



**Minutes of the
Millcreek Planning Commission
February 19, 2025
5:00 p.m.
Regular Meeting**

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, February 19, 2025, 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 (excused)
Victoria Reid, Vice Chair
Steven Anderson
Christian Larsen
Nils Per Lofgren (excused)
Jacob Richardson
Diane Soule
Dwayne Vance (excused)
Ian Wright (arrived at 5:26pm)

City Staff

Elyse Sullivan, City Recorder
Francis Lilly, Planning Director (electronic)
John Brems, City Attorney
Brad Sanderson, Current Planning Manager
Sean Murray, Planner
Robert May, Long Range Planning Manager
Zack Wendel, Planning Permit Technician
Jake Green, Dev. Review Specialist

Attendees: Andrew Brown, Mary Illingworth, Marlynne Pike, Cliff Wilhelm, James Dunster, Marti Weber, Marilyn Hendrickson, Marta Smith

REGULAR MEETING – 5:00 p.m.

TIME COMMENCED – 5:09 p.m.

Vice Chair Reid called the meeting to order and briefly described the duties of the Planning Commission.

1. Public Hearings

1.1 Consideration of ZM-25-002, Request to Rezone from R-1-21 (Single-Family Residential) to R-1-10 (Single-Family Residential) Location: 4548 S Mathews Way and 4471 S Covecrest Drive Planner: Zack Wendel

Zack Wendel said Millcreek was processing the application on behalf of the two property owners. The property owners would like to adjust the property line to meet the existing fence line, a transfer of approximately 200 square feet. The lots are currently zoned with two different zones, so the lot line adjustment would require a rezone application to move the zone boundary line along with the lot line. Millcreek staff have determined that changing the zone for 4471 S Covecrest Drive would be the better option as the property currently does not meet the standards set forth in Millcreek's Single-Family Residential Zone (R-1-21). Staff also determined that it would be worthwhile to include the neighboring property of 4548 S Mathews Way in this rezone application as it currently is split between the R-1-21 Zone and the R-1-10 Zone, allowing the opportunity to bring the whole property under one

zone regulation. No new development is being proposed on either of these properties. Wendel showed aerial, zoning, and land use maps of the subject properties. Staff found that the subject rezone application is consistent with staff's internal policy to clean up inconsistent zone boundaries. The setback and height requirements between the R-1-21 and the R-1-10 are the same with the only difference being that R-1-21 has a lot coverage limit of 25% while R-1-10 has a lot coverage limit of 31%. He concluded that the proposed zone change likely will not have a significant effect on the surrounding area, since the properties are already within the Single-Family Residential Zone and both properties already have a built single-family home. The zone change is supported by the adopted Future Land Use Map showing the land use designation as being 'Neighborhood 1.' The proposed zone change will clean up a misaligned zone boundary for one property and bring the other better into compliance with the Single-Family Residential Zone requirements.

Wendel noted that the Mount Olympus Community Council met on February 3rd to review and discuss the proposal. Most questions were regarding the differences between the R-1-21 and the R-1-10 zones. There was some concern whether the rezone would affect existing easements. The council voted to recommend the rezone application. Wendel recommended a positive recommendation to the city council to rezone the properties.

Vice Chair Reid opened the public hearing.

There were no comments.

Vice Chair Reid closed the public hearing.

Commissioner Larson, based on the findings and conclusions listed in the staff report, moved that the Planning Commission recommend approval of ZM-25-002, as proposed. Commissioner Soule seconded. Vice Chair Reid called for the vote. Commissioner Anderson voted yes, Commissioner Larsen voted yes, Vice Chair Reid voted yes, Commissioner Richardson voted yes, and Commissioner Soule voted yes. The motion passed unanimously.

1.2 Consideration of ZT-24-008:

Sean Murray reviewed the timeline for the code update which began in 2022 with a code assessment, initial interviews, and a survey. Eighteen code chapters were reviewed individually by community councils, the Planning Commission, and the City Council. Francis Lilly said early adoptions of code included sections on landscaping, parking, subdivisions, R-1/RCOZ updates, Forestry Recreation Estate (FRE) Zone, signs, and Village Center Special Districts. As part of engagement on the updates, most property owners in the city received at least two mailed notices, a total of about 43,000 pieces of mail. There were also five printed newsletter articles and five "Chat with a Planner" sessions.

Lilly reviewed the impacts of the new code: reduced the number of zones, clarified application procedures, defined every use referenced in the code either as permitted or prohibited, provided better graphics, made height and building envelopes in R-1, AG, and R-2 zones more adaptable to different lot sizes, enabled Millcreek residents to take advantage of the Utah Water Savers Grant program, created a 5-acre lot size minimum in FRE which will help protect hillsides, created the Village Center Special District ordinance which will

help the city achieve its economic development goals, improved sign standards with a potential reduction in the number of billboards, provided for subdivision standards to be compliant with state statute, created parking standards which will help facilitate affordable housing development, provided for affordable housing incentives, created standards for required studies and plans, uses modern terminology and easy-to-read tables, and replaced PUDs with roadway standards and updated minimum lot sizes. The zoning and subdivision code updates do not radically alter potential entitlements and densities allowed in a zone, rezone any property to a higher-density or a lower-density zone, reduce allowable densities in RM and CCOZ zones, significantly change building heights in multifamily or commercial zones, or propose a new general plan. Planning staff would look to update the general plan in 2027-2028. The city council would review the code in March/April.

Lilly broke down and reviewed the proposed amendments into four parts. Within parts three and four, staff posed policy questions to the commission.

a. Adoption of the General Provisions, Enforcement, Review Bodies and Land Use Authority, Appeals, Generally Applicable Land Use Provisions, and Procedures Chapters of the Revised Zoning and Subdivision Code

Part one of the zoning integration codes focuses on the general provisions, review bodies, appeals, and procedures. The staff report outlines any revisions made, including minor changes to the general provisions since they were last reviewed. The first four chapters of the code serve as the enabling legislation, outlining the roles and responsibilities of different parties involved and their relationship to broader ordinances, including transportation management. The language has been updated to ensure compliance with statutes, with new procedures introduced for residential facilities serving persons with disabilities and for processing eligible facility requests, such as applications to expand cell towers. The community councils have recommended the adoption of these revised provisions, enforcement procedures, and the appeals process, with unanimous approval and no further recommendations or clarifications.

Vice Chair Reid opened the public hearing.

Andrew Brown, Motor Sportsland RV Center, said an expensive temporary structure was recently purchased for the business to serve as a winter RV display. He asked about the code proposal of temporary structures not being able to remain for up to six months as the current code provides, but only ten weeks. He noted the set up and take-down of the temporary structure was also expensive for the business. Vice Chair Reid said the commission would address his comment during that proposed code section.

Vice Chair Reid closed the public hearing.

Commissioner Soule moved that the Planning Commission recommend adoption of the general provisions, enforcement, review bodies and land use authority appeals, generally applicable land use provisions and procedures chapters of the revised zoning and subdivision code. Commissioner Larsen seconded. Vice Chair Reid called for the vote. Commissioner Anderson voted yes, Commissioner Larsen voted yes, Vice Chair Reid voted yes, Commissioner Richardson voted yes, Commissioner Soule voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

b. Adoption of the Subdivisions and Lots, Parcels, and Buildings on a Private Street Chapters of the Revised Zoning and Subdivision Code

Part two of the zoning integration codes focuses on subdivisions, lots, parcels, and buildings on private streets, as well as the division of legally established household dwellings. This section introduces several changes, including the separation of private street regulations into its own chapter, whereas they were previously included within the subdivisions chapter. Notably, private streets must now be a minimum of 25 feet in width, and the new standard for minimum lot sizes depends on the zone, with the lot size being measured from the edge of the street. This change is significant for Millcreek, which has many private streets, including historic roads that predate suburban development, and aims to accommodate development in existing neighborhoods. Additionally, Chapter 18.6 introduces provisions for the division of legally established duplexes, allowing them to be subdivided for ownership opportunities, particularly in zones where this was previously limited. This update is designed to create affordable homeownership options without disrupting the character of existing neighborhoods, particularly in areas where duplexes are historically established but were not previously eligible for subdivision.

Commissioner Soule asked if R-1s would become R-2s, particularly with duplexes in the R-1 zone. Brad Sanderson said duplexes in R-1 zones would be considered nonconforming. Duplexes would still be able to be subdivided.

Vice Chair Reid opened the public hearing.

There were no comments.

Vice Chair Reid closed the public hearing.

Commissioner Larsen moved that the Planning Commission recommend adoption of the subdivisions chapter of the revised zoning subdivision code as presented by the staff report. Commissioner Richardson seconded. Vice Chair Reid called for the vote. Commissioner Anderson voted yes, Commissioner Larsen voted yes, Vice Chair Reid voted yes, Commissioner Richardson voted yes, Commissioner Soule voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

c. Adoption of the Zone Districts Chapters of the Revised Zoning and Subdivision Code

Part three of the zoning integration codes focuses on the various zone districts, including setback and land standards. The Planning Commission has previously reviewed many of these regulations, particularly concerning the R1 zoning and building levels. Notable changes include the addition of R-1 design standards to the Agricultural zone, along with revisions to floor and street regulations for consistency. The R-1 zone has been updated to incorporate these standards, with a focus on maintaining safe and controlled density along corridors. Similarly, the two-household zone and the Residential Mixed Zone (RM) have been refined, with the R-M zone seeing a reduction in the number of units eligible for permitted use approval to 25 units, in response to community feedback. Mobile home zoning regulations have also been cleaned up, with the inclusion of homelessness-related provisions and adjustments to residential development standards. The MD-3 Zone, which only applies to the Millcreek Gardens site, has been updated with modernized use lists and design standards,

while the neighborhood commercial zone has been restructured with additional allowances for institutional facilities and increased height limits along residential zone boundaries. Other updates include technical corrections for the City Center Overlay Zone (CCOZ) and revisions to the Village Center Special Districts, which were extensively reviewed and revised with input from the Planning Commission. These changes are aimed at improving zoning clarity, accommodating modern development needs, and addressing community concerns.

Robert May said staff were reconsidering the design features of the city center with stepback requirements. He presented images of buildings around the city center with and without stepbacks. Commissioner Wright liked the idea of providing stepback alternatives for smaller buildings.

Murray raised a policy question about the R-4 and C-1 zones becoming legacy zones due to their lack of strong design and use standards. The R-4 zone was intended to serve as a lower-density transition area between single-family zones (R-1 and R-2) and higher-density zones (R-M), while the C-1 zone is meant for small-scale neighborhood commercial use. However, upon further review, it was determined that these zones might be better suited for development with improved design standards. The R-4 zone could support triplexes and fourplexes in appropriate areas, allowing for density without disrupting neighborhood character, while the C-1 zone could be developed with similar design standards as other commercial zones, ensuring a more cohesive urban design. The proposal is to remove the legacy zone status from both R-4 and C-1, allowing for zoning into these areas where appropriate, rather than restricting future development. This change would provide more flexibility for growth and better accommodate medium and low-intensity development, such as triplexes, fourplexes, and neighborhood commercial spaces, while maintaining the neighborhood feel. The discussion aims to gauge support for this approach, with final decisions to be made after further consideration by the Planning Commission and community councils.

Commissioner Soule felt the special neighborhood areas were not typical commercial. Vice Chair Reid asked about the new general plan reflecting these zones. Murray said it would be contemplated at that time [when the general plan was being updated].

Sanderson referenced the temporary structures concern raised during the public hearing. The current code was six months per calendar year, and some uses were abusing that and staying up for a full year. He said temporary structures were intended to be for temporary uses, and ten weeks was generous. Lilly said if a temporary structure was up long enough, a permanent solution would need to be considered. Staff would work with Mr. Brown on his temporary structure.

Lilly said the community councils provided several recommendations regarding the zoning district discussions. While none of the councils recommended full adoption, they did engage in separate motions, particularly regarding legacy zones. The majority of the councils supported making these legacy zones available for future rezoning, suggesting that this would allow the city to leverage development more effectively, with potential for imposing design restrictions and limiting uses in ways that may not be possible under current conditions. The councils emphasized the need for tools that ensure developments align with neighborhood concerns and the city's broader goals.

The Mount Olympus Community Council expressed interest in revisiting setbacks and exploring more creative design solutions, with a plan to further refine language and approaches in the following month. The Millcreek Community Council unanimously recommended approval of the zone district chapters but indicated a preference for encouraging gentle density in areas like the R-M zone, with some concern about setbacks and a desire for innovative design solutions. The Canyon Rim Citizens Association, while not taking formal action, shared similar sentiments, being cautious but open to the proposed changes. The East Mill Creek Community Council was more cautious, particularly concerned about the implications of expanding the R-4 and C-1 Zone in predominantly single-family neighborhoods. They expressed a preference for keeping these areas as legacy zones. Regarding the motions to be discussed, the councils unanimously recommended the adoption of new zone standards, including the appeal of the A-1, A-2 and A-5 zones, the replacement of the C-2 and C-3 zones with C zones, and the repeal of the Resident Compatibility Overlay Zone. The councils also suggested that further discussions on city center overlay zones and legacy zones could be postponed to next month, allowing time for additional input and refinement.

Vice Chair Reid opened the public hearing.

There were no comments.

Vice Chair Reid closed the public hearing.

Commissioner Larson felt there was potential for C-1 around village center districts, as a good buffer zone. Commissioner Soule was not sure why a residential neighborhood use would not be a mixed use or special district. Murray said the R-M zone is more residentially focused, with commercial elements. The C-1 is going to be more commercial focused, with the ability to maybe have a residential unit or two above it. Vice Chair Reid would like to continue C-1 and R-4 because they are walkable and build community. She wondered about transitions between the zonings. Commissioner Richardson supported continuing the zones and not making them legacy. Commissioner Larson recommended eliminating or reducing setback standards. The commission was interested in discussing proposals from staff at a subsequent meeting.

Commissioner Larsen moved that the Planning Commission recommend adoption of the zones districts chapters of the revised zoning and subdivision code with the following recommended changes or clarifications: that C-1 and R-4 zones be retained and not designated as legacy zones, and that staff return with a proposal to allow for the reduction or elimination of setbacks in CCOZ on esthetic, performance or compatibility standards. Commissioner Anderson seconded. Vice Chair Reid called for the vote. Commissioner Anderson voted yes, Commissioner Larsen voted yes, Vice Chair Reid voted yes, Commissioner Richardson voted yes, Commissioner Soule voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

e. Repeal of the A-1, A-2, and A-5 Zones and Adoption of an Agricultural Zone to Regulate All Properties Within an A-1, A-2, or A-5 Zone

f. Repeal of the C-2 and C-3 Zone and Adoption of a Commercial Zone to Regulate All Properties Within a C-2 and C-3 Zone

g. Repeal of the Residential Compatibility Overlay Zone and Adoption of Design Standards in the R-1, R-2, R-4, and Agricultural Zones

Commissioner Larson moved that the Planning Commission recommend repeal of the following zones as part of the adoption of the zone districts chapters of the revised zoning and subdivision code:

- 1. Repeal of the A-1, A-2, and A-5 Zones and Adoption of an Agricultural Zone to regulate all properties within an A-1, A-2, or A-5 Zone.**
- 2. Repeal of the C-2 and C-3 Zones and Adoption of a Commercial Zone to regulate all properties within a C-2 and C-3 zone.**
- 3. Repeal of the Residential Compatibility Overlay Zone and Adoption of design standards in the R-1, R-2, R-4, and Agricultural Zones.**

Commissioner Soule seconded. Vice Chair Reid called for the vote. Commissioner Anderson voted yes, Commissioner Larsen voted yes, Vice Chair Reid voted yes, Commissioner Richardson voted yes, Commissioner Soule voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

d. Adoption of the Development and Use Standards Chapters and Definitions Chapter of the Revised Zoning and Subdivision Code

Lilly said the recent updates to the city's zoning code encompass a variety of areas aimed at enhancing flexibility, clarity, and compliance with federal and state regulations. One key change involves the treatment of accessory buildings, which will now be permitted within a 20-foot setback, with the intention to encourage infrastructure and commercial facilities while providing flexibility for accessory structures. Additionally, a new parking mandate requiring one space per accessory dwelling unit (ADU) has been established, and restrictions on accessory structures on lots smaller than 6,000 square feet have been lifted. Changes to building height standards have also been made, moving from vague definitions to more precise and defensible language.

In terms of historic preservation, wireless communication facilities, and animal regulations, the revisions focus on clarifying standards, including not requiring a building permit for certain residential installations and limiting the number of domestic fowl. Special business language has been consolidated into one chapter for easier reference, with policy changes to limit sexually oriented businesses (SOBs) to specific zones. The new chapter on non-conforming structures introduces flexibility for single-family homes that may not comply with recent code changes, particularly regarding side setbacks. Additionally, significant changes have been made to the sensitive lands chapter, replacing overlay zones with essentially floating zones based on property conditions like slopes or flood risk, in compliance with FEMA flood insurance requirements.

The parking mobility standards have been slightly modified to address ambiguities around room definitions, while landscape and signage standards remain largely unchanged from 2023, with minor formatting adjustments. Neighborhood compatibility modifications have been added to address unique neighborhood characteristics, particularly regarding fence heights. Furthermore, the clear view and outdoor lighting standards have been updated to apply citywide, moving beyond specific zones to ensure consistency with the general plan. New chapters addressing single-household dwelling standards and mobile home regulations ensure compliance with federal housing mandates, eliminating discriminatory practices that

previously impacted housing affordability. These revisions aim to streamline the code, encourage development flexibility, and ensure alignment with federal and state requirements. A new definition chapter has been created to consolidate and organize all key terms and uses in the zoning code. This chapter includes definitions for every significant term of art and use, making the code more accessible and understandable. What stands out is the collaborative effort behind it, as each staff member contributed their expertise to recommend definitions, ensuring that the chapter is comprehensive and accurate. The result is a more organized and clear reference point for users of the code.

Sanderson asked the commission another policy question, “how much driveway was too much?” The city is facing a challenge regarding the increasing requests to concrete entire front yards, a trend that has raised concerns due to its potential environmental, aesthetic, and drainage impacts. While the city encourages water-wise landscaping, including xeriscaping, the current code lacks clear regulations on hardscaping beyond the sidewalk, especially in front yards. Currently, the code only limits the width of driveways but does not address other types of hard surfaces such as concrete. The staff is seeking feedback on whether there should be a restriction on the amount of hardscape, specifically concrete, in residential front yards. A comparison of neighboring cities shows varying limits on hardscape coverage, with most cities placing restrictions between 30% and 75% of the front yard area, with some cities also requiring a minimum percentage of vegetation. The staff acknowledges that certain situations, such as small lots or cul-de-sacs, might warrant exceptions, and they seek guidance on how to balance these exceptions while still maintaining overall standards. Additionally, considerations for properties along busy roads and unique lot shapes, like those with a crescent-shaped driveway, also require careful thought. The city is looking for input on whether these types of limitations should be incorporated into the code.

Commissioner Richardson asked about community council input. Lilly said only one council expressed hesitation on impervious surfaces. He noted the community councils were not particularly interested in discussing limiting impervious surfaces further but three of them felt there should be some requirement. Commissioner Soule wondered about lot requirements with vegetation with different cities. Sanderson said some cities were based on lot coverage and some were on the front yard area. May pointed out that Title 14 amendments read that 50% of the area of the front yard could not be used for driveway purposes.

Lilly asked the commission whether there should be outdoor lighting requirements for residential uses. One approach is to simply limit lighting requirements to commercial uses. Another approach is to incorporate all residential uses, including the existing homes. The third approach is to apply requirements to commercial uses, plus residential additions and new residential construction, such that as time goes by and as projects are added that gradually the lighting will move to more dark sky compliance. Murray said neighboring cities take different approaches and presented a table on the compared requirements. Lilly said the community councils had mixed opinions from yes there should be requirements to no, that is government overreach regulating private property.

Vice Chair Reid opened the public hearing.

Andrew Brown, Motor Sportsland RV Center, offered a continuation of his first public comment. He said the temporary structure was 24,000 square feet with a canvas ceiling and

clear walls. The tent has substantial installation and removal costs. This would be a winter display for the business.

Vice Chair Reid closed the public hearing.

Vice Chair Reid asked about applying the stealth monopole [cell towers] requirements in all residential areas. Sanderson said stealth monopoles were not allowed in all residential areas, there are not a lot of areas to put them, and they are a last option due to expense. Vice Chair Reid said they should not be prohibited from being in sensitive land areas.

Lilly said the Mt. Olympus Community Council unanimously recommended adopting the new development standards, with exceptions for lighting and impervious surface requirements. The Millcreek Community Council voted in favor of the standards, though they did not address lighting or impervious surfaces. They expressed concerns about over-regulation of single-family home development and suggested adding a provision allowing open space to be converted into parking if needed, particularly in response to parking issues arising from new developments. The Canyon Rim Citizens Association also supported the adoption of the new standards but recommended eliminating minimum parking requirements altogether, arguing that parking regulations do more harm than good. They also supported extending parking standards to existing dwellings and implementing maximum parking requirements. The East Mill Creek Community Council unanimously supported the new standards and recommended that residential conditions for new construction should follow specific writing standards and maximum improvement service requirements. Additionally, all councils, except the Millcreek Community Council, recommended repealing the Foothills and Canyons Overlay zone.

The commissioners discussed and felt driveway standards were needed but they were unsure what they should be. Vice Chair Reid felt a front yard vegetation standard was needed. Commissioner Larsen felt the front yard needed stricter standards than the back yard. Commissioner Soule wondered about code enforcement on residential lighting. May suggested applying the requirements to a building permit, otherwise it would be on a complaint basis. The commission decided there should be some lighting regulations on residential.

Commissioner Soule commended staff on their efforts with the code.

Vice Chair Reid moved the Planning Commission recommend adoption of the development and use standards and definitions chapters of the revised zoning and subdivision code, with the following recommended changes or clarification:

- 1. Consider options for semi-permanent structures,**
- 2. Prohibit monopoles in sensitive lands in residential areas unless they are stealth,**
- 3. Develop a plan that recommends a minimum for vegetation and a maximum for impervious surface standards, and**
- 4. Develop a plan which extends the proposed lighting standards to all residences and includes limits on strobe and flashing lights.**

Commissioner Larsen seconded. Vice Chair Reid called for the vote. Commissioner Anderson voted yes, Commissioner Larsen voted yes, Vice Chair Reid voted yes,

Commissioner Richardson voted yes, Commissioner Soule voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

h. Repeal of the Foothills and Canyons Overlay Zone and Adoption of a Sensitive Lands Ordinance

Commissioner Richardson moved that the Planning Commission recommends repeal of the Foothills and Canyons Overlay Zone as part of the adoption of the sensitive lands chapter of the revised zoning and subdivision code. Commissioner Soule seconded. Vice Chair Reid called for the vote. Commissioner Anderson voted yes, Commissioner Larsen voted yes, Vice Chair Reid voted yes, Commissioner Richardson voted yes, Commissioner Soule voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

2. Commission Business

2.1 Approval of January 15, 2025 Regular Meeting Minutes

Commissioner Larsen moved to approve the January 15, 2025, regular meeting minutes. Vice Chair Reid seconded. Vice Chair Reid called for the vote. Commissioner Anderson voted yes, Commissioner Larsen voted yes, Vice Chair Reid voted yes, Commissioner Richardson voted yes, Commissioner Soule voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

2.1 Updates from the Planning and Zoning Director

Francis Lilly expressed appreciation for planning staff and their work on the proposed code and the commission's work in reviewing it.

3. Calendar of Upcoming Meetings

- Planning Commission Special Mtg. 2/26/25, 5:00 p.m.

ADJOURNED: Commissioner Richardson moved to adjourn the meeting at 8:30 p.m. Commissioner Soule seconded. Vice Chair Reid called for the vote. Commissioner Anderson voted yes, Commissioner Larsen voted yes, Vice Chair Reid voted yes, Commissioner Richardson voted yes, Commissioner Soule voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

APPROVED:


Shawn LaMar, Chair

Date

3/19/25

Attest:


Elyse Sullivan, Recorder