



**Minutes of the
Millcreek Planning Commission
August 19, 2020
5:00 p.m.
Regular Meeting**

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, August 19, 2020 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was conducted electronically per Millcreek State of Local Emergency Directive No. 2 of 2020 and live streamed via the City's website with an option for online public comment.

PRESENT:

Commissioners

Shawn LaMar, Chair
Russ Booth, Vice Chair (electronic)
David Allen (electronic)
Scott Claerhout (electronic)
Fred Healey (absent)
Victoria Reid (electronic)
Skye Sieber (electronic)
Tom Stephens
Ian Wright

City Staff

John Brems, City Attorney
Elyse Sullivan, City Recorder
Francis Lilly, Planning and Zoning Director
Robert May, Planner
Jared Bowling, IT/Facilities Manager
Samah Safiullah, Planner

Attendees: Mayor Jeff Silvestrini, Mark Mumford, Brad Reynolds, and David Baird.

REGULAR MEETING – 5:00 p.m.

TIME COMMENCED: 5:00 p.m.

Chair LaMar called the meeting to order.

Mayor Silvestrini said the Planning Commission had been functioning since the City was born. He said the Commission would be losing Mark Mumford as a Planning Commissioner. The Mayor said Mumford had been a pillar of the community and champion of public engagement with the General Plan. The Mayor presented Mark Mumford with a plaque of recognition for his dedicated service to the community as a charter Planning Commissioner.

1. Business Meeting

1.1 Oath of Office; Scott Claerhout and Ian Wright

Elyse Sullivan, City Recorder, administered the oaths of office to the newly appointed Commissioners Scott Claerhout and Ian Wright. Commissioner Wright introduced himself to the Commission.

1.2 Consideration of SD-20-018, Minor Plat Amendment to the Mill Farm Planned Unit Development Involving the Alteration of a Limitation on the Plat Location: 602 E. 3900 S. Applicant: Brad Reynolds Planner: Robert May

Robert May said the application was for a minor plat amendment to the previously recorded Mill Farm Planned Unit Development. The development was sold to the applicant who planned to make building permit applications and complete all the required improvements. The Mill Farm plat was recorded with specific building footprints. Construction within these footprints was crucial and any deviation outside of the footprint would result in the structure being placed in the common area. The applicant wished to amend the plat by amending the footprints slightly to accommodate a different twin home package. May showed the Commission square footage area tables and images of the existing plat and the proposed townhomes. He said the changes to the plat were minimal. The proposed amendment would change the building and landscape percentages by approximately 2% each. The unit bedroom count would not change. The applicant would be required to complete the same improvements and establish a new bond assignment. The requirements and conditions in the previously approved conditional use permit would still be in effect. May said the directly affected property owners and entities were notified of the public hearing on July 27, 2020 and the community council did not review the application. Staff recommended approval of the proposed amended final plat SD-20-018 with the following recommendations:

1. Meet and maintain all conditions and requirements of approval for application CU-19-010 / SD-19-011 per approval letter from Millcreek Planning Staff dated September 24, 2019. See attached.
2. Establish a new bond agreement and bond reflecting the current property ownership.
3. Any modifications to these approved plans must be approved by the Planning Department, in writing, prior to the changes being implemented in the field.
4. The applicant will comply with all requirements established through the technical review process prior to receiving final conditional use approval.
5. All items of the staff report.

Applicant - Brad Reynolds said the changes were slight. He said for the most part, everything would be the same. He felt the proposed amendment would be a better product for the area.

Chair LaMar asked for public comment. There were no comments.

Commissioner Stephens, as respects to SD-20-018 minor plat amendment to the Mill Farm Planned Unit Development involving the alteration of a limitation on the plat, moved to approve this plat subject to the conditions (recommendations) found in the staff report. Commissioner Reid seconded. John Brems said for the bond requirement, a bond assignment was not necessary; a new bond could be submitted, and the City would release the old bond. **Commissioner Stephens amended the motion to include a condition that at the applicant's discretion, subject to the City's approval, that either an amendment or a complete change in the new bond could take place or could be instituted. Commissioner Reid seconded the amended motion. Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.**

1.3 Continuing Business - Consideration of ZT-20-005, Amendments to Chapters 19.04 and 19.60 of the Millcreek Code Regulating Commercial Zones and Mixed Use Buildings Planner: Francis Lilly

Francis Lilly said the item was a continuation of the discussion last month of amending the commercial zone text to create better standards for commercial spaces in mixed use projects. He said he tried to write the code so that commercial sites where the city has had a good historic tax base did not get replaced by a significant amount of residential and very limited commercial. He showed the Commission the Future Land Use Map from the General Plan and highlighted certain areas. He proposed to add additional commercial use requirements for commercially significant development sites. He reviewed the proposed ordinance text for section 19.60.060(D)(6) Additional Commercial Use Requirements for Commercially Significant Development, which said that “any mixed use development on a commercially significant development site shall include commercial uses for at least 30 percent of the development’s gross floor area. A commercially significant development site is defined as follows:

- a. any development site greater than one acre in area; or
- b. any development site located within a Village Center, Retail/Office, or Employment/Commercial Future Land Use Designation on the adopted Millcreek Future Land Use Map; or
- c. any development site on property located within 600 feet of the following intersections, as measured as a radius from the nearest property line to the intersection right of way line:
 - a) 4500 South and Highland Drive
 - b) 2000 East and 3300 South
 - c) 900 East and 3300 South”

Lilly said the General Plan had established Future Land Use Map categories, so rather than identify every commercially significant intersection and radius, he used the village center, retail/office, or employment/commercial future land use designation areas categories as one of the criteria for a site being commercial significant. He said it might be advisable to have a policy to keep existing uses in place. He suggested that the active viable uses in the three listed sites have a 600-foot radius and 30% gross floor area requirement for occupiable space which would allow for something other than typical mixed use.

Commissioner Stephens asked if there would be any commercially zoned properties not subject to the 30% requirement. Lilly said the purple areas (mixed use) in the Future Land Use Map would not be subject to those requirements. Chair LaMar said a rezone could trigger the requirement. He then asked if the 600-foot radius was to the property or building. Lilly said the property. Commissioner Claerhout asked if the commercial area would need to be on the ground level floor. Lilly said the 30% requirement would have to be on the ground floor. Lilly mentioned that he made some clarifying corrections to the proposed ordinance. Commissioner Stephens asked about a unified site plan with the commercial requirements. Lilly reviewed the mixed use configuration in a unified site plan. He said the taller the developers wanted to go, the more commercial space they would need to have.

Lilly said all the community councils recommended approval. David Baird, Mt. Olympus Community Council, said he was grateful that the City had taken this strategic initiative to try to identify and preserve the commercial spaces to be and remain fiscally responsible. He said he represented all four of the community councils and all were unanimous about strategically defending the City’s commercially viable spaces. He commended the City for taking this position. He relayed an example of a project in Draper in which he participated in preserving

commercial property. He recommended to the Commission to always resist multi-family developers that say space is not commercially viable because it sets the city up for fiscal failure. He requested as a general policy, to get more input from the City's economic development staff on relevant zoning ordinance matters.

Chair LaMar asked for public comment. There was no comment. Lilly said he received an email earlier in the day from Bruce Parker. He said he emailed Parker about why staff felt that the 100-foot frontage requirement was appropriate. He read Parker's response into the record, *"I completely understand. However, if we accept the premise that existing conditions, including ROW, are determinative of a future development pattern, then we will always get what we've always got. Options exist for an alternative. I hope some flexibilities are provided to at least consider, maybe encourage, a more appealing and human-scale mixed-use development option, instead of the repetitious auto-centric model."*

Commissioner Reid asked about the live/work unit ground floor spaces. Lilly said the entire ground floor would need to meet the design and use criteria required by the chapter. He said the residential purposes or storage sentence at the end of that subsection (19.60.060(D)(8)) needed clarification. Commissioner Allen asked if only the commercial portion of the live/work unit counted as commercial. Lilly confirmed. Commissioner Stephens requested a live/work unit definition. Lilly said the ground floor requirement would be an enforcement issue, but the live/work unit still had to have a commercial store front. Commissioner Reid asked about visitor parking. Lilly said there was a section on guest and commercial user parking in the ordinance. Commissioner Reid asked about tree planting and the developers maintaining the trees for a certain number of years. Lilly said there was a warranty bond requirement for one year after improvements are installed.

Commissioner Allen and Booth commended Lilly on the ordinance. Commissioner Claerhout said the proposed ordinance was needed. Commissioner Stephens said the properties subject to the new standards had been zoned commercial for a number of years and might not appreciate the new standards. Lilly said he relied on the General Plan for policy and implemented that into the code. Commissioner Sieber asked if the economic development staff provided input on the ordinance. Lilly said yes. Chair LaMar summarized the discussion that the proposed live/work units language needed clarification and the Commission wanted bonding for a tree maintenance warranty. John Brems said the 1-year warranty was typical and staff would need to have findings to require more than that, but staff would look into it. Commissioner Booth asked if there could be more pressure on the HOA on tree maintenance. Brems said the City did not enforce HOA documents.

Commissioner Allen moved to forward a positive recommendation on item ZT-20-005, amendments to Chapters 19.04 and 19.60 of the Millcreek Code regulating commercial zones and mixed use buildings, to the City Council including staff conditions and recommendations. Commissioner Claerhout seconded. Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.

1.4 Approval of July 15, 2020 Regular Meeting Minutes

Commissioner Stephens moved to approve the July 15th regular meeting minutes. Commissioner Booth seconded. Chair LaMar called for the vote. Commissioners Claerhout

and Wright abstained. Commissioners LaMar, Booth, Stephens, Allen, Reid, and Sieber voted yes. The motion passed.

1.5 Updates from the Planning and Zoning Director

Francis Lilly reported that Mayor Jeff Silvestrini would be moving forward as Millcreek's City Manager. The City would be hiring additional staff, a planning technician, due to the current volume of work in the Planning Department. He said later in the year he would bring code changes that allowed for streamlined processes to the Planning Commission for review. He thanked the Planning Commission for their work. Commissioner Stephens asked about the pipeline for upcoming applications. Lilly said there were a lot of applications, construction had not slowed down, and residential demand was still high. Commissioner Stephens asked about the next critical ordinance matters. Lilly said his priorities were changes to the non-conforming use process and to better integrate the Residential Compatibility Overlay Zone (RCOZ) with the underlying zone. Commissioner Stephens asked if the Commission should do any preparation work. Lilly recommended the Commission visit the City's website and review the accessory dwelling unit draft ordinance.

3. Calendar of Upcoming Meetings

- City Council Mtg., 8/24/20, 5:00 p.m. at City Hall
- Mt. Olympus Community Council Mtg., 9/1/20, 6:00 p.m. TBD
- Millcreek Community Council Mtg., 9/1/20, 6:30 p.m. TBD
- Canyon Rim Citizens Association Mtg., 9/2/20, 7:00 p.m. TBD
- East Mill Creek Community Council Mtg., 9/3/20, 6:30 p.m. TBD
- City Council Mtg., 9/14/20, 5:00 p.m. at City Hall
- Planning Commission Mtg., 9/16/20, 5:00 p.m. at City Hall

ADJOURNED: Commissioner Stephens moved to adjourn the meeting at 6:29 p.m. Commissioner Wright seconded. Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.

APPROVED:



Date 9/16/2020

Shawn LaMar, Chair

Attest:


Elyse Sullivan, City Recorder