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**MEETING MINUTE SUMMARY
 MILLCREEK PLANNING COMMISSION MEETING
 December 13, 2017 5:00 PM
 (Approved on January 17, 2018)**

Approximate meeting length: 4.5 hours

Number of public in attendance: 22 plus those who did not sign in or whose names were illegible.

Summary Prepared by: Alexandra Muller

Meeting Conducted by: Chairman Tom Stephens

ATTENDANCE

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

Millcreek Planning	Present	Absent
Francis Lilly	x	
Kurt Hansen	x	
Alexandra Muller	x	
Ashley Cleveland	x	
John Brems		x
Robert May	x	
John Jansen	x	

Hearing began at 5:04 p.m.

PUBLIC PORTION OF MEETING OPENED

Chairman Stephens read the opening statement

City Recorder Elyse Greiner performed oath of office for Commissioners who were present.

ZM-17-009/#30515 (Continued from 9/20/17) Wind River Investments requests a rezone to MD and recommendation to adopt a development agreement for a

multifamily mixed-use project. **Location:** 4186 S Main Street **Zone:** M-2
Community: Millcreek **Planner:** Francis Lilly

Planning Director Francis Lilly presented the staff report. The applicant owns 7 acres of land and wants to rezone from an M-2 to an MD (Mixed Development). The city's policy as respect rezone applications is to combine the rezone with a development agreement (DA) so that the applicant and the city are bound to a specific site plan. The specific items discussed at this meeting will become part of the DA in the event the city approves the rezone application. The city council relies on the planning commission for a recommendation. The city council will also have a public hearing on this application, but the meeting this evening is very important.

The planning commission had this application before it in September 2017, when it was in a very preliminary state. At that time the planning commission did recommend to the city council that this property be rezoned to MD, subject to a DA. However, the handoff of this application from the County to the City planning staff created some confusion and delay. In addition, due to the city's adoption of a mixed development zone (MD) and due to ongoing fire protection discussions, staff felt it appropriate for this application to be returned to the planning commission for further evaluation and decision.

Mr. Lilly explained that the parcel on which this development is proposed has limited frontage on Main St. and none on Central Avenue. It is large parcel with one access point. It is possible that the applicant and the developers of the climbing gym, which will be sited directly on Main Street, can possibly come to an agreement to provide a second access point. The Unified Fire Authority is reviewing the site from a worst-case scenario. There has been a traffic study and all those details will be provided to the planning commission, should the rezone be approved, when a conditional use application is filed. It is a conditional use application due to the acreage being in excess of one acre.

Mr. Lilly described the immediate neighborhood surrounding this project. This area is an emerging transit oriented development area, located between the 4500 South and 3900 South TRAX stations. There is much interest in developing this area.

The current M-2 zone does not provide any opportunity for a mixed-use project, which the applicant is proposing. The applicant is including a site plan to provide for the potential for a city owned open space adjacent to Big Cottonwood Creek. There may be some public improvements as part of this project.

The applicant is proposing 403 residential units and 10,000 square feet of convertible commercial space. There will be a 5,000-square foot commercial pad fronting on Main Street and 5,000 square foot of convertible commercial space in the main building. Whether or not this space is actually used for commercial depends upon market conditions. The parking garage will be in the center of the residential building and will not be visible from the outside. A parking ratio of 1.41 stalls is planned. There will be additional parking for guests and commercial use at the front of the building.

There will be additional parking for guests and commercial use at the front of the building. A contemporary design with a brick and tile veneer on the main floor is planned, with fiberboard panels and stucco accents on the upper floors. There will be a rooftop garden.

Mr. Lilly explained the fire protection issues, most notably the issue of making it so that emergency vehicles will have access to the north side of the structure and within 150 feet of any location on the building. The parcel is not ideal from a fire protection standpoint, but the fire code is flexible enough to allow alternative means for access and methods. A tunnel is proposed, from the south to north sides of the building in order to provide access to the north side. In the future, it is possible the applicant and the property owner on the east side will enter into an access easement through the climbing gym parking lot.

The applicant and city are working on a DA and memorandum of understanding (MOU) with the city that will possibly include city-owned open spaces. A sidewalk connection could be the genesis for a Big Cottonwood trail, as well as for a bridge across Big Cottonwood Creek, but may need public financial contribution.

Mr. Lilly noted that the Meadowbrook Small Area Plan that specifically identifies this location as a possible mixed use / commercial area.

The Millcreek Community Council met on December 5, 2017 and voted eight in favor and one opposed to this project, subject to a development agreement and further refinement of the development plan.

Staff recommends that the planning commission recommend to the city council approval of this rezone application, subject to a DA, which will restrict the development to that which is being proposed.

Mr. Lilly asked for questions from planning commissioners.

Commissioner Booth asked for a clarification as respects parking capacities.

Mr. Lilly answered that the applicant is proposing a ratio of 1.4 parking stalls per unit which is identical to a project that was approved on West Temple and 39th South. There will also be 25 parking stalls for the commercial spaces. He explained that the parking structure will be completely wrapped by the apartments and is not visible, with the entrance to the parking structure serviced by a roundabout.

Commissioner LaMar asked what was the basis for the 25 commercial parking spots.

Mr. Lilly answered that he would let the applicant explain but did say that the parking ratio will be subject to the conditional use permit and in turn may affect the open space and number of parking stalls. The standard ratio is 4 per 1,000 square feet for commercial space, recognizing there will be an opportunity for shared parking, which he thinks the parking study takes into account. The parking study will be made available for the conditional use application process, should the zone change be approved.

At this point, Chairman Stephens instructed the audience that the questions being directed to Mr. Lilly will come only from planning commissioners. The public will have the opportunity to comment and pose questions during the public comment period.

Chairman Stephens asked whether or not a traffic study had been done and, if yes, why hasn't the Planning Commission had an opportunity to review it.

Mr. Lilly answered that the traffic study was in draft format and they are still working through it with the city engineer. He did not think it added much to the discussion at this time, though it will be provided if they wished.

Chairman Stephens asked whether or not the fire marshal has agreed that the current site plan meets the fire code requirements.

Mr. Lilly answered, conceptually "yes", that the site plan has been vetted by the fire marshal, subject to additional alternative means and methods be part of the building permit, that deal with fire suppression systems and building code considerations.

Chairman Stephens asked which party will pay for the pedestrian bridge across Big Cottonwood Creek, the taxpayer or the applicant.

Mr. Lilly answered that RDA funds will fund the cost of construction.

Mr. Lilly stated that the parties would like to see with City Council entertain an MOU about these details.

Applicant Gary Hassenflu, 2020 Broadway Kansas City, MO

Mr. Hassenflu said they are a Kansas City-based company with holdings in Utah. He said the plan is to develop a class A luxury apartment building that will have 403 units, 5-stories in height and will wrap around a 6-story garage. They undertook a study for parking needs and feels they have addressed any parking capacity concerns. They believe this to be a transformative project that is consistent with the Small Area Plan and General Plan for the creation of a transit oriented development. Due to the proximity to the Murray station, he feels good about the parking and unit count. His company is excited to bring a mid-rise product with green space and it will bring great utility to that area and are willing to dedicate property for that purpose. They are doing everything to find ways to fund the pedestrian bridge, bicycle path, and a wider sidewalk path to Main Street and along the creek.

Commissioner LaMar asked how conceptual is the current development / site plan. Is what is being presented at this point the final plan? Commissioner LaMar asked for further clarification as respects the parking.

Mr. Hassenflu answered that the proposed development as presented is 95% close to being finalized. The parking study takes into account all the existing development and those under construction, but not those that remain in the planning stages.

Chairman Stephens asked how detailed the architectural plans are as respects fire safety, such as fire-resistive material for the emergency vehicle access tunnel.

Architect Guillaume Belgique, 7583 South Main Street, Midvale, answered that there remain a number of details for the tunnel that the fire department needs to review and approve. The tunnel will probably be concrete with a gate, so residents cannot drive through. It will be used for emergency vehicle access only.

Chairman Stephens asked about the construction of the building.

Mr. Belgique answered that the commercial portion of the building will be a steel frame, while the residential will be wood frame. The parking garage will be concrete.

Commissioner LaMar asked for more information regarding the guest parking, as the staff reports seems to indicate there will be none.

Mr. Belgique answered that there are 54 surface parking stalls, which will be shared between guest and commercial.

Commissioner Wilson asked what is their criteria for being “sustainable”?

Mr. Belgique answered that there are stricter requirements for the material.

Mr. Hassenflu answered that there are enterprise green community standards which they use, and is a lead standard in the industry. There are criteria for such issues as noise abatement, windows, and water conserving toilets.

Public Comment opened at 5:43pm.

Speaker 1: Linda Bagley, Community Council Representative
Address: 1250 Manor Circle

Ms. Bagley commented that the developer was not present when this project was presented to the Community Council. In addition, the public was mostly not in attendance, but the Community Council nevertheless recommended approval for the rezone and project.

Speaker 2: Doug Jenson
Address: 1643 E 3350 S

Mr. Jenson says he spends a fair amount of time in this area and knows that the Artesian Springs and other nearby apartments have no public parking or physical parking whatsoever. He said 54 parking stalls for over 400 units to be shared by guests and commercial seemed very limited. Mr. Jensen said there is already limited parking in that area and by adding this project it will be a problem.

Public Comment Closes.

Commissioner LaMar stated, conceptually, he likes the project, but feels the proposed parking is not enough. He knows there will be some shared parking and is ok with that but, nevertheless, this project is under parked. Main Street is always congested with parked vehicles and believes this project will result in spillover, as respects parking, on to Main Street.

Commissioner Carlson said he likes this project for this parcel, even though it is difficult to develop due to amount of street frontage. It will be an improvement for the area, which has become blighted. It will bring some open space next to the creek and is a great location for a transit oriented development. Details can be worked out as the project moves along.

Commissioner Booth stated that he is echoing Commissioner Carlson's comments, but does want to review the parking study. The DA should make sure that there will be a secondary access before completion. Commissioner Booth asked the applicant if he had done similar floor plans and how many residents can be expected, as respects parking needs.

Mr. Hassenflu stated that he has done similar mid-rise projects and floor plans and that it is fair to say that there may be more than 1.4 people per unit, but not much more. What is missing from the discussion is that some residents will not have cars. In addition, the development will be in close proximity to the Murray TRAX station, that some will bike to work and that large employers are nearby, specifically the Intermountain Medical center. There will be a number of studio apartments, around 20%, or 80 units total. Mr. Hassenflu projects that less than half of those in studio apartments will have cars. If they do have trouble with parking capacity, it will be their (the applicant's) problem, not the community's.

Chairman Stephens stated that there are three issues: the most important being fire access, then ingress and egress and finally parking adequacy. He is not convinced that one entrance will be adequate. Another issue is whether or not Main Street will be an adequate road given the expected development. Chairman Stephens asked who will improve the road, the city or project applicants?

Commissioner Carlson said he understands the issue with parking capacity and has seen projects that are "under-parked", with spillover onto the streets. But, there is an overdependence on cars and there needs to be an effort to find healthier options for those who are not looking for an acre in the suburbs. Should the proposed development be based on the needs of yesterday? He will not lose much sleep over whether the parking ratio is 1.2 or 1.4. It can all be worked out through the design and approval process.

Commissioner Wilson stated that perhaps people will use bikes, but in the event of bad weather, people will use their vehicles. She is more interested in fire protection access. She has studied traffic patterns and roundabouts that can work well in one area, but not in another area where stacking is present.

Motion

Commissioner Carlson motioned that a recommendation be made to the City Council, as respects ZM-17-009/#30515, that it approve the rezone application to the Mixed Development Zone (MD), subject to a development agreement and the city being fully satisfied with fire safety, access and parking adequacy.

Commissioner Wilson seconded the motion.

Motion passed unanimously.

ZM-17-006 Simple Homes, LLC requests a rezone to R-1-5. **Location:** 3350 South 1100 East **Zone:** R-1-8 **Community:** Millcreek **Planner:** Ashley Cleveland

Planner Ashley Cleveland presented the staff report. The subject lot is too small for the construction of a single-family dwelling, given the R-1-8 zone, specifically the minimum lot width. The prior, non-conforming dwelling has been removed. In order for the applicant to construct a dwelling on this property, a zone change to R-1-5 is required.

She has received a couple of calls from the neighbors who are mostly curious about the application. Once she explained the project, the neighbors were happy that the setbacks will be addressed. There is no site plan yet as the applicant is looking only for a rezone to make sure a home that can be built to the right scale. On December 5th the Millcreek Community Council unanimously recommended approval of the rezone. The applicant's proposal is compatible with the General Plan.

Applicant Allison Steiner, owner of Simple Homes, introduced herself.

Commissioner Mumford asked what is the timeframe for construction?

Ms. Steiner answered, as soon as possible as market is quite active at this time.

Chairman Stephens noted that the Millcreek Community Council voted unanimously to recommend the zone change, so there is no need to hear from a council representative.

Public comment opened

There were no comments from the public.

Public comment closed

Commissioner LaMar said he understood the width issue but asked what is the benefit of changing the zone. The lot is narrow and looks too constrained to put in a home.

Ms. Cleveland answered that the reason for the zone change is to accommodate the construction of a home that is conforming with the appropriate setbacks for the lot size.

Mr. Lilly stated that the lot was originally subdivided without approval. In addition, the boundary line was done without approval, rendering it nonconforming, adding that there is no recourse for a lot that has been platted incorrectly, other than a rezone of the parcel.

Motion

Commissioner Carlson motioned that a recommend be made to the City Council, as respects ZM-17-006, that it approve the rezone to R-1-5, from R-1-8. Commissioner Mumford seconded the motion.

Motion passed unanimously.

gZM-17-008 - Eric Tuttle requests rezone to RM and a recommendation to adopt a development agreement for a townhome development **Location:** 1648 E 3300 South **Zone:** C-2 **Community:** East Millcreek **Planner:** Ashley Cleveland

Ms. Ashley Cleveland presented the staff report.

Eric Tuttle, an architect, owns two parcels, 1642 East 3300, zoned RM, South and 1648 East 3300 South, zoned C-2. He plans to construct an apartment building at 1642 East, but also wants to expand this project over to 1648 East in order to deal with desired setbacks. The C-2 zone does not allow multi-family housing, other than as a mixed-use project, making a rezone from C-2 to RM necessary. The applicant wants to construct the building under the draft RM ordinance, which has not yet been adopted by the City. If this were the case, then a development agreement would be required. The proposed project would be three stories, not to exceed 30 feet. The converted house (now used as the applicant's office, at 1648 East will remain. If the rezone is approved, this project will return as a conditional use application.

The community council unanimously Recommended the zone change, subject to concerns by the public about the height and building materials. The use of a development agreement should be explored.

Four guest parking will be situated at 1642 and 1648, in a shared manner. There will be an additional front setback (on 3300 South) due to future UDOT road dedication.

Chairman Stephens asked for a clarification regarding why there are 2 lots with one address. Mr. Lilly answered that the city engineer and the fire department require a certain width for the drive aisle which currently encroaches on the applicant's 1648 East property. This fact is triggering a rezone application.

Chairman Stephens asks whether this will be a lot consolidation in order to get the needed road width? Mr. Lilly answered it could potentially work through a lot consolidation or an easement.

Chairman Stephens asks whether the town homes are owner occupied or rentals? Mr. Lilly answered they will be rentals.

Applicant Eric Tuttle
Address: 1648 E 3300 south

Mr. Tuttle stated that he has occupied 1648 East for 12 years as an architect's office and gave a brief description of his dealings with the adjacent neighbor to buy the property at 1642 East.

He said he could have used the current zone but it requires a 10 feet landscape area. Mr. Tuttle said he was nervous about the new zone but the city recommended the current plan to match everything else along street. He said he was surprised but it worked.

Chairman Stephens asked if he plans to keep architect office intact?
Mr. Tuttle answered yes, but in the future, at some point, he may tear it down.

Commissioner Booth asked about the timing of construction?
Mr. Tuttle answered he would like to start in the spring.

Commissioner Mumford asked whether he was planning on doing anything to the 1648 East lot, such as fencing it off? There are good trees, but no fence and access to back lot. Mr. Tuttle answered that currently there is no irrigation and he has not looked into fencing, though some of the trees will be replaced.

Public Comment opened, 6:45pm.

Chairman Stephens reminded the public this is a rezone application and that the planning commission makes a recommendation to the city council. The city council is the final deciding body.

Speaker 1: Emily Robinson
Address: 1637 E 3300 south

Ms. Robinson said there are people who have lived in the area 50 to 70 years and have their heritage in this neighborhood. She wanted to make a couple of points: the site plan is for a 5-unit development, and consequently is having a hard time understanding why the rezoning adjacent property is necessary. The townhome development should be called what it really is: rental apartments that would be adding 2 to 3 drivers per unit on a small parcel. She the property to the south is a four-plex and they love it. This four-plex had caught fire and that there was significant stress on the fire department with 15 feet flames that could have leapt to their homes. She added she is not in opposition to development, but is concerned about this particular type of the development and its

scale. The concept does not work well in the neighborhood where kids can play and will set a precedent. She said this is the new ordinance but so had the new gym that met all the requirements. Ms. Robinson said this project needs to be done right and the process was moving too quickly.

Chairman Stephens asked what the Community Council recommended.

Ms. Cleveland answered that, after a lot of discussion, it gave unanimous approval, with one member stating they were interested in having a development agreement as respects materials, while another member was concerned about the setbacks.

Ms. Robinson stated that while the community council gave its recommendation for approval, there were strong objections from the public. She said there were 17 members of the public in attendance and felt they were not heard.

Speaker 2: Adam Adams

Address: 3350 S 1662 E

Mr. Adams said his big issue was not so much the modern design, though it did not place well in this area, but the precedent it was setting. His 2nd point is that this will be a rental property and there is an overabundance of rentals. We need some homeowners and asked why can't they get some affordable housing? He saw a big project on Highland Drive and now it is jam packed. He was also concerned with parking and asked who will enforce it.

Speaker 3: Jeannette Osborn

Address: 1642 E 3350 South

Ms. Osborn said this plan looks to her like apartments in Taylorsville, which have now been torn down. They already have apartments down the street where there was a murder. This looks like low rent homes or boxes and the renters will not be what they want for the area.

Mr. Tuttle responded, stating that the gymnastics building down the street was only 7 feet from property line, is massive and consequently it is not fair to compare. Mr. Tuttle said the comment about low rental rates is wrong, since similar apartments rent for about \$2,000 a month. His project will not be low rent.

Public comment closed, 7:02 PM

Commissioner Wilson said, in regard to the neighborhood comments, that she understood their concerns. She said across the street is the Utah School for the Deaf and Blind which her organization just gave recognition for its architecture. She is not really concerned with the proposed design and that the project was not as large as the gymnastics building.

Commissioner LaMar said he was glad to hear from the neighbors and would hope the applicant will take their concerns into consideration. He is in favor of the project and thought it well done. He added it would still come to the Planning Commission as a

conditional use application, where the commission will review parking, landscaping, etc. It is important to know what the building will look like when it comes back to the planning commission, along with public input.

Commissioner Carlson said the applicant could proceed without any approval or zone change and go with a product that would impact the neighborhood even greater, such as having greater heights or less setbacks. It sounds like the applicant wants a rezone to try to put something together that conforms with neighborhood. He would like to extend a thank you to the applicant for working with city and proposing a project that is sensitive to the neighborhood.

Commissioner Booth said the style is not his favorite, but recognized that high end apartments will look different at \$2,000 rent and higher.

Chairman Stephens said that this project is fairly reasonable, as Mr. Carlson had stated, where something more impactful could be built. He can appreciate the residents' comments and concern of what could be the outcome.

Motion

As respects application ZM-17-008, Commissioner Wilson motioned that the planning commission recommend to the city council that the rezone application be approved, from C-2 to RM, subject to development agreement.

Commissioner LaMar seconded the motion.

Motion passed unanimously.

CU-17-002 - Allegiance Property Corporation requests a Conditional Use Permit for a 6-unit multifamily development. **Location:** 2769 East 3300 South
Zone: RM **Community:** Canyon Rim **Planner:** Robert May

Planner Robert May presented the staff report.

The property is currently being used as a single-family dwelling. The RM Zone allows a density of up to 25 units per acre. The applicant is proposing a 6-unit apartment building. The project complies with the RM zone requirements, including the required off-street parking requirements. The applicant is proposing 29.9% open space. The applicant meets the setbacks and open space standards. The elevation rendering is the only thing they have received that shows what the building may look like.

Chairman Stephens asked if the proposed height is 25 feet?

Mr. May answered that is correct. He said there are 2 items of concern, with the first being anytime you go from single family to multi-family residence there will be an impact on the infrastructure such as water, sewer. The second concern is that the traffic

flow may significantly increase on the alley that abuts the project on the north side. Staff suggests that a condition of approval be placed that requires the applicant to obtain final approval from the County's traffic engineer that all anticipated traffic impacts be mitigated.

Chairman Stephens asked what is the condition of the alley.

Mr. May answered that the condition of the alley is poor, with only about 15 feet of asphalt. The concern is that people will not exit on to 3300 South, but will exit via the alley. Mr. May said they were waiting for the traffic engineer to make a decision based on their expertise before a permit can issued.

Chairman Stephens asked what will staff be looking for from the traffic engineer. He also asked if residents can only go west.

Mr. May answered the traffic engineer uses a formula that will determine whether or not the development will be required to pave the alley. He said the alley goes both ways but on 3300 South one can only go west.

The Canyon Rim Community Council did not have a meeting on this application, but staff did hold an open house.

Mr. May said he had one telephone call and one email regarding the proposed height.

Commissioner commented that he would only drive a truck on the alley because of its poor condition. The alley situation needs to be resolved. Neighbors will not be happy when they learn that the alley will be used by tenants.

Mr. Lilly, staff, added that the alley is a public right of way and at some level the city and county have responsibility for this alley. Property owners that abut the alley have a legal entitlement to use the alley. Typically, a developer will participate in the upgrade of the alley to the extent the development impacts it. The city will work with the applicant to facilitate that.

Commissioner LaMar asked what would happen if there is no access to the alley.

Mr. May said that during the design review the fire marshal said the alley will likely be used in any event. The development of this apartment building will occur even if the alley is closed to access, as the development meets all the standards in the ordinance. Staff has recommended to the applicant that he add an amenity, such as a bench or sandpit for kids, even though he is not required to do so. Mr. May believes that the development might suppress crime, as it will open up the area to observation and will add lighting. The alley issue will be part of the technical review.

Applicant Douglas Low

Mr. Low said all the property owners to the east take advantage of the alley. However, access is best from 3300 South. He had asked the county why they have not maintained the alley but has not received a good explanation, but did admit to owning it. The proposed development does meet the ordinance standards. He wants the units to blend into the surrounding area and will have mature landscaping around it. They will be providing carports for the units.

Chairman Stephens stated that the schematics were not included in the staff report and consequently the planning commission has not had a chance to review the height and setbacks.

Mr. Low described the setbacks and grades.

Commissioner Wilson asked when were drawings prepared. She said the reason she is asking is because the firm that produced them does not have a license.

Mr. Low answered it was produced within the past month.

Chairman Stephens asked about the community council's involvement in this application.

Mr. May answered that there was a November 30th open house on site.

Mr. Lilly added they did transmit a report after the open house to Mr. Water, chair of the community council. He said they had received a couple of comments from people, but no opposition or formal vote. One person was in attendance at the open house.

Public comment opened

Speaker 1: Joseph Reese

Address: 2817 East 3220 South

Mr. Reese said he lives north of the proposed area and has several concerns. He said he was glad to hear the comment regarding light pollution because it will spill out into the neighborhood. He said that 3300 South at 2900 East is not a signal intersection. He said it is a dangerous intersection. He added that opening up the property [by demolishing the existing house] will amplify the noise pollution.

Speaker 2: Mike Glamorou

Address: 2776 E 3220 South

Mr. Glamorou said he lives almost directly behind proposed project. He believes in property rights feels the applicant should be allowed to do what he wants with the property in a way that is conducive to the nearby residents. When a prosthetics company developed its property, doing so opened up the visibility. He put up a fence and local gangs sprayed graffiti and has had to repaint the fence. With this project, the area will open up even more, creating more noise. He would like to see if there are ideas as to how to protect this area from the gangs. In addition, there are people in cars who pull in at

night and hop the fence and then steal. Snow has been ploughed from the parking lot and pushed up along the back of his fence. He concerned about the 2nd floor because tenants will be able to see what you have in your property and that can be a signal to steal. He said perhaps a higher fence can be constructed to keep others out and reduce road noise.

Chairman Stephens noted that the city has no fence ordinance, so one can build a very high fence.

Speaker 3: Susan Brown
Address: 2766 East 3300 South

She said many of her concerns have been addressed and that she is the one person who attended the open house. She has had a business on 3300 South for the past 21 years and has seen many changes. Millcreek has a huge opportunity to define itself as a city. This area does not lend itself to walking and is similar to West Valley when it was incorporated. They have taken out all the residents. Out her front window she sees frequent drug deals taking place. She cannot call the police because the people will be gone quickly. As a business owner in the area, this crime is a concern and she does not know if the project being proposed is the right thing to do.

Public comments closed, 7:58pm.

Commissioner Wilson asked what is the protocol for drawings being done by those who aren't licensed.

Mr. Lilly answered that an architect stamp is not needed as part of a conditional use application, but will be for a building permit. As part of the conditional use application, the applicant will submit additional information.

Commissioner LaMar said he is in favor of this area being improved, but there were issues with the staff report and that this is the first time he has looked at the information, so he is not sure he can give it the full evaluation it deserves.

Commissioner Carlson said it is not a question if this is the right place for the development, as the zoning for it is in place. It is a conditional use application, so the question is whether the detrimental effects can be mitigated. It is reasonable for a portion of the alley be improved. He is familiar with the road issues, as his children attend Canyon Rim. He knows it is difficult to turn left. The road issue is a long-standing problem and he does not see how it will be fair for the applicant to have to deal with it. The concerns will be mitigated and the project will not add or detract from the crime problem.

Mr. May read some of the items that were missing from the staff report.

Mr. Lilly said the applicant provided the information, but by mistake it was not included in the staff report.

Commissioner Booth said that, even though the neighborhood is reticent, the applicant should not be penalized. He senses that the alley issues should not keep it from moving forward, though he would like more direction from the city to help work out the issues and the concern about fencing.

Chairman Stephens said his view is the same as Commissioner Carlson's.

Commissioner LaMar said he appreciates staff comments as respects mitigating the alley issues. He said he would prefer not to rely on just one traffic engineer to decide on the mitigate measures, as the situation has a very broad spectrum. He asked instead of relying on one person, why can't they rely on the Planning Commission with its powers, along with public input, so that the alley issues can be mitigated and used by residents. This matter can wait for one more month.

Chairman Stephens suggested to Commissioner LaMar that he make a motion based upon his comments.

Motion

Commissioner LaMar motioned, as respects CU-17-002, that the application be continued for one month so as to allow the planning commission sufficient time to review the information that was not included in the staff report and to specifically determine mitigation measures as respects the alley.

Commissioner Mumford seconded.

Commissioner Carlson spoke in opposition to this motion, stating that the planning commission should make its decision on this application at the present meeting. The planning commission should not require mitigation of things over which the applicant cannot control.

Commissioner Mumford stated that the detrimental effects are broad and there are specific items of concern, with the traffic impact being one of them. Use of the alley will result in detrimental effects to the neighbors to the north. He has an overall concern about the proposed project.

Commissioner LaMar: Yes
Commissioner Mumford: Yes
Commissioner Wilson: No
Commissioner Stephens: No
Commissioner Carlson: No
Commissioner Booth: Yes

Motion fails.

Mr. Lilly said that one option is for the planning commission to consider, as was done with a prior application before the commission, that a preliminary approval for the conditional use permit can be given, subject to this conditional use application returning to the commission for final approval. At the final approval hearing, those items of concern can be settled to the satisfaction of the planning commission.

Motion

Commissioner Carlson motioned that, as respects cu-17-002, preliminary approval be granted, with the applicant returning to the planning commission for final approval, subject to the planning commission being satisfied with respect to any traffic impacts and alley issues.

Commissioner Wilson seconded the motion.

Commissioner LaMar: No
Commissioner Mumford: No
Commissioner Wilson: Yes
Commissioner Stephens: Yes
Commissioner Carlson: Yes
Commissioner Booth: Yes

Motion passes.

ZM-17-007 - Millcreek Staff requests a rezone to FR-10.

Location: 3311 S Teton Drive **Zone:** FR-5 **Community:** Mt. Olympus **Planner:** Francis Lilly

Mr. Lilly said this piece of property is well known to Millcreek residents and in particular to the Mt. Olympus community. The property in question is 26 acres of land on the lower slope of Grandeur Peak immediately above Teton Drive. In the past 25 years developers have approached previous county councils and planning commissions promoting residential development, all of which have been met with significant community resistance. The property fell into the hands of the Internal Revenue Service, as a previous owner defaulted on taxes owed. At this point in time local government and interested parties thought it would good to set up a conservation easement so that the property could be maintained as open space into perpetuity. Salt Lake County became the owner of the property, with the Millcreek city council authorizing the expenditure of \$16,000 to record a conservation easement. Mr. Lilly explained that Millcreek owns the conservation easement and Salt Lake County owns the property. It has to be structured in this manner as the same entity cannot own both, as otherwise there would be a merger of titles.

Mr. Lilly explained that a down zoning of the property is supported by the General Plan, with the ultimate reason being to diminish the developability of the parcel. Rezoning it to FR-10 will reduce the buildable lots from approximately 4 or 5 to 2. In a sense, it is a

moot point, but nonetheless gives an opportunity to make a great policy decision on a piece of property that is beloved and valued by the community.

What has made the property ripe for development is a flat ridge, as well as having connection points with various trails. The Millcreek Township General Plan states the need to preserve open spaces, using specific strategies, such as zoning and property acquisition. This parcel is far larger than largest park space existing in the city and it is not just for Millcreek residents but also for all people that live along the Wasatch Front.

Commissioner Mumford asked if there was any public access besides the unimproved road to the water tanks.

Mr. Lilly answered that there is not any other vehicular access.

Commissioner LaMar asked if this (FR-10) is most restrictive zone.

Mr. Lilly answered that, in consultation with the City Attorney, a zone was chosen that restricts, but does not eliminate land use rights, but that was at a time when the property was in a bit of dispute.

Commissioner LaMar asked who owns the land to the east of this property.

Mr. Lilly answered there are a few pieces of land that are privately owned, but are landlocked, as well as the existence of public land. Imposing a more restrictive zone and conservation easement changes the economics of the adjacent property. With this parcel no longer being developable because of the conservation easement, it becomes more attractive for others to consider selling their land to the County.

Public comment opened

Speaker 1: Jerry Peterson
Address: 3288 Teton Drive

Mr. Peterson lives across from the address listed for the subject property. He and other residents are concerned about possible loop holes. His question is why can't this go directly to a conservation easement.

Mr. Lilly assured Mr. Peterson there will not be any development and that it is going to a conservation easement.

Speaker 2: Loren Moser
Address: 3668 South Teton Drive

Mr. Moser said one of the things he loves about Millcreek is the open space, as he had recently moved to the area. Rumors started to fly that this land would be sold, so he is glad to hear that did not happen.

Speaker 3: Mike Riggs
Address: 3258 Monte Verde Drive

Mr. Riggs said he just wants to thank Millcreek and this is exactly the way it should go, as it is the right decision. He said it makes a powerful statement.

Mr. Lilly read a letter from land use attorney Joro Walker of Western Resource Advocates and that it be entered into the record:

Dear Planning Commission,

I enthusiastically support Project Number ZM-17-007 – the proposal to rezone 3311 S Teton Drive from FR-5 to FR-10. I live within 300 feet of the property at 3367 El Rancho Rd. I am very familiar with the property, as I have walked in and around it and have admired it from my home for the more than two decades that I have lived at my current address.

The Teton property is characterized by steep, rocky slopes, cliffs and fragile soils prone to erosion. Access to this property is limited or non-existent. The property is highly visible, not only from the immediate neighborhood, but from more distant homes and businesses in Millcreek City.

For these reasons, it is in the best interests of the residents and businesses of Millcreek that the Planning Commission rezone the property, thereby appropriately limiting the development that can occur on this fragile and visible property. The public is best served by zoning that restricts the construction of access roads and buildings on the steep slopes and erosion-prone soils of the property. In particular, any roads and/or traffic attempting to reach multiple building sites over the property's sharp inclines and cliffs and through the narrow confines of existing development would be unacceptably disruptive to me and my neighbors and would result in a permanent adverse impact to our neighborhood.

By limiting development on the property, the proposal best safeguards the safety and character of my Millcreek neighborhood and promotes the interests of its residents and the residents and business of greater Millcreek City.

Thank you for considering these comments as you take up Project Number ZM-17-007.

JORO WALKER, ESQ.

Public comment closed, 8:50 PM

Commissioner LaMar motioned, as respects ZM-17-007, that the planning commission recommend to the city council that the subject property be rezoned from FR-5 to FR-10.

Commissioner Booth seconded the motion.

Motion passed unanimously.

Business Meeting opens

Commissioner Carlson motioned to approve draft July 19 public hearing minutes.
Commissioner LaMar seconded.
Approved unanimously.

The draft public hearing August 16th minutes were not approved as there are not enough commissioners present at this meeting, to form a quorum, who were present at the August 16 meeting.

Commissioner Carlson motioned to approve draft minutes for the August 29th work session.
Commissioner Wilson seconded the motion.
Approved unanimously.

Commissioner Carlson motioned to approve the draft September 27 public meeting minutes.
Commissioner Booth seconded.
Approved unanimously.

Mr. Janson, staff, and Mr. Lilly led a discussion as respects the flag lot ordinance. Mr. Janson stated that during his own personal field trip to visit existing flag lot development that he learned from talking to the residents that people enjoy living on a flag lot due to the quietness and isolation. One issue that arose is the lack of room to place plowed snow.

There was a brief discussion as respect allowing easements in order to make a flag lot feasible under the current ordinance. Allowing easements by neighboring municipalities appears uncommon. Mr. Lilly stated that only Holladay and the incorporated Townships allow the use of easements.

Sometimes the relationships between homes in a flag lot subdivision can appear strained. Some owners of homes on the front lot feel that their back yard is minimal, partly due to sharing a driveway to the respective garages. Mr. Lilly commented that one remedy is to require adequate setbacks.

Commissioner Carlson stated that the flag lot home should be compatible with surrounding homes in size and mass.

Commissioner LaMar commented on the need for adequate emergency vehicle access.

Commissioner Wilson left at 9:11pm.

Mr. May commented that flag lot policies / ordinances in many cases did not come into existence until the late 1990s.

Chairman Stephens suggested the planning commission schedule a flag lot ordinance work session in January.

Commissioner Mumford motioned to adjourn.

Commissioner LaMar seconded.

Unanimously approved.

APPROVED