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 Salt Lake County Government Center
 2001 South State Street, Room N2-800
 Salt Lake City, UT 84107
 Phone: 385-468-6700
 www.millcreek.utah.gov

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MEETING MINUTE SUMMARY
MILLCREEK PLANNING COMMISSION MEETING
September 27, 2017 5:00 PM
(Approved 12.13.17)

Approximate meeting length: 3 hours
Number of public in attendance: 4
Summary Prepared by: Alexandra Muller
Meeting Conducted by: Commissioner Stephens

***NOTE: Staff Reports** referenced in this document can be found on the State and County websites, or from Salt Lake County

ATTENDANCE

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

Planning Staff & Attorney	Present	Absent
John Brems	x	
John Janson	x	
Alex Murphy	x	
Michelle Vest	X	
Alexandra Muller	X	

Hearing began at 5:02 p.m.

PUBLIC PORTION OF MEETING OPENED

Chairman Stephens read the opening statement.
 Commissioner Mumford arrived at 5:03 p.m.
 Commissioner Allen arrived at 5:04 p.m.

#30299 – (Continued from 09/20/2017) - Justin Lang is requesting preliminary plat approval of a two-lot subdivision consisting of one standard lot and one flag lot. **Location:** 1328 East Murphys Lane. **Zone:** R-1-8 (Single Family Residential). **Community:** Millcreek. **Planner:** Alex Murphy

Planner Alex Murphy stated that the area is predominantly single-family home area. The proposal is consistent with R-1-8 zone and the flag lot policy with the petitioner asking for no waivers or exceptions. The staff did not receive comments until after the notice was posted then phone calls began coming in with residents voicing parking and density as concerns. Mr. Murphy stated the petition meets requirements for parking standards and that staff found no real issues with application requirements except for one item missing from the preliminary plat regarding a ditch. Mr. Murphy said with issues of mitigation the only item identified was the ditch: what is the ditch and will happen to it. He said staff recommends approval subject the applicant work with an irrigation or drainage company to solve ditch issue.

Applicant Justin Lang stated he already discussed the ditch issue with the irrigation company and further said that it can be easily rerouted and consistent with the neighboring property. Mr. Lang said it seemed very straightforward.

Chairman Stephens said that state laws required that local municipalities and planning commissions approve a subdivision if it conformed with municipality and subdivision ordinance.

Chairman opened up for public comments.

John Parry at 1330 East Murphy Lane stated he lived east to the subject property. He then asked the commission to identify themselves and what they do.

Chairman Stephens stated the Planning Commission is a board of volunteers and explained what they do.

Mr. Parry stated he lived on the property since the 1990s and has seen Murphys Lane change over the years. He went on to say people were coming in with no skin, making money, and putting homes in every nook and cranny. He said the prior owner tried to do the same thing but failed due to commitment. Mr. Parry said he does not want a house in the back of his lot and that it is not a neighborhood that is trying to develop. Mr. Parry said he thought Zone was R-1-10.

Mr. Murphy stated the zone is currently designated R-1-8 though it may have been at a previous time an R-1-10 but the zone has not changed in approximately 20 years.

Mr. Parry stated he would like that to be verified as he owns maps that state they are R-1-10. He said he wasn't interested in having a road in the back of the property and doesn't want the additional traffic, additional homes, duplexes, or apartments. He went on further to say that Murphys Lane has a wide range of homes as they are mostly from the 1920s but it would not be good to have a brand-new home come out of nowhere.

Mr. Parry said he had seen enough problems when the property had been rented and there were drugs adding that the Sheriff's Department never responded.

Donna Ford said she had lived on Murphys Lane since 1974 and that it had always been a single-family home. Ms. Ford said now rooms are being rented out. She further stated the parking on

the street is terrible as there is no parking signs all the way to 13th East to allow firetrucks in. Ms. Ford wanted to know how many parking stalls were being proposed for this petition.

Chairman Stephens said the subdivision plat takes into account parking and driveways with no additional impact on the streets.

Mark Dicou said he represented his mother who owns the property 1346 East Murphy. He said he wanted this area for single-family residence only and never had been in favor of high density in any form. He said his concern was for the irrigation ditch which could and would flood the property as it was currently only a dirt ditch. Mr. Dicou said no to flag lots as he only wanted this to be for a single-family home.

Commissioner Healy stated for clarification that the change in zoning would not allow multiple residences as this would still be single family home dwellings. Mr. Murphy confirmed Commissioner Healy was correct and that it would not be a zone change.

Darrel Barnum stated his wife and he had been at 1354 Murphys Lane since 1972. Mr. Barnum said they have tried to preserve the nature of the street over the years. He said apartments were already there when they moved in and they have seen the problems with potential future development. He further stated they were concerned with maintaining the integrity of the street and not putting more housing. He said the irrigation ditch has always been a problem. Mr. Barnum said he was the water master the for the Lower Millcreek irrigation company which has control of the ditch. Mr. Barnum said the Applicant Justin Lang had approached him once to talk about the ditch issue. He hopes this is not approved because it will be extremely concerning particularly regarding the ditch. Currently, he had a whole neighborhood that did not have water because of building construction. He said they have rural flavor on the street and would like to keep it that way.

Commissioner Booth asked Mr. Barnum for his opinion as a water master on whether the ditch can be properly changed and rerouted if the project was approved in a safe and adequate manner?

Mr. Barnum answered yes and no. He stated the ditch can be rerouted and can be constructed without impinging but there are 2 problems that would arise. He said the first problem was access for service as they have had continued problems fighting with homeowners who do not want them on their property. The second problem dealt with continued issues such as maintenance and having to pipe the ditch. Mr. Barnum further said the difficulty was in maintenance of the pipes and impinging on the homeowners that may be there. He cited an example where a group came in to build condos and 10 years later the ditch had collapsed costing \$1 million dollars to repair.

Commissioner Booth asked whether the ditch was an open ditch?

Mr. Barnum said it was an open ditch.

Applicant Justin Lang responded saying that moving pipe would not be problem as it just meant connecting to an existing pipe. He doesn't see how it causes more of an issue as there is a 35-foot driveway to park in and no need for street parking.

Commissioner Healy said he drove on the road which was narrow and lined with some cars. He asked applicant whether the plan is to tear down the existing structure?

Applicant Justin Lang said they were waiting for permits from Salt Lake County to do a complete remodel of the structure. He said it would be a nice updated home instead of a former drug house.

Commissioner Healey asked if they were not going to sell lot but to develop it? Justin Lang confirmed that was correct, to build a single-family home. He had purchased from the old owner where they had dealt with drug issues and were either too old or too busy to deal with the issues.

Public Hearing closed at 5:29 p.m.

Commissioner Carlson reiterated that the process was not for an approval but to determine if the proposed project complied with ordinance. He said Planning Commission was working hard to change ordinances Millcreek had inherited from the county. Flag lot is one the Planning Commission is working hard on changing, that it is a concern, and they will look at it at a later time. Commissioner Carlson stated that right now, this application was made under the current ordinance and if it met the criteria such as access, parking, setbacks, then the Planning Commission had to approve as the Chairman had previously explained. He further said there was a technical review that occurs after the hearing that ensured compliance such as the irrigation ditch. Commissioner Carlson said if they voted yes then was not because they weren't listening, it would be because their hands are tied.

Commissioner Mumford asked when did the county zone change happened as there is confusion with the residents?

Mr. Murphy said he did not have access to that information at the moment.

Commissioner Allen says he has a zoning map and it appeared to be R-1-8.

Commissioner Booth stated that one of the frustrations coming to work on the Planning Commission that he had was that they were literally inheriting over 30 years of ordinances and planning rules that were frustrating. He said that why they have extra meetings but it wasn't happening as fast as they would like.

Commissioner Healey motioned for approval of preliminary plat for application 30299 subject to technical review including issues dealing with irrigation ditch.

Commissioner David Carlson seconded the motion.

Unanimous vote for motion.

30464 – (Continued from 09/20/2017) - Alan Prince is requesting a conditional use permit to build an RV wash addition to an existing RV lease/sales facility. Parcel Area: 1.69 ac. Location: 4125 South State Street. Zone: C-3. Community Council: Millcreek. Planner: Alex Murphy

Planner Alex Murphy said the application is for a conditional use permit to construct an RV wash addition to an existing RV lease/sales company located on State street. He said it is located in the C-3 zone and comes before the Planning Commission because the overall parcel is larger than 1 acre in size and the current ordinance requires conditional use permit review on all

projects of that size.

Chairman Stephens asked Mr. Murphy whether they were working under the new or the old commercial zone ordinance language? Mr. Murphy said it was under the new language.

Mr. Murphy said the use was originally approved in 1970 as an RV lease and sales facility and the application today is brought before them because a storm water quality inspector flagged the property for improper disposal of water used to wash RVs. He said the owners have put this application forward to construct a wash bay to capture runoff water, separate it out, and divert to sewer system instead of storm drains. He said he has not received comments or responses from the neighborhood and according to his notes the Community Council recommended approval. He said there were 2 items identified as potentially substandard that should be discussed by the Planning Commission. First, the number of parking stalls are insufficient under current ordinance as the current parking chapter required any project going forward to meet current standards. Mr. Murphy said he went by and counted 11 parking stalls as of that day and that the ordinance required 39. He said the applicant stated they do not need that many stalls and that Planning Commission had the authority to reduce or modify parking standards. He said one item of note with the parking issue was lack of an Americans with Disabilities Act (ADA) stall and the requirement is to at least have one 1 stall.

Commissioner Stephens asked if was within the off-street parking ordinance or federal code? Mr. Murphy said it originally comes from federal code and implemented more with building code rather than the parking ordinance which in turn says to follow federal code.

Commissioner Allen asked where does the requirement for 39 stalls come from and what is it based on?

Mr. Murphy said it was based on the type of use in the parking chapter which says there is to be a minimum number of stalls for the various uses such as auto/machinery services and measured against square footage in the area. He said it seemed rather an excessive number of parking stalls to have required.

Commissioner Allen asked whether the parking spots where the RVs park not count as parking stalls?

Mr. Murphy said the entire area was a parking lot though the actual stalls were in the northern section. He said parking stalls had been removed from the front of the building but there was plenty of asphalt to install new parking stalls. He said there was 1 ADA stall and 5 regular stalls that appeared to have been restriped. Mr. Murphy said he recommended the Planning Commission specify a number of stalls and potentially reserve it for use by employees and customers. It is not to be used by storage for RVs.

Mr. Murphy said the second issue identified it that it does not appear to be any recycling service on the property. He visited only to see 1 dumpster but the images showed an accumulation of what appeared to be from aerial photographs waste material, tires, and boxes. Mr. Murphy said the current ordinance required recycling and the accumulation of debris outside the property could be a hazard to the public. He said he recommended Planning Commission first require recycling services and require the applicants/property owners preferably store the material inside until they can dispose of it. He said other than these 2 items, the project is consistent with the general plan and rest of the requirements to the zoning ordinance.

Commissioner Carlson asked if parking requirements were based on the square footage (footprint) because it looked as if it was necessary for them to have a very big building to house RVs so the concern is if the plot was sold then it would have the advantage of not needing more parking spots? He asked can the conditional use approval be limited but if the use changed could it revert back to the original?

Mr. Murphy said that that would be a good question for Mr. Brems should he have been there. He said the parking ordinance does say that any change in use or change to the property requirement has to comply with the current standards so it may be possible to set a limit to a particular use.

Planning Consultant John Janson arrived at 5:48pm.

Commissioner Carlson asked Mr. Janson can conditional use can be reverted back or does the exception pass on to the next property owner?

Mr. Janson said off the top of his head the conditional use permit would have that specified but it would be part of the record. He said another option would be a deed restriction but that would be a question for the City Attorney. Mr. Janson said it can be awkward to give that exception when different uses may happen in the future as conditional use runs with land.

Chairman Stephens said let the record show applicant was absent.
Community Council member had no comment.

Public Discussion Closed at 5:52pm

Commissioner LaMar said he would be ok with reduction of parking but asked about the language regarding future use. He said he was aware the attorney wasn't there but they could write in something that states parking reduction would apply as long as customer are reasonably accommodated.

Commissioner Healey asked if there were 11 stalls? Mr. Murphy confirmed yes.

Commissioner Booth asked where is the parking now?

Mr. Murphy answered that parking had moved to corner on the north end.

Commissioner Booth asked if there were 2 ADA stalls?

Mr. Murphy said if the parking went up to 25 then 2 ADA stalls would be needed instead of one.

Chairman Stephens stated that it can be stipulated in the motion that it applied to only this occupant. He said if it wasn't recognized legally then it would be ignored.

Commissioner Allen said parking "as is" would be ok and just adding the ADA stall for this use. He said this isn't an issue of spillover into the neighborhood as this is an existing operation.

Commissioner Mumford asked where will the washing facilities be located?

Mr. Murphy answered outside by the dumpster and said the only requirement for trash was that if it's in an enclosure then it must be 10 feet away from property line.

Chairman Stephens asked what about recycling containers and did the Planning Commission have the authority to stipulate recycling.

Mr. Murphy said it was in the ordinance so already was a requirement. He said the ordinance stated trash and recycling service shall be provided. Mr. Murphy said there did not appear to be any recycling so the Planning Commission could require the recycling then separately consider

what to do with the trash that doesn't fit into the dumpster. He said there would be an enforcement concern as you couldn't see that area from the street so there was no guarantee they would comply.

Commissioner LaMar said that since the recycling was already part of the ordinance then it would be redundant and unnecessary to include it as part of a conditional use.

Mr. Murphy said this was a new requirement for C zone update and this is the first applicant under the new language.

Commissioner Carlson said if there are stored tires outside that it is already prohibited under health code as it can be a harbor for mosquitos.

Mr. Murphy said that may be true but it had not been identified as an issue in the preliminary review.

Commissioner Booth said Commissioner Carlson was correct, that it was part of the county health code not to have tires. He asked if they were safe to add the recycling and indoor excess parts/trash storage? He asked how far could they go requiring that without interfering with the occupants while still being correct?

Mr. Murphy said the Planning Commission can add that as a condition of approval assuming they can find it is a threat to public health. If the applicant doesn't like it they can appeal to the hearing officer and have it modified or removed.

Commissioner LaMar motioned for preliminary approval for the conditional use of # 340464 subject to conditions: There would not be less than 11 striped parking stalls plus an additional ADA compliant parking stall. The 2nd condition was for recycling to be provided and to be contained within containers on the premises.

Commissioner Mumford seconded the motion.

Commissioners voted to approve unanimously.

29808 – (Continued from 09/20/2017) - Duane Butcher is requesting preliminary plat approval of a three-lot subdivision consisting of one standard lot and two flag lots. **Location:** 1967-1981 East Siggard Drive. **Zone:** R-1-10 (Single Family Residential). **Community:** East Mill Creek. **Planner:** Alex Murphy

Mr. Murphy said this was a request for a three-lot subdivision: 1 base lot, and 2 flag lots. He said it is located at 1967-1981 East Siggard Drive and surrounded by R-1-10 zones on all sides. Applicant did not obtain approvals on previous request so this was a revised plan reducing the number of lots involved.

Chairman Stephens asked whether the previous application ever made it to the Planning Commission based on staff rejection of application being incomplete?

Mr. Murphy said it was not clear as it was not a recent application but seemed to think that may be the reason. He said the applicant had previously requested 5 lots but removed one for this application. He said this application is subject to the R-1-10 zone and flag lot policy with all of the lots in terms of size and setbacks complying with the requirements. Mr. Murphy said there was some discrepancy with landscape buffer requirement and driveway narrowing to a point where it didn't meet policy standard but could be easily remedied as there was plenty of area. He said 1 comment was received from a property owner but then after emails back and forth the person who commented said they were fine with the project. He said this did go through an

agency review process with comments included in the packet and all agencies gave conceptual approval. He said the preliminary plat was short on information which is why it did not appear to the Planning Commission last month but it was brought over this month before Millcreek took over to get to a good stopping point.

Chairman Stephens said the items of concern: the width of the driveway, landscaping buffer, the missing information from the preliminary plat.

Commissioner Mumford said it seemed that the width of the driveway was currently platted but sounds as if there was room for the change.

Mr. Murphy said the minimum required width is 28 feet and the applicant had provided 40 feet. He said it was just a function of saying this 4-foot strip of landscaping would continue up the driveway and around the corner behind the base lot as well as the widening of the driveway.

Commissioner Mumford said it was just changing the lines on the plat and asking whether it could be done in technical review.

Mr. Murphy said the space was there, just fixing how it's drawn on the plat, and that it could be done during the technical review.

Applicant Brett Butcher said he was not aware of the previous application of 5 lots as his father owned property since the 1976. He said it had been preliminary approved with the final plat signed by everyone but the Mayor and County Attorney.

Commissioner LaMar asked why didn't the Mayor sign back in 2004?

Mr. Butcher said it did not get to the Mayor because there was a discrepancy between his father and a neighbor which sidetracked the project so was dropped.

Chairman Stephens stated that the community council had not provided any feedback because the subdivision process does not go through them.

6:09 closes public discussion.

Commissioner LaMar asked whether that was a walking pathway around the project area?

Commissioner Carlson confirmed it was and he knows because this is his neighborhood where was used a construction/storage area where it is hard to develop and landlocked. He said flag lot may be the only way to develop the area.

Commissioner LaMar said the lot area is a R-1-10 which is a 10,000 square feet minimum and looking at the grid on the application this looks to be 18,000 square feet plus 17,000, plus another 18,000 for all of it.

Mr. Murphy said he failed to mention that this subdivision would replat the lots where the existing houses were on and clean up that sliver that currently existed as well as moving up the property line to the east of it.

Commissioner LaMar motioned for granting preliminary plat approval for #29808 subject to the technical review and confirming preliminary plat agreement included the width as required by flag lot policy along with the landscape buffering as well as with compliance by the reviewing agencies.

Commissioner Mumford seconded the motion.

Unanimous vote of approval.

30520 - (Continued from 09/20/2017) - A new ordinance concerning fencing is proposed to address materials, heights, double fencing, and front yard appearance/safety. **Planner:** John Janson

Mr. Janson wanted to note a thank you to Planner Alex Murphy for his hard work before he left for Midvale. The Planning Commission wished Mr. Murphy well wishes and good luck.

Mr. Janson said the fence ordinance to be considered tonight and that it was not really covered under zoning ordinances they had. He said it was initiated by City Attorney John Brems and he was trying to follow through the process. He said some of the input received from the community councils include concerns about fencing around arterial streets with suggestions the fencing be back 5 feet while some people thought fencing right up to the sidewalk was fine.

Mr. Janson said there's a letter from Mrs. Pike who had a dispute with a neighbor who has a sports court and she was asking for consideration in these types of cases to be allowed to raise the height of fence.

Mr. Murphy said he spoke to both Mrs. Pike and the sport court neighbor. He said it seemed the issue was less about the height of a fence and more about noise and light. Mr. Murphy said Ms. Pike complained that children were out too late and the noise was disturbing with the light illuminating late into the night.

Mr. Janson said the lighting issue wasn't on tonight's agenda but already in ordinances confining light to property.

Mr. Murphy said not for residential zones.

Mr. Janson said an issue emerged out of the Mt. Olympus Community Council meeting regarding deer being impaled on fences as they run through the property and requesting lowering of fence with the points. He said at the East Millcreek Community Council were suggestions adding area along the creeks that if you have a fence near Mill Creek and so that needs to be lowered as well.

Chairman Stephens asked whether the language was in the draft.

Mr. Janson said it was not in the draft as he didn't get it in time. He said this was only a suggestion and he was not sure how far down the fences should be lowered, whether to go down to the Jordan River. He said there were also issues with deer and he had heard about thieves running down the stream corridor stealing from people's homes so fencing was a good idea but to keep in mind deer may have some issues.

Commissioner Mumford asked whether individual property owners are fencing their areas.

Mr. Janson said yes?

Mr. Murphy said flood controls required a 20-foot set back to maintain the creek unless they had a permit.

Commissioner Mumford asked what type of fence.

Mr. Janson said wrought iron with point on top or chain links with the twists on top. He said the ordinance itself had suggestions in red and that some of the purpose in it was neighborhood appearance. He said one issue that came in from a resident in one of the community councils who thought a 5-foot setback from a major street would actually increase noise so he added language where a noise study could be done. Mr. Janson said he added that

electrified fencing not be allowed.

Chairman Stephens said it would be better to use the words “electrified fencing” instead of “electrified fence materials.” Mr. Janson said he did not have a problem with either choice.

Chairman Stephens asked whether electrified fencing had an exception for agricultural zoning. Commissioner Allen said anyone in agriculture would have a barbed wire and electrified fencing. He said he used it all the time for animals.

Mr. Janson said if they felt it was not important to have it in there then it doesn’t have to be added.

Chairman Stephens said on the 5-foot buffer on fencing section found on page 3 of 6 had that a solid or open fence “may be erected”. He questioned the language as it said “may” but on page 5 of 6 said it “shall be installed.” He said he was not sure where the distinction was between those 2 requirements.

Mr. Janson said he was inclined to go with “may” because do they have to put up a wall? He said no, there should not be a requirement.

Commissioner LaMar said reading that mans it would be no closer than 5 feet from the street side property line so an illustration would have been beneficial. He said because if you start from the curb and go back it is typically 10 feet until you hit the property line so it is like saying you have an additional 5 feet before putting a fence.

Mr. Janson said yes, so essentially 6 feet and this is more of an appearance question.

Commissioner LaMar said he did see some fences while on their tour in Holladay were fine: they were 24-30 inches in height and were nicely landscaped. He said if you went 5 feet to the property line which is really 6 feet it would be excessive and would be shrinking down the size of people’s yards.

Commissioner Carlson said there are cities that similar issues though Millcreek may not have as big an issue. He said there is so much undeveloped land where there are subdivisions and the lots back into an arterial then fenced off along the sidewalk. He said he’s seen them in several local cities and it was unsightly where you have a long span of property fenced off to the sidewalk on a major street.

Mr. Janson said that the idea would be not to have in Millcreek as they tend to become graffiti walls in most communities. He said that if you have bushes or trees in the landscaped area the graffiti was not quite as easily displayed.

Chairman Stephens asked if 5 feet was too much?

Commissioner LaMar said yes it would be too much. He said the fencing that wasn’t solid vinyl but open like a 4-foot picket fencing would be less obtrusive than a 6-foot vinyl fence.

Commissioner Claerhout asked then why not do a 4-foot tall fence with a 2-foot setback or a 6-foot fence with a 5-foot setback.

Commissioner LaMar said he was thinking of that fence also: if it was 6 feet and solid then you had to go back further because of possible graffiti walls. He said if you want to do something more sightly which opens up the area such as a 4-foot tall fence that’s open then to bring it closer.

Commissioner Allen said he understood the concern of the fencing but when you put in a 2-foot or even 5-foot stretch between the fence and sidewalk the gap becomes more like a no man’s

land. He said what ends up happening is the person doesn't want to maintain it though it is still part of the person's yard.

Chairman Stephens said perhaps not requiring a setback but not allowing solid barrier fencing along the parameter, sidewalks, or curb.

Commissioner Healey said his experience validated Commissioner Allen. He had property that had the 5-foot setback which the city required and they landscaped it with bushes. He said it had become an area where all vagrants would come to sleep, there was prostitution, and all other kind of issues. He said they were finally allowed a chain link fence with strips so they were able to bring it to the sidewalk and make it open so people could see through it. He said it eliminated the problems with vagrants and everything else. Commissioner Healey said he had a neighbor who had set back of 8 feet which caused problems and he'd rather have had the neighbor fence brought up to the gutter rather than seeing his yardwork.

Commissioner Allen said he was afraid they were creating an enforcement nightmare because people didn't get permits for fences nor were they required to. He said they were creating all these standards that people won't check and residents weren't going to comply with. He said one neighbor will complain saying they don't like the fence and cause problems then who was going to enforce all these fences? He said he was concerned about putting Millcreek resources in attempt to enforce all these standards.

Mr. Janson said most people don't come in for permits but where it becomes important is if there was an enforcement issue or dispute of some sort. He said the fencing discussion initially started on material such as plywood or chain link fences, not even touching on the issue of height.

Chairman Stephens asked what about having a setback requirement but not allowing a solid barrier fence to be higher than 4-feet and a clear view fence up to the maximum of 6 or 7 feet? Mr. Janson said there were a million options and if they would prefer a less restrictive philosophy then they could just make the recommendations.

Chairman Stephens said there was a consensus with not requiring a setback due to the numerous issues arising including enforcement problems but there should be a limit on height and solidity.

Commissioner Claerhout said he was opposed to 6-foot fence on the street side, not even a clear view. He said there are cities that do not allow front yard fencing and he doesn't think front yard fencing of any type looks good.

Chairman Stephens said in his neighborhood there were tall fences and they were not solid fences but the wrought iron types.

Commissioner Mumford said the problem with that, especially if your backyard was facing the street, was the lack of privacy as every neighbor walking by can see your BBQ and everything else.

Commissioner Allen said the original goal was to keep junky looking fences out but another goal was that for most front yards a see-through fence was preferable.

Mr. Janson said that was contained in the residential lot portion but that was a different

discussion for the major streets.

Commissioner Allen asked if what they were saying in this ordinance some can have it but if one has a busy arterial then you can't.

Commissioner Carlson said it would be helpful to have examples from the community because it felt like a solution looking for a problem

Commissioner LaMar said it was very helpful to drive around to see the variety of fences and his overall opinion was that there needs to be an ordinance on fencing but start it out as less restrictive by focusing first on the materials.

Commissioner Allen said he was in favor of stepping back due to so many situations and letting John take a stab at what they were trying to solve.

Commissioner Healey said to show how difficult this was there was street were a neighborhood was redeveloped and people were given options of materials and setbacks. He said now it was a hodgepodge and looked terrible.

Mr. Janson said he wanted to take a quick look at the list with what is allowed and what isn't allowed.

Commissioner Carlson left at 6:48pm

Chairman Stephens said during the summer there is an elementary school that had contracted with a man who strings up electric fencing then brings in goats to eat the weeds. He said there were no kids there but it was inappropriate in a residential area.

Commissioner Mumford said it was containment and not a fence.

Commissioner Allen said he wasn't sure if there was an agricultural zone but that was an agricultural use and that the electrical fencing doesn't kill you.

Mr. Janson said there was an agricultural zone.

Chairman Stephens said in page 3 of 6 in section 19.95.003 paragraph B2 that Mr. Janson had given them options between not to exceed 4-feet in height and the alternate which was 6-feet with open type of fencing like wrought iron. He said the 5-foot setback for arterial and collector roads in the residential area contains the "may" language in there so it wouldn't be enforced.

Mr. Janson said they were going to drop most of that and then just add something about open fences.

Chairman Stephens said they were going to strike the electric fence prohibition out of deference to those with agricultural interests.

Commissioner Allen said it could be limited to those with agricultural use.

Mr. Murphy said there are not a lot of areas in the city that allow agricultural use and its confined to areas down by the river and East Millcreek.

Commissioner LaMar left at 6:58 p.m.

Commissioner Allen asked about .004 regarding building permit requirements and don't they just want to say an actual foot measurement?

Mr. Janson said they had originally had 6-foot inserted but changed to follow the code. He said one comment from a community council said they would like to know what foot would be used.

Commissioner Allen asked whether they should keep .006 regarding visual obstruction in terms that driveway visual obstructions can't be in excess of 3 feet in any driveway.

Mr. Janson said it was a safety issue because you can't see the kids when backing out of driveway. He said it may be more restrictive but that's the reason it is in there.

Mr. Allen said he felt if they were making an ordinance it was because they thought it was important enough but here we're telling people they can't plant a shrub at the end of their driveway and if a neighbor complains we will send out City personnel to take someone to court. Mr. Murphy said they probably wouldn't be taken to court but they would have a notice of non-compliance applied to door which really isn't a ticket, just to fix it at some point. Mr. Janson said at the last City Council meeting there was a man from Melbourne street who said during the public comment portion that there should be fines so there would be repercussion for non-compliance.

Chairman Stephens asked if they were prepared to offer a motion to the City Council based on certain suggestion changes discussed. He said his goal was to make recommendation rather than having it come back to the Planning Commission and just cleanup language and the fence height issue but err on the clear view issue as being too prohibitive from the safety standpoint.

Commissioner Healey motioned to recommend that fencing ordinance be adopted to the City Council with the following changes:

1. The restriction on solid barrier fence height may be up to 4 feet on street facing side but 6 feet on a clear view fence.
2. Use "may" on the language regarding setback.
3. Clearview fence cannot be allowed above 6 feet and must get a permit above 7 feet.
4. Not to prohibit electric fences for agricultural uses.

Commissioner Booth seconded the motion.

Mr. Janson asked that since the 4 and 6 feet fencing can be anywhere he can wipe out the language regarding arterial and collector type of streets.

Chairman Stephens said if they want a 6-foot barrier fence then there has to be a 5-foot setback on every street.

Mr. Allen said he would rather see this come back for further discussion.

Mr. Janson said the motions are fine but it does say that .008 piece is gone.

Chairman Stephens said they could amend the ordinance 6 months down the line.

Commissioner Claerhout - yes

Commissioner Mumford - yes

Chairman Stephens - yes

Commissioner Healey - yes

Commissioner Booth - yes

Commissioner Allen - no

Commissioner Booth motioned to reconsider opening because there was no public discussion.

Commissioner Mumford seconded the motion.

Unanimous vote of approval.

Public comment reopened.

Lynda Bagley from the Community Council they were rushing to build a fence before this all goes through because their property needs a 6-foot high solid fence. She said if you go five feet back then it was in front of their door where they couldn't even open it. She asked whether they will go around to everybody or will it be grandfathered? Ms. Bagley also asked how will they be able to tell who is grandfathered in and who wasn't? She asked that they rethink the ordinance.

Close public hearing at 7:23 p.m.

Chairman Stephens stated that the motion made and passed is void.

Commissioner Healey motioned to duplicate/repeat the previous motion that passed in the precise same manner.

Commissioner Booth seconded the motion.

Commissioner Claerhout - Abstain

Commissioner Mumford - yes

Chairman Stephens - yes

Commissioner Healey - yes

Commissioner Booth- yes

Commissioner Allen – no

Motion passed.

30553 - (Continued from 09/20/2017) -The Millcreek Planning Commission proposes to update the RM, Residential Multifamily zone to include changes and additions to uses, certain setbacks, and to add design standards. No zoning district boundaries are proposed for changes, just the text of the RM zone. **Planner:** John Janson

Mr. Janson said the draft of RM zone covered a lot of housing types from single family to multi-family complexes. He said there were a few issues worth exploring such as open space. He said 40% generally, 20% in Meadowbrook, and in town centers where that might be too much. Mr. Janson said the second issue would be smaller lots where there was a gentleman on 3rd East who has about 3 quarters of an acre and when trying to apply all of this hardly left him with any building area due to setbacks and open space. He said parking has been raised also and he initially felt there should be 2 car parking spots in front of every garage but now he doesn't feel it is necessary with the parking standard – where 2 spaces are required. He said regarding balconies he had spoken with a guy with Windriver property does not think every single unit should have a balcony. He said this is a very extensive ordinance.

Chairman Stephens said this was more detailed than a PUD ordinance because there was no distinction in a PUD ordinance for 3 or 4 bedroom units.

Mr. Janson said this was a reaction of getting those traffic and parking studies that talked about generalities. He said he would like to do more study before passing this on.

Chairman Stephens said since the PUD had its own ordinance and if someone had property in the RM zone they will ask which should they do: PUD or RM. He said he wonders to what degree do they want to have different standards they should use in RM in comparison to the PUD.

Mr. Janson said they try to encourage ownership which usually is a PUD and the input he had received was that PUDs are a lot easier to build then condos. He thought they would get requests for smaller lots in RM zoning.

7:45p.m. open to public comment.

Lynda Bagley from Community Council said she curious that while some had been notified she had not been notified of all these kind of changes as there was no chance to review ordinance.

She wondered if that was the reason there was nobody there.

Mr. Janson said they had sent notices to all RM owners.

Ms. Bagley said she is an RM owner and she was not notified. She asked if there was a public hearing for the M Zone?

Mr. Janson said there was no open house because most of the RM properties are developed.

Ms. Bagley said she was not notified and this was the first time she was seeing the ordinance draft.

7:49p.m. closes public hearing

Mr. Janson pointed that out that the mailing notifications are not required by state law. He said it was an either or as it was also posted on the website but they had chosen to do both.

Chairman Stephens points that Millcreek city doesn't have a full planning staff hired yet and asked about next month's meeting.

Mr. Murphy said any applications prior to July 1st will stay with the County.

Mr. Janson said the next month may be sketchy in terms of how many items will be in the agenda.

Commissioner Booth left at 7:57p.m.

Commissioner Mumford motioned to continue #30553 discussion to next meeting.

Commissioner Healey seconded the motion.

Unanimous approval.

Chairman Stephens stated in the business portion of the meeting they have the August 29th Work Session draft minutes to approve.

Commissioner Healey motioned for August 29th Draft Work Session minutes to be approved.

Commissioner Mumford seconded the motion.

Unanimous approval.

Chairman Stephens left at 8:07p.m.

Mr. Janson said they should consider lot sizes compared to the zoning. He said for example, Murphys Lane had large lots with R-1-8 zoning so it would probably be developed into the future with flag lots even if people didn't like it. He said to them that perhaps they should petition the City Council to change the south side to an R-1-15. He said there was also input in looking at changing the flag lot ordinance. Mr. Janson said regarding the Gunn Ave project from last week the City Attorney will not allow a development agreement (DA) with a conditional use as it does not meet the C-3-zone so he was not sure if the applicant will return.

He said we didn't have DA on hand which was a mistake but communication may have broken down with the out of state developer. Mr. Janson said regarding Ararat he was not a fan of having conversations of what do you think of this and what do you think of that. He said if the day before the meeting that the proposal was different from what it had been then it will be passed on to the next meeting. He said he was trying to avoid negotiation and last-minute surprises.

Commissioner Booth left at 8:13p.m

Commissioner Healy motioned for adjournment.
Commissioner Claerhout seconded the motion.
Unanimous approval for adjournment.

APPROVED