



Millcreek  
 3330 South 1300 East  
 Millcreek, UT 84106  
 Phone: 801-214-2700  
 For Information regarding agendas & packet,  
 please visit <https://millcreekut.us>

**MEETING MINUTE SUMMARY**  
**MILLCREEK PLANNING COMMISSION MEETING**  
**February 21, 2018 5:00 PM**  
**(approved 4.18.18)**

**Approximate meeting length:** 5.5 hours  
**Number of public in attendance:** 15 plus those who did not sign or whose names were ineligible  
**Summary Prepared by:** Alexandra Muller  
**Meeting Conducted by:** Commissioner Stephens

**ATTENDANCE**

Commissioners	Present	Absent
Tom Stephens (Chair)	x	
Fred Healey (Vice Chair)	x	
David Carlson	x	
Scott Claerhout	x	
Shawn LaMar	x	
Mark Mumford	x	
Heather Wilson	x	
Dave Allen	x	
Russ Booth	x	

Millcreek	Present	Absent
Jeff Silvestrini	x	
Francis Lilly	X	
Alexandra Muller	X	
Ashley Cleveland	X	
Robert May	x	
John Brems	x	

**Regular Meeting began at 5:04p.m.**

Chairman Stephens read the opening statement.

**CU-17-007** Dustin Buckthal Conditional Use Permit for an Indoor Recreational Facility  
**Location:** 4142-4180 S Main St **Community:** Millcreek **Planner:** Ashley Cleveland

Planner Ashley Cleveland stated that the applicant, Dustin Buckthal, was seeking approval for a Conditional Use Permit in an MD zone to develop an Indoor Recreational Facility at 4142- 4180 South Main Street. The climbing and fitness gym would consist of approximately 2.27 acres at the corner of 4142 S Main St./ W Central Ave. Ms. Cleveland said the facility would be an anchor for the corner of Main St. and Central Ave., providing a social amenity and gathering point for the surrounding community. It was consistent with the goals for an urban development along with a pedestrian friendly corridor. The applicant was also proposing upgrades to the street level façade to provide an active and transparent

interface with the sidewalk thereby enhancing street safety. She said the applicant was proposing landscaping and commercial frontage that exceeded the minimum 50 percent commercial frontage required by the code.

Chairman Stephens asked if the Planning Commissioners had any questions for Ms. Cleveland.

Commissioner LaMar asked what the total square foot of the project?

Ms. Cleveland answered the climbing gym would be 19,000 sq. feet while the retail pad is 6,000 sq. feet.

Commissioner Mumford asked if there were any easements on the property?

Ms. Cleveland answered no.

Chairman Stephens noted the community council gave unanimous recommendation for approval for the project.

Seeing as there were no further questions by the Commissioners, Chairman Stephens asked the applicant to come to the podium

Applicant: Dustin Buckthal

Address: 1370 S 900 E, Salt Lake City

Mr. Buckthal said he did not have any additional comments to add to Ms. Cleveland's presentation.

Vice Chairman Healey asked Mr. Buckthal if he had experience building climbing gyms and whether 3 parking spots per 1,000 would be enough?

Mr. Buckthal described the types of gym he had previously built and their locations in Salt Lake City and Ogden which have similar parking. He said the parking situation has been satisfactory in those locations.

**Public comment opened at 5:22pm.**

No public comment was offered.

**Public comment closed.**

Chairman Stephens opened to the Planning Commission discussion and motion at 5:23pm.

Commissioner LaMar said that the parking ratio in relation to the stated gross square footage appeared off and asked staff for clarification.

Ms. Cleveland answered that there was a mistake in staff report with the conditional use permit application as respects the gross square footage.

Mr. Lilly said the parking ratio is correct and suggested the architect could comment on this issue.

Architect: Hannah Vaughn

Address: 800 South 400 West

Ms. Vaughn said the climbing gym usable square footage was 33,947 and the proposed retail was unknown at this time but the pad would be 6,500 square feet. She said since it would be a 2-story building the square footage could be closer to 10,000.

Vice Chairman Healey asked Mr. Lilly if it was staff that requested the 3 regarding parking because it was not set in the code?

Mr. Lilly confirmed that was correct.

Vice Chairman Healey said his concern was with the overflow parking and cited the example of the climbing gym on 33<sup>rd</sup> where the parking ratio stood at 3.42 to 1. He thought 3 may not be enough.

Mr. Lilly said they went with what surrounding jurisdictions recommended. He said this number was appropriate for transit-oriented area that had better access to bikes, closer to trains, and in an easy walk to. He said he thought about these things and was aware of the Momentum climbing gym in combination with the liquor store generate traffic.

Commissioner Wilson said she lived near that site and that specific site was an issue though it was difficult to tell whether the overflow parking was due to the climbing gym, club, or other nearby businesses. She said this project was more self-contained and she was not as concerned.

**Motion:**

Commissioner Wilson motioned to recommend approval for a conditional use permit CU-17-007 for a 15,715 square feet indoor recreational facility consisting of an additional 6,095 square feet retail pad located at 4142-4180 S Main Street subject to conditions in staff report.

Vice Chairman Healey seconded the motioned.

No further discussion by Planning Commission.

**Vote:**

- Commissioner Claerhout – yes
- Commissioner LaMar – yes
- Vice Chairman Healey – yes
- Chairman Stephens – yes
- Commissioner Mumford – yes
- Commissioner Wilson – yes
- Commissioner Carlson – yes

**Motion passed unanimously.**

---

**CU-18-002** Gary Hassenflu requests Conditional Use Permit for a Mixed Use Multifamily Project **Location:** 4186 S Main St **Community:** Millcreek **Planner:** Ashley Cleveland

Mr. Lilly stated that the applicant Gary Hassenflu requested a continuance of his application for a later date to work on issues regarding access but that to Ms. Cleveland would still present the staff report to fulfill public notice and to have any Planning Commission questions entered into the record.

Ms. Cleveland presented the staff report for CU-18-002. The applicant, Gary Hassenflu, representing Wind River Investments, was seeking approval for a conditional use permit to develop a Mixed Use Multifamily Project in a Mixed Development zone. The proposal was for a mixed use multi-family project consisting of approximately 403 residential units, a commercial pad consisting of 6,000 square feet along Main Street, and convertible commercial space. The ground floor of the main building would contain 4,212 square feet and all together total 10,212 square feet of commercial space in this development.

Ms. Cleveland said the applicant had submitted a traffic impact study that indicated that the most significant traffic impact would occur at the entrance of the property at 4186 Main Street. The traffic study made a few recommendations to mitigate any potential impacts:

Although beyond the scope of this project, the following actions could help to alleviate the congestion:

1. Possible future signalization of Central Ave and Main Street.
2. Coordinate signal timing with signal at Fireclay Ave and Main Street. Alternatively, a mini- roundabout could also help to alleviate congestion issues.

3. Install innovative intersection at 4500 South and Main Street
4. Add a second access into the site.

Ms. Cleveland said the traffic study was reviewed by Salt Lake County Traffic Engineer, Jena Carver, who concluded that the 5% growth rate was perhaps excessive. Ms. Carver suggested a 2% background growth rate with 5% growth rate in the immediate area to account for the redevelopment from light industrial to multifamily residential. Per the request of Frederick Lutze, Millcreek's Assistant City Engineer, and the project developer, Gary Hassenflu, Civil Solutions Group, Inc. prepared an addendum to the original traffic study prepared for the Millcreek Apartments Project. The addendum utilized a 2% growth rate for the entire study and concluded that vehicles exiting at the proposed Main Street project access during the 2035 peak hour were expected to experience "tolerable delay" (LOS D) and by that criterion alone a second access was not deemed necessary.

Chairman Stephens noted it was a very narrow recommendation.

Ms. Cleveland said the Assistant City Engineer suggested they look more into the background growth rate information. She said further conversations with Ms. Carver had nailed down the issues regarding the second access.

Chairman Stephens asked where service level D was on the scale of traffic flow?

Mr. Lilly answered while he was not a traffic engineer, he was aware that at level A there was virtually no delay while level C was what you would expect in a typical urban street and level D would be a little worse. He said there are actual specific time delays associated with each level which may have been enumerated in the staff report.

Ms. Cleveland said that upon recommendation by the City Engineer and Fire Marshal, staff was recommending that the applicant obtain an easement to provide additional access to Central Avenue. Staff was concerned about the likely number of daily vehicle trips serving the project through the sole proposed access at 4186 South Main Street. She explained that aligning an additional access to Central Avenue would result in a better distribution of the anticipated vehicle trips and would reduce the length of turn queues on Main Street and within the property. She said the Fire Marshal suggested providing a secondary opportunity for emergency egress. In previous discussions with the applicant, the applicant agreed that an additional access would aid the project and expressed a willingness to pursue the option of an additional access.

At a public meeting on February 6<sup>th</sup>, 2018 the Millcreek Community Council recommended against approval until the Planning Commission looked at and considered the following detrimental effects:

1. Fire safety – bound in conditional use permit with suggestions of sprinklers and treating this project as a high-rise
2. Access and Egress for vehicles onto Main street and into parking structure
3. Parking is insufficient
4. Changing unit mix to more 2 and 3-bedroom units to appeal to families

Vice Chairman Healey asked what was the current mix of apartments being proposed?

Ms. Cleveland answered it was mostly 1 bedroom units and studios. She said there would be 85 2-bedroom units with 250 1-bedroom units and a few studios.

Ms. Cleveland said compliance with current building, construction, engineering, fire, health, landscape and safety standards would be verified prior to final approval. She said Staff reviewed this project with the City Engineer and the City Fire Marshal who supplied a letter regarding this project that was attached to the staff report. Ms. Cleveland said the final permit approval would require full compliance with the requirements of the City's Engineering standards, the Fire Code, and was subject to approval by the City Engineer and Fire Marshal.

Mr. Lilly offered context to the Fire Marshall's letter: staff had been working at length with the applicant and the Fire Marshall to come up with a potential workable response. Staff had sought the Fire Marshall's for an authoritative conceptual review so the developer and architect have some idea to move forward. He said many of the alternative means and methods in the fire engineering report dealt with the limited access which was an issue not just for the fire department but for Millcreek as well. Mr. Lilly said he did not want the record to show that the Fire Marshall's letter was an approval on the current condition. He said the letter was simply intended to convey that the applicant was working on alternatives means and methods which could be applied though subject to final approval by the Fire Marshall.

Ms. Cleveland said the applicant had entered into an agreement to develop public open space along Big Cottonwood Creek and a pedestrian bridge across the creek to facilitate access to the Murray North Traffic station. She said the applicant had developed a site plan in concert with staff, the City Engineer, and the Fire Marshall.

Ms. Cleveland then spoke regarding the 3 detrimental effects mentioned in the staff report such as the potential increased traffic patterns, impact on utility systems, and access roads by emergency vehicles. She noted the applicant requested a continuance to address some of the concerns.

Commissioner Wilson said she had worked in traffic before and explained service level D, which she described as "scary", and the other service levels. She noted it was difficult to mitigate substantial delays without the roads and it was better to deal with it now rather than later.

Commissioner Allen asked whether the project was being built all at once or in stages?  
Mr. Lilly answered it was typical for projects this large to be built in in phases though the phases may overlap. He explained how certificates of occupancy were issued relating to this project.

Commissioner Carlson asked what the level of service was right now?  
Commissioner Allen answered it was currently at levels B and C which Mr. Lilly confirmed.

Commissioner Carlson asked whether it was a transit oriented development?  
Ms. Cleveland confirmed it was. She said it was one of the reasons staff wanted to talk about the pedestrian bridge because it was close to public transportation.

Chairman Stephens asked staff if they were ok with the 1.4 parking ratio?  
Ms. Cleveland said staff felt it was sufficient and was consistent with Meadowbrook area.

Commissioner Allen commented that when they toured the area that parking seemed inadequate. He said business owners were complaining and they saw cars parked all over the street. He said it seemed as if they were saying what was done in the past was ok and not ok at the same time.

Mr. Lilly said staff was making an effort to improve streetscape which would include parallel on-street parking. He said that it was a city scale improvement that needed to be done from 39<sup>th</sup> south all the way to Big Cottonwood creek. He said with the right street and transit the 1.4 ratio could work and while there could be spillover, the street needed to be designed to capture spillover. He said staff was pursuing additional funding to fix the roads.

Commissioner Mumford commented he was concerned about overflow parking, particularly at the new climbing gym the Planning Commission had approved.

Commissioner Allen commented that street scape parking improved the vitality of an area and saw it as a bonus rather than a need to survive.

Mr. Lilly explained street scape parking versus resident parking. He touched on policy issues and the need to regulate parking with staffing. He went on to discuss how pushing the parking ratio higher would also begin to change the design plans that wouldn't give a transit oriented effect.

Commissioner Claerhout asked about the funding for the street scape parking?

Mr. Lilly answered he thought they had a compelling case due to zoning work done, the precedent of projects, and the attempt to align with Murray.

Commissioner LaMar asked for clarification on the 2% growth.

Ms. Cleveland answered the 2% growth was for vehicle trips.

Commissioner LaMar commented he thought that was a low number due to all the development in the area.

Commissioner Allen thought it was 5% growth per year.

Chairman Stephens asked staff to explain the evolution and history of fire safety for this project.

Mr. Lilly answered since the project's first appearance, he had had a conversation with the Fire Marshall and developer to discuss solutions back in October/November regarding access around the parameter or at least parts of the parameter of the building. He said this would allow for fire safety through alternative means and methods. He explained they attempted to apply parts of the fire code that applied to high rise office buildings to this project which triggered a different need for sprinkler, elevators, and other items. He said these were conceptual and nothing would be applied to this project until there is a plan for review. Mr. Lilly said in January the developer submitted a fire engineer's report that spoke of the alternative means and methods. He said Cheryl White, from the Unified Fire Department, responded in a letter saying conceptually it was workable.

**Public comment at 6:11pm.**

No public comment was offered.

**Public comment closed at 6:12pm.**

Planning Commission discussion and motion opened at 6:12pm.

Commissioner Carlson commented he did not think fire safety was in the Planning Commission's stewardship and that it was up to the expertise of the Fire Marshal to work it out.

Commissioner Wilson said that changing the unit mix to more 2 bedroom units would add stability to the neighborhood.

Commissioner Allen said the access question was just fire safety though he was fine with it if the Fire Marshall said ok. He added they should have a say when 400 residents would be relying on 1 access only and cited examples with snow/fire issues that could hypothetically occur. He noted the traffic study showed failings by 2035 where wait times were infinite – something he had never seen before.

Commissioner Carlson said he was not suggesting they not care about parking/traffic, his point was there were engineers who studied these issues and had expertise in their field to help him make the right decision.

Commissioner LaMar said he didn't want this over/under parked now but reduced parking wouldn't have people get rid of their cars overnight. There would be spillover. He appreciated the applicant came back with changes though the project was not quite there yet.

Commissioner Claerhout said he liked the Millcreek Community Council's suggestion of mixing it up with 2 or 3 bedroom units instead of just mostly studios.

Vice Chairman Healey said access was key and added the connecting streets do not facilitate traffic. He cited Sandy as an example of a city that was able to change their traffic pattern after new development. He added they could no longer live with the old streets.

Mr. Lilly agreed and said what was needed was a robust street grid with multiple options for people to move from point A to point B. He cited New York City as an example.

Chairman Stephens summarized the discussion points and asked if they were ready to make a motion.

**Motion:**

Commissioner Mumford motioned to let CU-18-00 continue until the applicant and staff were ready to present.

Commissioner Claerhout seconded the motion

Commissioner Claerhout – yes

Commissioner LaMar – yes

Vice Chair Healey – yes

Chair Stephens – yes

Commissioner Mumford – yes

Commissioner Wilson – yes

Commissioner Carlson – yes

**Unanimous vote of approval.**

---

Break 6:20pm to 6:37pm

**ZM-18-002 / SD-18-001** Peter Tolman requests Preliminary Plat for a 3-lot Subdivision and Rezone from R-1-8 to R-1-4 for two proposed lots **Location:** 911 E Fairclough Dr.

**Community:** Millcreek **Planner:** Robert May

Mr. May said Peter Tolman, the applicant, was seeking a request for a preliminary plat for a 3-lot subdivision amendment and Rezone from R-1-8 to R-1-4 for two of the proposed lots at 911 East Fairclough Drive. He said the proposed zone change was the first step in the proposed subdivision amendment to allow for two of lots to be developed. Mr. May cited as per Chapter 18.18.040 of the Millcreek City Code, a subdivision amendment can be approved by way of a preliminary plat that is approved by the Millcreek Planning Commission. Additionally, the applicant is seeking an exception to the minimum rear yard required for one of the lots in the R-1-4 zone. He said staff had reviewed the project and felt as though the rezone and proposed development could meet the requirements of a preliminary plat approval as well as maintain the compatibility of a single-family neighborhood.

Mr. May went on to describe the lot and surrounding uses. He described the historical and aerial imagery maps. He described what the General Plan recommended.

Mr. May noted that there a couple of neighboring property owners who had expressed their concern with the current on-street parking situation on Fairclough Drive. He said there was unanimous approval of the proposed rezone and plat amendment from the Millcreek Community Council that took place on February 6<sup>th</sup>, 2018. He then went on to summarize the analysis and staff recommendation.

Mr. Lilly added due to the nature of exceptions that the Planning Commission should also make a finding as the foundations are what they are and there is no recourse absent a rezone change.

Commissioner Allen asked if the developer was going to use the original foundations?  
Mr. Lilly confirmed yes while Mr. May said the foundations would have to be inspected again.

Jeff Tolman, applicant Peter Tolman's father and representative  
Address: 3023 Lohoya Drive

Mr. Tolman said they had the foundations checked by an engineer and found they were core drilled. He said the foundations were tested and came back as robust though they were not sure how old they were. He said there were 2 engineering firms that tested the foundation which included a quarter drill test and came back usable.

Chairman Stephens asked whether there would be garages?  
Mr. Tolman said there would be 2 garages on each side.

Commissioner Mumford asked if the garages would be single or double car?  
Mr. Tolman said they would be larger single car garages so there would be parking in the garage and in the driveway.

Commissioner LaMar asked how the property came to be as it currently is?  
Mr. Tolman said they were told by the previous owners, who they purchased the property from, that they had received permission from the county though the county did not have records of it. He said it was an R-1 dwelling but with 2 foundations on it. The county would not give a permit to build but the previous owner said he could build but had no proof. Mr. Tolman said he wasn't sure about the actual timeframe but that it was 15 years ago.

Lynda Bagley, Millcreek Community Council Representative  
Address: 1250 Manor Circle

Ms. Bagley said the community council voted unanimously for it and most of the neighbors were excited about the project. She noted one person was concerned with parking though the applicant had mentioned there would be parking on the property.

**Public comment opened at 6:55pm.**

Speaker 1: Tom Hewitt  
Address: 935 Fairclough Drive

Mr. Hewitt said he lived 2 lots down from the proposed project. He asked Mr. May to put up the aerial map of the proposed project where he pointed out the bike lanes that were installed 2 years ago. Mr. Hewitt said parking issues appeared around the same time of the bike lanes and there currently was spillover parking from the high-density units located in the neighborhood. He said there was a 12-unit condo nearby with 24 parking stalls where spillover parking would park in front of the lot. He mentioned a duplex nearby that also had spillover parking on Fairclough. Mr. Hewitt said he had previously addressed the Planning Commission in May when they had approved an 8-unit complex with 12 parking stalls which also has a bike lane so he has an expectation there would also be spillover.

Mr. Hewitt said while he would like something gorgeous on the lot though if there were garages then there would be double driveways and he expected spillover. He said he wouldn't be concerned if it was in the middle of the block but if you are coming down north on 9<sup>th</sup> then it was a blind turn due to vegetation. He mentioned there was a recent issue of cars parked there and plows unable to remove snow due to the cars. He said it may be better to have one unit so spillover parking wouldn't come down to the choke point. Mr. Hewitt said Fairclough is used as a cut through street as opposed to Best street where he reiterated the parking issues. He added that at there were 3 people who were concerned about the parking at the community council nor did he note were any residents excited about the project.



**Public comment closed at 7:03pm.**

Chairman Stephens opens up hearing to Planning Commission for discussion and motion.

Commissioner Wilson said she preferred to see houses rather than foundations that are not being used. She said she trusted staff to come up with the best solution.

Chairman Stephens said corner lots were challenging and would concur with staff that this may be as good a solution as one could find.

Commissioner Claerhout said it looked as if the majority of parking would be on the lots themselves and he didn't think it would increase the parking on the street by much.

Commissioner Mumford said he had been on the street and noticed how narrow it was. He said he was surprised to see the 2 foundations and suggested red striping the street at both corner for safety reasons so people would not be able to park there.

Chairman Stephens asked legal counsel if it was in the purview of the Planning Commission to require red striping to discourage parking in that area.

City Attorney John Brems said while they could make the recommendation it would be up to the City engineer.

Commissioner LaMar said he was familiar with the property and thought this project was the best outcome for the property.

**Motions:**

Commissioner Carlson motioned to recommend ZM-18-002 to Millcreek City Council to approve the proposed rezone from R-1-8 to R-1-4. Commissioner Mumford seconded the motion.

Commissioner Carlson – yes  
Commissioner Wilson – yes  
Commissioner Mumford – yes  
Chairman Stephens – yes  
Vice Chairman Healey – yes  
Commissioner LaMar – yes  
Commissioner Claerhout – yes

**Motion passed unanimously.**

Commissioner Wilson motioned to recommend SD-18-001 to Millcreek City Council to approve an exception to the minimum rear yard setback of 7 feet for the west lot (#202) of the proposed subdivision amendment of the Jay and Rebecca Subdivision with a finding that there is good cause and value in the 7-foot rear yard exception that does not weaken the intent the code. Vice Chairman Healey seconded the motion.

Commissioner Claerhout – yes  
Commissioner LaMar – yes  
Vice Chair Healey – yes  
Chair Stephens – yes  
Commissioner Mumford – yes

Commissioner Wilson – yes  
Commissioner Carlson – yes

**Motion passed unanimously.**

Commissioner Mumford motioned approval SD-18-001 with staff recommendations to the Millcreek City Council to approve the preliminary plat consisting of a 3- lot subdivision amendment to the existing Jay and Rebecca Subdivision contingent to rezone with recommendation to City Engineer to determine whether curb should be red striped as appropriate.  
Vice Chairman Healey seconded the motion.

Commissioner Carlson – yes  
Commissioner Wilson – yes  
Commissioner Mumford – yes  
Chairman Stephens – yes  
Vice Chairman Healey – yes  
Commissioner LaMar – yes  
Commissioner Claerhout – yes

**Motion passed unanimously.**

---

**PD-18-001 / CU-18-001** Nathan Anderson requests Conditional Use Permit and Preliminary Plat Approval for a 14-lot PUD **Location:** 1253-1257 E Elgin Ave **Community:** Millcreek **Planner:** Robert May

Mr. May said the City Council heard this request at a public meeting on March 27, 2017 and at that time they continued the request pending the preparation of a development agreement. This application was heard a second time by the Planning Commission on November 16, 2017. At that meeting, the Planning Commission unanimously recommended that the City Council adopt the rezone, subject to a development agreement. Millcreek City Council unanimously approved the rezone and project subject to the development agreement on December 11, 2017.

Mr. May described the property being surrounded by various commercial uses including two office buildings, a Del Taco restaurant, a bank, and storage units. To both the east and south the adjacent property is zoned C-3 while directly to the north is Salt Lake City's jurisdiction. The applicant has entered into a development agreement that would restrict the development to the townhome project as described in this staff report.

Mr. May described the conditions of the development agreement then described the aerial maps in the staff reports. He then said the General Plan indicated the area was in between two major corridors, which were identified as areas of moderate change. He said future planning efforts may identify the area between Highland Drive and 1300 East, and 3300 South and approximately 3000 South as a town center.

Mr. May noted that unanimously approval from the Millcreek Community Council on February 6, 2018. He then spoke about staff recommendations regarding the application.

Commissioner LaMar asked if the project would fall under the new RM ordinance?

Mr. Lilly confirmed it would fall under the recently adopted RM ordinance and development agreement.

Commissioner Mumford asked about the distance between the 2 buildings and parking entrance?  
Mr. May said he could get the answer at a later time or have the applicant speak to the matter.

Commissioner Carlson said they were running out of hurdles for the developer to jump through.

Nathan Anderson, applicant  
Address: 2383 East 9 South

Mr. Anderson said there was a 28 feet radius for the fire turnaround. He said regarding height increase, their structural engineer when from fixed floor choices to web trusses with a 14-inch difference so it went from 29.6 feet in height to 30.2 feet.

Commissioner LaMar asked what the width of the garage was?

Mr. Anderson answered the width of the garage would be 22 feet with a 3 feet entryway.

**Public comment opened at 7:24pm.**

No public comment was offered.

**Public Comment closed at 7:25pm.**

Chairman Stephens opened the hearing to Planning Commission discussion and motion at 7:25pm.

Commissioner LaMar motioned for approval of the Conditional Use Permit and preliminary plat to develop a 14-lot Planned Unit Development (PUD) at 1253-1257 East Elgin Avenue subject to the development agreement and the conditions stated in staff report.

Commissioner Wilson seconded the motion.

Vice Chairman Healey – yes  
Commissioner LaMar – yes  
Commissioner Claerhout – yes  
Commissioner Mumford – yes  
Commissioner Carlson – yes  
Commissioner Wilson – yes  
Chairman Stephens –yes

**Motion passed unanimously.**

---

**ZM-18-001** Skip Renza requests a Rezone from R-1-21 to R-1-15

**Location:** 3821 E Parkview Dr **Community:** Mt Olympus **Planner:** Francis Lilly

Mr. Lilly said applicant Robert A. Renza was petitioning the City Council to rezone residential property he owns at 3821 South Parkview Drive from R-1-21 to R-1-15, in order to facilitate a subdivision of his residential lot. According to the Salt Lake County Assessor, the lot in question is 0.87 acres, in size and contains a residence, set far back and above Parkview Drive. The applicant recently completed a property survey that indicated a lot size of 0.92 acres. The actual area of the lot would be established through a survey submitted to the City as part of a final plat, should a rezone be approved.

Mr. Lilly explained per §19.90.010 of the Millcreek Code, that the Millcreek City Council may amend the number, shape, boundaries, or area of any zone or any regulation within any zone. Zone changes shall not be made or become effective unless the same shall have been proposed by or be first submitted for the

recommendation of the Planning Commission. At a public meeting on November 13, 2017, the Millcreek City Council directed city staff to prepare a rezone application for the property.

Commissioner Allen left at 7:27pm.

Chairman Stephens said one area of concern was having the side of the house against Parkview with 10-15 feet setbacks and a 30 feet structure as it would be very close to the street. He asked how could they draft a motion to alleviate that situation?

Mr. Lilly answered zone ordinances would not address setbacks but the subdivision ordinance would. He suggested that a front yard setback could be stipulated in the subdivision plat.

Mr. Lilly discussed the issue of the lane on the hill and how the community council weighed in.

Commissioner LaMar asked if the lane was private?  
Mr. Lilly answered it was an access and privately maintained.

Vice Chairman Healey noted what the Planning Commission wanted to keep the integrity of the neighborhood so wide setbacks were important.

Robert "Skip" Renza, applicant  
Address: 3667 Oakwood Lane

Mr. Renza explained the topographical map and noted the intelligent design split by his surveyor. He said the lot size was at 17, 419 square feet. He said it was not set in stone and at the time seemed logical. He said access to the home would be through the existing lane. He noted the community council had requested the height be kept to 30 feet.

Commissioner LaMar asked what the height on Parkview was going east on the new subdivided lot?  
Mr. Renza answered he thought it was 25 to 30 feet where split was located. He explained using the topographical map.

Chairman Stephens noted his concerns about the setbacks and asked applicant how he would respond?  
Mr. Renza said he would not like to be at 10 feet but his intention was to sale the lot.

Vice Chairman Healey asked if he lived in the existing house?  
Mr. Renza answered no, he lived across the street.

Commissioner Claerhout asked if there were any wells or ground water on the property?  
Mr. Renza said he had spoken to Greg Baptist at the county who said there should not be any on the property.

Commissioner Mumford said he had visited the property and the access lane seemed tight. He said the property would be challenging if weather was bad or the power lines had to be moved.

Mr. Renza said in comparison there were more challenging properties.

Joan Haven, Mt. Olympus Community Council Representative.  
Address: 4219 S Mars Way

Ms. Haven noted the Mt. Olympus Chair recused himself due to prior dealings. She said she had made motion to approve without the height restriction but the rest of the Mt. Olympus Community Council overruled her and wanted a height restriction of 30 feet. She said if you looked at the numbers of the project proposed it would fit in with the character of the neighborhood. Ms. Haven said the problems would arise when the project returned to the community council as a subdivision and asked if they will

have to do exceptions? She said the 2 members who voted against the rezone were concerned with the gully. Ms. Haven said they were told moving the power lines would not be a problem. She said staff assured the area was deep enough to build a home of that size. She said the community council was ok with a pure zone change because it would fit with the neighborhood.

Speaker 1: Rocky Stuart  
Address: 3040 Power Circle

Mr. Stuart said he strongly urged the denial for 2 reasons. He said it further eroded the character and fabric of neighborhood in addition to setting a troubling precedent on spot zoning. He said he has lived there 6 years and felt the neighborhood was under assault from contractors as 9 homes had been demolished on Parkview with new homes being built. He said the new houses were 2 or 3 times larger and cited 4033 Parkview as 4 times the size in terms of square footage of the surrounding homes. Mr. Stuart said the designers have been very creative with grading to create situations where the overall height of the structure was 40 feet to top of roof. He said they were massive houses and they were seeing the short term impact of cranes, concrete trucks, and parking while the longer term impact of the larger homes continue increase storm water runoff. He said the area from Parkview to Jupiter and Millcreek to Oakview were another series of houses that had been demolished. He said this would continue to degrade and destroy one of the most beautiful neighborhoods in the city. He urged them to deny the rezone request.

Speaker 2: Matt McClennan  
Address: 3825 Parkview Drive

Mr. McClennan described where his house was located on the map and voiced concern over the congestion surrounding the access lane. He said he was not against having 2 separate houses though he was not in love with the gigantic homes being built. Mr. McClennan thought the chances were that 2 homes would be built instead. His concern was what Mr. Renza had proposed regarding the access lane. He said snow removal would be tricky, there would be congestion, and limited parking. He envisioned a driveway accessible off of Parkview with the house fronting that road which would maintain the setbacks. He said it would be unappealing to have a giant structure with 10 to 15 feet setbacks. Mr. McClennan described the neighborhood parking and reiterated his primary concern was the congestion/parking situation.

Speaker 3: James Barsow  
Address: 323 Parkview

Mr. Barsow said the mcmansions that were popping up in the area were atrocious. He said to Mr. McClennan's point: splitting the lot would not allow a structure that tall to be built. He said on the parking issue, having a requirement to access the drive would be sweet. Mr. Barsow said a height restriction would be slick though he didn't know if the Planning Commission could impose those type of restriction. He said as far as separating the lot he did not have an issue as long as there was an access from Parkview. Mr. Barsow said as an immediate neighbor he had a vested interest in making whatever goes there does stay within the vibe of the area which is the reason they moved there.

Speaker 4: Scott Howell  
Address: 3668 East Cove Point Drive

Mr. Howell said they have a 71-unit community and no one was against this project. He said they applauded Mr. Renza for what could be a mc mansion and splitting it into 2 lots. He said Parkview looks the best it has ever looked and he had lived there since 1966. Mr. Howell said progress was hard thing for some people but the reality was that private property owners have rights. He urged support for Mr. Renza.

Skip Renza, applicant  
Address: 3667 Oakwood Lane

Mr. Renza said he could appreciate the comments. He said regarding Mr. Stuart's comment he had taken a drive on Parkview prior to the community council meeting where he had noticed the large homes being built so he could see why people were upset. He agreed with the previous commenters and said if the property was sold a mc mansion would be built as he already had been approached by contractors. It seems reasonable to look at this lot split so a mc mansion wouldn't be built. He said if he was personally going to develop the property it would not exceed 3 or 4,000 square feet. He said the reason for the split was to be harmonious with the rest of the neighborhood.

Speaker 2: Matt McClennan  
Address: 3825 Parkview Drive

Mr. McClennan asked regarding the 30 feet height and who would decide on what elevation that measurement would occur. He said if the house was going to be built on the upper plateau and if they measured from the highest elevation then it would block some views but if they measured the 30 feet from the lower tier then it would not affect their view. He said he was not against progress and then he cited examples of large homes on Parkview. He said he didn't want to see that happening and said in a perfect world it would be 1 lot with a tasteful home that would fit the area.

**Public comment closed at 8:06pm.**

Chairman Stephens opened up to Planning Commission discussion and motion at 8:07pm.

Chairman Stephens asked staff how could the height issue be addressed and what constituted the front/rear if the rezone took place? He added RCOZ doesn't apply to R-1-15.

Mr. Lilly answered some of the most egregious examples along the Cove area have been brought upon because the way option B and option C exceptions were in RCOZ. He said those options were not available to this property. He explained that Title 18 addressed setbacks and he thought that the front yard setbacks would be on Parkview Drive. Mr. Lilly explained how they defined a front yard and said he would have a discussion if the architect had a different interpretation.

Vice Chairman Healey commented on how a friend measured height from the foundation or natural grade. He said this project showed a 30-foot spread in grade on the lot.

Mr. Lilly discussed the definition of vertical measurements as he added there was some confusion in regard to the RCOZ standards. He read the definitions of ground surface and other terms from the ordinance.

Vice Chairman Healey said he agreed but thought there could still be height issues depending on where the foundation was set. He said he did not want misconceptions based on how the code was being applied. He said a walkout basement was different from the foundation.

Commissioner LaMar said if the upper northwest corner was the lowest point it would mean that would be the starting point for the building.

Commissioner Carlson asked what could be done in imposing zone conditions on the project as part of the rezone? He asked if they could require a development agreement where a zone change was granted to make sure it was developed in a certain way on issues such as setbacks, grade, and height?

Mr. Lilly said they would need to ask for a development agreement now though that assumed there was a house in place already. He said right now Mr. Renza just wanted to split the land and sell it.

Commissioner Carlson said the development agreement would run with land. He said he was talking about a condition to the zoning that sets the minimum standards so they wouldn't have to fight about it later on issues of concern previously mentioned.

Mr. Lilly said that a development agreement would have a developer in place with plans which was not what was being proposed. He said they could impose zone conditions and described the 4 conditions: uses, density, square footage, and height of the structure. Mr. Lilly asked if Mr. Brems could answer whether 2 different heights could be imposed?

Mr. Brems said it could be a yes or a no.

Commissioner Wilson said she was new to Millcreek and relatively new to Utah. She said she did not understand why they couldn't do an overlay in a very sensitive area that would better prescribe how heights are managed on a hillside. She said she was concerned because there was no project to actually review and they were not in the business of helping someone subdivide their lot to be able to better sell it. She said she was not sure that was the business the Planning Commission needed to be in.

Mayor Silvestrini said they are having a policy level discussion with staff about cracking open RCOZ overlay zone. He said he was looking into the subject with respect to how height is measured. The Mayor said an ordinance may be brought through the process. He spoke about the history of the RCOZ ordinance before the city was incorporated which was long contentious battle which could be repeated because there were so many different viewpoints. Mt. Olympus has different topographically so it may need an overlay. He said it was good to get a better understanding on policies and addressing in City Council policy meetings.

Mr. Lilly discussed the RCOZ history in Millcreek.

There was discussion amongst the Planning Commissioners regarding what to do with the application and what type of motion should be set forth.

**Motions:**

Commissioner Carlson motioned a continuance for # ZM-18-001 until the next meeting until more specific information such as a subdivision plat was included.

No second. Motion failed.

Commissioner LaMar motioned to approve for recommendation to City Council # ZM-18-001 a Rezone from R-1-21 to R-1-15.

Commissioner Claerhout seconded the motion.

Commissioner Booth said while he was familiar with the area that the more they discussed it the more he agreed with Commissioner Carlson that he had more questions on this project.

Vice Chairman Healey said he agreed with Commissioner Carlson that a continuance was in the best interest of the owner and preferred it come back with staff recommendations over height, front yards, and setbacks.

Commissioner Mumford – no  
Commissioner Wilson – no  
Commissioner Carlson – no  
Vice Chairman Healey – no  
Chairman Stephens – no  
Commissioner Claerhout – yes  
Commissioner LaMar – yes  
Commissioner Booth – no

**Motion failed.**

Discussion followed on what recommendations should the staff come back with after Mr. Lilly asked for clarification.

Commissioner Carlson motioned a continuance for # ZM-18-001 until the next meeting until more specific information such as a height measurement, setbacks, and access off the street.

Vice Chairman Healey seconded the motion.

Commissioner Mumford – yes  
Commissioner Wilson – yes  
Commissioner Carlson – yes  
Vice Chairman Healey – yes  
Chairman Stephens – yes  
Commissioner Claerhout – no  
Commissioner LaMar – abstain  
Commissioner Booth – yes

**Motion passed.**

Commissioner Wilson left at 8:48pm.

Break from 8:38 to 8:50pm

---

**ZT-18-001** Millcreek will be undertaking revisions to the Millcreek Parking Ordinance **Community:** City wide **Planner:** Francis Lilly

Mr. Lilly said staff was recommending a revision to the Millcreek Off-Street Parking ordinance, chapter 19.80 of the Millcreek code, in order to simplify and clarify requirements, to modernize standards for off-street parking, and to establish a procedure for parking and traffic impact studies that are used to justify a reduction in standard parking requirements. He noted the changes made such as parking lot lighting and safer access to a major street. The Planning Commissioner discussed considerations such as not having enough staff to enforce ordinances and work arounds to that issue. Commissioners also discussed the issues of having large RVs or boats in the front yard and having a 24-hour period as a tool for enforcement. Mr. Lilly noted ordinance language changed to now state parking and traffic studies would be commissioned by the city and paid for by the applicant.

**Public comment opened at 9:39pm.**

No public comment was offered.

**Public Comment closed at 9:39pm.**

Chairman Stephens opened up for Planning Commission discussion and motion at 9:40pm.

Commissioner Carlson motioned to recommend to City Council #ZT-18-001 the revisions to the Millcreek Parking Ordinance with the changes by staff based on the Planning Commission's recommendations. Commissioner LaMar seconded the motion.

Commissioner Mumford – yes  
Commissioner Carlson – yes  
Vice Chairman Healey – yes  
Chairman Stephens – yes  
Commissioner Claerhout – yes  
Commissioner LaMar – yes  
Commissioner Booth – yes



**Motion passed.**

---

ZT-18-002 Millcreek will be undertaking an amendment to Title 19 establishing a Master Development Overlay Zone **Community:** City wide **Planner:** Francis Lilly

Mr. Lilly said staff was recommending the adoption of a Master Development Overlay Zone, to set standards for approval in situations where a developer would be seeking modifications to the required standards through a development agreement. He said in order to ensure that a developer's requested modification of a zone or land use standard were legal and appropriately vetted through a public process, staff recommended that the modifications be adopted through an overlay zone, which would require a zoning amendment. He added that the proposed ordinance amendment would give the City Council the authority to establish an overlay zone that would be adopted in tandem with a development agreement.

The Planning Commissioners discussed the consequences of recommending this amendment with some Commissioners voicing concerns there would be much more exceptions. Some Commissioners were concerned with the burden it would place on the Commission while others were in favor because they saw it as a way to solve development issues. Discussion then led to who would be the gatekeepers.

Vice Chairman Healey motioned to recommend to City Council #ZT-18-002 be continued for additional staff input and refinement by both staff and Planning Commission. Commissioner Carlson seconded the motion.

Commissioner Mumford – yes  
Commissioner Carlson – yes  
Vice Chairman Healey – yes  
Chairman Stephens – yes  
Commissioner Claerhout – yes  
Commissioner LaMar – yes  
Commissioner Booth – yes

**Motioned passed.**

---

Chairman Stephens opened the business meeting at 10:16pm.

Commissioner Booth motioned that minutes for January 17<sup>th</sup> and 23<sup>rd</sup> be approved. Commissioner Mumford seconded the motion.

Commissioner Mumford – yes  
Commissioner Carlson – yes  
Vice Chairman Healey – abstained  
Chairman Stephens – yes  
Commissioner Claerhout – yes  
Commissioner LaMar – yes  
Commissioner Booth – yes

There was discussion on new email addresses assigned to the Planning Commission and the Mayor explained how Millcreek was saving money by switching to new email addresses.

Vice Chairman Healey motioned for adjournment. Commissioner Mumford seconded the motion.

Unanimous approval.

---

**Motion passed and adjournment at 10:23pm.**

---

APPROVED