



Millcreek  
 3330 South 1300 East  
 Millcreek, UT 84106  
 Phone: 801-214-2700  
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**MEETING MINUTE SUMMARY**  
**MILLCREEK PLANNING COMMISSION SPECIAL MEETING**  
**June 12, 2018 5:00 PM**  
**(approved July 18<sup>th</sup>, 2018)**

**Approximate meeting length:** 3.5 hours

**Number of public in attendance:** 15 plus those who did not sign or whose names were illegible

**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.

**ZM-18-009 / ZT-18-008** Adoption of a Town Center Overlay Zone and Establishment of a Town Center Overlay Zone  
**Location:** Multiple **Community:** Citywide **Planner:** Francis Lilly

Chairman Stephens reminded the public the Planning Commission were the recommending body for legislative matter and it would be the City Council that would have the final decision making.

Vice Chairman Healey arrived at 5:08pm.

Mr. Lilly presented the staff report: gave history of and the reasoning behind the stoppage of development applications while the planning staff worked on creating the overlay zone ordinance. He gave information on the current zoning and what the city would do with the grant money from the Wasatch Front Regional Council which such as hiring consultants for a variety of different uses including comprehensive master plan. He spoke the April 30<sup>th</sup> 2018 meeting held at city where over 200 people attended and where the planning staff learned about residents' preferences as well as concerns regarding a town center. Mr. Lilly described keeping the communication open with developers while having a robust public engagement process including continued monthly meetings with businesses on Highland Drive. He described the expectations that would be set in the ordinance and explained how those performing legally non-conforming uses would operate in the future.

There were no questions by the Planning Commission.

Mr. Lilly then spoke on the next section regarding yard and bulk regulations. He went on to describe height transitions and setbacks in Millcreek. He suggested striking the language and instead have a standard height transition.

Chairman Stephens asked whether #6 should be removed?

Mr. Lilly answered not necessarily and that it was up to the Planning Commission to recommend language to the City Council.

Mr. Lilly continued his presentation and spoke of restrictions for off street parking, building materials, landscaping, fencing, and drive thru windows. He further spoke on base zoning and commercial uses. He explained the different options the Planning Commission had with the regard to the draft including sending it back to staff.

Chairman Stephens asked Mr. Lilly to explain the moratorium to the audience.

Mr. Lilly explained that the moratorium prohibited development but did not stop already in progress projects. He cited examples such as 188-unit project on corner of Gunn and Richmond. He said the overall goal for city was to fix streets where there would be better street parking, pedestrian space, and amenities.

Commissioner Claerhout asked when would the master plan be completed?

Mr. Lilly answered in the next few months the staff would be reaching out to the community and estimated it would be in place by January 2019.

Chairman Stephens said ordinance still allowed for fair amount of development and cited examples.

Commissioner Mumford asked about street infrastructure?

Mr. Lilly answered that what the master plan would address and added the city was in the process of completing approved cross sections for all streets. He described the standards that would be included should someone want to develop on a particular street.

Chairman Stephens asked about the community council responses?

Mr. Lilly said all four community councils viewed the application and all recommended adoption. He added the Mt. Olympus specifically requested free standing firework stands be prohibited.

#### **Public comment opened at 5:41pm**

Speaker 1: Mike Gibson, owner of Tres Hombres restaurant

Address: 3298 S Highland Drive

Mr. Gibson said he said he had been the owner of the restaurant for 20 years and added he had been through a similar process where a city had condemned his building as well as they took part of his driveway. He said what developers really wanted was to make a millions of dollars. He asked why they thought someone would have better use than him as he employed over 40 people. He said he lived in Holliday and saw what happened there where some businesses were now only opened a few days a week. He asked why should a food truck that never

paid a dime in infrastructure come in on the weekend and just pay a fee to the city? He said it took business away from people who had pumped money into the city infrastructure. Mr. Gibson spoke of his property being desirable as he was getting called by developers interested in purchasing. He said he walked into city hall early for a meeting found himself in a developer meeting where he said they had already decided what was going to happen. He had added the city should get input from people and not developers. He added he would fight anyone who tried to take away his business.

Chairman Stephens said everyone wanted to promote locally owned restaurants which were valuable to the community.

Vice Chairman Healey addressed Mr. Gibson stating he wanted to point out City was not going to do imminent domain.

Mr. Gibson said Millcreek Economic Director Mike Winder said imminent domain would be used as a last resort.

Speaker 2: Tina Grant

Address: 1235 E Elgin Avenue

Ms. Grant said she had two questions. She asked what the city would do regarding traffic lights due to the increased traffic? She said she had a daughter but people don't seem to care about the people with flags. She said her second question was whether there would be a blanket zoning change? She voiced concern about her house being surrounded by businesses which devalued her home though developers continually called her.

Mr. Lilly said the once the Master Plan was completed it would answer what safety measures would be appropriate for her zone. He explained how the City Council will take the overlay zone which provided additional entitlements to the R-2 zone so it would not devalue her home. He said in similar situation properties were typically combined to sell and explained why.

Speaker 3: Betty Streed

Address: 1631 East 3115 South

Ms. Streed asked if whether the sound wall been contemplated on Highland Drive over by the lilac bushes? She cited increased traffic and fires for the need of a sound wall. She said at the Canyon Rim planning meeting Mr. Lilly had said four permits were already issued and asked what the locations were for them?

Mr. Lilly said a sound wall is perfectly appropriate for the area and that the city had been in touch with the property owner regarding purchase. He then explained on the map where the other approvals were located.

Speaker 4: Jeff Plowgian

Address: 1357 East 3300 South

Mr. Plowgian said he owned Plowgian Auto Repair and said it had not sounded like his business would be allowed in the master plan. He said he saw a plan showing a road that would go through his property and thought imminent domain would probably be used. He said he went through this in Sugar House where his family were kicked out. He asked whether the property owners were going to be compensated properly? He said Mr. Winder came and showed them where the road would go through and added he did not feel wanted.

Chairman Stephens said his business would be nonconforming in perpetuity or he could sell property. He said the current ordinance was only temporary but the Planning Commission could not answer his question.

Speaker 5: Tom Holder

Address: 1338 South Foothill Drive #141, SLC

Mr. Holder said he was a Millcreek property owner and had a different concern than others. He said he had purchased a vacant lot hoping to develop it. His concern was when could he submit an application and described the limbo state he was in in when he wanted to complete the project as soon as possible.

Chairman Stephens asked Mr. Lilly to give a timeline.

Mr. Lilly said January 2019 was the anticipated date for the master plan completion and his intention was not to drag this out though he added he wanted a vetted and thorough process.

Speaker 6: Ryan Simmons

Address: 21 East 200 South, Salt Lake City

Mr. Simmons said he was a developer and imminent domain was not good or wanted. He said when developers entered a community it was based on the businesses already there as they laid the fabric and texture of the community. He added that infill development was very difficult and thought Mr. Lilly and the staff had thought through scenarios but voiced his concerns. He asked what tools were going to be given to City Council or Planning Commission when developers and neighbors wanted to do a variance?

Mr. Brems said variances were a statutory process and this was a holding zone. He added there currently weren't tools and cited the overlay development type zone as an example of a tool.

Mr. Lilly said there may be a flexibility of approaches including using form based code but it would take time. He said for it to work better it would take time and include citizen engagement.

Speaker 7: Grant Madsen

Address: 3063 Manor Hill Drive

Mr. Madsen spoke of fires in last few years and access for firetrucks. He spoke of his concern of kids playing a ball who would then chase it into traffic. He had seen growth while some were business going out but his concern was what the neighborhood would be. He added it should be what was best for the community and not special interests.

Speaker 8: Virginia Peterson

Address: 3041 South Mt. Aire Drive

Ms. Peterson asked whether the Villa was going to be torn down and would developers actually complete what they were doing? She spoke of a particular traffic light that never changed.

Mr. Lilly answered no, the Villa would not be torn down.

Chairman Stephens said the city had means to enforce development agreements with the developers.

**Public comment closed at 6:22pm.**

Chairman Stephens opened up the Planning Commission up to discussion and motion.

Commissioner Booth said the process works though not beautifully or fast. He spoke of a similar situation he went through with the state of Utah and that all rights from different parties needed to be considered with the need for change.

Chairman Stephens said the goal was to give the city time to develop a master plan and encouraged the people to go to the meetings.

Commissioner Mumford spoke to #5 on height transition being in compliance with the rest of the standards.

Mr. Lilly said he heard the concerns and the ultimate decision on whether to stay was up to the business owner. He said the city goal was for existing businesses to remain whole with the development occurring as the market suggested. He explained the city's interest regarding the sound wall and potential for a park. He stressed that the city was anxious to get resident input and gave contact information for himself as well as others.

**Motion:**

Commissioner Mumford motioned ZT-18-008 to recommend to City Council for approval but striking language #5 and instead make height transition consistent with R-M and C Zones.

Commissioner Claerhout seconded the motion.

Commissioner Booth – Yes

Commissioner Claerhout – Yes

Chairman Stephens – Yes

Commissioner Mumford – Yes

Vice Chair Healey – Yes

**Motion passed unanimously.**

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Break 6:32pm – 645pm

**ZT-18-006** Amendments to Title 19 to establish requirements for application submittal, and  
**Community:** Citywide **Planner:** Francis Lilly

Mr. Lilly gave an overview and explained the language that had been added as well as language that was deleted. He said a developer could ask where something was in the code and now they could point it out. He said it helped to get the plans they needed and would also help inspectors on the field.

Commissioner Mumford asked when would it be appropriate not to have plans?

Mr. Lilly answered when someone wanted to build a garage where it would be onerous.

Mr. Lilly summarized the community council responses.

**Public comment at 6:58pm**

Speaker 1: Laurie Healey

Address: 2755 E Loren Heights Drive

Mr. Healey asked whether this was the ordinance that would impose height restrictions on buildings?

Mr. Lilly answered that it was the next application.

**Public Comment closed at 6:59pm.**

Chairman Stephens opened the Planning Commission up to discussion and motion.

Commissioner Mumford commented how he liked this application.

Chairman Stephens said there wasn't anything objectionable and the city needed it.

**Motion:**

Vice Chair Healey motioned to recommend approval of ZT-18-006 to the City Council.

Commission Booth seconded the motion.

Commissioner Booth – Yes

Commissioner Claerhout – Yes

Chairman Stephens – Yes

Commissioner Mumford – Yes

Vice Chairman Healey – Yes

**Motion passed unanimously.**

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**ZT-18-007** Amendments to the Commercial Zone, RM Zone, and Water Efficient verification and certification of building height requirements **Planner:** Francis Lilly

Mr. May gave overview of amendment explaining the reasoning was to make it more consistent.

Commissioners asked clarifying questions regarding the different heights mentioned in the 2 options presented and staff explained as well as the reasoning behind the heights.

**Public comment opened at 7:22pm.**

Speaker 1: Laurie Healey

Address: 2755 E Loren Heights Drive

Ms. Healey asked the Commissioners if they had seen the Loren Heights petition with 44 signatures that was given to the City Council? She said all agreed that 28 feet limit was what they wanted to see. She said they were for Option B and explained why.

Chairman Stephens said he had not seen the petition and explained the reasoning behind the petition that involved Joe Johnson's application that had been remanded back to Planning Commission.

Speaker 2 Arthur Healey

Address: 2755 E Loren Heights Drive

Mr. Healey said he was unaware of the zoning when he moved in and at that time the building height were 75 feet. He spoke of his concern of what could be built behind their homes which he explained was the reason he voted for the city. He thought they could control their own destiny and added many people look forward to that view of the mountains when purchasing property.

Chairman Stephens asked if Mr. Healey if he was related to Vice Chair Healey?

Mr. Healey said he was related to Vice Chair Healey.

Speaker 3: Page Self

Address: 551 E 3075 South

Ms. Self said she wrote the email to the Planning Commission on behalf of her mother. She said privacy was the biggest issue for her mother. Her particular concern was that a building's top floor would be able to see into their home.

Speaker 2 Arthur Healey

Address: 2755 E Loren Heights Drive

Mr. Healey explained the Self property had a pool for the past 50 year which was the main reason for the privacy issues.

**Public comment closed at 7:35pm.**

Chairman Stephens opened the Planning Commission to discussion and motion.

Vice Chairman Healey suggested the rooftop garden be pushed to 100 feet from the property line.

Mr. Lilly said he thought the 100 feet suggestion would prevent rooftop gardens from many properties.

Vice Chairman Healey said he was thinking of privacy issues and then said his other concern was the mixed-use minimum lot size that was 15,000 square feet. He thought that was too small so he suggested it should be a half acre at 21,000 square feet.

Chairman Stephens asked why had they settled on 15,000 when it wasn't that large?

Mr. May answered he had went through the applications and that size could meet the requirements. He added they would make note and would put to the City Council.

Chairman Stephens commented that smaller older homes would lose potential development.

Mr. Lilly explained his reasoning on why the height should not go lower than 28 feet.

Planning Commissioners discussed height and how the different types of roofs would affect the different proposed heights.

Commissioner Claerhout said he was leaning toward Option A because it was more universal and he had heard what residents were stating about restricted views.

**Motion:**

Vice Chairman Healey motioned to recommend adoption to the City Council of ZT-18-007 with Option B subject to the following changes: height increased to 30 feet maximum front and rear for the first 100 feet; the required minimum 18,000 square feet lot size; and garden rooftops would not be allowed within 100 feet of the rear property line.

Commission Booth seconded the motion.

Commissioner Booth – Yes

Commissioner Claerhout – Yes

Chairman Stephens – Yes

Commissioner Mumford – Yes

Vice Chairman Healey – Yes

**Motion passed unanimously.**

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**ZT-18-002 (Continuing Business)** Adoption of Master Development Overlay Zone **Community:** Millcreek **Planner:** Francis Lilly

Mr. Lilly presented the changes that including walking paths, setbacks, and public gathering spaces.

Chairman Stephens suggested adding a bike path.

Discussion ensued between Commissioners and staff regarding applications.

Mr. Brems said no vesting under the General Plan but there was vesting under zoning.

Discussion turned to maximum height per zone where Mr. Lilly cited examples from different cities.

**Motion:**

Vice Chairman Healey motioned to recommend approval to City Council ZT-18-002- for adoption after the General Plan is accepted subject to the removal of #5.

Commissioner Claerhout seconded the motion.

Commissioner Booth – Yes

Commissioner Claerhout – Yes

Chairman Stephens – Yes

Commissioner Mumford – Abstained

Vice Chairman Healey – Yes

**Motion passed.**

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Commission Booth motioned to adjourn.

Mumford seconded the motion.

Unanimous approval to adjourn.

**Adjourned at 8:26pm.**

APPROVED