



Millcreek Planning Commission Meeting Agenda

Public Notice is hereby given that the Planning Commission of Millcreek will assemble in a regular public meeting on Wednesday, **18 November 2020** at City Hall, 3330 S. 1300 E., Millcreek, Utah 84106, commencing at **5:00 p.m.** Please see additional note below.*

5:00 p.m. – Regular Meeting

1. Public Hearings

- 1.1 Consideration of **GP-20-002**, Adoption of the Millcreek City Center Urban Forestry Standard
Planner: Francis Lilly
- 1.2 Consideration of **ZM-20-010**, Rezoning Property from R-1-8, R-1-5, and R-1-10 to R-1-5
Location: 857 E. 4315 S. **Applicant:** Ted Zaharias **Planner:** Erin O'Kelley
- 1.3 Consideration of **ZM-20-009**, Rezoning Property from R-1-10 to R-1-6 **Location:** 4396 S. Garden Drive **Applicant:** Tanner Webster **Planner:** Samah Safiullah
- 1.4 Consideration of **EX-20-006**, Property to be Declared a Legal Two-Dwelling Unit Through Special Exception **Location:** 3452 S. 2000 E. **Applicant:** Adam Reiser **Planner:** Samah Safiullah

2. Continuing Business

- 2.1 Consideration of **ZT-20-007**, Amendments to Chapters 19.04 and 19.60 of the Millcreek Code Pertaining to Hotels and Motels **Planner:** Samah Safiullah

3. Business Meeting

- 3.1 Approval of October 21, 2020 Regular Meeting Minutes
- 3.2 Updates from the Planning and Zoning Director
- 3.3 Discussion on RM and Planned Unit Development (PUD) Updates

4. Calendar of Upcoming Meetings

- City Council Mtg., 11/23/20, 5:00 p.m. at City Hall
- Mt. Olympus Community Council Mtg., 12/1/20, 6:00 p.m. TBD
- Millcreek Community Council Mtg., 12/1/20, 6:30 p.m. TBD
- Canyon Rim Citizens Association Mtg., 12/2/20, 7:00 p.m. TBD
- East Mill Creek Community Council Mtg., 12/3/20, 6:30 p.m. TBD
- City Council Mtg., 12/14/20, 5:00 p.m. at City Hall
- Planning Commission Mtg., 12/16/20, 5:00 p.m. at City Hall

5. Adjournment

In accordance with the Americans with Disabilities Act, Millcreek will make reasonable accommodation for participation in the meeting. Individuals may request assistance by contacting the ADA Coordinator, 801-214-2751 or khsansen@millcreek.us, at least 48 hours in advance of the meeting.

The Planning Commission public meeting is a public forum where the Planning Commission receives comment from applicants, the public, applicable agencies and staff regarding land use applications and other items on the Commission's agenda. In addition, it is where the Planning Commission takes action on these items. Actions may include: approval, approval with conditions, denial of legislative items, continuance, or recommendation to other bodies as applicable.

THE UNDERSIGNED DULY APPOINTED CITY RECORDER FOR THE MUNICIPALITY OF MILLCREEK HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS EMAILED OR POSTED TO:

City Offices
Those Listed on the Agenda

City Website
<http://millcreek.us>

Utah Public Notice Website
<http://pmn.utah.gov>

DATE: November 12, 2020

DEPUTY RECORDER: Alexander Wendt

Agenda items may be moved in order, sequence, and time to meet the needs of the Planning Commission.

**The meeting will be conducted electronically per Millcreek State of Local Emergency Directive No. 2 of 2020 and live streamed via the City's website at: <https://millcreek.us/373/Meeting-Live-Stream>. Public comment can be submitted before or during the meeting via the City's website at: <https://millcreek.us/FormCenter/Contact-Us-5/Public-Comments-61>.*



3330 South 1300 East
Millcreek, UT 84107
801-214-2700
millcreek.us

File No. GP-20-002

Planning Commission Staff Report

Meeting Date: 18 November 2020
Applicant: Staff

Request: Recommendation to the City Council for the Adoption of the Millcreek City Center Urban Forestry Standard

Prepared By: Francis Xavier Lilly, AICP, Planning Director

SYNOPSIS AND SCOPE OF DECISION

Staff is presenting the *Millcreek City Center Urban Forestry Standard* to the Planning Commission for a recommendation for adoption.

Section 19.05.030 of the Millcreek Code requires the Millcreek Planning Commission to make a recommendation to the City Council regarding adoption and amendments to the General Plan. In order to give the *Urban Forestry Standard* the force of a development standard, staff is seeking to have the document adopted as an element of the Millcreek General Plan.

The *Urban Forestry Standard* consists of two major sections: a street map and tree guide, outlining a preferred tree for each different street type in the City, and a chapter on planting requirements, including planting details that will become standards for projects with frontages on any of the streets in the City Center. The street map is on the following page of this document.

The proposed tree plan, on the following pages, adds to the requirement for street trees outlined in the City Center Overlay Zone requirements, specifically section 19.73.070 (I) of the Millcreek Code:

***Landscaping General** Landscaping shall comply with this chapter and MKZ Chapter 19.77. At a minimum, street trees are required in planting areas or tree grates every 40 feet, depending on tree type, on center and within 15 feet of back of curb. Trees must be 2-inch minimum caliper canopy type, at least 30 feet in height at maturity and maintained with a limb clearance of 8 feet above the ground. A Street Tree planting plan is required, which may modify the minimum separation requirement above, depending on the width of the tree canopy at maturity and shall utilize trees approved by the City in the Millcreek City Center Urban Forestry Standard. Landscaping along the street shall comply with the requirements of the street cross sections, the Millcreek City Center Urban Forestry Standard, the Street Tree Planting plan, and MKZ Chapter 19.77.*



The Urban Forestry Standard is intended to showcase trees that are appropriate for the northern Utah climate, and that create a robust urban forest as part of the overall city center master plan implementation. A street tree standard fulfills the goal of the City Center Master Plan to promote quality landscaping as a defining characteristic of Millcreek's highest-profile redevelopment effort. In order to give these standards the force of a development requirement, staff recommends adoption of these standards as an element of the General Plan.

Staff retained a local landscape architect to prepare the *Urban Forestry Standard* and worked closely with the architect to ensure that it fulfilled the intent of the City Center Master Plan and the wishes of many in the Millcreek Community to encourage the creation of tree-lined streets in the City Center. Staff supports the adoption of this document, to guide future development approvals in a manner that achieves the intent of the City Center Master Plan.

Staff notes that the City's existing Water Efficient Landscape Design and Development Standards requires maintenance standards and the city requires a one-year warranty bond pursuant to section 19.02.110 of the Millcreek Code of Ordinance.

CITY CENTER MASTER PLAN CONSIDERATIONS

By way of a reminder, key components of the City Center Master Plan are described below:

A Walkable Urban Space that is Iconic

The City Center envisions much of the new development to built around a new, large open space to be constructed along an existing fault line. This open space will provide internal circulation for pedestrians and vehicles, and hundreds of stalls of on-street parking. The open space – a long, narrow linear urban park, is unlike anything attempted in Utah. In addition to the park, the plan envisions breaking up the existing large blocks with pedestrian paths or shared laneways where vehicle traffic is designed to move slowly.

Street trees are critical to these pedestrian paths and other streetscapes. The *Urban Forestry Standard* calls for a distinctive palette of street trees for different streets in the city.

An Amenity and Gathering Place for the Whole City

The plan envisions as its principal amenity the creation of the linear park. Not only does it improve access to the site, but it will become a front yard and a celebration place for the entire community. The plan also envisions the use of existing parking lots and other areas to utilize as temporary event space. The plan emphasizes arts and culture, and encourages the city to consider opportunities for street fairs, outdoor markets, and food trucks.

An Engine of Employment, Population and Tax Base to Help Keep Taxes Low for Millcreek

One of the goals of the City Center Master Plan is to update historic zoning regulations to support and require additional mixed use space in the City Center. Adding population to the area will support additional retail and restaurant opportunities, which the community indicated it desires. But it is essential to avoid the creation of a high-density residential village. To that end, the City Center Master Plan recommended the adoption of a form-based code, the City Center Overlay Zone, regulating uses, building form, and streetscapes. The *Urban Forestry Standard* is a development standard that furthers the intent of the City Center Overlay Zone.

Design Should Support Transportation Alternatives

The City Center Master Plan includes street sections for all roads in the City Center. As redevelopment occurs on these roads, developers will be required to develop in accordance with adopted street standards. In addition, the Plan recommends that Highland Drive between Elgin Avenue and 3300 South be converted into a three-lane section, allowing for one lane in each direction and a combination of landscaped medians and left turn refuges. This section will allow for bike lanes and on-street parking on the west side of Highland Drive. In addition, the plan is recommending pedestrian infrastructure to encourage greater pedestrian access into and within the site. The *Urban Forestry Plan* furthers the intent of the transportation discussion by describing which trees are appropriate in each section, and outlines how they are to be planted.

COMMUNITY COUNCIL INPUT

The Four Community Councils were given an opportunity to provide input on the *Urban Forestry Standard*. **The Millcreek Community Council, East Mill Creek Community Council, and the Mount Olympus Community Council** all recommend that the City Council adopt the *Urban Forestry Standard*. The **Canyon Rim Citizens' Association** did not meet in November, and did not make a recommendation on the *Urban Forestry Standard*.

PLANNING STAFF RECOMMENDATION

In order to fulfill the Intent of the Millcreek City Center Master Plan and the City Center Overlay Zone and to create durable standards for street trees in the City Center, staff is requesting a favorable recommendation to the City Council to adopt the Millcreek City Center Urban Forestry Standard.

SUPPORTING DOCUMENTS

1. *Millcreek City Center Master Plan – Urban Design Chapter*
2. *Millcreek City Center Urban Forestry Plan – Draft*



3330 South 1300 East
Millcreek, UT 84106
801-214-2700
millcreek.us

File # ZM-20-010

Planning Commission Staff Report

Meeting Date: November 18, 2020
Applicant: Ted Zeharias
Property Address: 875 E 4315 S
Parcel IDs: 22-05-127-021, 22-05-127-076, 22-05-127-016

Request 1: Request to rezone from R-1-21, R-1-8, & R-1-5 to only R-1-5.

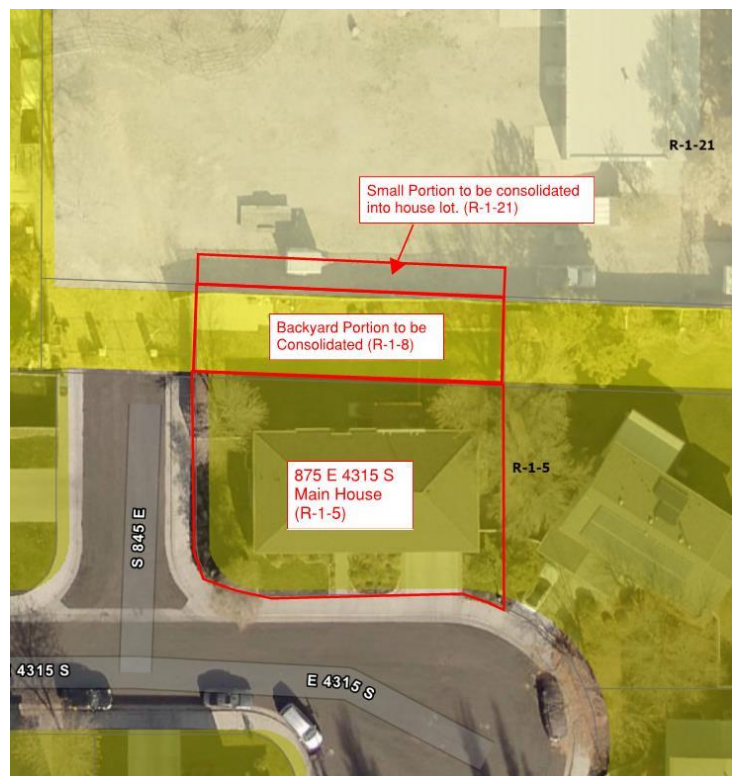
Zone: R-1-5, R-1-8, R-1-21
Community Council: Millcreek Community Council
Prepared By: Erin O'Kelley, Planner II

SYNOPSIS AND SCOPE OF DECISION

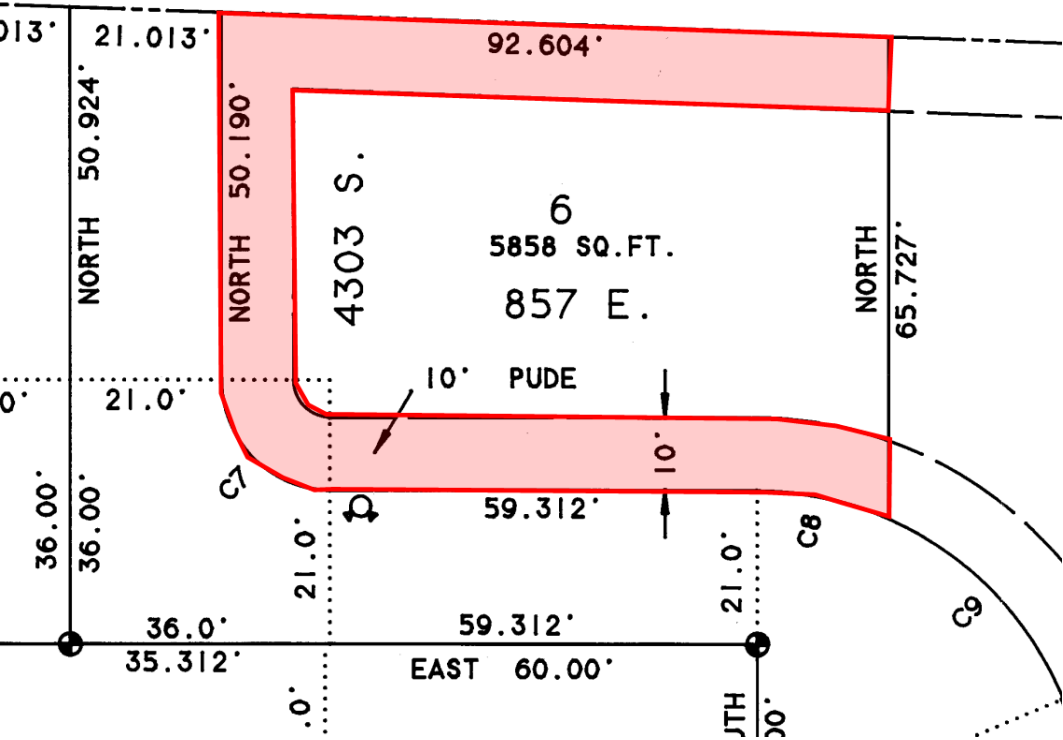
Existing Land Use and Proposed Change

The applicant is requesting to rezone property located at 857 E 4315 S. The existing lot has one single-family house located in the R-1-5 zone. The backyard to the North of the house is a separate parcel in the R-1-8 zone. The applicant's main house is located within the Windsor One Amended Subdivision. The two lots to the North are not located within the subdivision.

The applicant came to the City applying for a building permit for an addition onto the North of the main house. This proposed addition would encroach onto a property line and easement that is located in the platted subdivision. The only way for the City to approve this proposal by code is to amend the subdivision plat and consolidate the lots. This consolidation would result in a property located in 3 different zones. Millcreek City does not support properties located within multiple zones and therefore requested a rezone application be done in addition to the consolidation/subdivision amendment.



Windsor One Amended Subdivision with public utility easement:





SITE & VICINITY DESCRIPTION

Figure 1: Streeview



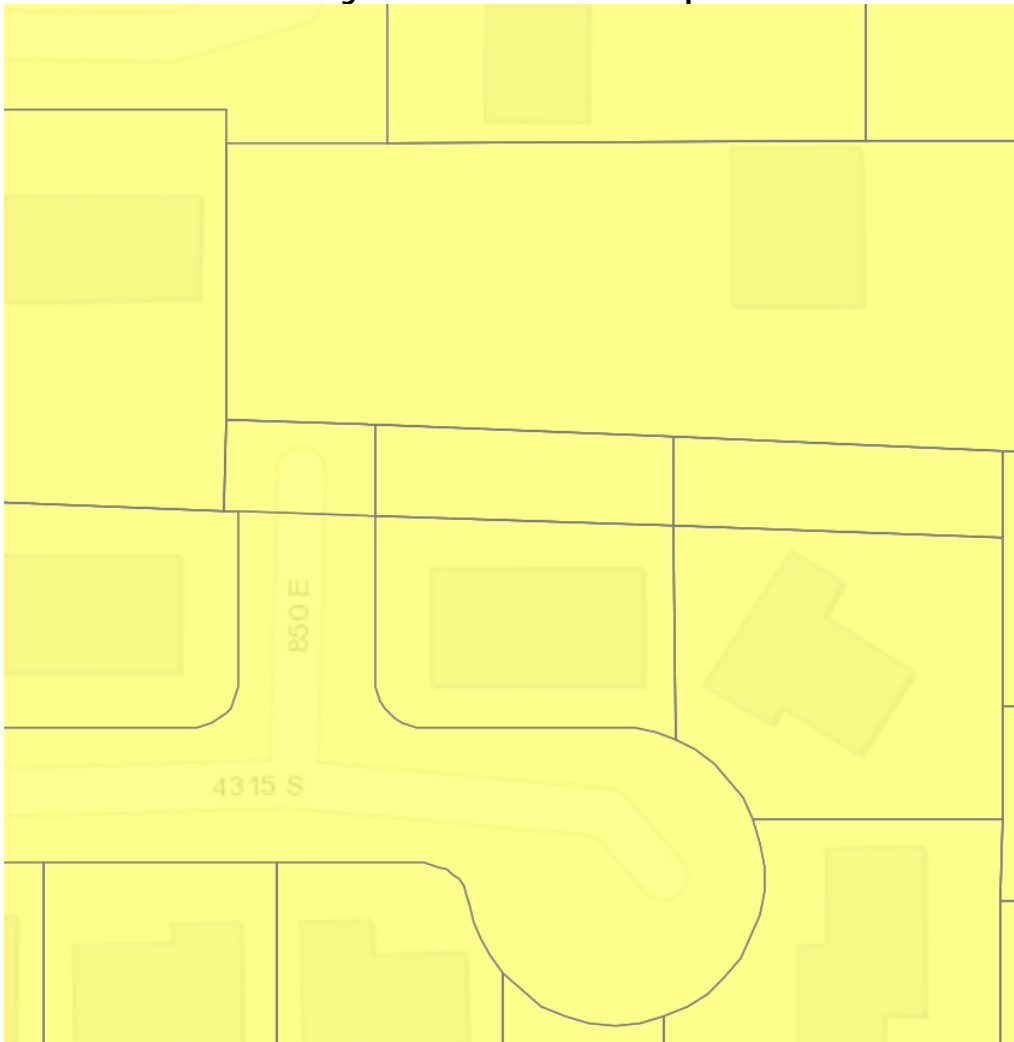
The applicant

Figure 2: Zoning map



GENERAL PLAN CONSIDERATIONS

Figure 3. Future Land Use Map



The rezone proposal does not contradict the future land use map as described in the general plan. The property is designated as Neighborhood 1, primarily single-family detached homes (see definition below).

NEIGHBORHOODS			
NEIGHBORHOOD 1	Primary: Single-family detached homes. Secondary: Parks, greenways, recreation, community gardens, schools, places of worship, and other complementary uses.	Typically 1 – 6 dwelling units per acre.	- Includes neighborhoods (of all ages) that are comprised of predominantly of single-family detached homes. - A well-defined pattern of blocks and direct pedestrian and bicycle connections provide residents with direct access to nearby services and amenities.

NEIGHBORHOOD RESPONSE

Staff has not received any response from adjacent properties regarding this rezone.

DEVELOPMENT AGREEMENT CONSIDERATIONS

Staff is not recommending a development agreement at this point.

COMMUNITY COUNCIL RESPONSE

At their meeting on November 3, 2020 the Millcreek Community Council recommended that:

The rezone ZM-20-010 be adopted with no additional conditions.

PLANNING STAFF ANALYSIS AND FINDINGS

Millcreek does not encourage the consolidation of lots if the resulting parcel lies within two different zoning designations. Regulating development of split zoned lots is difficult both for the City and property owners involved especially when the zones allow different uses.

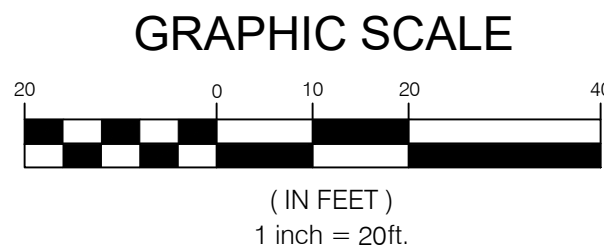


PLANNING STAFF RECOMMENDATION AND MODEL MOTION

Motion to recommend approval for the rezone Request ZM-20-010 to rezone property located at 875 E 4315 S from R-1-5, R-1-8, R-1-21 to only R-1-5.

SUPPORTING DOCUMENTS

1. Survey



LOCATED IN THE NORTHWEST QUARTER OF SECTION 5,
TOWNSHIP 2 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN
SALT LAKE COUNTY, UTAH

NORTHEAST CORNER BLOCK 5,
10-ACRE PLAT "A"
BIG FIELD SURVEY (PER R4)

STREET MONUMENT
(NOT LOCATED (PER R4))

I, BRIAN A. LINAM, SALT LAKE CITY, UTAH, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD LICENSE NO. 7240531 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH; THAT I HAVE MADE A SURVEY OF THE FOLLOWING DESCRIBED PROPERTY; THAT THIS PLAT CORRECTLY SHOWS THE TRUE DIMENSIONS OF THE BOUNDARIES SURVEYED AND OF THE VISIBLE IMPROVEMENTS AFFECTING THE BOUNDARIES AND THEIR POSITION IN RELATIONSHIP TO SAID BOUNDARIES;



PARCEL 22-05-127-021

PARCEL 22-02-152-076

BEGINNING AT THE NORTHEAST CORNER OF LOT 6, WINDSOR ONE SUBDIVISION, THENCE NORTH 16.3 FEET, MORE OR LESS TO A POINT ESTABLISHED A THE NORTH BOUNDARY OF THE HEREIN DESCRIBED PROPERTY BY THAT CERTAIN BOUNDARY LINE AGREEMENT RECORDED APRIL 2 1957 AS ENTRY NO. 1532693 IN BOOK 1402. AT PAGE 18 OF OFFICIAL RECORDS; THENCE SOUTH 89°55'50" WEST 92 FEET, MORE OR LESS TO A POINT WHICH IS DUE NORTH FROM THE NORTHWEST CORNER OF SAID LOT 6, SOUTH 13 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LOT 6, THENCE SOUTH 88°00" EAST 92.604 FEET TO THE POINT OF BEGINNING.

PARCEL 22-05-127-016

COMMENCING SOUTH 0°05'44" WEST 271.69 FEET FROM THE NORTHEAST CORNER OF LOT 15, BLOCK 5, TEN ACRE PLAT A; THENCE SOUTH 0°05'44" WEST 101 FEET; THENCE NORTH 89°55'50" WEST 384.54 FEET; THENCE NORTH 0°07'51" EAST 85.55 FEET; THENCE NORTH 89°55'50" EAST 384.48 FEET TO THE POINT OF BEGINNING.

PARCEL 22-05-127-021

LOT 6, WINDSOR ONE

PARCEL 22-002-152-076

BEGINNING AT THE NORTHEAST CORNER OF LOT 6, WINDSOR ONE SUBDIVISION, THENCE NORTH 16.3 DEGREES, MORE OR LESS TO A POINT ESTABLISHED AS THE NORTH BOUNDARY OF THE HEREIN DESCRIBED PROPERTY BY THAT CERTAIN BOUNDARY LINE AGREEMENT RECORDED APRIL 2 1957 AS ENTRY NO. 1532693 IN BOOK 1402, AT PAGE 18 OF OFFICIAL RECORDS; THENCE SOUTH 89°55'00" WEST 9.2 FEET, MORE OR LESS TO A POINT WHICH IS DUE NORTH FROM THE NORTHWEST CORNER OF SAID LOT 6, SOUTH 13 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LOT 6, THENCE SOUTH 88°00' EAST 92.604 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

BEGINNING AT A POINT BEING NORTH 17.03 FEET FROM THE NORTHEAST CORNER OF LOT 6, WINDSOR ONE SUBDIVISION, SAID POINT BEING ON THAT CERTAIN BOUNDARY LINE AGREEMENT RECORDED APRIL 2 1957 AS ENTRY NO. 1532693 IN BOOK 1402. AT PAGE 18 OF OFFICIAL RECORDS, AND RUNNING THE NORTH 7.78 FEET TO AN EXISTING FENCE LINE; THENCE NORTH 88°30'25" WEST 92.58 FEET ALONG SAID FENCE LINE; THENCE SOUTH 10.31 FEET TO A POINT ON SAID BOUNDARY LINE AGREEMENT; THENCE NORTH 89°55'50" EAST 92.55 FEET ALONG SAID BOUNDARY LINE AGREEMENT TO THE POINT OF BEGINNING.

PARCEL 22-05-127-016

BEGINNING AT A POINT BEING SOUTH 0°54'44" WEST 271.69 FEET FROM THE NORTHEAST CORNER OF LOT 15, BLOCK 5, TEN ACRE PLAT A; THENCE SOUTH 0°54'44" WEST 101.09 FEET TO THAT CERTAIN BOUNDARY LINE AGREEMENT RECORDED APRIL 2, 1957 AS ENTRY NO. 15532 IN THE PUBLIC RECORDS OF THE OFFICIAL PUBLIC RECORDS OF THE COUNTY OF WINDSOR, NORTH DAKOTA; THENCE SOUTH 88°30'25" EAST 33.84 FEET TO A POINT BEING NORTH 0°03'03" EAST OF THE FROM THE NORTHEAST CORNER OF LOT 6, WINDSOR ONE SUBDIVISION; THENCE NORTH 7°78 FEET TO AN EXISTING FENCE LINE; THENCE NORTH 88°30'25" WEST 92.58 FEET ALONG SAID FENCE LINE; THENCE SOUTH 10°31 FEET TO A POINT ON SAID BOUNDARY LINE; THENCE SOUTH 88°30'25" WEST 101.09 FEET TO A POINT ON SAID BOUNDARY LINE; THENCE NORTH 88°30'25" EAST 33.84 FEET TO THE POINT OF BEGINNING.

SCOPE
BENCHMARK ENGINEERING AND LAND SURVEYING, LLC WAS RETAINED BY TAD ZAHARIAS TO PERFORM A BOUNDARY SURVEY, AS SHOWN HEREON.

BASIS OF BEARINGS
THE BASIS OF BEARINGS FOR THIS SURVEY IS WEST, AS SHOWN HEREON.

LIST OF REFERENCED DOCUMENTS
R1) WARRANTY DEED, RECORDED OCTOBER 9, 2006 AS ENTRY NO. 9869951 IN BOOK 9362
AT PAGE 7784, AT THE OFFICE OF THE SALT LAKE COUNTY RECORDER.

R2) QUIT CLAIM DEED, RECORDED JULY 9, 2020 AS ENTRY NO. 13323915 IN BOOK 10976 AT PAGE 236, AT THE OFFICE OF THE SALT LAKE COUNTY RECORDER.

R3) WARRANTY DEED, RECORDED NOVEMBER 19, 2012 AS ENTRY NO. 11517811 IN BOOK 10078 AT PAGE 9340, AT THE OFFICE OF THE SALT LAKE COUNTY RECORDER.

R4) WINDSOR ONE AMENDED, RECORDED JUNE 4, 1998 AS ENTRY NO. 6984521 IN BOOK 98-6P AT PAGE 132, AT THE OFFICE OF THE SALT LAKE COUNTY RECORDER.

NARRATIVE
THE DEED ON THE NORTH PROPERTY LINE HAS AN AMBIGUOUS LEGAL DESCRIPTION. IT DOES NOT CLOSE. (R3) THE BOUNDARY LINE AGREEMENT (AS SHOWN AND NOTED) DID NOT MATCH THE EXISTING FENCE LINE AS SHOWN. IT IS UNKNOWN IF INTENT WAS TO MATCH THE EXISTING FENCE. IT DID NOT CALL ALONG A FENCE LINE. IT WAS IN THE SAME LOCATION AS THE EXISTING DEED. THIS SURVEY WILL ONLY CORRECT THE LOCATION AT OUR SUBJECT PROPERTY. FURTHER WORK WILL BE REQUIRED TO CORRECT THE ISSUE ON THE PARCELS TO THE EAST.

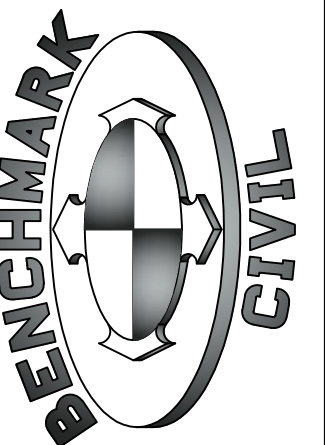
STREET MON. (FOUND)	EASEMENT LINE
PROPERTY CORNER (PLAT NOTED)	CURB & GUTTER
ADJACENT PL. or LOT LINES	EDGE OF EXISTING ASPHALT
EXISTING RIGHT-OF-WAY LINE	FENCE, WOOD
CENTERLINE OF ROAD	TELECOMM PEDESTAL
POB POINT OF BEGINNING	TP

NO.	DATE	DESCRIPTION
BAL		
CHECKED BY		
KD		
REVIEW		
KS		
DATE	9/14/2020	
DWG FILE		
2007163b		

SCALE MEASURES 1/4" ON FULL SIZE SHEETS
ADJUST ACCORDINGLY FOR REDUCED SIZE SHEETS

0 0.5 1

**BENCHMARK
ENGINEERING &
LAND SURVEYING**
9138 SOUTH STATE STREET SUITE # 100



TAD ZAHARIAS

857 E. 4315 S.
MILLCREEK CITY, UTAH

PROJECT NO. 2007163

BOUNDARY SURVEY

SVB.01
1 OF 1



MILLCREEK PLANNING AND ZONING

3330 SOUTH 1300 EAST

MILLCREEK, UTAH 84106

MEMORANDUM

To: **Planning Commission**

From: **Samah Safiullah, Planner**

Meeting Date: **November 18 2020**

Re: **ZM-20-009; Rezone application from R-1-10 to R-1-5 in order to subdivide**

Summary

The applicant is requesting to rezone property located at 4396 S Garden Drive from R-1-10 to R-1-5. This rezone application is intended to be followed by a 2-lot subdivision application. The applicant is interested in building one single family dwelling home on each lot.

Because the applicant incorrectly noticed the Neighborhood Meeting intended for November Planning Commission, Staff has requested the applicant to follow the correct timeline and continue their project to December.

Request

Staff is recommending continuance of this request, in light of the Staff and Community Council requests for additional time for review. Staff will have a full report ready for your consideration at the December Planning Commission meeting.



3330 South 1300 East
Millcreek, UT 84106
801-214-2700
millcreek.us

File # EX-20-006

Planning Commission Staff Report

Meeting Date: November 18th, 2020

Applicant: Adam Reiser

Property Address: 3452 South 2000 East

Parcel IDs: 16-33-226-021-0000

Request: Have a Use Violation Declared Legal Through Special Exception as per Chapter 19.88.140 of the Millcreek Code.

Zone: R-1-10

Community Council: East Millcreek Community Council

Prepared By: Samah Safiullah, Planner

SYNOPSIS AND SCOPE OF DECISION

The existing parcel is a single-family lot in the R-1-10. The neighborhood is a mix of R-1-10 lots and R-2-10. The zones are residential single and two family lots with a minimum lot size of 10,000 SF. This property is not the only non-conforming duplex in the neighborhood. From research the duplex has been in existence since the late 1990s.



Under Section 19.88.140 Property Owners may request to have a use violation declared if:

Section 19.88.140

"Whenever land or a structure is used in violation of this Chapter, the owner may file an application with the planning commission to have the use declared legal through special exception. The planning commission may approve such an application only when the evidence established all of the following:

1. The use exists on the property at the time of the application and has been in continuous violation of the zoning ordinance for a period exceeding ten years;
2. No complaint has been made to the development services division concerning the violation for a period exceeding ten consecutive years during which the violation existed;
3. Continuation of the use will not have a detrimental effect on the health, safety or welfare of persons or property in the vicinity.

The planning commission may consider as evidence:

1. Documents that are part of the public record, such as tax appraisals, utility records, aerial photographs, building permits, etc.. Ms. Lake provided a copy of the original building permit. However, due to the accuracy of the old permits it did not show the attached unit. Therefore, we are taking this through the exception process even though we have seen a copy of the permit.
2. Documentation from third parties, such as affidavits, photographs, etc.
3. Documentation from current or past property owners, such as tax records, rental/lease agreements, appraisals records, etc. In approving an application hereunder, the planning commission may set any conditions it deems necessary for protection of adjacent properties or the public welfare including provisions limiting the period of time the use may continue. This section shall in no way be interpreted to permit the continuation of any violation which exists on the effective date of the ordinance codified in this section. Any person shall have the right to appeal to the land use hearing officer a decision rendered by the planning commission pursuant to this section."

SITE & VICINITY DESCRIPTION

Figure 1: Street View



The property meets the aesthetic and fabric of its surrounding neighborhood. There are quite a few duplexes surrounding this property.



Driveway on property. Applicant will need to prove that there are enough off-street parking stalls for a duplex.

Figure 2: Aerial View



COMMUNITY COUNCIL RECOMMENDATION

At the request of the East Millcreek Community Council:

While the community would have given a position recommendation, it cannot because a complaint had been filed and per City Code 18.88.140, A.2.

19.88.140 Application To Have A Use Violation Declared Legal Through Special Exception

1. Whenever land or a structure is used in violation of this title, the owner may file an application with the planning commission to have the use declared legal through special exception. The planning commission may approve such an application only when the evidence establishes all of the following:
 1. The use exists on the property at the time of the application and has been in continuous violation of the zoning ordinance for a period exceeding ten years;
 2. **No complaint has been made to the development services division concerning the violation for a period exceeding ten consecutive years during which the violation existed;**
 3. Continuation of the use will not have a detrimental effect on the health, safety or welfare of persons or property in the vicinity.

EMCCC feels that 1) if the complaint can be resolved to the satisfaction of both parties, 2) and the city, 3) and in a timely manner, and 4) that the duplex meets city code (e.g., off street parking) that we would forward with a positive recommendation.

STAFF ANALYSIS

The Millcreek Code 19.88 requires that the applicant provide evidence proving the following the standards are met:

The use exists on the property at the time of the application and has been in continuous violation of the zoning ordinance for a period exceeding ten years;

The applicant has provided documentation that the house has existed in this condition for a greater period of 10 years and is prepared to sign an affidavit stating this.

No complaint has been made to the development services division concerning the violation for a period exceeding ten consecutive years during which the violation existed;

Staff has found recorded evidence of non-compliance of this home in 2018. Part of the non-compliance was due to a complaint made by a resident received by the city in 2018.

Continuation of the use will not have a detrimental effect on the health, safety or welfare of persons or property in the vicinity.

If the property can meet applicable codes for adding an additional legal dwelling to the property such as resolving the neighbor's complaint, meeting off-street parking ordinances, business licensing etc. Staff does not feel this application will have a detrimental impact to neighbors. Staff also finds that many surrounding residences have the same use as this property.

PLANNING STAFF RECOMMENDATION AND MODEL MOTION

Staff finds that we received residential complaints in January of 2018 and received a certificate of non-compliance in 2018. Subject to the resolution of the complaint, staff would recommend approval of the special exception with the additional following conditions:

1. The applicant obtain a business license for renting the unit.
2. The applicant meets off-street parking requirements for duplexes under Chapter 19.80 Off-Street Parking Requirements.

Motion to grant the special exception EX 20-006 to have the property declared legal.

SUPPORTING DOCUMENTS

- Application Letter from Applicant
- Historical Documents
- Email Complaints

Application to have a use violation declared legal through special exception

I am the owner of a residential property located at 3452 S. 2000 E., Millcreek, Ut. 84109 (the "Property"). Pursuant to Millcreek City Code 19.88.140, I seek to have the property declared a legal two dwelling unit through special exception. By a preponderance of evidence, the Property satisfies each of each of the requirement elements for this exception.

1. The Use Exists on the Property at the time of the application and has been in continuous violation of the zoning ordinance for a period exceeding ten years.

The Property contains a lower unit that houses three bedrooms, two bathrooms, and an office space. The structure at issue ("Structure at Issue") is an additional unit that was built on top of the south section of the home. This structure contains two bedrooms, one bathroom and a very small office space. The Structure at Issue was built at least as early as July 1999.

Attached as Exhibit A is a real estate listing of the Property, dated July 8, 1999, taken from www.utahrealestate.com, a reputable website used to assist parties buy and sell homes in Utah. The listing, presumably mirroring the MLS website for real estate listings, lists at the top of the document that the home is "multi-unit". Further down in the document the Property's "type" is listed as a duplex, the style of the duplex as "up and down".

Further down in the report, the listing details the nature of the multi-unit property, detailing that the bottom unit was being rented at \$900 per month, and the Structure at Issue is also rented at \$900 per month. The "Additional Info." section also states that there are joint gas meters, the leases are monthly, and that some utilities are included in the rent. There is also a picture of the Property, which shows the stairs leading up to the Structure at Issue, included in the listing. The picture was taken from a backyard/west-side of the Property, which is where the entrance to the Structure-at-Issue is located.

Attached as Exhibit B is a similar listing, but dated March 7, 2003. Similar structural details are provided, again titling the listing as a multi-unit, listing its type as an up and down duplex, joint gas meters, monthly leases, and listing the rental details of both units. There is also a picture of the unit—this picture from the front yard/east side of the property, wherein it is very clear that the Property has a separate dwelling on top of the south side of the Property.

Attached as Exhibit C is a similar listing, dated March 14, 2007. The listing again provides similar details describing a two-dwelling unit, with rental values listed of both the top and bottom units. A picture is also provided showing (though the photography is not as clear) the Property and the Structure-at-Issue.

After 2007, I believe the home was owned by Vicki Bruns, who sold the property to me in 2018. Vicki is a contractor and informed me that during the time owned the Property, she used the Property as an investment rental, utilizing both units for rental value. She provided me a utilities bill from the Mount Olympus Improvement Project issued near the end of the time she owned the Property, and which is attached hereto as Exhibit D, which lists the Property as having two units. Every utility bill I have received from Mount Olympus Improvement Project has

similarly listed two units. I have continued to rent both the bottom and top units of the Property and have included lease agreements, attached hereto as Exhibit E.

In summary, since at least July of 1999 (and likely earlier, since the Structure-at-Issue and rental agreements were already in place in the July 1999 listing), to the present day, the Property has maintained a second dwelling via the Structure-at-Issue, which has consistently been rented out in violation of a zoning ordinance.

2. No complaint has been made to the development services division concerning the violation for a period exceeding ten consecutive years during which the violation existed.

I am aware of no complaint—as I believe that word to be properly interpreted—made to the development services division concerning the violation since I purchased the property in July of 2018. My research has revealed no complaint to the development services division concerning the violation prior to that time.

Notices of non-compliance were recorded on the property in February and June of 2018 and are attached hereto as Exhibit F. For the reasons set forth in a brief attached hereto as Exhibit G, I do not believe these non-compliance letters constitute “complaints”, as that word is properly interpreted in this context. I purchased this home in July of 2018. The prior owner did not disclose these reports to me during our sale process. Presumably they would have been included in the title report for the home, but my less than competent realtor did not inform me of any such notice. I only recently learned of these notices.

I have contacted Salt Lake County Archives and requested any information they have retained on the Property. A representative at the Archives office informed me that he only found two documents in the Archives regarding the Property, and these documents are in no way related to a complaint having been made to the development services concerning the violation. I have attached the documents the Archives Office provided me to this application as Exhibit H.

3. Continuation of the use will not have a detrimental effect on the health, safety or welfare of persons or property in the vicinity.

The Property at issue has been used in its current fashion for several decades and to my knowledge has had no detrimental effect on the health, safety, or persons in the vicinity. There is ample parking for two separate units on the structure, including two garage spaces, two spaces on a long driveway to the west of the garage, and, as necessary, two additional spaces directly to the north of the house.

Permitting the Property to operate as a two dwelling structure will help ease the housing crisis in Salt Lake County, which appears to be further exacerbated by the fallout of Covid-19. A two dwelling structure will also bring the Property into conformity with nearly every neighboring property, which are almost entirely two dwelling units. Exhibit G includes a self-constructed visual of the Property at issue and its neighboring properties. Eight properties that would be considered very close neighbors are duplexes, including seven properties all in a row (the

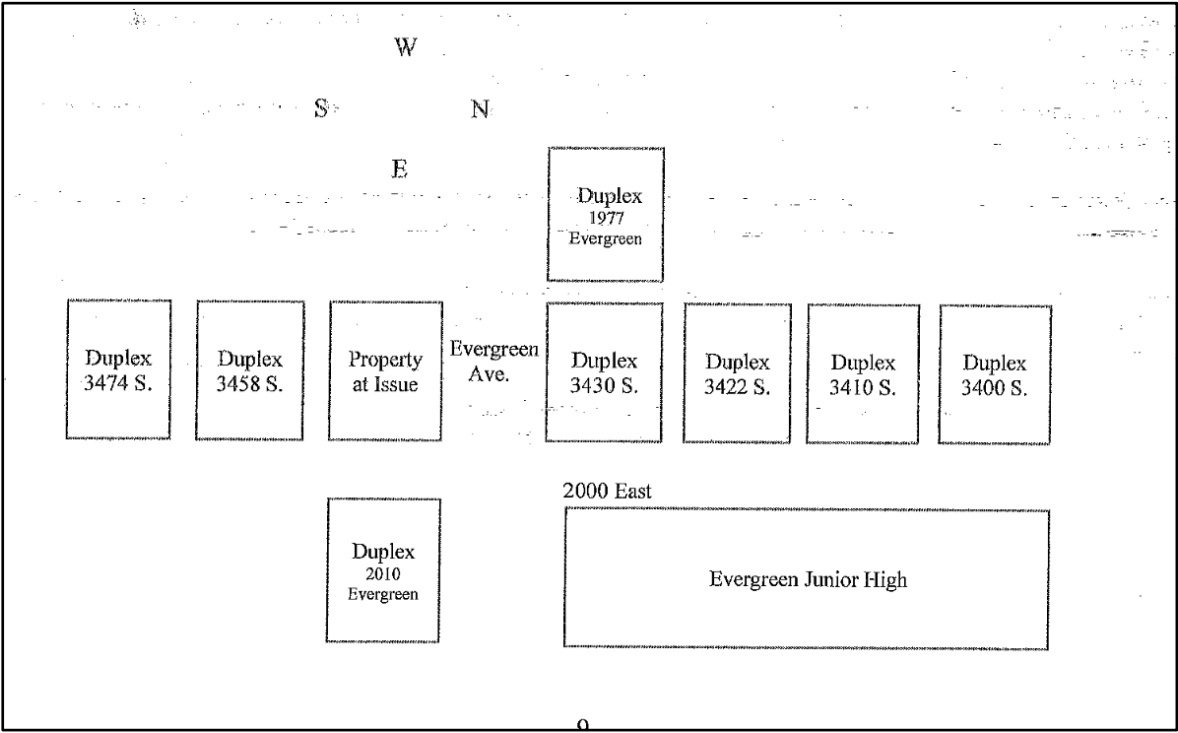
property at issue here in the middle of them--the house across the street appears to be a duplex, though I cannot find record of that address on County records). In sum, the immediate neighborhood in which the Property is located has been part of a community of two dwelling units for a lengthy period. No issues have arisen in treating the Property as a two-dwelling unit for several decades.

Thank you for your consideration.

A handwritten signature in blue ink, appearing to read 'Adam Reiser', with a stylized, cursive script.

Adam Reiser

Surrounding Duplexes



Building Permit Application 1984

BUILDING PERMIT APPLICATION
BECOMES PERMIT WHEN SIGNED

Date of Application: 8/11/84 Date Work Starts: _____ Record No. _____ Date Issued: 6-11-84 Permit Number: 115078

Proposed Use of Structure: Personal Swimming Pool S.F.

Address: 3452 S. 2000 E. Assessor's Parcel No. _____

Address Certificate No. _____

Lot # _____ Subd. Name & Number _____

Property Location: ☐ If meters and bounds see instructions

Total Property Area - In Acres or Sq. Ft. _____ Total Bldg. Site Area Used _____

Owner of Property: LEONARD BERGWERTH Phone: 487-8000

Mailing Address: 3452 S. 2000 E. SLC UT

Business Name Address: _____ Business Lic. No. _____

Architect or Engineer: _____ Phone: _____

General Contractor: SON JUAN POOLS & LUTAL Phone: 292-4142

Business Address: 150 W. Cudahy Lane State Lic. No. 25793-9 City/Co. Lic. No. 59535

Electrical Contractor: _____ Phone: _____

Business Address: _____ State Lic. No. _____ City/Co. Lic. No. _____

Plumbing Contractor: _____ Phone: _____

Business Address: _____ State Lic. No. _____ City/Co. Lic. No. _____

Mechanical Contractor: _____ Phone: _____

Business Address: _____ State Lic. No. _____ City/Co. Lic. No. _____

Previous Use of Land or Structure (Past 3 yrs): Residence

Dist. Units Now on Lot _____ Accessory Bldgs. Now on Lot _____

Type of Improvement/Kind of Const.: ☐ Sign ☐ Bulk ☐ Remove ☐ Addition ☐ Repair ☐ Move ☐ Convert Use ☐ Demolish

No. of offstreet parking spaces: _____ Covered _____ Uncovered _____

SUB-CHECK: Zone R-2-16 Zone Assigned By 7/85

Disseminated: _____ Date: _____ Subd. Ch. By: _____

Minimum Setbacks in Feet:

Front	Side	Side	Rear
Uncovered			
Swimming pool			

Indicate Street: _____ If Corner Lot: _____

Indicate North: _____

NOTE: 24 hours notice is required for all inspections.

BUILDING FEE SCHEDULE

Square Ft. of Building	Building Fee
14,732	13,000
Plan Check Fee	98.50
Electrical Fees	20.00
Plumbing Fees	20.00
Mechanical Fees	20.00
Water	
Sewer	
Storm Sewer	
Moving or Demo.	
Temporary Conn.	
Reinspection	
Total	187.50

Board of Adjustment: _____ Required _____ Received _____ Not Req. _____

Health Dept. _____

Fire Dept. _____

Soil Report _____

Water or Well Permit _____

Traffic Engineer _____

Flood Control _____

Sewer or Septic Tank _____

City Engineer (off site) _____

Gas _____

Comments: corner lot - may not be in public right of way - covered swimming pool

Land Use Cert. _____

Electrical Dept. _____

HiBack C.G. & S. _____

Other _____

Bond Required: ☐ Yes ☐ No Amount: _____

This application does not become a permit until signed below.

Plan Chk. OK by: _____

Signature of Approver: David Bishop Date: 6/11/84

This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I hereby certify that I have read and understood this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury.

Signature of Contractor or Authorized Agent: James Buckley Date: _____

Signature of Owner (if owner): _____ Date: _____

Census Tract: _____ Traffic Zone: _____ Coordinate Ident. No. _____

New S.L.U. Code No. _____ Old S.L.U. Code No. _____

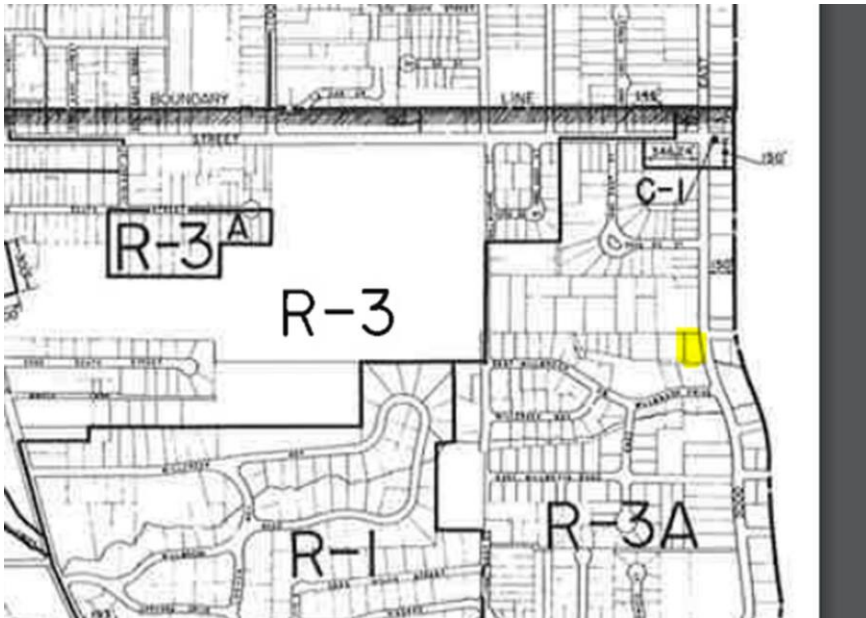
Certificate of Occupancy: _____

Historical Maps

1954



1964





MILLCREEK PLANNING AND ZONING

3330 SOUTH 1300 EAST

MILLCREEK, UTAH 84106

MEMORANDUM

To: **Planning Commission**

From: **Samah Safiullah, Planner**

Meeting Date: **November 18, 2020**

Re: **ZT-20-007; Amendments to the Commercial Zone Text Regarding Hotels**

Summary

A summary of specific changes for hotels are found below. The changes made since October's Planning Commission Meeting are highlighted in red and/or struck-through.

19.04.300 Hotel

~~"Hotel" means a building designed for or occupied by sixteen or more guests who are for compensation lodged, with or without meals.~~

"Hotel" means a building containing fifteen (15) or more sleeping rooms, each room accessed from within the building, providing a room for sleeping accommodations for a fee with private bathroom facilities and customary lodging services. Customary lodging services shall include, at a minimum, daily housekeeping services provided by on-site staff, and an interior lobby supervised by a person in charge twenty-four hours per day. Additional customary lodging services include, but are not limited to, conference and meeting rooms, dining areas, restaurants, sale of convenience items, and recreational facilities.

19.60.060 (E) Additional Requirements for Hotels

- 1) Hotels must have a prominent porte-cochere or portico, incorporating the materials used in the main building.
- 2) Stucco is prohibited on any street-facing façade of a hotel.
- 3) Wall openings, such as windows and doors, located in lobbies and other common rooms, shall comprise at least 75% of the front façade.
- 4) Bulk and Yard Regulations shall follow C-2 and C-3 requirements within 19.60.050.
- 5) Massing and Façade Articulation for hotels shall have at least five of the façade design elements listed in MKC 19.60.060 (C)(10).
- 6) No more than one row of parking is allowed between a hotel and any street it fronts.



MILLCREEK PLANNING AND ZONING

3330 SOUTH 1300 EAST

MILLCREEK, UTAH 84106

7) All landscaping must be in accordance with MKC Chapter 19.77 Water Efficient Landscape Design And Development Standards.

8) Access to guest rooms shall be restricted exclusively to interior corridors, which shall be accessed via the main lobby of the building or entryways individually equipped with some form of security-controlled access system.

USES	C-1	C-2	C-3	SPECIFIC USE STANDARDS
Hotel, ~~Motel~~ , Bed & Breakfast	~~C~~	C	C	No Hotels ~~or Motels~~ are allowed in the C-1 zone. Hotels must be located on development sites with at least 100 feet of frontage along a major collector, minor arterial, or other principal arterial road as identified in the Roadway Functional Classification Map of the Millcreek Transportation Master Plan. Proposed hotel architectural designs, aesthetics, and materials will need to avoid the themes and styles of lodging commonly found along freeways and highways.

- Note: It is being proposed that "Motel" will be removed from the ordinance completely

Request

This memorandum is a continuance of the suggestions made during October's Planning Commission. After taking recommendations into consideration and editing the first draft, Staff requests that the Planning Commission make a favorable recommendation on the above changes. Staff's intent with this amendment is to create a safer, higher quality level of lodging in Millcreek City. The proposed changes acknowledge the various amenities that can be provided through lodging and ensures a sanitary and comfortable environment for all occupants.



**Minutes of the
Millcreek Planning Commission
October 21, 2020
5:00 p.m.
Regular Meeting**

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, October 21, 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 (absent)

Scott Claerhout (absent)
Fred Healey (absent)
Victoria Reid (electronic)
Skye Sieber (electronic)
Tom Stephens
Ian Wright (electronic)

City Staff

John Brems, City Attorney
Elyse Sullivan, City Recorder
Francis Lilly, Planning and Zoning Director (electronic)
Samah Safiullah, Planner (electronic)
Erin O'Kelley, Planner (electronic)
Naba Faizi, Planning Permit Technician (electronic)
Kalie Boska, Information Center Technician
Jordan Hatch, Information Center Manager

Attendees: Council Member Dwight Marchant, Buddy Bennett, Gordon Clark, Rachel Peterson, Russell Williams, Austin Headrick, Byron Goates, Chris Ensign (electronic), Sean Hansen (electronic), Boyd Viehweg (electronic), and Christopher Lee (electronic).

REGULAR MEETING – 5:00 p.m.

TIME COMMENCED: 5:07 p.m.

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

1. Public Hearings

1.1 Consideration of CU-20-003, Modification of CU-20-001 for a Mixed Use Condominium Development Location: 3055-3061 S. Richmond St. Applicant: Han Sol Planner: Erin O'Kelley

Erin O'Kelley said the existing project area was currently three residential properties, two single-family houses and one apartment building. Villa Vista along the southern property line, formerly known as Gunn Avenue, had no curb, gutter, or sidewalk and the pavement was approximately 37 feet. The west property line along Richmond Street had curb and gutter but no sidewalk. The parcel was zoned C-3 and subject to the City Center Overlay

Zone (CCOZ). The proposed project was 74 feet in height. The developers were planning to utilize a shared parking plan which would provide for 101 parking stalls though 135.5 stalls were required by code per CCOZ. She went over the shared parking analysis and showed the Commission a site plan which she said did not have any changes since the original proposal. At their October 6, 2020 meeting, the Millcreek Community Council voted to recommend approval of the requested conditional use permit subject to the conditions recommended by staff. Chair LaMar asked about the shared parking. O'Kelley said the proposal was for 27 2-bedroom and 8 3-bedroom units and the count included 10 additional stalls for the retail space. Commissioner Booth asked about the reason for the modification to the original conditional use permit.

Applicant – Chris Ensign, 2265 E. Murray Holladay Road in Holladay, said there were only 2 and 3-bedroom units in the proposal. The modification was because the office component on the third floor would now be condominiums. He said they had a hard time with financing during the pandemic and felt this proposal better met current conditions. Commissioner Wright asked if an extra floor was being added. Ensign said no, the building would remain the same but the use on the third floor would change. Commissioner Stephens asked about the building height changing. Ensign did not know why the height changed unless the architect did it for a specific reason. Francis Lilly said the original approved height could remain in effect if the Planning Commission included it in their motion or offered that the developers could come back to the Commission if additional height was needed.

Chair LaMar opened the public hearing.

There were no comments. O'Kelley said she did not receive any comment from the public after noticing the Planning Commission hearing.

Chair LaMar closed the public hearing.

Commissioner Stephens asked about the effect of the additional height. Lilly said the difference between the original proposal and the current proposal was not material. He felt that granting the new height was acceptable, but if the Commission was not comfortable with that then they could add to their motion that the height approved in the original conditional use permit must remain in effect. Commissioner Wright brought up that the project was denser with residential and less with commercial and was concerned that it would be a continued trend. Chair LaMar felt that a 26% parking reduction was too much and felt better about a 15-20% reduction. Commissioner Stephens felt that the shared parking analysis met the City's code, and the Commission did not have much discretion on it. Chair LaMar pointed out that the Commission did not have to follow the analysis. Lilly said in Millcreek Code Section 19.80.040 there was no discretion allowed by the Planning Commission in this circumstance.

Ensign said he was comfortable with the use and the amount of parking of the proposal.

Commissioner Stephens moved to preliminary approve CU-20-003, which is modification of CU-20-001, for a mixed-use condominium development located at 3055-3061 S. Richmond St. subject to the conditions stated in the staff report. Commissioner Reid seconded.

The conditions in the staff report were as follows:

- *The development will be limited to 35 dwelling units only.*
- *The applicant must file for a lot consolidation application or subdivision plat within 6 months of the date preliminary approval was given for CU-20-003. Either application filed must be completed before applying for building permit.*
- *Signs will require separate building permits and staff review for zoning/land use compliance.*
- *No upward illumination is allowed. Any installation of public lighting facilities or lighting located within the public right of way must be approved by the Millcreek Public Works Department and must be compatible with lighting proposed along Villa Vista Avenue. Upward lighting is prohibited.*
- *Any modifications to these approved plans must be approved by the Millcreek Planning & Zoning Department. Any adjustments that exterior design of the building must be approved by Planning Commission. Any changes to the site plan along a public right of way must be reviewed and approved by Millcreek Public Works Department.*
- *The applicant will comply with all requirements established through the technical review process prior to receiving final conditional use approval.*
- *All applicable fees from the technical review process required must be paid in full before final conditional use approval can be granted.*
- *The applicant will comply with all requirements of the Unified Fire Code and is subject to approval by the Fire Marshal.*
- *The applicant shall obtain a complete review for an approved building permit and shall comply with the requirements of Millcreek City, and utilities.*
- *Applicant must obtain utility will serve letters during the technical review process, unless application for subdivision has been made.*
- *The applicant and its successors shall properly and continually maintain all required landscaping, fencing, buildings, and roads through a property maintenance contract.*
- *The applicant shall be required to dedicate and record any required easements necessary to have a complete public right of way as designated in the City Center Master Plan, Transportation Master Plan and approved by Millcreek Public Works Department.*
- *An approved landscape plan that complies with the minimum standards found in Chapter 19.77 & 19.73 of the Millcreek Code must be completed before final approval can be granted.*
- *Applicant must work on enhancing all storm drain improvements necessary to accommodate development along Villa Vista. The applicant will be expected to work with neighboring developments and the City to coordinate the installment of any necessary public improvements.*
- *Applicant will be required to receive approval from Salt Lake County addressing department, before final conditional use approval.*
- *Applicant must contact any irrigation companies that have private water on the property during the technical review process. Proof must be provided to the City that the Irrigation Company is aware of any alterations that must be made to accommodate the proposed development.*
- *Applicant is required to bond for all proposed or required improvements of landscaping and public improvements as determined by the Public Works Department and Planning and Zoning Department.*
- *All items of the staff report.*

Chair LaMar called for the vote. Commissioners Booth, Reid, Sieber, and Stephens voted yes. Commissioners Wright and LaMar voted no. The motion passed.

1.2 Consideration of CU-20-005, Conditional Use Permit for 6 Attached Single-Family Dwellings in an R-1-3 Zone Location: 3999 S. 500 E./534 E. Delno Drive Applicant: Christopher Lee Planner: Erin O’Kelley

Erin O’Kelley said the applicant was seeking preliminary approval for a conditional use permit for 3 duplexes located at 3999 S. 500 E. Each unit would be located on an individual lot and preliminary approval for the subdivision for 6 lots was granted by the Planning Commission the prior month under file SD-20-022. In the R-1-3 and R-1-4 zones, all single-family development was subject to conditional use approval. She pointed out that this project was also subject to a development agreement from the rezone application ZM-20-003.

O’Kelley said the project was similar to single family projects but with 0-foot setback between the duplexes. She reviewed the project summary which met the R-1-3 zone requirements and exceeded the lot width at 44-63 feet, had a minimum of 60% open space per lot, and would include laundry, balconies, and charging stations as amenities. She showed a rendering and site plan of the proposed project. Staff found that the proposed subdivision was in harmony with the General Plan and character of the immediate area. At their regularly scheduled meeting on October 6, 2020, the Millcreek Community Council voted to recommend approval of the requested conditional use permit subject to the conditions recommended by staff. Staff recommended preliminary approval subject to the conditions in the staff report.

Commissioner Reid clarified that there would be space between the duplexes. O’Kelley said yes, 10 feet.

The applicant declined to comment.

Chair LaMar opened the public hearing.

Russell Williams and Rachel Peterson, 537 E. Delno Drive, expressed concern about 8, 10, and 12 of the listed detrimental effects in the staff report. Peterson brought up property values, vehicle parking, and maintenance of the properties as rentals. She felt the project was not compatible with the neighborhood. O’Kelley said the driveways were wide and deep enough for guest parking and said the reason staff restricted the height was to be more compatible with a single-family home neighborhood.

Applicant - Christopher Lee said the lots were twin homes and would be sold as individual units.

Chair LaMar closed the public hearing.

Commissioner Reid asked about the exterior materials.

Applicant - Byron Goates, 2419 Stringham Avenue in Salt Lake City, said the materials would mainly be stucco and either a mahogany or clear cedar wood. The chimney would be a cultured stone. Chair LaMar said the project was compatible with the zone. Commissioner Stephens said the project had been through multiple public hearings and design revisions and the original proposal was a much bigger project with more density. He felt the current proposal was a good compromise and any decisions made by the Commission were not done quickly. Commissioner Sieber said there were energy efficient amenities in the proposal and including that in the design was smart.

Commissioner Reid moved to grant preliminary approval for a conditional use permit for 3 duplexes in the R-1-3 zone with staff conditions as outlined in the staff report.

Commissioner Sieber seconded.

The conditions in the staff report were as follows:

- *The development will be limited to 3 duplexes, each unit located on its own lot.*
- *The applicant must record the subdivision plat prior to receiving final approval for the Conditional Use Permit.*

- *No upward illumination is allowed. Any installation of public lighting facilities or lighting located within the public right of way must be approved by the Millcreek Public Works Department. No light may trespass onto adjacent lots.*
- *Applicant is required to provide additional space in the garage for waste containers to avoid outside storage.*
- *Solid fencing must be installed around perimeter of project, applicant is required to bond for fence if installation is not complete at the time CO is issued.*
- *Any modifications to these approved plans must be approved by the Millcreek Planning & Zoning Department. Any adjustments that exterior design of the building must be approved by Planning Commission. Any changes to the site plan along a public right of way must be reviewed and approved by Millcreek Public Works Department.*
- *The development will be limited to 3 duplexes, each unit located on its own lot.*
- *The applicant must record the subdivision plat prior to receiving final approval for the Conditional Use Permit.*
- *No upward illumination is allowed. Any installation of public lighting facilities or lighting located within the public right of way must be approved by the Millcreek Public Works Department. No light may trespass onto adjacent lots.*
- *Applicant is required to provide additional space in the garage for waste containers to avoid outside storage.*
- *Solid fencing must be installed around perimeter of project, applicant is required to bond for fence if installation is not complete at the time CO is issued.*
- *Any modifications to these approved plans must be approved by the Millcreek Planning & Zoning Department. Any adjustments that exterior design of the building must be approved by Planning Commission. Any changes to the site plan along a public right of way must be reviewed and approved by Millcreek Public Works Department.*
- *The applicant will comply with all requirements established through the technical review process prior to receiving final conditional use approval.*
- *As part of the technical review applicant is required to meet all standards for roadway development as determined by the Millcreek Public Works department.*
- *All applicable fees from the technical review process required must be paid in full before final conditional use approval can be granted.*
- *The applicant will comply with all requirements of the Unified Fire Code and is subject to approval by the Fire Marshal.*
- *The applicant shall obtain a complete review for an approved building permit and shall comply with the requirements of Millcreek City, and utilities.*
- *Applicant must obtain utility will serve letters during the technical review process.*
- *The applicant and its successors shall properly and continually maintain all required landscaping, fencing, buildings.*
- *An approved landscape plan that complies with the minimum standards found in Chapter 19.77.*
- *Applicant will be required to receive approval from Salt Lake County addressing department, before final conditional use approval.*
- *Applicant is required to bond for all proposed or required improvements of landscaping and public improvements as determined by the Public Works Department and Planning and Zoning Department.*
- *All items of the staff report.*

Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.

The Planning Commission took a break from 6:04-6:22 p.m.

1.3 Consideration of CU-20-004, Conditional Use Permit for a Financial Institution with a Drive-Through Location: 784 E. 4500 S. Applicant: Cyprus Credit Union Planner: Samah Safiullah

Samah Safiullah said the existing project area was made up of four parcels and the subject properties collectively consisted of approximately 1.81 acres. A lot consolidation would be required to combine the three parcels facing north and to leave the south parcel vacant for

future purchase. The parcel was zoned C-2 and was recently rezoned to remove a zoning condition which prevented banks. The existing parcels were adjacent to 785 East and 4500 South. The subject property only had frontage along 785 East and would be required to make improvements along that property line. The property does have sidewalk, curb, and gutter along 4500 South. The applicant was seeking approval for the establishment of a credit union branch facility of approximately 3,400 square feet with drive through tellers. The bank was proposed to be 26 feet in height, and neither development would be more than 30 feet high (or 2 stories). The access to the site would be from 4500 South, which had been permitted through UDOT approval. The conditional use permit plans were in harmony with the development agreement. She showed the Commission the building elevations and site plan. At their regular meeting on October 6, 2020, the Millcreek Community Council voted to recommend approval of the requested conditional use permit subject to the conditions recommended by staff. There were concerns at that meeting about landscaping on the south side, and if there would be future screening with the residential from the office building through enhanced landscaping. Safiullah said the development agreement conditions from the rezone included: the building height would not exceed 30 feet or 2 stories; the setbacks would be on the site plan; the developer must obtain a variance from UDOT for access to the site from 4500 S.; the project would include 55 or more parking stalls; the uses would be limited to financial and professional service providers; there would be at least a 20-foot landscaping buffer along the west side of 785 E. across from the residential properties; a masonry 8-foot high wall would be constructed along the south side of the site; and the project materials would consist of brick, metal panel, composite metal panels, and high performance glazing.

Chair LaMar asked if the UDOT access was approved. Safiullah confirmed. Commissioner Sieber asked about the parking stall count. Safiullah said the applicant could speak to that. Commissioner Reid asked about the 8-foot masonry wall construction timing and location. Safiullah said it was a phased project and there would also be a landscaped buffer included.

Applicant – Buddy Bennett, 3876 W. Center View Way in West Jordan, said the original plan did not include a masonry wall. He said the intent was to sell the southern property and have the new owners work with the City. He said there would be 55 parking spots for the whole project with the additional building on the southern lot included, but only 20 for the credit union. Commissioner Booth asked about future parking being functional for the other property. Bennett said the development agreement limited the uses and the Credit Union would ensure adequate parking as part of the sale of the property.

Chair LaMar opened the public hearing.

There were no comments.

Chair LaMar closed the public hearing.

Francis Lilly said the Planning Commission had scope to require the foundry wall be built as part of phase 1 and a specific tree be planted to provide screening to the neighbors. Commissioner Reid asked if the landscaping was on the inside or outside of the wall. Lilly said it would be on the bank's side. Commissioner Sieber was in favor of Lilly's recommendation.

Commissioner Sieber moved to grant preliminary approval of conditional use permit CU-20-004 for a 3,400 square foot credit union branch facility with drive through tellers (3) and all of the conditions within the staff report; additionally the condition that the parcels go through lot consolidation process and through a property deed in order to be two lots; and with the additional condition that the boundary wall on the south side be installed as the first phase of construction and screening trees be provided. Commissioner Stephens seconded.

The conditions in the staff report were:

- *The development will be limited to 30 feet, or two stories, in height only.*
- *Signs will require separate building permits and staff review for zoning/land use compliance.*
- *Any modifications to these approved plans must be approved by the Millcreek Planning & Zoning Department. Any adjustments that exterior design of the building must be approved by Planning Commission. Any changes to the site plan along a public right of way must be reviewed and approved by Millcreek Public Works Department.*
- *The applicant will comply with all requirements established through the technical review process prior to receiving final conditional use approval.*
- *All applicable fees from the technical review process required must be paid in full before final conditional use approval can be granted.*
- *The applicant will comply with all requirements of the Unified Fire Code and is subject to approval by the Fire Marshal.*
- *The applicant shall obtain a complete review for an approved building permit and shall comply with the requirements of Millcreek City, and utilities.*
- *Applicant must obtain utility will serve letters during the technical review process unless application for subdivision has been made.*
- *The applicant and its successors shall properly and continually maintain all required landscaping, fencing, buildings, and roads through a property maintenance contract.*
- *The applicant shall be required to dedicate and record any required easements necessary to have a complete public right of way as designated in the City Center Master Plan, Transportation Master Plan and approved by Millcreek Public Works Department.*
- *An approved landscape plan that complies with the minimum standards found in Chapter 19.77 & 19.73 of the Millcreek Code must be completed before final approval can be granted.*
- *Applicant must work on enhancing all storm drain improvements necessary to accommodate development along 785 East and 4500 South. The applicant will be expected to work with neighboring developments and the City to coordinate the installment of any necessary public improvements.*
- *Applicant will be required to receive approval from Salt Lake County addressing department, before final conditional use approval.*
- *Applicant must contact any irrigation companies that have private water on the property during the technical review process. Proof must be provided to the City that the Irrigation Company is aware of any alterations that must be made to accommodate the proposed development.*
- *Applicant is required to bond for all proposed or required improvements of landscaping and public improvements as determined by the Public Works Department and Planning and Zoning Department.*
- *All items of the staff report.*

Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.

1.4 Consideration of ZT-20-007, Amendments to Chapters 19.04 and 19.60 of the Millcreek Code Pertaining to Hotels and Motels Planner: Samah Safiullah

Samah Safiullah said the City Council had adopted a pending ordinance that instructed staff to review standards for hotels. Staff was proposing amendments to the definition of hotel under Millcreek Code Chapter 19.04 Definitions. The proposed amendments were intended to better accomplish the intent of the General Plan to promote quality lodging and to encourage development to take place in areas which would encourage economic

development. Staff wanted to avoid a monotonous and unattractive urban design, typical freeway or highway interchange off-the-shelf design, and unwelcoming urban space. Safiullah reviewed the proposed text amendments. She highlighted the Roadway Functional Classification Map from the General Plan and said that properties along the green, blue, and orange roads in the C-2- or C-3 zone could have hotels constructed. She reviewed the commercial design standards for the C-2 and C-3 Zones. Safiullah said the proposed changes were intended to promote a higher standard for the design and aesthetic of future hotel projects within Millcreek, as well as a higher quality of environment for all staff and occupants of the hotel. Given that the current code was vague, it lacked clear standards for a comfortable and attractive entity. All four community councils were given the opportunity to consider the proposed changes to the Commercial Zone. The Mount Olympus Community Council endorsed the changes without any opposition. Members asked for the design standards to include green or sustainable architecture. The Canyon Rim Citizens Association, East Mill Creek Community Council, and the Millcreek Community Council endorsed the changes as well. She pointed out that letters from the East Mill Creek Community Council were attached to the staff report and said they had asked about motels/tourist courts and if hotels, motels and B&B's would stay in the Mixed Development Zone.

Chair LaMar opened the public hearing.

There were no comments.

Chair LaMar closed the public hearing.

Commissioner Stephens said he sent the Commissioners an email about his concerns and he wanted to avoid a freeway interchange lowest common denominator in architectural standards. He expressed concern about the size of potential projects in the Olympus Cove area on Wasatch Boulevard and asked if limiting the size in specific locations was appropriate. Lilly said staff could deal with that in a development agreement but was not concerned the City would be forced to accept something it did not want. He did not want to limit the size of the hotel and felt a total unit number would not be defensible and instead wanted to be responsive to specific site conditions, traffic patterns, or viewshed. He said there was strong guiding language in the General Plan. Commissioner Stephens said limiting the amount of frontage could be an option. Commissioner Booth agreed with Commissioner Stephens and felt comfortable with Lilly's recommendation but would like to tighten up the proposed code language. Commissioner Reid suggested limiting parking to one row in the front of the hotel with additional parking in the side and back for better visual appeal. Lilly said there were already similar design standards, but he could add a special requirement for hotels to limit one row of parking between the hotel and any road. Commissioner Booth pointed out that if the ordinance was too strict on design standards, hotels may not get approved. Commissioner Reid asked what it meant that freeway-oriented hotel styles were not acceptable. Commissioner Stephens said the proposed language was aspirational, but there should be clear language. He recommended that staff and the Planning Commission have more time to consider standards.

Commissioner Sieber requested a map of potential places where a hotel could be built based on the proposed code. Commissioner Wright echoed the request for a map. Chair LaMar asked what dictated how many parking spaces were needed. Lilly said in Millcreek Code

Section 19.80.040 the use table did, which said one space per room. Chair LaMar said he wanted to avoid an unsightly view from I-215 if a hotel was constructed facing Wasatch Boulevard. Lilly said he could add design standard language to include street facing façades visible from an interstate highway. He said staff could implement the C-2 Zone standards and the Planning Commission could see how those standards might prevent ugly hotels. Commissioner Sieber said the ordinance language should focus on what was wanted instead of what was not wanted. Commissioner Stephens asked about the architectural standards for the zone in the Meadowbrook area. Lilly said the project Commissioner Stephens was thinking of was in the Mixed Development Zone (MD) and there probably were not good standards as far as hotels in that zone. Lilly pointed out there was a lot of surrounding C-3 and Manufacturing (M) zones in the Meadowbrook area too. He did not think a developer would want to rezone to MD to construct a hotel.

Commissioner Stephens, as respects to ZT-20-007, Amendments to Chapters 19.04 and 19.60 of the Millcreek Code Pertaining to Hotels and Motels, moved that this application be continued until the November 2020 Planning Commission public meeting. Commissioner Reid seconded. Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.

2. Business Meeting

2.1 Approval of September 16, 2020 Regular Meeting Minutes

Commissioner Booth moved to adopt the September 16th Planning Commission minutes. Commissioner Sieber seconded. Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.

2.2 Updates from the Planning and Zoning Director

Francis Lilly said Millcreek hired a new planning permit technician, Naba Faizi, and that she would help process and schedule applications.

2.3 Discussion on RM and Planned Unit Development (PUD) Updates

Francis Lilly said staff wanted to update the RM and PUD codes because they conflicted and were difficult to implement. He said feedback he had received from the community councils and Planning Commission on recently approved projects in these zones had the following general consensus: side setbacks in the RM zone were too narrow, private lanes could be too narrow, ugly utilities like an A/C compressor could be visible from the street, there were not enough trees, design standards needed work, and amenities and open spaces may not be adequate. The areas of disagreement were on front yard setbacks and preferences toward modern or traditional architecture. He said some potential fixes could be to align and enhance open space requirements in PUD and RM projects. He did not want to force overprogramming of these spaces, but allow for good, flat space for programmed activities or spontaneous interactions. He recommended the Planning Commission go to parks to determine what they liked. Another fix was to align design standards by building type: single-family, twin home, live/work units, and stacked flats. He said increasing side yard setbacks for RM projects to 15 feet, the same as PUD perimeter setbacks, could be another fix. The other two fixes would be to simplify PUD design standards and make clear that the base zone governed projects, at least for the RM zone, and to allow for RM PUDs on local roads. He said in current code to qualify for a PUD, there needed to be at least three acres of

Commissioner Stephens asked about an ordinance draft. Lilly said he wanted to gauge the Planning Commissions' opinion on the concepts he introduced before he crafted an ordinance. Commissioner Stephens said allowing PUDs on local roads was fine, but it could create an issue with the number of units. He asked Lilly to send his presentation to the Commission. Chair LaMar said he wanted to avoid putting in PUDs that might not be appropriate in certain neighborhoods. Lilly suggested that there could be a minimum road width for allowing them in certain areas. Commissioner Stephens pointed out that a developer could do a classic subdivision instead of a PUD. Lilly said some developers preferred certain road widths; the benefit of a PUD would be the variable side treatments of the road. He showed the Commission the roadway cross sections in the Transportation Master Plan in the General Plan.

3. Calendar of Upcoming Meetings

- ADJOURNED:** Commissioner Stephens moved to adjourn the meeting at 7:52 p.m. Commissioner Booth seconded. Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.

Attest: Alexander Wendt, Deputy Recorder