone Location: 2888 E. 3300 S. Applicant: Tariq Mughal Planner: Carlos Estudillo

Carlos Estudillo said the applicant was seeking a conditional use permit for a 19-unit boutique hotel in the C-2 (Commercial) Zone. The proposed hotel was composed of a prominent porte-cochere/portico, as well as an underground parking garage with valet parking. The property is surrounded by several different zones, R-1-8, R-M, and C-2. This parcel along 3300 S., a principal arterial, is 0.33 acres and has historically been used for commercial uses. A prominent porte-cochere, incorporating the materials used in the main building, is present in the proposal to provide shelter for arriving guests and serves as a distinct visual beacon for the hotel. The design of the porte-cochere also allows saves structural space as it overhangs from the remaining structure, freeing up space for a crescent shaped driveway that guides incoming traffic onto the porte-cochere, but also to the underground parking lot, where guests may park their car or give it to a valet parking attendant to safely park the car. The architectural design was composed of materials such as cementitious board siding, glass, and simulated wood cement board siding, bringing a unique style of architecture in the Millcreek area. All designs have been reviewed and currently meet every architectural and design standard in Millcreek Code Chapter 19.60.

Estudillo showed the commission the building renderings and elevations, site plan, floor plans, and landscape plan. Commercial zones usually allow for a maximum height of 45 feet from original grade, however, this parcel is subject to height transition requirements as it abuts a R-1 property on its south boundary. This height transition requirement further limits

the height of any building to a maximum height of 35 feet, which is what the applicant has proposed. All rooms would be restricted exclusively to interior corridors, which may only be accessed via the main lobby (first floor) of the building, or through entryways individually equipped with some form of security controlled access system. The units that comprise this development provide all the necessary elements for the lodging of guests, travelers, and tourists such as spacious rooms with separate spaces for kitchens, bedrooms, and living rooms. The proposed landscaping plan includes 20% open space/common area and is composed of lawns, 2" caliper trees, and a combination of water efficient plants, flowers, and shrubs. This open area would be available for enjoyment at the first floor and is present as a non-required amenity for the future users of the boutique hotel. Additionally, the applicant would be installing a precast concrete barrier and trees between the present parcel and the neighboring properties directly behind to screen out any activity to favor the neighbors' privacy. The landscaping plan would be subjected to Millcreek's 19.77 before final approval. The proposed 19 unit project includes twenty four parking stalls, fifteen are self-parking stalls and the remaining nine tandem stalls will be used as part of a valet parking program.

Estudillo said the East Mill Creek Community Council forwarded a positive recommendation with several mitigating conditions for the approval of the subject application. Two residents who live behind (south) the subject property were present to give their concerns and input. The conditions were:

- The privacy wall to the south will be 8 feet.
- The south side of the building will not have lights. Specifically lights that shine into the residential neighborhood to the south. All other efforts to minimize night light pollution, according to code will be included.
- The units will be allowed to have Juliet balconies.
- Trees will be planted along the southside for privacy according to code.
- The neighbors are concerned about vibration during the excavation and construction. The main concern is a level of vibration that may cause structural damage or movement to homes or streets in the vicinity. The contractor and planning could work to ensure that communication and standards are met to mitigate.

Estudillo reviewed the following staff findings:

- Staff has found that the proposed conditional use can meet the requirements of Title 19 Regulations, such as 19.60 (Commercial Zones), 19.77 (Landscape Standards), and 19.84 (Conditional Uses).
- Staff finds that the proposed project is in harmony with the General Plan and character of the immediate area. The proposed development does not create a zoning violation or conflict with existing properties.
- Due to the nature of tandem parking, staff finds that applicant must have a valet parking program for vehicular drop off/pick up in place to meet parking requirements set in Chapter 19.80 (Off-street parking)
- Staff finds that signage shall be placed along 3300 South and driveway, as approved by the City Engineer.
- All exterior on-site lighting shall be limited to landscape and/or wall mounted lighting.
- Staff finds that applicant must follow the recommendation provided by staff and third-party engineers to mitigate any vibration or noise issues caused by construction.

- Staff has found that applicant must obtain and maintain all required permits, as recommended by the Salt Lake County Health Department's sanitation & Safety Bureau.
- All items of the Staff Report.

Estudillo recommended preliminary approval of the proposed application subject to the following conditions (referenced as recommendations in the motion):

1. Applicant shall have a valet parking plan and provide at least one employee to manage the valet parking area, during scheduled times to ensure guest safety and minimize parking issues.
2. Directional signage shall be placed along 3300 South near the driveway entrance, as approved by the City Engineer.
3. Applicant shall follow any recommendations provided by staff, geotechnical report and third-party experts to mitigate any vibration or noise issues caused by construction.
4. Obtain and maintain all required Salt Lake County health permits.

Commissioner Vance said traffic flow on 3300 S. and privacy to neighbors on the south side were the two detrimental effects he had concerns with. He asked for clarification on the parking stalls. Estudillo explained that there were 9 tandem parking spaces including 1 drop off, and 15 self-parking stalls. Those stalls would be used for employees and guests. Commissioner Vance asked about landscaping on the south side. Estudillo said there was a 6 foot fence proposed, but it could be changed to 8 feet. He said the trees should be large enough to help screen the property. Lilly said the East Mill Creek Community Council discussed planting columnar trees that maintain their thatch. Commissioner Wright asked how the developer planned to mitigate construction noise and vibration for the residences behind the property. Commissioner Hulsberg asked if there was a definition for "extended stays." Estudillo said the code did not define it. The business license department would regulate the building as a short-term rental, which caps rentals to 30 days. He said it was not a zoning item.

Tariq Mughal, applicant, wrote an online comment that said, *"First, many thanks for helping make this event happen and many thanks for your service. This is regarding petition CU-22-019. The property under consideration for development was a run down auto repair garage and an hostile political propaganda place. We are proposing a small extended stay motel as there is no such business in the neighborhood so close to the Wasatch mountains and in Millcreek City. The site is close if all sorts of shops, restaurants, and sports rental gear. We believe, it will add value to the neighborhood and Millcreek City. Note: Since you cannot hear me, my architect Russ Platt can answer questions."*

Russ Platt, project architect, said they would be following state code on hotel requirements. He said he works with a company to sensor and monitor the vibrations. He wished for more parking but was excited about the valet parking. The driveway width accommodated a parked car and a moving one. He did not have any problems with the 8 foot fence on the south property line. The developer would add the Juliet balcony on the south side. He was open to what the commission and staff advised.

Chair LaMar opened the public hearing.

Kristopher Carambelas, 2861 Loran Heights, accepted that the proposal was compliant with code. He focused on the potential damage caused by construction vibrations and settlement. These vibrations do not stay within the property and could create cosmetic and structural damage to other properties. He recommended a preconstruction survey, and an elevation survey done on selected points before and after construction. He offered preconstruction survey services to his neighbors and recommended the city consider having special provisions for construction vibration monitoring. He did not find the prior commercial use on the property as a place where hostile propaganda was propagated.

Laura Johnson, 2812 E Loran Heights Drive, said there was an existing apartment building nearby and it was an eye sore. She did not want Millcreek turning into Sugarhouse where every square inch is used. She asked the commission to consider what was good for Millcreek, and it was not always tax base. She objected to large buildings on small pieces of property.

Dave Johnson, 2812 Loran Heights Drive, asked about the building height. Lilly said it was 35 feet. Johnson asked if it included the equipment on top of the building. Lilly said 35 feet was the cap. Johnson wondered about the fence height. He suggested new trees be at least as tall as the fence. He asked about the number of driveways.

Brian Ludwig, 2791 Loran Heights Drive, asked if a 19-unit structure was consistent with the city master plan. He said the neighbors requested an 8-foot wall/fence. He said construction and continued vibration has taken place with the nearby apartment building which has caused damage to his house. He requested the density be addressed.

Becky Anderson, 2862 Loran Heights, said the commission was supposed to represent the residents. She said Loran Heights was a residential street and the proposed building would be built on a third of an acre, the same size as her single family dwelling property.

Chair LaMar summarized an online comment from Patty Trela, 2815 E. Loran Heights Drive. *"I learned about CU-22-019 from a neighbor. My family has lived at 2815 Loran Heights Dr for 22 years. We did not receive any notice of this proposed project in the mail. We have just lived through a multi-dwelling build on 33S and I need to replace 4 windows that have been damaged since this construction began. I oppose building a hotel 35' higher than the codes set by our established residential community; which seems to include balconies and roof top dwelling. I am concerned about privacy and security for my family and my neighbors with this proposal. I have a son who is disabled and our backyard is his quiet place for him to spend time; i feel I will be wondering who is watching us from this high rise, which is unsettling. Having a high rise will also create an extra light and noise element which we have no control over. I am also concerned about added traffic and congestion on 33S. I am not opposed to a business being built as long as it is within the codes of the residential community and ensures the privacy and safety of family dwelling properties adjacent to this build. Please reconsider this proposal and not support the building of a hotel 35' higher than the existing grade. Thank you."*

Elyse Sullivan noted she received an online comment from Becky Anderson, who already provided comment, and then summarized an email from Joseph and Stephanie Bird. *"As homeowners near this proposed construction my wife Stephanie and I (2889 E Loran Heights Dr) would like to provide feedback as we cannot make it to meeting. The proximity of the proposed construction to our newly remodeled home is concerning because the geotechnical report has some*

concerns about liquefaction. As construction and work happens along 3300 S the old concrete and cinder block homes take a beating. I already have some cracks appearing just from road work on 3300 S. How that this potential danger to existing properties is mitigated would be important to us. Another concern is where that trash from the new building would be stored. If too close to existing properties trash containers stink and create loud noise when being collected. This would also create a tower of a building with multiple rooms with revolving people that stare down into neighboring yards and windows. If the planning commission does have more of an inclination to move forward with this, I think the plan needs more robust measures to ensure the peace, privacy, and safety of it's neighbors and structures."

Mughal wrote two online comments that said, *"Please note that we are on a very busy street. I actually sat on the ground at the south side of the lot and could feel the vibration from the traffic. Our project once completed will actually dampen the vibration felt on the South side now. During construction, Thanks."* *"I sympathize with the last speaker. I felt that vibration of trucks & buses going by myself just by walking and sitting on the lot. My friends, you are living on or near a very busy street. UDOT is planning to put TRAX on the street in the future. Our mutual vibration challenge is not going away. Our structure is not going to increase your issues, its going to decrease it. 33,000 South in a commercial street. And just so you know, I have also lived in Millcreek not too far from this property for 30 years. The solution is not to stop progress and new construction. If you, my friends & neighbors, are not for new businesses to prop up, we could change the whole street to residential and drive out all the businesses – but no one would want this"*

Platt said they were happy to do a solid concrete fence. The access is one lane in and one lane out. The dumpster would be under the building and should not be seen or heard. They were open to work with staff on the type of trees planted. Commissioner Reid asked about an engineering survey analysis pre and post construction.

Chair LaMar closed the public hearing.

Chair LaMar said the commission existed to enforce the rules already in place, they do not have the authority to base decisions on preference. They can consider mitigations to detrimental effects of conditional uses. He appreciated the feedback from the residents. Commissioner Vance asked if the commission had control over the type of trees that could be planted. Brad Sanderson said a specific type was not included in code, but the commission and/or staff could work with the applicant. Commissioner Vance was concerned about tree height, not type. Sanderson said the height was not in code either. Lilly said the type was a reasonable mitigation. Commissioner Wright expressed concern about the privacy to residences and wondered if the applicant would be willing to do a preconstruction/elevation survey and ongoing construction vibration measuring. He recommended the 8-foot wall be visually appealing. Chair LaMar asked about what the city could do as far as reducing vibration. Lilly said the city had a third party licensed geologist and geotechnical engineer on retainer since staff was not qualified to provide direction to the commission. He was nervous about prescribing a solution since he was not a geologist. He said Estudillo's proposed third condition of approval captured the intent. Commissioner Reid wondered which fence type would be best.

Platt said issues with the fence were privacy, maintenance, sound transmission, and visual. The precast concrete was the best option with all of those items. He said he was willing to work with staff on the type of trees. Commissioner Sieber asked if a geotechnical investigation would be required as part of the standard development approval process. Lilly said staff recommended a geotechnical engineer specifically address the concerns with vibrations for the site due to the deep excavation, the nature of the soils in the area, and the proximity of the site to residences. Commissioner Vance suggested the vibrations be monitored throughout construction. Chair LaMar listed the conditions of approval the commission had discussed.

Commissioner Vance, with respect to application CU-22-019 for a 19-unit boutique hotel at 2888 E. 3300 S., moved to recommend approval of the conditional use permit with the following conditions:

- **all the staff recommendations; and additionally**
- **on the rear south property line an 8-foot precast concrete fence with sufficient trees along there at least as tall as the fence to begin with and work with staff so that those trees will obtain a mature height substantially beyond the 8-foot wall, ideally with at least most of the trees will not shed leaves and provide year round coverage; and**
- **with respect to the staff recommendations on the geotechnical report and third-party expert and following those recommendations, that there be ongoing monitoring of the impact of the construction on the surrounding residences and any recommendations and mitigation that is needed in the course of construction be adhered to.**

Commissioner Reid seconded. Commissioner Reid brought up the three points of rationale for the additional monitoring of the construction vibrations was due to the depth of the excavation, proximity of residences, and nature of particular soils be added as an amendment to the motion. Commissioner Vance accepted the amendment into the motion. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Hulsberg voted yes, Commissioner Lofgren voted yes, Commissioner Sieber voted yes, Commissioner Vance voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

2.3 Consideration of CU-22-020, Request for a Conditional Use Permit for a Daycare/Preschool Facility (25-30 children) at the Historic Millcreek Farm House Location: 1106 E. 4500 S. Applicant: Savana Bauer Planner: Brad Sanderson

Brad Sanderson said the applicant was seeking a conditional use permit to allow for a childcare/preschool business on historical property located at 1106 East 4500 South in the R-M Zone, which has a zone condition that eliminates the site from being used as residential. It has been used as a business location previously. The applicant has provided an "Operation Plan," proposing to operate the business Monday-Friday between the hours of 7am and 6pm. The applicant is proposing to have 2-3 employees with as many as 30 students ranging in age between six (6) months and three (3) years in age.

Sanderson showed the commission the proposed site plan. The second floor would not be used for childcare. There would be a 48 inch fence added along the right-of-way and minimal lighting added for safety and security purposes. The "Circulation Plan" includes employee

parking only within the provide parking lot, a student drop-off/pick-up area along Ranchfield Road, and the proposed circulation of vehicles entering Ranchfield Road from north and exiting to the south. The applicant would require all patrons to sign an agreement, agreeing to the designated drop-off/pick-up times and location per the Operation Plan and enter and exist per the Circulation Plan. Ranchfield Road could not be signed and designated as parking since it was a public right-of-way. The operation and circulation plans included only 5 students being dropped off or picked up every 20 minutes. There would be an employee monitoring the drop off zone. Five cars could queue without impeding the needed 35 feet area to the intersection with 4500 S.

Sanderson reported the Millcreek Community Council unanimously recommended approval but that the applicant should work with the city to provide adequate on-site lighting, and not make any changes to the site or building without first obtaining the Historic Preservation Commission's approval. The Historic Preservation Commission (HPC) recommended:

- All new fencing shall be four feet tall and wrap around the perimeter of the property while not damaging existing trees. Fencing shall be a non-obscuring picket style, made of either simulated ornamental wrought iron or cedar wood material. The colors of said fence shall be a solid white or black color.
- All additional lighting shall be low level "diffused" (no pattern) landscape lighting located along walking paths and sidewalks.
- Minimal security/motion sensor lighting may be attached to the structure in the least conspicuous locations possible.
- Any changes to the building exterior shall be reviewed by the HPC.
- That the applicant and landowner give their consent and will coordinate with the HPC to allow a future historical plaque or marker to be located on the site and/or structure.

Sanderson said the applicant was proposing a wrought iron fence. Staff recommended the following conditions for the application:

1. All new fencing shall be four feet tall and wrap around the perimeter of the property while not damaging existing trees. Fencing shall be a non-obscuring picket-style, made of either simulated ornamental wrought iron or cedar wood material. The colors of said fence shall be a solid white or black color.
2. All additional lighting shall be low level "diffused" (no pattern) landscape lighting located along walking paths and sidewalks. Minimal security/motion sensor lighting may be attached to the structure in the least conspicuous locations possible.
3. Any changes to the building exterior shall be reviewed by the HPC.
4. That the applicant and landowner give their consent and will coordinate with the HPC to allow a future historical plaque or marker to be located on the site and/or structure.
5. The parking lot to the south shall be signed and used for employees only.
6. The detached accessory building and/or upstairs shall not be used/occupied as the childcare portion of the business.
7. During pick-up and drop-off times traffic cones or other temporary markers, as approved by the City Engineer, shall be placed in front of the parking lot entrance preventing parents from utilizing the parking lot for drop-off/pick-up purposes.
8. The business owner shall strictly follow the provided Operation Plan staggering student drop-off/pick-up times.
9. Parking, drop-off and pick-up shall be prohibited along 4500 South, and all other areas along Ranchfield Road other than the designated drop-off/pick-up area.

10. Signage shall be placed along 4500 South and within 30 feet of the intersection, as approved by the City Engineer.
11. The business owner shall create an agreement requiring all parents, guardians, etc., to sign and agree to the following:
 - a. Student drop-off/pick-up shall only be during the designated times per the approved Operation Plan.
 - b. Drop-off/pick-up shall be restricted to the designated drop-off/pick-up zone area as illustrated on the site plan, attached herein, and shall not park, drop-off or pick-up along any other portion of Ranchfield Rd.
 - c. Parents, guardians, employees, etc., shall not utilize Ranchfield Road included neighboring driveways for turn-around and shall only enter Ranchfield Road from the north (4500 South) and shall exit to the south towards Range Road.
12. The applicant shall have at least one employee along the drop-off/pick-up area, during scheduled times to ensure student safety and minimize drop-off/pick-up times.

Sanderson noted the first four conditions had been revised since the HPC meeting. He said daycares were required to have 6 parking stalls for this number of students. Chair LaMar asked for clarification on number 10. Sanderson said it would be “no parking” signage.

Commissioner Vance was pleased with the detail of the proposal. He asked if it was possible to redesign the parking lot for safety. Sanderson said the current configuration was the best for employees only. Commissioner Vance acknowledged that someone else could park in the drop off zone since it was a public street. He asked if a condition should limit childcare to the main level of the building. Sanderson said condition 6 addressed that. Commissioner Hulsberg asked about the addition of a sidewalk in the drop off zone since the lack thereof and the addition of a fence would have the parents stepping into the street. Sanderson said the applicant was for a business leasing the property, so that might be something for the landlord to address. Commissioner Hulsberg asked what the usable square footage of the space was. Sanderson said on the main floor, there was 1,257 square feet. The city’s building official and fire marshal deemed the interior of the building as being adequate for that number of children. Commissioner Sieber asked if the commission should set a maximum number of students.

Savana Bauer, the applicant, said the state would do the measurements for the children limit. She noted the employees would be bringing their own children so that would eliminate cars during drop off and some kids were siblings, so it was not necessarily one car per kid. She noted the ages would be from 6 months to 5 years, not 3 years. She operates the same business at a similar site in Draper. She did not see a need for a sidewalk. She said an employee would escort the children to the car. Commissioner Reid asked if the Draper location was a similar size. Baur said yes. She noted when students were the children of the teachers, they did not factor into the teacher-student ratios. Commissioner Reid asked about lead testing because old structures often used lead paint. Baur said testing had not been done but it was part of licensing. The windows had been updated.

Sanderson reiterated the community council’s recommendation.

Chair LaMar opened the public hearing.

Chair LaMar read emails from the following:

LaMont and Caroline Smith, "We own the duplex directly east (across the street from) the proposed daycare/preschool. We have concerns about traffic and parking. The 3 businesses in that property have parking for about 4-5 vehicles. Through the years, several businesses have come and gone in that same building each bringing its own type of clientele and their associated vehicles to be parked for the day or for an appointment. Much of that additional parking ends up parking on Ranchfield Road – directly in front of our property. We have had tenants and family members' cars damaged by the cars of the current (and past) business in that same building turning around and from backing out of the current parking spaces. And because there are no curbs on Ranchfield, we had sprinklers and lawn damaged.

Our question:

With 25 to 30 parents arriving every morning, parking for 3 to 10 minutes each while they check their child in and then repeating the process in the afternoon, how does the business owner suggest dealing with the parking and traffic congestion issues? They can't/won't park on 4500 South (busy street, further from the entrance). In addition to these parents, how many workers will require multi-hour parking for this same business?

Which meeting is the best venue to raise the question? Do we need to attend one or more of the meetings to ask our questions/raise the issues, or will you ask in our behalf?

Thank you for giving us this opportunity to give input into the process."

Rebecca Shields, "We received the notice about the proposal for a daycare at the above address. We will be out of the country next week and unable to attend the meeting in person. This is one of our concerns. The parking lot currently holds about a half a dozen cars, which I would imagine would be for the employees. Seeing that they anticipate 25-30 kids that will be a lot of traffic on Ranchfield road, with 25-30 cars waiting in lines around driveways and in front of residential houses to pick up/drop off their child(ren), minimum twice a day. The intersection of Ranchfield and 45th is already quite difficult to exit and get across 45th. This is a residential neighborhood and I don't see this as a good use of this property."

Marie Duffin, "I live in the area that got notice of the daycare petitioning to be opened at 1106 E 4500 S, and I have some thoughts.

First of all, that designated area on the map of who can have a say on the matter should have included every single person who uses Ranchfield Road on a daily basis, not just within a certain distance of the property. Range Road neighbors who aren't included in the miniscule area need to have a voice. I will be giving them your email so they, too, can have the option to state how ridiculous this petition is.

Argument: This building is on a VERY busy road. People parking along 4500 S to drop off kids will block visibility of those trying to get out, and those trying to turn in. Yes, they can park on Ranchfield Road... a NEIGHBORHOOD street that is built to allow 2 vehicles- 1 going each direction. These people will inevitably park on BOTH sides of Ranchfield, creating an impossible situation. If one car is trying to turn out while another is trying to turn in, nobody gets to go. "You can access the neighborhood via 1200 East, too." True. But why should those of us on the west end of the street have to give up the most convenient entrance to our HOMES? Now let's talk about kids... Kids are unpredictable at the best of times. They do not possess the knowledge that cars will kill them when they suddenly jump in front of said vehicles. Busy 4500 S isn't the place for that many children. Not to mention kids have to be put in to and removed from vehicles by parents. They take longer to put in and

remove as they are strapped into car seats. Then mom or dad has to gather the child's belongings, taking more time. During this time, car doors are open. If someone is turning onto Ranchfield when a parent has a door open, that driver probably won't be able to see it, thus causing the probability of MANY damaged or entirely ripped off doors. It's already VERY nearly happened with the few cars parked along Ranchfield Road with the current insanity of a business. Add more cars, raise that probability. If the said vehicle doors are open on 4500 south, and the never-ending traffic includes inevitably distracted drivers, the wrecks will cause much preventable police involvement. Going back to the unpredictability of children, what happens when a child inevitably escapes from the building and runs directly into the heavy 4500 South traffic? What happens when a child escapes into the neighborhood and gets bitten by one of the many outdoor cats in this neighborhood? There isn't one solitary positive for a daycare moving into this property. Logic and common sense (like every point I just made) scream "Not a good idea!!!" It will make our neighborhood unsafe for those of us just trying to access our HOMES, and I'm willing to bet that police presence will be much heavier due to damaged vehicles and hurt children. Do not allow this absurdity to go forward."

Paul Johnston, 1112 E. Range Road, said Ranchfield Road was the main access for his neighborhood. He loved small business, but not this one. He said the parking lot had not been fully utilized with prior uses. He did not think this type of business was a good fit for the property. He said 4500 S. is a fast road to pull onto a 2-lane street with parking on the side. He did not want the extra drive-by traffic in the neighborhood. He noted 4500 S. was extremely busing during rush hour and asked how the drop off time would be enforced. He asked if parents who miss their drop off window would park down the street. There was no safe way to back out of the parking lot. He said 4500 S. was busier than the street fronting the Draper location. He recommended denial for this particular business as it was unsafe, brought too much traffic, the parking was a problem, and it would create pass through traffic in the neighborhood.

Chair LaMar closed the public hearing.

Commissioner Reid appreciated the idea of a sidewalk or curb on Ranchfield Road. She was concerned about having people in the street. Chair LaMar said Ranchfield Road was tight with street parking and bottle neck issues. He agreed with Johnston's comments. He said as the site was configured, the site was unsafe, and he was not comfortable using the public street for pick up and drop off. Commissioner Vance wondered if the detrimental effects could be mitigated. Chair LaMar said the circulation path was a quarter mile through residential. The commission expressed concerns with the traffic safety and undesignated private use on public property. Commissioner Hulsberg pointed out that the additional traffic would be added during the already busy times. Commissioner Lofgren worried about the enforceability of the drop off/pick up times. Chair LaMar wondered if the application could be revisited with a new configuration. Sanderson said the commission identified the detriment of safety with the drop off/pick up zone. He suggested considering reducing the number of students and monitor for a period of time with the option to expand the business, have a traffic engineer study the area, or look at the right-of-way and add hard surface onto the property.

Lilly said the historic preservation ordinance was a specific policy of the city to create opportunities for historic sites that would not otherwise be there. This was one of four historic sites the city had. The policy requests flexibility, and a child nursery is one of the listed uses. There was value in the preservation of a valued structure. Commissioner Sieber asked if the structure itself was historic or the entire lot. She wondered if the accessory building could be removed thereby allowing the parking lot to be reconfigured. Lilly said the building and site were historically significant but he was unsure about the accessory structure. A conditional use permit would be required for a demolition on or modification of the site. Commissioner Sieber asked about adding a sidewalk or hard surface along Ranchfield Road. Lilly said it could potentially impact the historic site. The historic preservation commission would have to advise on that in a separate conditional use permit. Commissioner Reid asked if the existing garage could be used for staff parking.

Bauer said Millcreek residents had requested a daycare in Millcreek. She said the garage would not be demolished because it was finished on the inside. The added fence on site was already a large expense. There would be a three-strike policy with the parents' parking. She noted she did not have issues using this system at the other site. The pick-up/drop off would be an employee escorting the children to vehicles, not parents getting in and out of the vehicle to collect the children. She noted development sites were hard to select to meet daycare licensing requirements, but this one met the requirements.

Commissioner Reid said a conditional, conditional use would not be feasible financially for the applicant. Bauer pointed out that a regular conditional use could be revoked. She said the minimum number of kids they could work with would be 25. Commissioner Lofgren recommended a continuation to explore other options. Commissioner Wright said there were a lot of rules with this type of daycare, and they were very efficient. He said this was a good solution for a historic site. He was in favor of the proposal as is. Lilly said in Millcreek code 19.86.110, *"The planning commission may modify all yard, parking, landscaping, height and other requirements of the base zone, as necessary to fulfill the purpose of this chapter. In so doing, the nature and character of adjacent properties shall be considered to ensure that the health, safety, convenience and general welfare will not be impaired. The planning commission may establish development criteria to control impacts associated with the heaviest permitted use in the base zone, including, but not limited to, noise, glare, dust or odor."* He pointed out that the parking could be the drop off zone and employee parking could be elsewhere. Commissioner Vance agreed with Commissioner Wright's comments. Commissioner Reid asked if there was an impact to delaying an approval. The applicant did not know how long the landlord would hold the space for her.

Commissioner Lofgren, in regards to CU-22-020, moved for a continuance and that the staff and the applicant continue to review the application for potential improvements regarding the safety of the children, effects on the neighborhood, and alternatives to the pick-up/drop-off. Commissioner Hulsberg seconded. Chair LaMar called for the vote. Commissioner Reid pointed out that the purpose of the continuation was to try and get the application to work.

Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Hulsberg voted yes, Commissioner Lofgren voted yes, Commissioner Sieber voted yes, Commissioner Vance voted yes, and Commissioner Wright voted no. The motion passed.

The commission took a break from 8:14 – 8:28 p.m.

2.4 Consideration of ZM-22-014, Request for Removal of a Zoning Condition on a C-2 Zoned Property that Limits Commercial Activity to Office Use Only Location: 3701 S. Highland Drive Applicant: Russell Platt Planner: Brad Sanderson

Brad Sanderson showed the commission the vicinity map and zoning map of the site at 3701 S. Highland Drive. The building on the property was currently vacant but an athletic facility was looking to lease the space. The applicant was seeking to remove the following zone conditions from the property: 1) property use limited to professional office; 2) height on property limited to no more than 36 feet; and 3) on premise signs cannot exceed 25 feet in height. Sanderson said if either the second or third zone conditions were removed, any new building or signage would default to the zoning and sign codes at that time. Currently, within the commercial zone (C-2), due to height transition requirements, building heights are limited to 35 feet. The current sign code limits the height of signs to 20 feet. He noted the site had three accesses: one on Siggard and two on Highland Drive. The current site area could be made safer and more functional if the accesses near the intersection were eliminated or adjusted which would better accommodate non-professional office type uses. If the applicant was willing to change the site, there would not be concern with removing the office use. He showed the commission the proposed site plan. At staffs' request as a separate application, the applicant has agreed to amend the site to better address safety concerns and create a better functioning site as it relates to parking, access, and circulation. Those amendments included removing the south access along Highland Drive, Siggard access would shift east and be designed and signed as a right-in/right-out only, and additional parking and landscaping would be included. Chair LaMar asked if all three zone conditions would be removed. Sanderson confirmed. The underlying zone requirements would then dictate.

Sanderson reported the Millcreek Community Council discussed concerns with removing the second and third zone conditions, though once they realized that the city code was currently more restrictive than the original zone condition they made a unanimous recommendation to remove all zone conditions subject to the proposed site plan amendments. The East Mill Creek Community Council made a unanimous recommendation in favor of the proposal subject to the site plan amendments presented.

The applicant declined to comment.

Chair LaMar opened the public hearing.

Carrie Greenberg, 1746 E Millbrook Road, asked why the tenant could not presently start running the business. She would like to use the new gym. She wondered why the lot was previously used as a Walmart pick-up since it was not an office use. She would like to be able to turn left onto Siggard from the site.

Chair LaMar closed the public hearing.

Chair LaMar said the processes with the ordinances dictated why the gym could not start yet. Lilly said historically the site was built as a gas station and was always retail. In 2016, the property owner presented a plan for a potential small office building. As part of that zone change, the zone conditions were put in place by the county. The site never turned into an

office, but the non-conforming retail use could continue. Staff could not license something that was not allowed by code and they were trying to move the application through the appropriate approvals as fast as possible.

Commissioner Reid moved to recommend to the city council approval of application file ZM-22-014, removing all zone conditions from the property, subject to the applicant modifying the current site plan per the concept plans as presented. Commissioner Vance seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Hulsberg voted yes, Commissioner Sieber voted yes, Commissioner Wright voted yes, and Commissioner Vance voted yes. The motion passed unanimously.

3. Continued Matters

3.1 Consideration of ZM-22-012, Request for Rezone of the Southern Portion of Property from R-2-6.5 to RM Location: 1200 E. Elgin Avenue [3060 S. Richmond Street] Applicant: Frank Belko Planner: Brad Sanderson

Brad Sanderson said the commission reviewed the application at their meeting the prior month. The site was two parcels that fronted on Richmond Street and a portion of a parcel of property that fronted on Elgin Avenue. The applicant was proposing to rezone the southern portion (approx. 0.28 acres) of property generally located at 1200 S. Elgin Avenue from the R-2-6.5 Zone to the R-M Zone, and remove an existing zone condition which “limits 10 units total for acreage with a maximum height of 35 feet to the midline property” from the two adjacent parcels locating at 3060 and 3070 S. Richmond Street. The commission reviewed the concept for 16 townhomes at their prior meeting and the application was continued based on staff recommendation. Since that meeting, a development agreement had been drafted, which was included in the staff report. Sanderson recommended approval of the application subject to the concept plan and terms in the agreement presented, which included conditions on dedication, utilities, orientation and scale, parking, open space/landscaping, amenities, screening, units, ownership, lighting, height, and materials.

Sanderson said the Millcreek Community Council expressed concern about the number of units, heights of the proposed buildings, guest parking potentially encroaching on buffer areas, and that the proposed rezone would result in density (20.4 dwellings per acre) that would exceed what was contemplated in the Neighborhood 2 District on the Future Land Use Map of the General Plan (maximum 18 dwellings per acre). Chair LaMar asked about units per acre when it came to rounding. Sanderson said it could be stipulated at 16 units.

Frank Belko, applicant, appreciated the application process and felt he had adjusted the project based on community feedback of the original proposal. He was committed to working with Lynda Bagley-Gibson, the neighbor to the south, and Millcreek Irrigation.

Sanderson noted the community councils did not revisit the application and the Millcreek Community Council unanimously recommended denial of the project.

Chair LaMar entertained public comment.

Mindy Ames, 1220 E. Elgin Avenue, felt that 16 units was a lot to add to an already congested Richmond Street. It was difficult to turn left and right onto Richmond from Elgin

because it was hard to see around parked cars and ongoing construction. She was concerned about all of the new construction and added traffic. She wondered if there was a future plan for Richmond Street.

Stew Macsherry, 1220 E. Elgin Avenue, was pleased with the design of the proposal. He asked what the application was for. Chair LaMar said a rezone of one of the parcels of property. The development agreement accompanies the rezone so the developer builds what they say they will build for the rezone approval.

Lynda Bagley-Gibson, 3074 Richmond Street, said the city prevented her from building a three-story house on her property. She acknowledged problems with irrigation runoff and drainage. She expressed concern with the frontage of this property dead-ending at the side of her house and the dedicated right-of-way width on Richmond Street.

Chair LaMar said Richmond Street was master planned with Salt Lake City. Commissioner Reid asked if a condition should be acknowledged that the applicant was working on the water issue. Sanderson noted the application was not a conditional use permit. He did not know what the details of that condition would be, but the development agreement said it would need to be addressed. The commission could address conditions with the subsequent conditional use permit application.

Commissioner Hulsberg moved to forward a recommendation to the city council to approve application file number ZM-22-012, rezoning a portion of the property to the RM Zone and removing all zone conditions associated with the property, subject to a development agreement which shall include the concept plans provided along with certain terms as presented. Commissioner Reid seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Hulsberg voted yes, Commissioner Sieber voted yes, Commissioner Vance voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

1. Commission Business Continued

1.2 Approval of December 21, 2022 Regular Meeting Minutes

Chair LaMar moved to approve the December meeting minutes as presented by staff. Commissioner Hulsberg seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Hulsberg voted yes, Commissioner Sieber voted yes, and Commissioner Wright voted yes. Commissioners Reid and Vance abstained. The motion passed.

1.3 Updates from the Planning and Zoning Director

Francis Lilly welcomed Commissioner Vance to the commission. He would like to have conversations with Commissioners Wright and Hulsberg about potential development on Highland Drive.

Robert May gave the commission an update on long range planning goals. He presented and described a matrix of his top planning tasks with their associated summary, priority level, and proposed timelines. Those were: 1) complete and adopt the Millcreek/Murray Station Area Plan; 2) complete and adopt the Millcreek/South Salt Lake Station Area Plan; 3) create and adopt a sidewalk and trails masterplan; 4) create and adopt an engineering design manual; 5)

create and adopt a street light master plan; 6) update the zoning and future land use map; 7) update and develop a ditch and canal map; and 8) organize ongoing planning and zoning matters meetings directed at the public to help answer questions, provide learning tools, and discuss future projects. His goal was for the station area plans to include the moderate incoming housing plan elements recently adopted into the General Plan. The future sidewalk and trail master plan would preserve areas for existing and future trails and connections, give guidance for new and infill development that accommodated proposed routes and connections, and have an updated policy for sidewalk exceptions and deferrals. He brought up creating sidewalk and trails map books by community council district. He was/would be working with other departments and outside entities on these tasks.

Commissioner Vance asked what kind of attendance the planning classes were getting elsewhere. May said he learned about the concept at a conference, but that the approach got attention and it was educational for the public. He said the public did not want public officials there. Commissioner Vance said the trial period for it had to be long enough to get the word out.

4. Calendar of Upcoming Meetings

- Planning Commission & City Council Special Mtg., 1/23/23, 5:00 p.m.
- Canyon Rim Citizens Association Mtg., 2/1/23, 7:00 p.m.
- East Mill Creek Community Council Mtg., 2/2/23, 6:30 p.m.
- Mt. Olympus Community Council Mtg., 2/6/23, 6:00 p.m.
- Millcreek Community Council Mtg., 2/7/23, 6:30 p.m.
- Historic Preservation Commission Mtg., 2/9/23, 6:00 p.m.
- City Council Mtg., 2/13/23, 7:00 p.m.
- Planning Commission Mtg., 2/15/23, 5:00 p.m.

ADJOURNED: Chair LaMar moved to adjourn the meeting at 9:37 p.m. Commissioner Reid seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Hulsberg voted yes, Commissioner Sieber voted yes, Commissioner Vance voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

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

Attest: _____
 Elyse Sullivan, City Recorder