Minutes of the
Millcreek Planning Commission
January 17, 2024
5:00 p.m.
Regular Meeting

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, January 17, 2024, at City Hall, located at 1330 E. Chambers Avenue, Millcreek, Utah 84106. The meeting was conducted electronically and live streamed via the City's website with an option for online public comment.

PRESENT:

Commissioners
Shawn LaMar, Chair
Victoria Reid, Vice Chair
Steven Anderson
David Hulsberg
Christian Larsen (excused)
Nils Per Lofgren (excused)
Diane Soule
Dwayne Vance
Ian Wright

City Staff
Alexander Wendt, Deputy Recorder
Francis Lilly, Planning & Zoning Director
Brad Sanderson, Current Planning Manager
Katie Larsen, Planner
Kurt Hansen, Facilities Director
Robert May, Long Range Planning Manager

Attendees: None

REGULAR MEETING – 5:00 p.m.
TIME COMMENCED – 5:06 p.m.

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

1. Public Hearings

1.1 Consideration of ZM-23-008/SDA 23-006, Application for a rezone at 1190 E Bonner way from A-1 to R-1-5 zoning designation to allow for uniform zoning, applicant Scott Adams, Planner: Katie Larsen

Applicant Scott Adams has filed a rezone and subdivision amendment application for 1190 E Bonner Way from A-1 to R-1-5. By rezoning this property, it will help properties to have more backyard area and to have R-1-5 zoning, which is less restrictive. The designation is more reflective of the neighborhood near the Bonner Way property. No new development will happen with this rezone. Property owners within the subdivisions were notified and no feedback was received by staff. The item received a unanimous vote of approval from the Millcreek Community Council. Public utility easements will not be affected. The property lot lines to be adjusted must be in the same zone and recorded subdivision. Granting a rezone does not go against the goals of the General Plan or the future land use map. Based

on these findings Ms. Larsen recommended that the Planning Commission approve the rezone and lot line adjustment. Commissioner Soule clarified that the applicant owns both properties. Ms. Larsen said the applicant owns one and his mother owns the other.

Chair LaMar opened the public hearing.

There were no comments.

Chair Lamar closed the public hearing.

Commissioner Soule moved to approve SDA-23-006 based on the findings and conclusions of the staff report. Commissioner Vance seconded the motion. Chair LaMar asked for the vote. Commissioner Soule voted yes, Commissioner Vance voted yes, Commissioner Reid voted yes, Commissioner Anderson voted yes, Commissioner Hulsberg voted yes, Commissioner Wright voted yes, and Chair LaMar voted yes. The motion passed unanimously.

Commissioner Soule moved to approve ZM-23-008 based on the findings and conclusions of the staff report. Commissioner Vance seconded the motion. Chair LaMar asked for the vote. Commissioner Soule voted yes, Commissioner Vance voted yes, Commissioner Reid voted yes, Commissioner Anderson voted yes, Commissioner Hulsberg voted yes, Commissioner Wright voted yes, and Chair LaMar voted yes. The motion passed unanimously.

1.2 Consideration of ZT-23-013, Updates to the Light Manufacturing 'M' Zone. Planner: Robert May

The light manufacturing zone is 274 parcels, 285 acres, and about 1 acre per parcel. The MD Zone is 25 parcels and 47.55 acres. The average parcel size is 1.9 acres. Few changes are proposed to the light manufacturing zone. Staff are calling this a legacy district meaning no future rezones will be entertained. That zone designation will end someday. Residential use has been removed, added community garden and greenhouse uses, decreased elevation from 100 feet to 45 feet. The MD-3 zone, mixed development zone is only found on 900 East and includes Millcreek Gardens business and two adjacent lots. Staff are suggesting this zone become a legacy zone.

The MD Zone (mixed development) zone was created to encourage mixed uses and higher density. It is new and does not require extensive changes. More permitted uses have been added to it. Affordable housing and ownership incentives were added, mixed income housing incentives are added, design standards remain intact, an increase in max building height was added, from 72 feet to 85 feet. Strategies for implementation include waiving commercial use requirements for qualifying projects in the MD and C zones.

The Canyon Rim Citizens Association commented on how grateful they were for accommodation for Millcreek Gardens in the MD-3 zone. They expressed satisfaction with all the affordable housing incentives. Some members of the association asked why there is a building height increase above 70 feet. Staff replied that there have been times that additional height has been requested. East Mill Creek Community Council voted

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unanimously to approve each proposed zone. Mount Olympus Community Council supported higher density housing near transit. Members support incentives for affordable housing. Some questions were raised about where the line between light industrial and commercial uses would be. One member commented that they hated building stepbacks. One Millcreek Community Council member asked if tiny home villages would be included in the M-Zone. A member asked if a grocery store would be allowed in the M-Zone. There were no comments on the MD-3 Zone. Two members expressed their support for affordable housing incentives in the MD Zone. One member expressed their concern about permitted uses in the MD Zone removing their ability to review. Another member asked clarifying questions about allowing additional building height. The Millcreek Community Council voted to continue the discussion until the next meeting.

Staff recommends for the Light Manufacturing Zone that most uses remain the same. Based on the staff summary, staff recommended that the Planning Commission take public comments at the public meeting and forward a recommendation to the City Council.

Chair LaMar opened the public hearing.

There were no comments.

Chair LaMar closed the public hearing.

Chair LaMar clarified that changes to the MD-3 Zone are minimal, and changes in the MD Zone are in Meadowbrook. Commissioner Soule asked how many buildings are at 72 feet in the MD zone. Mr. May said there is one, and some developers, depending on the economy, have wanted to build to 85 feet. Commissioner Reid said she is concerned about extra tall buildings and asked about a height bonus for affordable housing. Mr. May said they would potentially be able to go up to 100 feet with affordable housing. He does not think it is likely. Commissioner Reid said this is taller than anything in the city. Mr. May said that if there was an increase in elevation anywhere in Millcreek it would make sense near transit. Commissioner Soule asked staff if the MD Zone is confusing because people cannot apply to be in that zone. Mr. May explained that he did not believe it to be confusing because it is only one area, and changes were made to that code to allow more uses like community gardens. Commissioner Soule asked if the Millcreek Community Council wanted to delay their decision. Mr. May said they tabled the discussion. It would go before the community council again before it goes to the City Council for codification. Commissioner Soule asked, clarifying, that the M-Zone and MD-Zone are not changing. Mr. May said they are not changing. Commissioner Wright asked how tall the Front Climbing Gym is, Mr. May said it is between 75-80 feet. Commissioner Hulsberg said that having an 85-foot height ceiling can bring in developers, but the lot size will limit this.

Chair LaMar asked about the allowance for community gardens and greenhouses in the M Zone. Mr. May said that if a developer would like to create a mushroom growing business in the M Zone, it would be totally indoors. Their intent is to conduct a wholesale business, they have no intent to do retail sales. Mr. May wrote the code change to encourage people to do retail sales and have enough parking. He wanted to discourage people from saying they would conduct wholesales but then turn around and do retail sales where parking becomes a problem. The city would like to encourage community gardens. Commissioner Soule said

hydroponics would be similar. Chair LaMar said that reception halls have a 300-foot distance from residential areas and asked if entertainment businesses should be similar. He wondered if it would be beneficial to make entertainment businesses a conditional use. Maybe the entertainment business does not need to be 300 feet from a residential area and maybe it does. The conditional use process could help with this. Commissioner Soule asked about simplifying the MD-3 Zone explanation in code because it is only Millcreek Gardens, there could be many changes made, tables taken out that make the code more confusing. Mr. May said staff could take it out or leave it. Mr. May said they do not want to make major changes at this time, these code changes are meant to simplify the uses in various M-Zones. Further changes will require more thought and work. Commissioner Soule said it seems to her that the legacy zones should have verbiage that they will go away. Mr. May said there will be wording to that extent. Chair LaMar asked Commissioner Hulsberg if he was okay with building heights at 85 feet. Commissioner Soule asked if the 85 feet includes things on the top of the roof. Mr. May said the city code allows for elevator equipment to be taller than the 85 feet. Mr. May briefly summarized changes, commercial entertainment would be a Conditional Use Permit if outdoors, change tobacco to tobacco and vape, change bicycle shop and music to permitted uses.

Chair LaMar moved to approve ZT-23-013, as presented by staff with the following clarifications and edits, that a conditional use permit be required for commercial outdoor entertainment and to increase the separation to 300 feet to be consistent with the separation that already exists for reception centers, and for the prohibited use of tobacco sales include vape and vaping products. Commissioner Wright seconded the motion. Chair LaMar asked for the vote. Commissioner Soule voted yes, Commissioner Vance voted yes, Commissioner Reid voted yes, Commissioner Anderson voted yes, Commissioner Hulsberg voted yes, Commissioner Wright voted yes, and Chair LaMar voted yes. The motion passed unanimously.

1.3 Consideration of ZT-23-020, to the Mixed Development 3 'MD-3' Zone. Planner: Robert May

Commissioner Soule moved to recommend approval of ZT-23-020 to the City Council based on the staff's summary and recommendation, along with the following changes, that bicycle shops, music shops and tanning studios be permitted uses. Commissioner Reid seconded the motion. Chair LaMar asked for the vote. Commissioner Soule voted yes, Commissioner Reid voted yes, Commissioner Wright voted yes, Commissioner Vance voted yes, Commissioner Anderson voted yes, Commissioner Hulsberg voted yes, and Chair LaMar voted yes. The motion passed unanimously.

1.4 Consideration of ZT-23-021, Updates to the Mixed Development 'MD' Zone. Planner: Robert May

Commissioner Hulsberg moved to recommend approval of ZT-23-021 to the City Council based on the staff's summary and recommendation. Commissioner Soule seconded the motion. Chair LaMar asked for the vote. Commissioner Hulsberg voted yes, Commissioner Soule voted yes, Commissioner Reid voted yes, Commissioner Wright voted yes, Commissioner Vance voted yes, Commissioner Anderson voted yes,

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Commissioner Reid voted yes, Chair LaMar voted yes. The motion passed unanimously.

Commissioner Soule said she wanted to publicly express that Mr. May did a very good job on the Millcreek Affordable Housing Report.

The Commission took at break from 6:17-6:28 pm

The Deputy Recorder received an email with public comment and asked the Commission to read that item to enter it into the record.

Lynda B. said, *"The M Zone always allowed what was in the Commercial Zone. Now to lower the height to 45' while raising the height for apartment buildings in the area doesn't make sense. Seeing as it is already 100' it should stay that way. Also, to get rid of the residential while still having disability & elderly housing still available doesn't make sense. Seeing as they aren't allowing any more properties allowed to change to this, these changes shouldn't be allowed."* Chair LaMar said that in a case like that you would just rezone to a compatible zone. Mr. Lilly said that if you allow housing in any zone then housing for people with a disability must be allowed in that zone as well.

2. Continuing Business

2.1 Consideration of ZT-23-012, Updates to the Commercial 'C' Zones. Planner: Brad Sanderson

Mr. Lilly gave the report. The bulk of the commercial zones in Millcreek is the C-2 Zone. C-3 Zones are very small and are most noteworthy in the City Center. Functionally most of the commercial allowances in the city center are covered by the City Center Overlay Zone. At this point staff will still be combining the C-1, C-2, and C-3 into a unified commercial district. Some of the community councils have suggested leaving the C-1 zone out of these changes. On the other hand, pulling the zones together does give a commercial user one zone to look at, not three. Key changes since the previous draft are new graphics to illustrate the separation of uses, additional language to clarify where separation of uses is measured, revised distance from residential for automobile sales and animal services and eliminated separation requirements for ghost kitchens and commercial kitchens. Currently, as the code is written there is an 80-foot right-of-way for a car dealership to be allowed. Perhaps it would be a good idea to increase that distance to 100 feet.

Commissioner Soule said she likes the idea of four-sided design in this area. Commissioner Soule likes front facing facades on street corners but some shops in Sugarhouse have blocked off their street corner entrance and it looks terrible. Millcreek should be careful that this does not happen here. Mr. Lilly explained that the code already says that the business entrance must front a street. Mr. May said that Millcreek wants curb appeal and pedestrian traffic to go to businesses. Businesses are not prohibited from having a second entrance. Commissioner Reid said she agreed with Mr. May on front door entrances. Commissioner Soule brought up the concept of commercial building setbacks. Mr. Lilly said that setbacks are not a settled topic in Millcreek. The Cottonwood Building has a nice stepback that pushes the bulk of the

building away from Highland Drive. Commissioner Reid asked if it is more economical to have a stepback or not. Commissioner Hulsberg said that using a stepback is more economical.

Commissioner Soule asked to clarify language on drive through windows in residential areas. Mr. Lilly said that defining a drive through window specifically can help with this. Commissioner Soule said the problem with these is the voice box because it creates noise, the window itself is not necessarily the problem. Mr. Lilly spoke about how drive-throughs can snarl traffic and perhaps adding separation between these uses is important. Commissioner Soule said that a bad parking lot design affects traffic flow. Commissioner Reid added that walkability is most important to her. Commissioner Soule spoke about incentives for affordable housing. She wondered if there should be incentives for builders for low-income housing, bigger incentives for low income as opposed to moderate income housing. There are a lot of ways to incentivize builders to include walkability. There should be consistent incentives across all zones, said Commissioner Soule. Mr. Lilly spoke about levels of incentives.

Chair LaMar asked about buffers for reception centers. Mr. Lilly said that code 18.45.060(7c) talks about fencing along the public right-of-way. Commissioner Vance said he likes the idea of keeping the C-1 Zone separate to turn it into a true neighborhood commercial zone. Commissioner Reid asked about clarifying the terms "stories" or "height" in the C zone update. Mr. Lilly said that the definition of story in the code clarifies this. Commissioner Reid asked about the definition of stone used in a building façade. Mr. Lilly said some of the fake stone can be as bad as stucco. Commissioner Hulsberg said that if you put too many restrictions on exterior materials it will turn away development. Commissioner Reid asked if there needs to be more language to protect village centers.

Chair LaMar summarized the ideas that had been expressed. Increase the residential separation to 300 feet for commercial entertainment, add vaping to tobacco sales, revise 18.45.060(7c) regarding perimeter fencing to make consistent with landscape buffer. Exempt drive throughs without voice boxes from limits, keep C-1 separate, consider flexibility for entrances, and consider options, consider enhanced incentives for low and very low AMI housing, 100-foot right-of-way minimum for automobile sales. Commissioner Hulsberg said that using a CVS pharmacy to talk about poor building entrances is not ideal. Mr. Lilly added that there could be a minimum distance for restaurant drive-throughs from a corner.

Commissioner Reid moved to recommend ZT-23-012, to the City Council, subject to the findings and recommendations in the staff report, and conditions as indicated in the staff presentation. Commissioner Vance seconded the motion. Chair LaMar asked for the vote. Commissioner Reid voted yes, Commissioner Vance voted yes, Commissioner Wright voted yes, Commissioner Soule voted yes, Commissioner Hulsberg voted yes, Commissioner Anderson voted yes, and Chair LaMar voted yes. The motion passed unanimously.

2.2 Consideration of ZT-23-015, Updates to the Residential Multi 'RM' Zone. Planner: Brad Sanderson

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Mr. Lilly gave the report. This is continuing business from December 20, 2023. The RM Zone in Millcreek is large. Most of the RM Zone is in the Millcreek Community Council area. Changes since the last draft include, revised permitted height from 32 feet to 30 feet to align with what is permitted in most R-1 Zones, clarified opaque railing requirements for balconies apply to a 50% coverage, removed utility placement requirement, revised façade articulation to include an option for pitched roofs and remove option for trellises, new graphic to illustrate rooftop patio requirements, revised building materials graphic, and prohibit carports between the building and street. Chair LaMar talked about setting the unit size to smaller than 25 and making it 12 units for requirements for low-income housing. The new Planning Commission recommendations include conditional use permits for multifamily required for developments above 25 units. Mr. Lilly said that in some cases Conditional Use Projects do not have a lot for the Planning Commission to do. Mr. May agreed and said 25 units is a good amount. Commissioner Vance and Commissioner Hulsberg agreed with the 25-unit decision. Commissioner Hulsberg said that if there is going to be development in Millcreek it will be through density.

Commissioner Reid asked about setting a standard in dog parks for picking up dog waste. Mr. Lilly said the city can control dog parks by not allowing them near stormwater drainage, but the city cannot enforce how often dog waste is picked up. 18.41.050(8c) – should be revised to be compatible with the landscaping chapter. Commissioner Soule asked the commission and staff consider incentives for 2, 3, and 4-plexes. Commissioner Vance said these units would have to be platted as individual parcels for individual ownership. Mr. Lilly said that planners are getting downward pressure from the state on this issue. The Commission spoke about how duplexes could be a good way to add multifamily housing. Mr. Lilly said that Millcreek is not seeing as many accessory dwelling units (ADUs) as they expected because they are expensive to build. Commissioner Hulsberg said the cost of construction is so great in Utah and the value of land is high as well. Mr. Lilly said that external ADUs are fiendishly expensive. There are home builders building new homes that are adding an ADU from the beginning.

Commissioner Vance moved to recommend approval of ZT-23-015 to the City Council, based on staff findings and conclusions in the staff report. Commissioner Wright seconded the motion. Chair LaMar called for the vote. Commissioner Vance voted yes, Commissioner Wright voted yes, Commissioner Reid voted yes, Commissioner Soule voted yes, Commissioner Hulsberg voted yes, Commissioner Anderson voted yes, Chair LaMar voted yes. The motion passed unanimously.

3. Commission Business

3.1 Updates from the Planning and Zoning Director

Mr. Lilly invited the commission to a planning event on Thursday the 8th of February. On the 30th of January and on the 10th of February there will be an optional training course for community councils. For the meeting in February, there will be a couple zone text amendments, these will be technical discussions and it may be a good idea to have a second planning commission meeting. Chair LaMar was doing research on Roberts Rules of Order

and spoke about how Roberts Rules of Order does for a substitute motion that would take precedence over the original motion.

4. Calendar of Upcoming Meetings

- City Council Special Mtg. 1/18/24 8:00 a.m.
- City Council Mtg. 1/22/24 5:00 p.m.
- Historic Preservation Commission Mtg., 2/8/24, 6:00 p.m.
- Planning Commission Mtg., 2/21/24, 5:00 p.m.

ADJOURNED: Commissioner LaMar moved to adjourn the meeting at 8:16 p.m. Commissioner Reid seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Anderson voted yes, Commissioner Hulsberg voted yes, Commissioner Soule voted yes, Commissioner Vance voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

APPROVED: _____ Date
Shawn LaMar, Chair

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Attest: Elyse Sullivan, City Recorder

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