



**Minutes of the  
Millcreek Planning Commission  
February 15, 2023  
5:00 p.m.  
Regular Meeting**

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, February 15, 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 (excused)  
David Hulsberg (excused)  
Christian Larsen  
Nils Per Lofgren  
Skye Sieber (excused)  
Dwayne Vance  
Ian Wright (absent)

**City Staff**

John Brems, City Attorney  
Elyse Sullivan, City Recorder  
Kurt Hansen, Facilities Manager  
Carlos Estudillo, Planner  
Brad Sanderson, Current Planning Manager  
Robert May, Long Range Planning Manager  
Jake Green, Planning Engineer  
Katie Larsen, Planner  
Ryan Bagshaw, Planning Engineer

**Attendees:** Jen Gardner (electronic), James Yapias, Ann Peverley, Robert Peverley, Tracie George, Paul Johnston, Joe Moss, Angelo Calacino, Adam Watts

**REGULAR MEETING – 5:00 p.m.**

**TIME COMMENCED – 5:05 p.m.**

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

**1. Continued Business**

**1.1 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 commission viewed a slightly different proposal at their prior meeting. The property, 1106 E. 4500 S., was in the R-M zone, so it restricted residential uses. The applicant was seeking a conditional use permit for a childcare/preschool business. The applicant provided an operation plan, concept site plan, circulation plan, and a parental agreement to mitigate some of the concerns associated with the business in that location, such as designated pick-up/drop-off times. The business would operate Monday-Friday between 7am-6pm. The applicant was proposing to have 2-3 employees with as many as 30 students ranging in age between six months and three years in age. Sanderson showed the commission the revised concept site plan. Four new parking stalls could be added abutting the building with two employee only parking stalls in front of the garage studio instead of the

existing angled parking on the southern boundary. The circulation plan had cars going south on Ranchfield Road, east on Range Road, and north again on 1200 E. to 4500 S. The recommendations from the Historic Preservation Commission and Millcreek Community Council were the same as the last time the application was presented. Based on findings and conclusions, staff recommended approval of the application subject to the conditions below. Sanderson said there were 12 conditions on the last proposal but only nine with this one.

1. Fencing shall be limited to the locations illustrated on the applicant's concept site plan. All new fencing shall be an open "picket" style and comprising of wood or simulated wrought iron materials, as recommended by the Historic Preservation Commission.
2. All exterior on-site lighting shall be limited to low level nonobtrusive landscape and/or wall mounted lighting. Lighting shall be sufficient to illuminate the pedestrian travel paths between the building and parking/public right of way areas and shall not cause any outward glare towards the street or other surrounding properties. All exterior lighting shall be harmonious with the historical character and time period of when the building was constructed, as recommended by the Historic Preservation Commission.
3. The applicant shall not modify the historical character of the existing building(s) and/or add any additional buildings to the site, without first obtaining approval from the Historic Preservation Commission.
4. The parking lot to the south shall be striped and signed per the concept plan, providing four (4) guest parking stalls designated for drop-off/pick-up and two (2) parking stalls designated for employees only.
5. The detached accessory building and/or upstairs shall not be used/occupied other than as an administrative office for the childcare portion of the business
6. The Applicant shall ensure that the southern parking lot will be restriped and provide signage per the concept site plan, designating four (4) parking stalls along the north side of the parking lot as guest drop-off/pick-up and two (2) parking stalls next to the existing detached garage as employee parking.
7. The business owner shall strictly follow the operation plan, alleviating potential traffic congestion, by staggering student drop-off/pick-up times as provided within the tables of applicant's letter, as provided.
8. Parking, drop-off/pick-up shall be prohibited along 4500 South, and all other areas along Ranchfield Road other than the designated drop-off/pick-up area.
9. The business owner shall create an agreement requiring all parents, guardians, etc., to sign and agree to the following:
  1. Parents/guardians shall agree to only drop-off/pick-up students during the designated times per the approved operation plan.
  2. Parents/guardians shall agree to use the drop-off/pick-up area as designated as illustrated on the site plan, and shall not use other areas along any other portion of Ranchfield Road.
  3. 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 per the Circulation Plan, as provided.

Commissioner Vance asked if it would now be feasible for cars to go back north on Ranchfield Road. Sanderson said no, they would still circulate through the neighborhood. Commissioner Larsen wanted to ensure ADA parking was accommodated.

Savana Bauer, applicant, said she met with the landowner and she was fine with the proposed site plan.

Chair LaMar invited public comment since there were changes to the site plan.

Paul Johnston, 1112 E. Range Road, felt this type of business was not the right fit for the site. He did not appreciate routing traffic through the neighborhood, especially since it was a narrow street without sidewalks. He felt the parked cars in the lot would still back out onto Ranchfield Road. He recommended denial of the application.

Ann Peverley, 4518 S. Ranchfield Road, said there were people living in the garage studio. There were offices on the second level of the building and asked if they would still operate their business, and if so, where they would park. She felt the teacher to student ratio was not good. There were numerous pedestrians and kids in the streets because of the lack of sidewalks. She noted the heavy traffic on 4500 S. She wondered about the parking lot and ADA access. She reported the sister daycare in Draper had 23 students, which she said was not full to capacity, so she did not see a reason to create a second daycare location. She made comparisons to the daycare in the Draper location, such as hours of operation and extended evening and weekend hours for special occasions, and the teacher ratios. She worried about people parking on the public street in front of her house.

Robert Peverley, 4518 S. Ranchfield Road, noted the narrow street, especially with parked cars. The neighbors make a conscious effort to keep cars off the street for this reason. He acknowledged the traffic on 4500 S. as being really bad. He said there was a utility line between his house and the site and wondered where the new one would go.

Tracie George, 1136 E. Range Road, worried about a car running into her house with the added traffic. She explained that turning onto Ranchfield Road from 4500 S. was tight. She felt the added traffic would be a problem. There were always situations where parents could not make their drop off/pick up times and she questioned the enforcement of it.

Bauer appreciated the concerns, but she deemed some of the information presented by the public as incorrect. She said nobody was living in the detached garage. There was a law office tenant, but the office belonged to the landowner, and she would not continue to run her office there. The teacher ratio was 1-4 with the infant class (under 12 months), most of the students would be older so that did not apply. She would be talking to Qwest about the utility pole. She felt parents were more aware of children in the street than other drivers. She acknowledged that some of the students would be part-time. There would not be events at this property. She noted the Draper location was at capacity. Commissioner Reid asked about parking in front of houses. Bauer said the parent agreement acknowledges it. Sanderson pointed out conditions 8 and 9b, which prevented it. Bauer said there would be perimeter cameras to monitor parking violations.

Chair LaMar asked about the ADA parking. Sanderson pointed out the ADA capacity on the first parking stall. He would look at the requirements for ADA with the business use. Commissioner Vance said it was hard to find a good fit with a historic building. He understood the concern for the traffic but felt the use was acceptable. Chair LaMar wondered if the circulation plan should be removed from the recommendation. Commissioner Vance

was not sure if regulating the bottleneck on Ranchfield Road was something the commission should do. Commissioner Larsen said the historic structure was a great place for a use like a daycare, but the location was not. Chair LaMar wondered about revisiting the application in the future and potentially withdrawing the conditional use at that point if there was a problem. Sanderson said the use would stay with the land but could be revoked if there were violations of the terms. He noted the drop-off/pick-up times were in 20 minute intervals so the cars would not be stacked for a long time if there was any stacking. The circulation was designed to not create a backup of cars on 4500 S. He pointed out that the students could be limited to 25.

Commissioner Reid asked what the width of the road was. Sanderson did not know offhand, it was a standard resident road. Chair LaMar said the pavement was 25 feet and back of curb to back of curb was 30 feet. Jake Green, Millcreek planning engineer, said that was the size of a standard residential road. Commissioner Reid acknowledged the applicant's hard work on the application and expressed favor for it. Commissioner Lofgren appreciated that the applicant addressed issues raised at the last meeting and felt it was a good use of the space, though not perfect. Chair LaMar suggested removing the circulation plan and if it became a problem, it could be revisited. He also said that special events should not be allowed. Commissioner Vance felt the circulation plan was born from the original proposal of the pick-up/drop-off zone being on the street. The applicant had since made the zone be off-street, so, the circulation plan should not be included.

**Commissioner Reid moved to approve the conditional use permit for the daycare facility at the Historic Millcreek Farm House location with the recommendations/conditions specified in the staff report with the following two additional: 1) remove the circulation plan requirement and 2) stipulate that the facility not be used for special events or large gatherings. Commissioner Lofgren seconded.** John Brems recommended the motion be based on the evidence presented.

**Commissioner Reid amended the motion, that based on the findings and conclusions listed within the staff report, she moved that the Planning Commission approve the conditional use permit application file CU-22-020, subject to the staff conditions, and removing the circulation plan requirement and excluding any special events. Commissioner Lofgren seconded.**

Chair LaMar said the commission tried to balance the code and what could be mitigated. **Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Larsen voted no, Commissioner Lofgren voted yes, and Commissioner Vance voted yes. The motion passed.** Commissioner Larsen said his no vote was because he did not feel the conditions mitigated the safety concerns and felt the logical conclusion was that a daycare was not the best use for the property.

## 2. New Business

### **2.1 Consideration of SD-23-003, Request to Amend and Subdivide Property Within the Shupe Subdivision Creating Three Additional Commercial Lots Location: 3210 S. Highland Drive Planner: Brad Sanderson**

Brad Sanderson said the city was the applicant as the sole property owner. He showed the existing and proposed subdivision plats. The proposal was to amend the Shupe Subdivision by removing Parcel B, further subdivide Parcel A into three individual lots, dedicate property for the purpose of public right-of-way along Highland Drive and Chambers Avenue, provide

new public utility easements abutting the right-of-way, and remove unnecessary existing easements (where possible). There was no community council review or recommendation. Staff recommended approval of the application based on their findings and conclusions.

Chair LaMar asked for public comments. There were none.

**Commissioner Larsen, based on the findings and conditions listed within the staff report, moved that the Planning Commission approve the Shupe Subdivision First Amendment, application file number SDA-23-003, as proposed. Commissioner Lofgren seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, and Commissioner Vance voted yes. The motion passed unanimously.**

### **3. Public Hearings**

#### **3.1 Consideration of CU-23-001, Request for a Conditional Use Permit for a Boat Launch Along the East Bank of the Jordan River Location: 1015 W. Meadowbrook Expressway Applicant: Angelo Calacino, Salt Lake County Parks and Recreation Planner: Katie Larsen**

Katie Larsen said Salt Lake County Parks and Recreation was proposing to develop a boat launch/ramp into the Jordan River that would accommodate kayak and canoe access as part of the county wide Jordan River Water Trail Master Plan. The property was zoned A-1 Agricultural, which deemed public uses as a conditional use. The Millcreek General Plan identifies the Jordan River Parkway as an area for improvements in Objective #7: Identify and maintain recreational access to Jordan River Parkway for all residents and visitors. Strategy 7.1: Provide ample, safe connections for pedestrians and bicyclists between neighborhoods and the water's edge. Millcreek recently approved a new trail segment along the Jordan River, adding a boat launch on the east bank of the river would complement the new improvements. Strategy 7.3: Develop a public park along the river. A public park and trailhead was to be located on Meadowbrook Expressway (4000 South); though, it is not in the scope of this application. Parking for boat trailers to be provided with the trail head.

Larsen said the site was currently occupied by a lift-station used to release water into the river. The boat launch would be 179 lineal feet long and 8 feet wide. The ramp would be composed of concrete and other rock fill. The county was working to remove invasive weeds, improve riverbank habitat via stabilization efforts, and preserve existing wetland areas. Trees, bushes, and other plants would be removed for the improvement and were to be replaced with native plants. The state engineer has signed off on the project and imposed specific environmental guidelines. The ramp would be accessed from the Jordan River Trail, more specifically from Meadowbrook Expressway (4000 South) and 4060 South. There would be wayfinding and informational signage to the east and south of the ramp, both of which would conform to code. The Millcreek Community Council unanimously recommended approval of the application. They did have concerns about public safety, parking, and funding. Larsen concluded that the application met the preliminary requirements of approval per code chapters 19.48 and 19.84, and was supportive of Millcreek's objective to advance the goals of the General Plan which supported the completion of the Jordan River Trail infrastructure.

Commissioner Reid asked if motorized boats could use the ramp. Larsen said just canoes and kayaks. Commissioner Reid asked about design measures with anti-graffiti materials referenced in the staff report. Larsen said it was not very applicable, that was from the trail and bridge component that the commission previously reviewed.

Angelo Calacino, applicant, said the boat launch was designed as a portage if river flows did not allow access across 3900 S. to the ramp on the other side in South Salt Lake City. The lift station would be abandoned to support building the trail. There would be two trailheads, one for traffic to access the trail, and one for trucks and trailers to access the ramp.

*Chair LaMar opened the public hearing.*

There were no comments.

*Chair LaMar closed the public hearing.*

Commissioner Vance thought the proposal was great.

**Commissioner Vance, based on the findings and conclusions listed within the staff report, moved that the Millcreek Planning Commission approve application CU-23-001, per the proposed plans, as presented. Commissioner Larsen seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, and Commissioner Vance voted yes. The motion passed unanimously.**

The commission took a break from 6:20-6:34 p.m.

### **3.2 Consideration of ZT-23-001, Amendments to Millcreek Code in the City Center Overlay Zone (CCOZ) Regarding Yard and Bulk Regulations Planner: Robert May**

Robert May said the application was to amend code, specifically with the building setback and height requirements in the CCOZ. He showed the commission the step back rendering from the yard and bulk regulations from code section 19.73.060 and a proposed amendment to the elevation map of the CCOZ. A 20'-foot setback of the building façade, facing any street, was required for buildings over 40 feet in height or for any development on properties fronting on the Millcreek Common, 3300 South, Richmond and/or with frontage on Highland Drive. The precursor for this application was the city put out a request for proposals to sell and develop the property at 3179 Highland Drive. The council selected a proposal that was a medical office use building. To accommodate that proposal, the code would need to change. He presented options A, B, and C to the commission. Option A would allow exception from building setbacks when it was only for a commercial single purpose building that fit into the qualifying package dimensions of 100 feet in length by 80 feet in depth by 40 feet in height. Option B would allow exception from building setbacks when it was only for commercial single-purpose buildings that fit into the qualifying package dimensions of 100 feet in length by 80 feet in depth by 40 feet in height, in addition to meeting the four additional design requirements. The design requirements were:

- 1) For street facing building facades, exterior building materials used shall consist of a minimum of 75% brick or stone excluding windows, and 25% of the exterior building materials may consist of composite materials, or other materials of similar quality,

hardiness, and low maintenance characteristics excluding windows. Stucco and EIFS are prohibited for use as materials on any façade visible from a right of way.

2) Windows shall constitute at least 60% of first floor street-facing facades, and 35% of all upper story facades. Windows shall be recessed at minimum within 2 inches of brick or stone massing.

3) First floor and ground stories shall be at least 12 feet in height.

4) Entry into building must face the public street. Entry locations are further articulated by a change in composition materials, color, texture, or pattern, and shall be recessed or projected.

Option C would allow exception from building setbacks for all building types that fit into the qualifying dimensions and the additional design requirements presented in Option B.

May said the proposed change to the City Center height map would change the second height category maximum from 38 to 40 feet and would designate the section east of Highland Drive from Woodland Avenue to 3300 S. as such. He showed the commission images from other cities that did not have setbacks on their main streets, the previous church site plan with the changes in elevation, and a rendering of the site that illustrated the trees that would be removed or preserved. The Canyon Rim Citizens Association recommended Option B as presented by staff. The East Mill Creek Community Council recommended Option C as presented by staff. The Mount Olympus Community Council recommended Option B as presented by staff and the elevation changes in the text amendment proposal. The Millcreek Community Council recommended Option B as presented by staff with the condition that no adjacent property owners' building be eligible for a setback exception. Staff found the proposed text amendment changes to be in harmony with the comprehensive goals found in the General Plan and the City Center Master Plan and a reflection of the city refining and adapting its ordinances encouraged by the City Center Master Plan. Staff found the elevation changes would be minor and intentionally restrictive, and the proposal would preserve the residential neighborhood and be respectful to the height sensitivity on the adjacent residential neighborhood. Staff was supportive of each of the text amendment options.

Chair LaMar asked if staff had a preference on the options. May said no, staff would support all of the options. Commissioner Reid asked about the difference between Option B and C with signage. She wondered if more uses would require more signs. May did not anticipate multiple signs. Commissioner Larsen said at the joint city council/planning commission meeting, Mike Winder, City Manager, had said the single use building would help prevent against a "strip mall feel." He reported the council leaned toward option B at that meeting. Chair LaMar asked about public entrances fronting on the street. May said there could be more than one entry. The door articulation would help break up the massing and activate the street. The commission discussed the entry doors. Commissioner Larsen said the city was trying to be more pedestrian friendly. May said the idea was to cover any future repurposing of the building. Commissioner Vance asked if the single purpose commercial building in option B would prohibit the repurposing of it in the future. May said it might.

Adam Watts, Northstar Builders, presented building renderings of other projects Northstar Builders had done. He found that not one of their last 13 projects had met the 50% glazing requirements on the ground level, but had in some instances met the increased 35% glazing levels on street facing facades. He found that there was heat and cooling loss with the windows and they often had films and shades added and were kept closed for privacy

concerns with medical type uses. The increased requirement for brick and stone was a great idea; this would mitigate against a sheet of stucco with no articulation. He mentioned that they had done faux doors on buildings in other cities. May pointed out that the text amendments would be for any developer, not just Northstar Builders. Watts said from a design perspective, extra entry doors complicated the interior layout. May said the glazing code was currently 50% on the ground floor and 25% on the second floor. May said the current CCOZ text on façade articulation was mainly written for larger, mixed use buildings.

*Chair LaMar opened the public hearing.*

There were no comments.

*Chair LaMar closed the public hearing.*

Chair LaMar was inclined to leave the window considerations of 50% on the ground floor and 25% or 35% on other stories. He felt the Northstar Builder's prior projects were beautiful buildings and he was not sure that more windows would be an added benefit. Commissioner Larsen did not want the building to look like a giant stucco box. He was fine with the lower glazing requirement and wanted functional doors on the public street. Commissioner Vance like the options by preference, C, B, then A. He did not know if limiting future repurposing was good or bad, the options did not matter from a massing point. He felt the 50% windows on the ground floor was acceptable with a 25 or 35% requirement on the other floors. Commissioner Reid said the front door should be functional. She preferred 35% windows on the second floor. Chair LaMar expressed preference for Option B because it was conservative. The commissioners expressed favor for option B for conservation and C for option flexibility. They also appreciated a lesser glazing requirement.

**Commissioner Larsen, based on staff findings and conclusions, moved to recommend option B to the City Council for approval with changes including reducing the glazing requirements from 60 to 50% and 35 to 25% for ZT-23-001. Commissioner Lofgren seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, and Commissioner Vance voted yes. The motion passed unanimously.**

**3.3 Consideration of ZT-23-002, Amendments to Millcreek Code Regarding Subdivision Requirements Presenter: Joe Moss, Logan Simpson**

**3.4 Consideration of ZT-23-003, Amendments to Millcreek Code Regarding Mobility and Parking Requirements Presenter: Joe Moss, Logan Simpson**

**3.5 Consideration of ZT-23-004, Amendments to Millcreek Code Regarding Landscaping Requirements Presenter: Joe Moss, Logan Simpson**

Joe Moss said module 1 was in phase 2 of three for adoption. The public process had included a project website, newsletters, questionnaire, public events, steering committee and interviews. There were 450 survey responses. The city inherited a lot of the code from the county. This was the first overhaul of the zoning code which included provisions current with the state code. The guiding principles were legibility, quality development, and administration. There were three modules, the first one addressed procedures and subdivisions, the second addressed zoning districts and uses, and the third addressed general



provisions and supplementary regulations. In Title 18, they updated language and created consistency, clarified approval procedures, updated block standards, introduced major and minor subdivision processes, and incorporated a flag lot policy and updated standards. He said flag lots could be added for single flag lots and two adjoining flag lots. Each one was represented on a site plan illustrating the requirements. The subdivision procedures were broken down by minor (3 or fewer lots) and major (3 or more lots). Minor subdivisions required staff approval. Major subdivisions had a two-step platting process with preliminary subdivision approval by the Planning Commission and final approval by staff.

Chair LaMar asked for clarification on lot size requirements for flag lots. Moss said the reduction of required space (1.5 to 1.25) brought minimum setbacks. Commissioner Larsen asked if minor subdivisions would still require the 300 foot mailed notice requirements. Moss said the noticing requirements would remain the same. Commissioner Vance asked about the incorporation of subdivisions into Title 19. Moss said there would be a reshuffling of organization down the road that would not include substantive changes.

Jen Gardner, Logan Simpson, reviewed Title 19 Landscape which included focus on water efficiency and local best practices, new landscape buffers, use specific design standards, streetscape landscaping requirements, updated parking lot landscape standards, low impact development standards, and LocalScapes and hydrozones standards. Hydrozones look at landscaping based on the type of water requirements for each plant. The consultants borrowed the zones from regulations already in place in the county. They have an accompanying plant list to go with the standards. Zones 3 and 4 are capped at 10% (food production exemption). Minimum efficiency standards were 75% fixed and 70% rotor for irrigation equipment. Use of a landscape architect was required except for single family dwellings not seeking rebate.

Gardner described three buffer styles: buffer A for multiple dwelling to single dwelling, buffer B for non-residential to single dwelling, and buffer C for mechanical equipment, loading docks, and dumpsters. The use specific design standards addressed plants and trees around certain building types. It prohibited turf from the manufacturing areas and limited it in the commercial, mixed use, and multi-household area to 20%. There was a 75% minimum live plant cover standard throughout the landscape section. Chair LaMar felt there were more plants in the park strip in the manufacturing rendering then in the commercial, mixed use, and multi-household one. Gardner said the 75% could be distributed throughout the site, but it could balance out on a commercial lot with more planting area. New streetscape standards addressed trees under power lines or hanging above sidewalks. Commissioner Reid asked about the streetscape standards applying to all streets. Moss said those changes were unified in this draft of the code, but it applied everywhere. Commissioner Reid wanted that clearly stated that it applied to all city streets.

Gardner described the added parking lot standards for interior parking lot landscaping and perimeter parking lot landscaping. Chair LaMar asked how many spaces would trigger the walkway between stalls. Gardner said every other double row of parking would have to have a planted island; the sidewalk was in the parking standards. Residential standards comprised of five elements: central open shape (turf limited to 35%), activity zones, gathering areas, planting beds (minimum 75% plant live coverage), and pathways. This applied to new homes and modifications over 50%. They added tree protection for healthy trees over 4" caliper, a

1:1 credit for preserved trees, a replacement table, native plant requirements for areas within 50' of waterways, retention of existing vegetation, and invasive species exempt from the preservation requirement. Commissioner Larsen said the proposed code was, "Plants considered noxious or invasive species as declared by Utah Department of Agriculture and Food are not required to meet these requirements." Based on that criteria, he did not see any trees on that list, including Boxelder and Russian Olive as discussed in the last meeting. He wondered if the list needed to be more specific as to what was an invasive tree. Gardner felt specificity was helpful and was fine adding the top five trees (or whatever it may be). Commissioner Larsen requested previously that invasive species be exempt from the preservation requirement. Commissioner Reid pointed out that the replacement caliper was not 1:1. Gardner saw issues with implementation of a 1:1 ratio.

Gardner reviewed low impact development options with the use of bioswales, grassed swales, and rain gardens. Chair LaMar asked about the limited width of the central open shape not being less than 10 feet for turf. Moss said when there is a narrow piece of turf, it is difficult to water efficiently. Commissioner Reid asked about the rebate program for single family homes being required to use a landscape architect. Moss said the goal was if residents met Millcreek's code, they were automatically eligible for rebates, but rebate programs required the use of the landscape architect. Commissioner Larsen asked if a new section of invasive trees could be added to the accompanying plant list provided in the appendix. Gardner said it could be added, and it could be amended easier in the future than if it was included directly in the code. Commissioner Larsen suggested referencing the plant list and the Utah Department of Agriculture and Food noxious or invasive species list.

Moss reviewed parking and mobility. Some features, such as recreational vehicle/commercial parking rules in residential areas, shared parking, and valet programs, remained the same. There were updated standards and updated language added, new electric vehicles standards added, updated parking ratios with a new affordable housing use added, a traffic study for parking reductions was eliminated but required for stacking spaces, and new layout standards including loading spaces for multi-unit and townhomes were added. The general updates to the parking design standards included protected pedestrian routes, cross access to adjacent properties, where possible, low impact development requirements, and developers may count 50% of striped street space in frontage for the required parking minimum or 75% if the street spaces were constructed for the project. Chair LaMar asked about negative consequences with cross access to other businesses, like using their parking. Moss said the point was to prevent cars from hopping to lots from different driveways. Chair LaMar asked if the cross access was a requirement or encouragement. Moss said it depended if the space was available. The electric vehicle (EV) standards included requiring infrastructure wiring, but not the charger. Non-residential required 15% of spaces level 2 or 3; multiple-dwellings with 8 or fewer units required at least one level 2, and one level 1 or 2 for each parking space dedicated to a single unit; multiple-dwellings with 9 or more units required 20% level 2, and a level 1 or 2 dedicated parking spaces; and single-dwelling units required one level 2. Level 1 is considered slow charging. Voltage including the range from 0 through 120. Level 2 is considered medium charging. Voltage is greater than 120 and includes 240. Level 3 is considered fast or rapid charging. Voltage is greater than 240.

Moss said the minimum parking requirements had uses and ratios updated, and the table was reorganized by grouping by types of use. Chair LaMar asked if the goal was to remove the

variability for reductions. Moss said the two new options were transit proximity reductions and alternative mode reductions. Transit proximity allowed 20% reduction within ¼ mile of high frequency stations and alternative mode reduction allowed up to 15% for enhancements in pedestrian, bike, or transit infrastructure. He said uses with a drive through window required a stacking study. The requirement may be reduced or increased based on projected demand. Stacking spaces may not impede internal or external traffic circulation. Townhomes and multiple dwellings required loading for deliveries. Enclosed bike storage was required for multiple dwellings with more than 8 units. Commissioner Larsen asked if the electric vehicle requirement in single family dwellings would be for new construction. Moss said new construction or remodel over 50%.

*Chair LaMar opened the public hearing for items 3.3, 3.4, and 3.5.*

James Yapias, 2835 E. Canyon View Drive, said he started the flag lot process in September 2022 and his project got put on hold for the code revision. He said there was not much land available for development on the east side of the city. The R-1-8 code had 20 foot setbacks on every side, but now the recommendation was 30 feet from the back of the existing home on the property. He said the change would impact his lot for a flag lot availability. He said when he had the development review committee meeting, none of the participants saw a problem with his lot. He felt existing code was sufficient because it was not an issue previously. He wanted to provide the opportunity to have affordable housing nearby to his house. He did not feel the 30 foot minimum rear yard setback on the base lot and required two car garage was necessary. Most of the older homes in the community could not accommodate the extra length requirement.

*Chair LaMar closed the public hearing.*

Commissioner Reid wondered if the smaller flag lot setback could be allowed with a single level dwelling, so it did not disturb the neighbors. Chair LaMar pointed out that an accessory dwelling unit had smaller setback requirements. May pointed out the clarification was the 30 foot rear yard from the base lot, not the flag lot. The flag lot was twenty feet around. Commissioner Larsen asked about the rationale with the required two car garage. Moss said they had planned to adjust it to two off street parking places, one of which had to be covered. Moss said the 30 foot base lot rear yard was to preserve a yard. Chair LaMar said the people creating the flag lot generally knew they would/could be shortening their backyard. Moss said property investors cut things short. Commissioner Lofgren appreciated the greater length rear yard, it improved the quality. May said maybe there could be two standards, one for single story and one for two or more stories. Yapias said smaller lots would help with water conservation and affordability.

Commissioner Larsen said the only adjustment he would make to the codes was adding the invasive trees list to the plant list. Chair LaMar asked if deferral agreements were being removed from the code. May said no. Chair LaMar asked about language for size or clearance included for infrastructure to prevent obstruction around the terminus of the conduit of the electric charging. He suggested people should provide estimated cubic feet or gallons of water needed for their landscaping for the city to have an understanding of how much water was being used. He said the parking provided on past applications had an average 15% reduction. The proposed code would increase 10% to 25%. He would send staff

the spreadsheet he created on the breakdown. He was concerned with lumping fitness facilities together since they varied in size and use. Moss pointed out the parking was minimums. The city can enforce providing more parking if the use warrants it. Commissioner Reid preferred a caliper per caliper replacement on trees. She asked if irrigation needed to be installed and operational before plants were installed, if so, that language should be strengthened. She appreciated that developers were responsible for replacing plants for a couple of years after planting. Chair LaMar reviewed the comments provided by the commission throughout the discussion. This included adding a section in the plant species list that identified invasive trees for preservation, different reduced setback standards for single story flag lots, definitions for connections for electric vehicles, and different parking ratios based on Chair LaMar's findings.

**Commissioner Lofgren, based on the findings and conclusions presented by staff, moved that the Planning Commission recommend to the Millcreek Council to approve ZT-23-002 regarding adoption of a new subdivision ordinance including looking at the reduction of setbacks for the base lot in front of a flag lot with single story houses and also remove the recommendation for double car garage requirements, to be consistent with standards for other houses. Commissioner Reid seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, and Commissioner Vance voted yes. The motion passed unanimously.**

**Chair LaMar, regarding ZT-23-003, moved for recommendation to the City Council to adopt the amendments to Millcreek Code regarding mobility and parking with the suggestions of strengthening the definition of EV charging which would include height clearances and other industry standards and then also to consider revising the proposed parking ratios. Commissioner LaMar will provide staff and consultants with a table that seems to align the parking with projects that the commission has approved based on traffic studies over the past two years. Brems suggested the motion should not include suggestion. Chair LaMar clarified to provide for the changes to be made. Commissioner Larsen seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, and Commissioner Vance voted yes. The motion passed unanimously.**

**Commissioner Larsen, based on staff findings in the staff report and presentation, moved that regarding ZT-23-004, the Planning Commission recommend approval with the inclusion of an invasive species tree list to the Millcreek Plant Species List and specify that those are exempt from preservation in conjunction with the Utah Department of Agriculture list. Commissioner Lofgren seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, and Commissioner Vance voted yes. The motion passed unanimously.**

#### **4. Commission Business**

##### **4.1 Election of Chair and Vice Chair for 2023**

Commissioner Larsen nominated Shawn LaMar as Chair and Victoria Reid as Vice Chair. Commissioner Vance seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, and Commissioner Vance voted yes. The motion passed unanimously.

#### 4.2 Approval of January 18, 2023 Regular Meeting Minutes

Chair LaMar moved to approve the minutes as presented in the packet from staff. Commissioner Reid seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout voted yes, Commissioner Larsen abstained, Commissioner Lofgren voted yes, Commissioner Vance voted yes. The motion passed.

#### 4.3 Approval of January 23, 2023 Special Meeting Minutes

Commissioner Vance moved to approve the draft minutes as presented for the combined meeting on January 23<sup>rd</sup>. Commissioner Larsen seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout abstained, Commissioner Larsen voted yes, Commissioner Lofgren abstained, Commissioner Vance voted yes. The motion passed unanimously.

#### 4.4 Updates from the Planning and Zoning Director

Elyse Sullivan noted Francis Lilly sent the commission an email that read, “*I won’t be present at tomorrow’s meeting, but if I were I’d use my Planning Director’s update to suggest we implement a couple housekeeping items, with a goal to ensure that Planning Commission recommendations are rock-solid and defensible against a challenge.*”

1) *We’ve asked staff to clearly state findings, particularly for staff reports involving conditional uses. In the case of text amendments and rezones, we should really look to the general plan, and the general plan should be referenced somewhere in our staff recommendation. I want us as staff to make sure that findings and general plan references are clearly stated in our presentations. In the case of conditional uses, we as staff should explicitly state that our recommendation regarding the conditional use permit is based on the site plan (and elevations, if applicable) as presented in the staff report.*

2) *My request of the Planning Commissioners is that, when a motion is given, it should reference findings. It could be as simple as “based on the findings as presented by staff” unless you want to add other findings in the course of your discussion. Also, for a conditional use permit please reference a site plan “as presented in the staff report” and feel free to add conditions, if you need to, based on your discussion, provided those conditions mitigate a reasonably anticipated detrimental effect that we’ve discussed and identified as a finding.*

3) *Staff should be providing you with model motions, and we’ll continue to work on these. The model motions should cover you appropriately.*

*These are technical suggestions that will help strengthen your actions as a Planning Commission, and are not any suggestion that you’re doing anything improper. You aren’t. In fact, we really appreciate your thoughtfulness and rigor. I just want to reduce any after-the-fact ambiguity in your decisions, so it’s important that we craft motions in a certain way. It really does make a difference, should anything ever get appealed, if we are explicit with our*

*findings and if we are explicit about our approval being based on a site plan as presented by staff.”*

Commissioner Larsen pointed out that the model motions from staff should read, “I move” not, “I motion.”

**5. Calendar of Upcoming Meetings**

- Canyon Rim Citizens Association Mtg., 3/1/23, 7:00 p.m.
- East Mill Creek Community Council Mtg., 3/2/23, 6:30 p.m.
- Mt. Olympus Community Council Mtg., 3/6/23, 6:00 p.m.
- Millcreek Community Council Mtg., 3/7/23, 6:30 p.m.
- Historic Preservation Commission Mtg., 3/9/23, 6:00 p.m.
- City Council Mtg., 3/13/23, 7:00 p.m.
- Planning Commission Mtg., 3/15/23, 5:00 p.m.

**ADJOURNED: Commissioner Reid moved to adjourn the meeting at 9:00 p.m. Commissioner Lofgren seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Claerhout voted yes, Commissioner Larsen voted yes, Commissioner Lofgren voted yes, and Commissioner Vance voted yes. The motion passed unanimously.**

**APPROVED:** \_\_\_\_\_ **Date**  
**Shawn LaMar, Chair**

**Attest:** \_\_\_\_\_  
**Elyse Sullivan, City Recorder**