



**Minutes of the
Millcreek City Council & Planning Commission
January 23, 2023
5:00 p.m.
Special Meeting**

The City Council and Planning Commission of Millcreek, Utah, met in a special public meeting on January 23, 2023, at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was live streamed via the City's website.

PRESENT:

Council Members

Jeff Silvestrini, Mayor (electronic)
Silvia Catten, District 1
Thom DeSirant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4

City Staff

Francis Lilly, Assistant City Manager
Elyse Sullivan, City Recorder
John Brems, City Attorney
Kurt Hansen, Facilities Director
Mike Winder, City Manager
Robert May, Long Range Planner
Rita Lund, Communications Director (electronic)

Commissioners

Shawn LaMar, Chair (electronic)
Victoria Reid, Vice Chair
Scott Claerhout (electronic, arrived at 5:26pm)
David Hulsberg (absent)
Christian Larsen (electronic)
Nils Per Lofgren (absent)
Skye Sieber (excused)
Dwayne Vance
Ian Wright (absent)

Attendees: Joe Moss, John Janson, Richard Hansen, Dan Donahoe, Daniel Olsson

WORK MEETING – 5:00 p.m.

TIME COMMENCED – 5:15 p.m.

Mayor Pro Tempore Uipi called the meeting to order.

1. Review and Discussion of Zoning and Subdivision Code Update Drafts; Logan Simpson

Joe Moss said he would review the module 1 text amendments with subdivisions, landscape, and parking and mobility. The code amendment process was in the Phase 2 draft stage and would transition into the adoption stage later in the year. The guiding

principles of legibility, quality development, and administrative formed the module structure for modules 1, 2, and 3.

John Janson reviewed the subdivision amendments in Title 18. He said the existing ordinance mostly originated from the county. The general updates included updated language, clarified approval procedures, updated standards, incorporated flag lot standards, simplified procedures for approvals, and that it would be absorbed into Title 19 upon final adoption. He noted subdivisions were administrative. The organization of the title included general provisions, design standards, subdivision procedures, required improvements, responsibility for damages, and engineering standards. The flag lot policy was added and updated to the code. The procedures for subdivision approvals would be separated into minor subdivisions (3 or fewer lots) that could be approved by staff, and major subdivisions (4 or more lots) that would require a 2-step platting process, preliminary subdivision approval by the planning commission and final subdivision approval by staff. Mayor Silvestrini asked if neighborhood meetings were required for minor and major subdivisions. Janson confirmed. Mayor Silvestrini said the legislature was considering addressing limiting the amount of public process for land use applications. He expressed concern that a developer may complain about Millcreek having multiple meetings. Janson said his team would track legislation impacting the code.

Moss gave an overview of the landscaping updates in Title 19. The general updates included focus on water efficiency and local best practices, new landscape buffers, use specific design standards, streetscape requirements, updated parking lot landscape standards, low impact development standards (LID), and acknowledged LocalScapes and hydrozones. The code would establish different zones with different watering requirements which would allow similar plant groupings together. There would be an accompanied plant list. The water intensive plants would be capped at 10%. A landscape architect would be required to put together landscaping plans, except for single-family residences not seeking rebates. He presented three landscape buffers for screening from multiple-dwellings next to single dwellings, non-residential to single dwellings, and from mechanical equipment, loading docks, and dumpsters.

Moss showed the council renderings for use specific design standards, streetscape standards, parking lot standards, and residential standards. There are currently no residential landscape standards in the code. This would limit turf to 35% of a lot and would apply to new homes and existing home modifications greater than 50%. He described riparian buffers and tree preservation. This included tree protection for healthy trees over 4 inch caliper, a 1:1 credit for preserved trees, a replacement table, native plant requirements for areas within 50 feet of waterways, and retention of existing vegetation. He then showed depictions of low impact development standards (LID) through bioswales, grassed swales, and rain gardens.

Mayor Silvestrini appreciated the code work that had been done. He noted there was a bill in the current legislative session that would require the removal of non-functional turf. Commissioner Larsen asked about differentiation between invasive and other kinds of trees. Moss said there was a tree species prohibition list. Council Member Jackson asked if residents could remove trees without having to replace them. Moss said only on

new construction. Commissioner Larsen was concerned about removing invasive existing trees and then being required to replace them with new ones. Moss would add clarification on which type of trees would need to be preserved. Commissioner Vance asked about astroturf. Moss said it was not prohibited, but the live plant coverage requirements would still need to be met. Francis Lilly said a minimum living landscape requirement was advisable to prevent urban heat island effects. Mayor Silvestrini asked about vegetation removal in the canyon area. Moss said that information was contained within the Foothills and Canyons Overlay Zone (FCOZ) ordinance. Commissioner Reid asked about the number of trees being replaced exceeding what made sense for the lot. Moss could look at a requirement in lieu of or a bank of sorts. Lilly pointed out a fee in lieu could become an impact fee of sorts. Mayor Silvestrini said opportunity was limited for appropriate places to plant trees since the city was built out. Commissioner Larsen asked about flipping park strips and planting trees. The mayor thought it required more thought. Council Member DeSirant expressed concern with people paying the fee and not ever replanting trees.

John Janson went over the Title 19 parking and mobility updates, which included recreational vehicle/commercial parking rules in residential areas, shared parking and valet programs, updated language and standards, new electric vehicle standards citywide, updated parking ratios with new affordable housing uses, eliminate traffic studies for parking reductions but required one for stacking spaces, and new layout standards including loading spaces for multi-unit and townhomes. The general updates with parking design standards included protected pedestrian routes, cross access, LID required, and 50% of striped street space in frontage or 75% if street spaces were constructed for project may count towards the requirement. The electric vehicle standards included required infrastructure but not chargers, and different level (1-3) requirements. The minimum parking requirements would have a reorganized table grouped by types of use with updated uses and updated ratios. There would also be parking reductions with transit proximity, valet program, shared parking, community parking credits, and enhancements. The stacking study would be for uses with a drive-thru window; it may be reduced or increased based on projected demand. Stacking spaces may not impede internal or external traffic circulation. Townhomes and multiple-dwellings would require loading space for deliveries and enclosed bike storage for multiple-dwellings with more than 8 units.

Mayor Silvestrini brought up LID and conflicting with letting runoff stormwater flow back to the Great Salt Lake. Janson said LID did not take care of that 100%; it can handle up to an 8% storm. He thought the underground aquifer getting regenerated was more important.

Moss said there would be upcoming outreach events about these drafts at Millcreek Common on January 27th and February 4th. They would be presented to the community councils and the planning commission in February.

2. Discussion of Potential Rezone and Amendments to the City Center Overlay Zone Text Regarding Potential Development at 3179 S Highland Drive

Francis Lilly said this was a preliminary discussion about text changes to the City Center Overlay Zone (CCOZ). Staff received a proposal from Northstar Builders for a medical

office on the old Wilford Ward property at 3179 S. Highland Drive. He said this had potentially the least impact on surrounding neighborhoods and complemented the city center uses.

Mayor Silvestrini said the city initially acquired the property from the Church of Jesus Christ of Latter-Day Saints. The city needed to relocate a natural gas facility so the city purchased the property to put it there. The old building had to be demolished within 90 days of sale as a condition of the sale. The city approached Crown Burger for the opportunity to relocate, and they declined. The city then solicited requests for proposals to see what uses might be proposed. The city council evaluated the proposals and accepted Northstar's proposal as the highest and best use for the city because it did not include a drive-thru facility (as did other proposals) so as not to disrupt the neighborhood, it provided the best financial return to the city for the property, and provided needed office space for the city center. The city is not in a financial position to retain the property.

Robert May said the property would need to be rezoned from R-1 to C-2 to allow for commercial uses and consistency, and a General Plan map amendment from quasi-public to city center would need to be done. He presented the proposed site plan for the property and images of projects Northstar Builders had done in the past. The site would require an access easement for Dominion Energy on the southern portion of the property. He showed the building height elevations map allowed in the city center and proposed a strip along Highland Drive from Woodland Avenue and 3300 S. be allowed to go up to 40 feet. He said in current code, "for any building over 40 feet in height or for a development on properties fronting on the Millcreek Common, 3300 South, Richmond and/or with frontage on Highland Drive, a twenty foot setback of the building façade, facing any street, is required between bottom of the first story and the top of the third story and upper stories..." He suggested that setbacks may not be appropriate on smaller buildings. He asked what would be an acceptable tradeoff to the setback requirement, and suggested enhanced design as a possibility. He presented three options for setback exemptions; option a) commercial single purpose buildings that are within 100' x 80' x 40' dimensions, option b) commercial single purpose that are within 100' x 80' x 40' dimensions with additional design requirements such as a percentage of certain exterior materials or windows, a taller ground floor level, and primary and secondary public entries face the public street, and option c) all building types with the same additional design requirements as option b. He asked the council to consider how some of these types of buildings could be repurposed in the future and the second option provided for that conversion. He noted the code change would be applicable to other developers, not just the Northstar proposal.

Council Member DeSirant was concerned about eliminating setbacks but would feel most comfortable with option b. Council Member Jackson agreed on option b. She expressed concern with primary access in the front with ADA access on a medical building. She asked about the building having a basement to minimize the height. Mike Winder said construction going up in the air was less expensive than going in the ground. Council Member Jackson liked that the proposed building was further from the residences and located closer to Highland Drive. May acknowledged that the developer

was willing to salvage as many trees as possible which would help create a barrier to the residences.

Council Member Jackson asked about a crash gate on the Woodland Avenue access. May said the goal was to limit disturbance from the neighborhood, so it would be as far from it as it could be on Woodland Avenue. Council Member DeSirant asked if the developers would allow the city to use their parking lot as overflow parking during off hours. Lilly said they were willing to work with the city. Council Member Jackson asked about the street parking on Woodland Avenue. Lilly said there was enough space through the right-of-way dedication to accommodate it. The council did not appreciate street parking, especially on Highland Drive. Winder wondered if parking on Highland Drive would encourage traffic to be cautious. Council Member Catten noted the sightline would be blocked by cars parked on the street. Mayor Silvestrini said street parking on Woodland Avenue may be beneficial for other nearby businesses. Council Member Jackson asked that the street not be striped initially so see how it gets used. The council continued to discuss street parking.

Council Member Jackson said she wanted to preserve as many trees as possible. Council Member Uipi asked about parking lot lighting, especially on the east side. May said he would keep that issue in mind. Council Member Jackson would like to see the parking plan before approving it. Commissioner LaMar agreed with no Highland Drive parking and not prohibiting or encouraging parking on Woodland Avenue. May asked about building height. Lilly said Highland Drive was 90 feet wide in that area and the building would be about half that in height. He noted the use and length of the building was limited too. Mayor Silvestrini said the buildings on the other side of the street were taller, so this would not create a canyon feel on the street. Winder said it was a good transition building into the city center. He encouraged the council and commission to provide feedback to staff as the application progressed. Mayor Silvestrini said every city main street had three story buildings and there was not a canyon feel. He was not concerned about the additional building height.

ADJOURNED: Council Member DeSirant moved to adjourn the meeting at 6:49 p.m. Commissioner Jackson seconded. Mayor Pro Tempore Uipi called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, Mayor Pro Tempore Uipi voted yes, and Mayor Silvestrini voted yes. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout voted yes, Commissioner Larsen voted yes, and Commissioner Vance voted yes. The motion passed unanimously.

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

Attest: _____
Elyse Sullivan, City Recorder