



**Minutes of the
Millcreek Planning Commission
December 19, 2018
5:00 p.m.
Regular Meeting**

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, December 19, 2018 in the City Hall Annex, located at 3330 S. 1300 E., Millcreek, UT 84106.

PRESENT:

Commissioners

Tom Stephens, Chair
Fred Healey, Vice Chair
David Allen
Russ Booth
Dave Carlson (arrived at 5:18 p.m.)
Scott Claerhout
Shawn LaMar
Mark Mumford
Heather Wilson (left at 8:48 p.m.)

City Staff

Francis Lilly, Community Development Director
Blaine Gehring, Planner
Erin O'Kelley, Planner
Alexandra Muller, Law Clerk
Elyse Greiner, City Recorder
John Brems, City Attorney
John Geilmann, City Manager
Robert May, Planner

Attendees: Mayor Silvestrini, John Janson, Jim Carter, Vivian Wilson, Loren Mott, Steven Fullmer, Chad Pehrson, Terri Tyner, Jane Young, Rob Peterson, Brigham Wilcox, Jason Mott, Stephanie Steele, Hal Sharp, Juston Puchar, Bela Vastag, Scott Steed, Carolin Cady, Holly Tuckett, Ellen Greeneisen, Bob Greeneisen, Tina Grant, Lisa Bagley, Melissa Stephens, Don Kaczmarek, and Diane Wenzl.

REGULAR MEETING – 5:00 p.m.

TIME COMMENCED: 5:04 p.m.

Chair Stephens read an opening statement explaining the duties of the Planning Commission.

1. Public Hearings

1.1 Consideration of CU-18-019, Conditional Use Permit for Multifamily Development Consisting of 18 Townhome Dwellings Location: 2272 E. 3280 S. (Mott Dr.) Applicant: Loren Mott Planner: Blaine Gehring

Blaine Gehring said the applicant would like to build eighteen additional townhome apartments as part of the existing Mott Townhouse Apartments. The new townhome apartments would consist of eighteen 3-bedroom units in two 3-plexes and three 4-plexes on 1.5 acres. The property is vacant except for a few old outbuildings and it is adjacent to the existing Mott Townhouse Apartment to the west. The project consists of five buildings fronting on Mott Drive with side and rear yards of 20 feet. The five buildings are two stories high with 3-bedroom apartments and a 1-car garage on the first level.

There is space for two stalls in the driveway in front of each of the units providing for the

required guest parking stalls. The proposed building height is 29'8" and 30 feet is the required height limit in the R-M Zone when within 100 feet of a residential zone. An open house was held on December 11, 2018 at the City Hall Annex in lieu of the Canyon Rim Citizens Association meeting because they did not meet in December. Two adjacent neighbors attended and were supportive of the project. Planning Staff recommends approval of the conditional use permit with the following conditions:

1. The applicant shall provide a project parking ratio of 2.5 stalls per residential unit, plus 0.33 stalls of visitor parking, for a minimum total of 51 parking stalls.
2. The applicant shall provide the proposed exterior detailing/finishes as provided for in the application drawings.
3. The development will be limited to the eighteen three-bedroom units.
4. The side and rear yards shall be 20 feet.
5. The proposed building height is no more than 30'.
6. All service and mechanical equipment must be screened by landscaping or other methods as set forth in section 19.77.070 of the zoning ordinance.
7. Signs will require separate building permits and staff review for zoning/land use compliance.
8. No light source (light bulb, fluorescent tube, or other direct source of light used to illuminate a parking area) shall be visible beyond the property line of any off-street parking area as required by Section 19.80.030 of the zoning ordinance.
9. Any modifications to these approved plans must be approved by the Planning Department, in writing, prior to the changes being implemented in the field.
10. Landscaping shall be installed in compliance with Chapter 19.77 Water Efficient Landscape Design and Development Standards. Any revisions to the landscape plan package shall be reviewed and approved in writing by the director or designee prior to commencement of construction. Re-certification of compliance with the requirements of the landscaping ordinance shall be provided by the qualified professionals who prepared and submitted the
11. The applicant will comply with all requirements established through the technical review process prior to receiving final conditional use approval.
12. The applicant will comply with all requirements of the Unified Fire Code, subject to approval by the Fire Marshal.
13. The applicant shall install "No Parking" signs in the fire access lane.
14. The applicant shall obtain a complete review for an approved building permit and shall continually comply with the requirements of Millcreek City, Salt Lake City Department of Public Utilities, and the S. L. City Suburban Sewer District.
15. The applicant and its successors shall properly and continually maintain all required landscaping, fencing, buildings, and roads.

Commissioner LaMar asked about guest parking locations. Gehring said they are in the driveways; there is a single car garage and two spots on the driveways. There are 51 required parking stalls and 54 have been provided. Commissioner LaMar said each unit gets 2.5 parking stalls then asked how there can be a .5 guest parking stall. Chair Stephens said the parking count meets code. Francis Lilly said the existing buildings have excess parking and they are applying that to the new buildings. Chair Stephens asked about fencing to the north. Lilly said that was a question for the applicant. Commissioner Mumford asked about the 30-foot height limit when the summary table says 40 feet. Gehring said the zone allows 40 feet except for when it is within 100 feet of a residence.

Loren Mott, 3245 S. 2125 E., said the fencing on the north border will be a six-foot solid wood fence supplemented with landscaping. Mott said the current buildings are two 6-plexes and parking there can be utilized as guest parking for the new buildings.

Commissioner Mumford asked how wide the access to the project was. Mott said 26 or 28 feet. Commissioner Claerhout said the gutter is in bad repair. Mott said it is an irrigation ditch, there is no gutter. The developers are waiting on UDOT to do something with 3300 S. in general, so they do not install something that gets taken out. Mott said they can put something in if required to. Mott said the property is family-owned and he lives adjacent to the property.

Chair Stephens clarified that the Canyon Rim Citizens Association has not seen the application. Gehring confirmed and said that is why the open house was held.

Chair Stephens opened the public hearing.

Robert Peterson, 3205 S. 2190 E., said he is an adjacent property owner, so an affected neighbor, but he is also on the Canyon Rim Citizens Association. He said he enjoyed the rural property there but feels that higher density is a fitting solution. He thought that the applicant has done a good job at mitigating effects.

Chad Pehrson, 3354 S. 1940 E., said there are a number of utility poles at the entry to the project on 3300 S. The sidewalks are not great, and the entry area is dangerous. The project looks nice and the height is appropriate for a project like this.

Melissa Stephens, #6 of existing building Mott Townhouse, said the applicant is a kind man. She said she did get a phone call from the landlord asking her to give up her second parking spot as the only single tenant. She said a car hit a power pole outside the entrance to the project and it affected her power. She thinks the density is the best way to use the land, but the access and parking would be a concern.

Chair Stephens closed the public hearing.

Commissioner Mumford asked if the fire marshal approved the plans. Gehring said yes and pointed out a fire hydrant in the project site plan; it meets all the fire requirements. Lilly said the access road does meet code. He thinks it is within the scope of the City to require the applicant to fix the gutter. He welcomed the Commission to include that as a condition.

Commissioner LaMar said he was concerned that there is no guest parking. He thinks there needs to be a shared parking bank for guests; it is not appropriate to look at the sum of spaces. Lilly said he does not think the existing guest parking stalls are used all the time and it would be used for the entire development, which is allowed by code. The intent of the multifamily ordinance ought to be that guest parking be designated in a manner such that the parking in front of the garage should not be counted. Lilly said the existing building has more stalls than they need. Commissioner Healey clarified that the 51 stalls that are required are for both the old project and the new project and the developer exceeds that requirement by three stalls. Lilly said yes. Gehring said for every three units there is one guest stall. Commissioner LaMar said you cannot park a vehicle on a half space. Commissioner Mumford said he lived in a similar complex and there is not enough space for street parking and traffic in the PUD. Commissioner Allen said if there is overflow parking, there is no place to go off site because there is no

neighborhood to spill into. He said it would be nice to be able to consider off-street parking for high density developments. Lilly said parking would be a management problem for Mr. Mott to solve. The parking ordinance does not assume there will be multiple parties occurring simultaneously which would require an abundance of parking stalls. He would like an update to the code to not allow parking in front of a garage. Staff's rationale is that the existing parking is not going to be used and is therefore adequate. Commissioner Allen said people will park in the hammerheads where the public safety vehicles need to go. He also expressed concern about 30 units that are accessed only by a little alleyway. Commissioner Healey asked Melissa Stephens how many times she had seen all the parking stalls used. She said 4-5 guests could park there, there is always space. Commissioner Carlson said the Commission spends a lot of time talking about parking and it gets arbitrary trying to substitute the Commission's judgement against the code every time they get a project. He said there are studies for this issue, so when the Commission applies the ordinance and it does not feel right, the problem is with the ordinance, not the development.

Commissioner Healey said this is not a typical high-density project, it has a lot of green space. Commissioner Wilson said there are pluses to this being a more family-friendly development. She thinks there will be children activity happening in the road which will keep traffic at bay. Chair Stephens said this project does meet the current parking ordinance.

Commissioner Healey moved to approve the conditional use permit, CU-18-019, an 18-unit townhome addition to the Mott Townhouse Apartments at 2272 East 3280 South with the conditions listed in the staff report and to fix the access driveway and approach so that it meets current standards and is not a difficult access. Commissioner Mumford seconded. Chair Stephens asked for clarification on the improvements on the access drive. Lilly recommended per the City Engineer's specifications and that the Commission sees this as a detrimental effect of new development that can be reasonably mitigated. **Commissioner Healey changed his motion to meet staff recommendation by the Engineer and that staff mitigate any ill-effect that might have on the project. Commissioner Mumford seconded the amended motion.** Commissioner Booth said he liked the project, but in his experience, there were always three cars at the 3-bedroom units because they would fill with single people, not families. **Chair Stephens called for the vote. Commissioner LaMar voted no and the other Commissioners voted yes. The motion passed.**

1.2 Consideration of SD-18-014 / CU-18-010, 8 Unit Townhome Planned Unit Development Location: 3252 Melbourne St. Applicant: Brigham Wilcox Planner: Robert May

Robert May said in June there was an application that came before the Commission for a conditional use permit and it morphed into a PUD, which explains the two file numbers. May showed pictures of the property to the Commission in its current state. He said there was a neighborhood meeting in July and residents were interested in height, ownership of units instead of rentals, the structures blocking cell phone service, traffic impacts on Melbourne Street, and garbage location. The Planning Commission heard and continued the application in July. A traffic study was commissioned by Millcreek and conducted by Avenue Consultants. The results stated the traffic would minorly change traffic patterns on Melbourne Street, a traffic signal at this location may mitigate some of the existing

traffic congestion issues, and historical Utah Department of Transportation (UDOT) growth trends on 3300 S. state that it is unlikely that a signal will be warranted by the northbound and southbound peak hour traffic volumes for some time. The Canyon Rim Citizens Association voted to recommend the 8-unit planned development project in August. The planning staff held a second neighborhood meeting in October. There was no public concern about the project, but one neighboring property owner inquired about the easement on her property. May showed renderings of the buildings to the Commission. May went through the project information summary table which stated that the proposed project would: be 27-37 feet in height; have 2300 square foot units; have a 15 foot front yard setback, 20 foot setback on 3300 S., 15 foot setback on the north property line, and 30 foot rear yard setback; be 100 feet wide on Melbourne Street and 160 feet wide on 3300 South; have 21 parking stalls; have 50% open space and 30% lot coverage; and have one barbecue/picnic area. Commissioner Allen asked about the density. May said the RM Zone requirement is 3500 square feet for multifamily. Chair Stephens said it is the gross square footage per acre. Commissioner Allen said the math added to 3300 square feet. May said there may be a typo on the PowerPoint.

May said the applicant has mitigated the detrimental effects and staff recommended approval of the conditional use permit and preliminary plat approval. He suggested that there be a condition of no guest parking on Melbourne St. then went through the following list of other conditions:

1. Any modifications to these approved plans must be approved by the Planning Department, in writing, prior to the changes being implemented in the field.
2. The applicant will comply with all requirements established through the technical review process prior to receiving final plat approval including all necessary bonding and addressing requirements.
3. The applicant will prepare and record Declarations that are approved by Millcreek before recording subdivision plat.
4. The applicant will include in the Declarations that no guest parking will be allowed on Melbourne street.
5. The applicant will pay all required fees associated with final plat approval.
6. All applicable zoning, building, health, fire and safety requirements must be met prior to receiving final approval of a building permit.
7. All items of the staff report.
8. Any items included by Planning Commission

Chair Stephens asked about the width of the driveway. May said the City standard is a 20-foot minimum. Commissioner LaMar asked how wide the units are. May said PUD code requirements for parking on the main floor has to be 20' x 22' without obstruction. Commissioner LaMar asked about the stairwell depicted in the rendering obstructing the depth requirement. May said the applicant could respond to that question. Commissioner Carlson clarified that the change between this proposal and the first time the Commission saw the proposal was two less units and a shift of the parking stalls. May confirmed. Commissioner Healey asked about the green space. May said the project has 50% open space.

Brigham Wilcox, applicant, said the drive would be 22 feet wide. He said the 20' x 22' garage requirement has been complied with. Wilcox said he did not draw up the plans but

made sure they complied with that standard. Chair Stephens said that issue can be reviewed in the technical review process with staff. May said the Commission could add that to the conditions if requested. Wilcox said the neighbors requested ownership of the units and he did change the focus from being a rental unit to a for sale unit. He said it was important to keep the roof deck on the south five units. He said it is the owners' private outdoor space. He said they could potentially get closer to 36-37 feet in building height.

Chair Stephens opened the public hearing.

Steven Fullmer, 3226 S. Melbourne Street, said he did not object to the project except for it exiting onto Melbourne Street. He said the developers already have an access on 3300 S. with UDOT. He reiterated that the only thing the neighbors object to is the access on Melbourne Street and they originally expressed that in the first meeting during the summer. He said that two cars at the stop sign on Melbourne St. and 3300 S. would block access to this development.

Lisa Bagley, 3387 Honeycut Road, said she was in favor of the project except for the height. She expressed appreciation for the staff's work on the project. She said one analysis for the project is character. She said the surrounding properties have two stories, a lot of green space, and there are historical places, so the third story on this project would be out of character with the neighborhood.

Chad Pehrson, 3354 S. 1940 E., said he thought the public notice radius should be extended from 300 feet. He said the Commission's job is to assess detrimental effects and whether conditions can be imposed to mitigate those effects or if no conditions can be imposed, then the conditional use permit ought to be denied. His concerns with the project are incompatible design in terms of use, scale, intensity, and height. The City Council amended the RM zone in July to limit height to 30 feet when within 100 feet to an R-1 property. He said the Commission has statutory conditions to consider with whether this height is compatible with the neighborhood. He said moving forward with similar parcels, the height limit is 30 feet tall. He said the Commission could impose a condition that this project be 30 feet tall to be consistent with the neighborhood. He said the crosswalk on 3300 S. is dangerous and the Commission could impose a condition for the applicant to put a traffic light in on the intersection of 3300 S. and Melbourne Street to keep pedestrians safe.

Tina Grant, 1235 E. Elgin Avenue, echoed comments on the safety of the crosswalk and asked for a traffic signal. She said the speed on a 5-lane road (3300 S.) should warrant a signal if the traffic does not.

Chair Stephens closed the public hearing.

Chair Stephens agreed that the crosswalk is dangerous, but it was not a burden that could be placed on the applicant. Lilly said he would pass the message to engineering to then pass to UDOT that safety was brought up in a public meeting because they pay attention to public comment. The State controls the road, not Millcreek. Commissioner Carlson said when he was on the Millcreek Community Council when there was discussion with UDOT and they were not willing to consider a traffic signal because of the proximity to

the signal on 2000 E., but they did put the crosswalk signal in then. Mayor Silvestrini said the City has been in discussion with UDOT about that crossing and they are not in favor of a traffic signal there but are exploring a hawk crossing.

Commissioner Healey asked what the justification was for the 40-foot height when the project was so close to residential. May said the RM Zone code changed in August. The old RM Zone allowed for 40 feet in height and the applicant filed the application under the old ordinance. Lilly said the conditional use process does talk about detrimental effects in terms of height and it involves height transitions against residential. The applicant addressed past concerns about rooftop gardens facing living residents. He said the fire station is close to 40 feet and the gymnastics building is in excess of 40 feet. The ordinance asks for the impacts of height against surrounding residents be mitigated and this project accomplishes that. Commissioner Healey said a neighbor was concerned about access location. May said there was no access from UDOT to be granted. The referenced easement is on someone else's property which cannot be used for access for this project. May said Melbourne St. is the only place for access. Commissioner Booth asked about approvals for residential units at this height since Millcreek became a city. Lilly said there have been projects approved at this height. He said this project is vested appropriately and it complies with the old RM zone. May said the immediate neighbors were not concerned about the height. Commissioner Wilson said the current crosswalk is inadequate and she would love to see a better one. She said the balconies are not solid, so the height is relatively well mitigated with activity on the roofs and considers this a well-balanced development.

Commissioner Wilson moved to grant the conditional use and preliminary plat approval of files numbers CU-18-010 and SD-18-014 subject to the conditions found in the staff report with the addition of further communication with UDOT about the condition of the crosswalk at the corner of Melbourne Street. Commissioner Claerhout seconded.

Commissioner LaMar asked to *add to the motion that the units must have the unobstructed space in the garage.* **Commissioner Wilson accepted the amendment to the motion. Commissioner Claerhout seconded the amended motion. Chair Stephens called for the vote. The motion passed unanimously.**

The Commission took a break from 6:43 to 6:51 p.m.

1.3 Consideration of GP-18-001, Adoption of the Millcreek General Plan Planner: Francis Lilly

Jim Carter, Senior Planner with Logan Simpson, said the consultants have been at this process for over a year and half. He went through the plan process that started in late summer 2017 and ended in fall 2018. The public process involved; 912 online survey responses, more than 22 outreach opportunities, 2,000 in person participants, and 7 Envision Committee meetings. He said there were a variety of ways for people to be involved in the planning process. The consultants tried to piggyback on existing community events to engage with people. They interviewed over 30 stakeholders and met with groups that do not typically show up to public meetings. He said they gathered relevant information from the public and reviewed ideas on what other cities had done in big ideas workshops then took the draft plan to the Venture Out event series. Logan Simpson brought that information back to the Envision Committee where they drafted the

Vision themes; Unique Neighborhoods, Vibrant Gathering Places, Thriving Economy, Great Connections, Health and Environment, Outdoor Lifestyle, and Enhanced Culture. He said the plan is a customized plan drafted, revised, and adopted by the community.

John Janson, contracted planner for Millcreek, said there was a lot of input provided on the future land use map. At a workshop last month, the Planning Commission went through the land use map in detail. He said since then, the Millcreek Community Council recommended that the residential Neighborhood 1 along 700 E. be changed to Neighborhood 2. He said their reasoning was to have more flexibility along a major arterial street. They also suggested a change on 900 E. from 4500 S. to the north on the east side of the street to be Neighborhood 2 because Mixed Use was too intense. Chair Stephens said the intent of the meeting tonight was not a workshop but to give a recommendation to the City Council. Commissioner LaMar said the map looked the same from the November draft and wondered about the reflected changes. Janson corrected himself and said 700 E. ended up as Mixed Use 1, not Neighborhood 2. Janson said the new functional road classification map shows principle arterials which are generally UDOT controlled. This is an important tool for the City because it suggests what the right-of-way's ought to be and it provides typical road cross-sections. Janson said there was some discussion going on with the city center study about major and minor collectors.

Francis Lilly said chapter 4 identifies a plan to move forward with the top priority general plan goals and accompanying strategies for each of the seven vision themes. He said the themes influence the day-to-day operations for the community development department. Lilly then went through each of the seven themes: Unique Neighborhoods, Vibrant Gathering Places, Great Connections, Health and Environment, Outdoor Lifestyle, and Enhanced Culture. He said the community development department would brief the Planning Commission periodically on the progress staff is making with the general plan priorities and they will provide the Commissioners with a spreadsheet. He said the general plan is not just a planning document, but a city document.

Chair Stephens opened the public hearing.

Vivian Wilson, 4599 S. 700 E., asked the Commission to consider as increase in density in the area of 700 E. and Van Winkle. She feels the area would be better served with townhomes.

Carolyn Cady, 1065 Granite Mill Court, representing Granite Mill Home Owners Association, expressed appreciation for Granite Mill being removed from mixed use to the residential designation. She said having mixed use directly around them though does not make sense and asked the Commission to redraw the area. She felt that Mixed Use 1 or Residential 2 would make more sense. Chair Stephens said if the general plan was adopted without her recommendation, she can petition for change at a later date, the plan is not set in concrete.

Diane Wenzl, 3240 S. 1000 E., expressed concern about changing the Mixed Use 1 to Mixed Use 2 in her neighborhood with regard to height. She said the surrounding area is single story. The greater density will increase traffic, and 3300 S. is already a dangerous

street. She asked the Commission to reconsider the high-density portion of the plan in the area from 900 E. to 1100 E. on 3300 S. because the homes to the south of 3300 S. are single family homes. She then submitted a letter to the Commission for their review.

Tina Grant, 1235 E. Elgin Avenue, echoed the comments from the last two speakers about changing the future land use map to Mixed Use 1 along 3300 South. She expressed concern about parking with high density and no on-street parking being allowed.

Chair Stephens closed the public hearing.

John Brems clarified to the Chair that this was a public hearing, not public comment period. Commissioner Allen said there has been great work done on the plan and he did not feel he could amend what had been presented. Janson said the motion could include amendments and the consultants would study them before taking the plan to the Council. He said he had not heard concerns about the 900 - 1000 E. before tonight. He said they gave it higher density because of the lot depths off 3300 S. He insisted that the plan suggests what can happen, but the ordinances govern what goes in. Commissioner Wilson said the general plan has taken as much public comment into consideration as necessary at this point. She said the plan is a way for the City to point toward what it might like to see in the future, but it is not set. Lilly said the land use chapter had prefatory language on how the Planning Commission needs to treat outer bound limits of 2-4 stories. The language gives staff the scope in the general plan change to allow heights up to 4 stories, it does not mean they will allow it; it articulates an upper bound, not median or lower. The height can be regulated through a rezone or development agreement.

Commissioner LaMar, regarding file number GP-18-001, moved to recommend to the City Council the adoption of the general plan. Commissioner Healey seconded.

Commissioner Claerhout said he would like to look at solar panels in future ordinances.

Chair Stephens called for the vote. The motion passed unanimously.

2. Continuing Business

2.1 Consideration of ZT-18-011, Residential Dog Boarding Code Amendments

Planner: Francis Lilly

Francis Lilly said at the last meeting the Planning Commission continued the petition to establish an ordinance regulating residential dog boarding in a single-family zone. At that meeting, the Commission discussed vaccination requirements, insurance requirements, separation requirements for each business, and minimum size requirements. Lilly said this was the applicant's proposal, but the Planning Commission was free to craft any recommendation to the Council. The recommended changes staff has made to the proposal were the following:

- 1) Maintain a minimum lot size requirement, such that no dogs may be boarded on lots smaller than 6,000 square feet, that no more than 2 dogs be boarded on lots up to 8,000 square feet, and that no more than 4 dogs be boarded on lots greater than 8,000 square feet in size.
- 2) The applicant must obtain a license through Salt Lake County Animal Services. This requirement covers the vaccination and record-keeping requirement. Currently, SLCAS requires at least three vaccines and that records be kept for three years. Staff recommended using the same reporting and vaccination standards that SLCAS uses for small kennels.

- 3) Per the recommendation of a member of the Millcreek Community Council, staff proposed to define residential dog boarding in a way that a fee is taken for boarding for at least three days in a six-month period.
- 4) Staff added a requirement that dog waste be picked up daily and stored in an enclosed container prior to being disposed of properly.
- 5) Staff proposed that a 1,000-foot separation apply only in instances where an accessory building is being used for a shelter. If the sheltering is occurring within the primary residence, then a 1,000-foot separation should not be necessary, since there is no limit to the number of dogs a household may own.
- 6) The separation requirement for the shelter adjacent to neighboring structures is 40 feet – the same standard used in Millcreek for chicken coops.
- 7) Staff added a standard for the humane treatment of animals. This allows for a license to be revoked on the basis of inhumane or cruel treatment of animals. Notably, the standard contract rover.com uses with its dog and cat hosts does not discuss the humane treatment of animals.
- 8) Finally, staff recommended a limit to the number of licenses by community council district. Staff believed that such a limit will be more effective overall than an arbitrary separation requirement for each business. Their recommendation is that each community council district (or community district in the parlance of our code) be allowed a base of four permits, plus one additional permit per 300 single-family residences in each district. Millcreek would get 17 licenses, East Mill Creek would get 15, Canyon Rim would get 14, and Mount Olympus would get 12.

Lilly said on rover.com last week, there were 60 existing dog boarders in the City. Some of the boarders are in apartments, but the proposed standard is only for single family residences. He said he had only received one complaint on the issue of residential dog boarding which resulted in this ordinance petition. He said nearly 60 Millcreek residents are boarding dogs through rover.com. In light of the City's current policy that there be no limit to the number of household pets a person can own, the question of the potential adverse impacts to a neighborhood for boarding a dog should be evaluated against the known impacts of dog ownership, for which there is no limit. Salt Lake County Animal Services preferred no limit of dogs in the City because people will get what they want anyway and not license them; the current method serves as a more successful relationship with licensing. Chair Stephens asked who would serve a nuisance complaint with dog ownership, not a boarding arrangement. Lilly said Salt Lake County Animal Services would enforce it. Chair Stephens clarified that a boarder would require two licenses; city business license and animal services license. Lilly confirmed and said the business license code offers an enforcement tool to revoke licenses.

Lilly went through the proposed text changes, which included: adding the definition of "residential dog boarding" and removing "kennel." To amend Chapter 19.14.030 R-1 Zone Permitted Uses to include the following:

Residential Dog Boarding, subject to the following standards:

1. Limitation on number of dogs boarded based on minimum lot area:
 - a. Boarding of dogs on lots less than 6,000 square feet is prohibited.
 - b. For residential lots between 6,000 square feet and 8,000 square feet, no more than two dogs may be boarded at a time.
 - c. For residential lots 8,000 square feet in area or greater, no more than four dogs may be boarded at a time.
2. Pick up and drop off of dogs must occur between the hours of 7:00 am and 7:00 pm.

Residential dog boarding businesses shall maintain a Millcreek Business License, which is predicated on meeting all the requirements below. Failure to adhere to these requirements or any other applicable law or regulation may be grounds for suspension or revocation of the business license, pursuant to MKC Chapter 5.07.

3. Residential dog boarding businesses shall maintain all licenses required Salt Lake County Animal Services.
4. Residential dog boarding businesses shall continually comply with the Millcreek Animal Code.
5. Residential dog boarding businesses shall have in force business liability insurance, separate from a homeowner's or renter's insurance policy, adequate to protect third parties from the consequence of bodily injury or property damage arising from the dog boarding business.
6. Dogs that are boarded shall not constitute a nuisance as defined by 8.01.010 of the Millcreek Code.
7. Dogs must be licensed within the origin of their jurisdiction. Operator shall have record of license and current vaccination records of all dogs in its care, as required by Salt Lake County Animal Services.
8. Residential dog boarding businesses shall dispose of all solid animal waste daily and place the waste in an enclosed container.
9. With the exception of pick up, drop off, or walking on public rights-of-way, outdoor activities for dogs while being boarded shall be limited to rear yards only.
10. The rear yard shall be fully enclosed with an opaque fence material that is not incompatible with designs in terms of fencing materials used by residential properties within 300 feet of the applicant's property. Fencing must be secure, including self-closing gates, to prevent escape.
11. Residential dog boarding businesses shall provide an enclosed shelter, with climate control, and smooth walls to protect the dogs from weather conditions and minimize noise. Shelters shall be constructed of materials that are water-resistant and can be readily cleaned and sanitized.
12. Shelters may be within the primary residence in an accessory building in a rear yard only, provided that the accessory building is set back at least 40 feet from any human dwelling, school or church located on an abutting property not owned by the licensee, and 1,000 feet from any other accessory building used as a shelter for a dog boarding business. Distances are to be measured from the edge of the shelter to the nearest edge of any human dwelling, school or church.
13. While outside of an enclosed shelter, dogs must be supervised by either the licensee or designee, so as to prevent nuisances caused by the dogs, including, but not limited to, noise and odor. Dogs shall be treated in a humane matter, including, but not limited to, adequate opportunity for exercise, freedom from restraints, hydration, food, protection from weather and extremes of temperature, and protection from other animals.
14. Dogs shall be treated in a humane matter, including, but not limited to, adequate opportunity for exercise, freedom from restraints, hydration, food, protection from weather and extremes of temperature, and protection from other animals.
15. Limited Number of Residential Dog Boarding Businesses in Millcreek. The total number of residential dog boarding business licenses issued within Millcreek shall be limited as follows:
 - a. The maximum number of residential dog boarding businesses shall be calculated for each Community District within Millcreek. Each Community District shall have a minimum base of four (4) residential dog boarding businesses plus one (1) permit for every 300 single-family detached dwellings within each Community District Boundary.
 - b. The total number of available licenses shall be recalculated biennially based on an estimated number of single-family dwellings within Millcreek derived by the Community Development Department.

c. If a complete application meeting all other requirements for approval is received after the maximum number of licenses has been issued within the Community District the proposed residential dog boarding business is located within, the application shall be placed on a waiting list in order of the date of receipt of a completed application. The list shall be reviewed on an annual basis. No fees will be due until a license becomes available. An application is deemed complete by the Business License Official upon completion of all information required by the provisions of this chapter, the Millcreek Animal Code, and the Millcreek Business License Code.

Commissioner LaMar asked for clarification on the 40-foot requirement of the accessory building from a human dwelling and whether it included the boarder's home. Lilly said it did not. Commissioner LaMar clarified that the 1,000-foot separation from other businesses is from boarding businesses. Lilly said it would prevent another similar business from using an accessory dwelling in that 1,000-foot range and it would be measured from the edge of the shelter to the nearest edge of the other business. Commissioner Mumford asked about an accessory structure in the front yard. Lilly said they are only allowed in the back yard. Commissioner Carlson asked about the ordinance going in the land use code or business license code. Lilly said land use, and it was derived from other cities' regulations in other states. Commissioner Carlson said the proposed ordinance was a lot of regulation for a simple activity. Lilly said the community councils expressed concern about regulation but wanting to preserve property rights and this ordinance strikes a good balance for business and property rights. Commissioner Carlson appreciated the limit of licenses in an area but said the no limit on owning dogs issue needed to be addressed. Commissioner Mumford agreed with Commissioner Carlson and said he wanted a pet limit for the City to have a grounding base going forward. He referred to this as a commercial business in a residential neighborhood. Lilly said this was not a commercial business, a commercial kennel is entirely different.

Chair Stephens opened the item for public comment.

Jane Young, 4589 S. Westview Drive, said she lives across the street from the applicant. She said this ordinance originally involved dog walking and dog boarding and it would be a conditional use. She was concerned that the neighbors will not know this ordinance is in process because it has changed to a permitted use. She said the ordinance should be clear about not including dog walking. There are contractors coming and going with the applicant's business that are for dog walking. She said making comparisons to dog sitting on rover.com and boarding is very different. She expressed concern that these proposed changes were too big of a leap. She posed that if there were not negative effects to the neighbor, why would the City limit the number of dogs. She said she was okay with boarding a couple dogs overnight in a house, but the extent that the proposal makes would be better suited in a commercial area.

Terri Tyner, 4590 S. Westview Drive, said she does not know how rover.com was picked for a standard with this ordinance. She said this type of business is more commercial. She said the dog walking and dog boarding businesses provide for constant drop off and pick up.

Bela Vastag, 4589 Westview Drive, said he has witnessed the direct impact of the applicant's business. He expressed concern about the proposed ordinance allowing too

much impact on the neighborhood. He said the ordinance would allow the applicant's dog walking portion of the business to resume with no changes. He mentioned that the activity at the applicant's home has dramatically changed since she moved in. He said this business is quite different from rover.com. because the dogs do not sleep in the house. He said the exterior building provision and square footage to dog ratio do not make sense. He said the business is allowed to have employees come and go and that increases the impact on the neighborhood. He brought up that he had inquired what Holladay City's rules were on this issue. He said Holladay told him that they did not have any record of the applicant's business having a license, and they probably would not have granted one based on the amount of traffic it produced. Vastag recommended the City work with Holladay on best practices.

Don Kaczmarek, 4590 S. Westview Drive, said he lives next door to the applicant. Has expressed concern about comparing rover.com to this ordinance. He said rover.com has people who are doing "gig" jobs, which are part time jobs. He said the applicant's business is mostly dog walking not boarding. He said this was a commercial business and he wanted to know why the word kennel was being removed from the ordinance.

Bob Greeneisen, 4594 Westview Drive, said they have three teenagers with cars, so that increased traffic in the neighborhood. He said they have not had any noise complaints from the neighbors and there were at least four dogs in the neighborhood who bark all the time.

Ellen Greeneisen, 4594 Westview Drive, applicant, said it was important to understand the ordinance is about Millcreek, not just her. She said change happens; it is important for rules and regulations to create a baseline for the City. She does not feel the proposed ordinance is over-regulating.

Commissioner Allen felt the Planning Commission has spent too much time on this issue. He expressed favor of what staff has proposed because it was a start on the issue, but he does not like limits per district because it seems random and he is not sure what it accomplishes. He said the City should consider the total number of dogs in a day not just at a time. Commissioner Booth said he would like to first start with the limit on dogs that residents can own and make it part of the discussion. He said the Commission was using a concern to justify a law and it felt awkward. He said dogs do have an impact on neighborhoods and he was not in favor of approving the ordinance tonight. Commissioner Wilson said this was a business license code issue not a zoning code issue. Commissioner LaMar said he was in favor of the ordinance limiting hours of operation. Lilly said there is a land use component to this issue in addition to licensing.

Commissioner LaMar said he heard about the coming and going of contractors and would like to address that in some fashion. Commissioner Carlson said he was conflicted on the issue, but the Commission must be vigilant about home occupations and not allow anything to change the character of the neighborhood. He said if they let business creep into a residential neighborhood, they have to be very careful. He said he was not aware of any home occupation that allows the business to be conducted outside of the home. The Commission listed some uses, such as childcare. Commissioner Carlson said the issue was similar to what people do with their own pets aside from the traffic. Commissioner

Healey said he was not conflicted by the ordinance but set against it because it takes away rights of an individual homeowner and giving them to someone else. He said he would like to set boarding limits to the following: no dogs on lots less than 8,000 square feet, 2 dogs for lots from 8,000-12,000 square feet, and lots with 12,000-15,000 square feet would be limited to 4 dogs. Commissioner Healey said he has talked to neighbors where this type of business occurs, and they said they do not like the business being in their neighborhood but do not complain about them to the City so as not to create angst in the neighborhood. He said if anyone takes remuneration for taking on a pet, that it was considered a business and the code should define boarding as that.

Commissioner Healey moved to recommend to the City Council to adopt the plan as proposed by Francis Lilly with the modifications of boarding not being allowed on lots less than 8,000 square feet, 2 dogs allowed between 8,000-12,000 square feet, and 4 dogs allowed on lots more than 12,000 square feet and that boarding be defined as “any remuneration for taking a pet for walking, overnight stay, or grooming.” Commissioner Allen seconded. Commissioner Mumford asked Commissioner Healey to consider *adding to the motion that staff begin studying pet limitations in the City and make sure boarders and the like are brought in to that to keep consistency.* **Commissioner Healey accepted the amendment to the motion.**

Commissioner Allen seconded the amended motion.

Commissioner Allen said this was the best chance to forward a positive recommendation to the City Council. Commissioner Mumford said the City would still have a hard time enforcing violations. Chair Stephens said enforcement would be easier to not allow the activity.

Commissioner Allen said if there was no ordinance saying residents cannot have this business, it will continue. Chair Stephens asked if rover.com boarders would be out of compliance if this ordinance took effect. Lilly said he does not know property specifics with boarders on that site but believed they would be out of compliance with the proposed code. Lilly said they would be subject to the new requirements. Commissioner Allen said if the Planning Commission does nothing, the boarders are still not in compliance.

Chair Stephens called for the vote. Commissioners Carlson, Stephens, and Wilson voted no. Commissioners Claerhout, Allen, Booth, Mumford, LaMar, and Healey voted yes. The motion passed.

The Commission took a break from 8:44 to 8:54 p.m.

2.2 Consideration of ZT-18-012, Sign Code Amendments Planner: Erin O’Kelley

Erin O’Kelley said the Millcreek general plan triggered the need to update the sign ordinance as well as it being outdated. She said the updated ordinance would increase safety and design of public corridors and create a unique and consistent look for Millcreek’s commercial areas. John Janson said the electronic message center section of code was relatively new. The general plan says that the City will support business diversity, enhanced culture, unique neighborhoods, and thriving economy. She showed the Commission a map of the areas on the future land use map that would allow signs, and they are on populated corridors. The proposed changes would be to the height of signs, size of signs, setbacks for all signs, electronic message center signs, and temporary signs. Per the request of the community councils, staff sought the response of the community on the proposed changes through an online survey that was distributed to residents, business owners and sign companies. She said 21 people took a survey of the 40 people that it was sent to on the City’s business council.

O'Kelley provided picture examples of sign code violations in the City. She went through proposals for temporary signs which included: a 5 foot setback, 50 square foot size of banner for business, 20 foot maximum height for businesses, 6 month time limit, 3 month time limit for grand opening, one A-frame permitted 1 foot from the right-of-way which must be taken indoors at night, a 10 foot height limit for construction signs, and that all signs must be maintained in good condition. The survey revealed that most people agreed with these proposals. O'Kelley went over the proposed changes for size: construction signs to 64 square feet, ground pole in C-1 zone to 64 square feet, ground pole in C2 and C-3 zone to 200 square feet, 50% coverage on temporary window signs, 12 square foot projecting blade sign in the C-2 and C-3 zones, and 50% coverage for window signs in the M zone. The survey agreed with the proposal. Commissioner Allen asked if all window signs would be temporary. O'Kelley said the difference is the material. Commissioner Carlson asked about regulations on the type of film. Janson said the practice is that you can see from the inside out. Commissioner Carlson said that should be specified in the ordinance. Commissioner LaMar asked if 12 square feet of blade signs was in total or on one sign. O'Kelley said one sign and they are limited to one per entrance. Chair Stephens asked about height and size of signs in the MD zone. Janson said that zone has its own standard. O'Kelly said she decreased the proposed size and height of pole signs because they did not have an inviting neighborhood feel. Staff wants more walking friendly signs in village centers. O'Kelly said the M zone stays the same except for allowing window signs and reducing height with ground pole signs. Commissioner Mumford asked about real estate signs for open houses. O'Kelley said they are temporary signs and they must be on private property. Janson said the consistent theme is to not allow signs in the public right-of-way, which is in the current ordinance. Commissioner Carlson asked about what the City will do with nonconforming signs. O'Kelley said the presentation covered the survey and the proposed changes.

O'Kelly went through the proposed changes for height of signs: property signs to 4 feet, ground pole in C-1 to 15 feet, ground pole in C-2 and C-3 to 20 feet, projecting blade sign C-2 and C-3 to a minimum of 10 feet above the ground, and 25 feet for ground poles in the M zone. The survey results for height changes were favorable. It was mentioned that campaign signs are regulated in the temporary sign section. O'Kelley said the proposed setback is 5 feet from the right-of-way for all signs except A-frames. Commissioner LaMar asked if the setback was for the pole or the edge of the sign. Janson said it was 5 feet from the leading edge of the sign. Commissioner Healey asked if existing poles are grandfathered (allowed to remain since it was in before the ordinance change). Janson said the City does not have a choice on the existing sign unless the business changes the sign. Commissioner Healey said people can change the face of the sign as long as the pole does not change. Lilly said with respect to nonconforming signs, if the business alters, reconstructs, raises, removes, the entire sign (take the sign cabinet off), the new sign has to come into compliance with code. However, if just the face of the sign changes, it would not trigger abandonment of the sign. There is a maintenance requirement for the sign.

Commissioner Carlson said unless the City has an aggressive nonconforming use, changing the city scape with on-premise signs will not happen. Businesses will maintain the sign and never change it. He suggested that staff look at what other cities have done

to change the city scape because there was no incentive for businesses to move from a larger sign to a smaller sign. Chair Stephens said the sign ordinance change in West Valley City worked. O'Kelley said in overlay zones there will be a more restrictive sign ordinance which will create a more definitive neighborhood feel in certain areas. Janson said West Valley City had a more restrictive provision with the onsite sign ordinance requiring conformance with changes to businesses, but the practice was ruled to be illegal. He said their big changes came about because things had to be moved because of roads widening. Commissioner Mumford asked about natural disasters causing sign damage. Janson said usually faces that falls out and are fixed was considered maintenance. Commissioner Carlson said one idea was to advertise how many years a sign can be maintained before it has to be changed. He said it might be worth it to talk to sign companies about the vision of the City and their idea to achieve that.

O'Kelly went over the proposals for electronic message center signs which included specifications for lighting, a new permit approval process conducted by staff, and adding measurement standards. The survey results agreed with the changes. Commissioner LaMar asked about existing signs' compliance with the proposal. Lilly said they would follow the same conditions of non-conformance. Mayor Silvestrini brought up that some signs may have vested rights through a conditional use permit.

Chair Stephens asked O'Kelly about staffs' recommendation for continuance. Chair Stephens would not recommend having a work session on the matter in the future, but the Commissioners can instead offer their comments on the proposed changes via email. Lilly said the new sign code ordinance changes will go to the community councils first then come back to the Commission. Commissioner Carlson requested more information on the nonconforming sign ordinance.

Commissioner LaMar, regarding file ZT-18-012, moved to recommend continuance to another meeting as recommended by staff. Commissioner Mumford seconded. Chair Stephens called for the vote. The motion passed unanimously.

3. Business Meeting

3.1 Approval of November 20, 2018 Meeting Minutes

Commissioner Carlson moved to approve the November 20, 2018 minutes. Commissioner Claerhout seconded. Commissioner LaMar asked that he be removed from the vote for application CU-18-018 because he was not at the meeting when that vote was taken. **Chair Stephens called for the vote. The motion passed unanimously.**

3.2 Approval of November 29, 2018 Meeting Minutes

Commissioner Healey moved to approve the minutes. Commissioner LaMar seconded. Chair Stephens called for the vote. The motion passed unanimously.

3.3 Election of Planning Commission Chair and Vice Chair for 2019

Chair Stephens said he would like to step down as Chair. Commissioner Mumford nominated Commissioner Healey as Chair. Commissioner LaMar said he would nominate Commissioner Allen or Commissioner Stephens as Vice Chair.

Commissioner Mumford moved to appoint Commissioner Healey as Planning Commission Chair for 2019. Commissioner Carlson seconded. Chair Stephens called for the vote. The motion passed unanimously.

Commissioner LaMar moved to appoint Commissioner Stephens as Vice Chair for 2019. Commissioner Allen seconded. Chair Stephens called for the vote. The motion passed unanimously.

Lilly said Chair Stephens had been the Chair through two different Planning Commissions. He said Chair Stephens was passionate and engaging, and he appreciated the work he had done in the position. Lilly presented Chair Stephens with a book, "Painters of the Wasatch Mountains."

Chair Stephens brought up billboard ordinances and read the following, "The off-premises sign (billboard) ordinance (19.82.185) has not been revised or updated in many years and consequently is out of step with other Wasatch Front cities' billboard ordinances. The City's ordinance is dated and does not reflect the prevailing public attitude toward billboards, as represented by the vast majority of Wasatch Front cities' billboard ordinances. The planning commission hereby instructs planning staff to amend the current ordinance in a manner that will make billboards less intrusive by requiring lesser height, lesser size, greater separation, avoidance of light pollution, greater setback and minimum separation from existing pole signs, amongst other ordinance language that fulfills this goal." Chair Stephens said he did a survey of billboards in Millcreek, and there are about 43-47 billboards. He said state code restricts what cities can do with billboards, but it would make sense to update the City's ordinance. Lilly requested informal direction from the Commission to move forward. Commissioner Carlson gave a suggestion to meet with billboard companies and discuss the matter with them. The Planning Commission gave staff direction to draft a billboard ordinance to make them less intrusive.

3.4 Adoption of Planning Commission Meeting Schedule for 2019

Commissioner Allen moved to adopt the schedule. Commissioner Booth seconded. Chair Stephens called for the vote. The motion passed unanimously.

4. New Items for Subsequent Consideration

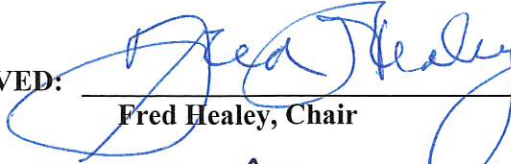
None.

5. Calendar of Upcoming Planning Meetings

- Canyon Rim Citizens Association Mtg., 1/2/19, 7:00 p.m. at 2375 E. 3300 S.
- East Mill Creek Community Council Mtg., 1/3/19, 6:30 p.m. at 2266 E. Evergreen Ave.
- Mt. Olympus Community Council Mtg., 1/8/19, 6:00 p.m. at 3450 E. Oakview Dr.
- Millcreek Community Council Mtg., 1/8/19, 6:30 p.m. at 1025 E. 4405 S.
- City Council Mtg., 1/14/19, 5:00 p.m. at City Hall
- Planning Commission Mtg., 1/16/19, 5:00 p.m. at City Hall

ADJOURNED: Commissioner Healey moved to adjourn the meeting at 9:49 p.m. Commissioner LaMar seconded. Chair Stephens called for the vote. The motion passed unanimously.

APPROVED:


Fred Healey, Chair

Date

1/16/19

Attest:


Elyse Greiner, City Recorder