



**Minutes of the
Millcreek Planning Commission
November 17, 2021
5:00 p.m.
Regular Meeting**

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, November 17, 2021 at City Hall, located at 3330 S. 1300 E., Millcreek, UT 84106. The meeting was conducted electronically and live streamed via the City's website with an option for online public comment.

PRESENT:

Commissioners

Shawn LaMar, Chair
Victoria Reid, Vice Chair
David Allen (electronic)
Scott Claerhout (electronic)
Skye Sieber (electronic)
Tom Stephens (electronic, left at 7:15pm)
Ian Wright (electronic)
Christian Larsen
Aryel Cianflone (absent)

City Staff

John Brems, City Attorney
Elyse Sullivan, City Recorder
Francis Lilly, Planning and Zoning Director
Robert May, Planner
Kurt Hansen, Facilities Director
Fred Lutze, Deputy City Engineer (electronic)
Jen Smith, Staff Engineer (electronic)
Brad Sanderson, Current Planning Manager
Carlos Estudillo, Planning Permit Tech.
(electronic)

Attendees: Bruce Baird (electronic), Scot Clark (electronic), Christopher Bender (electronic), Dr. Joseph Henderson (electronic), Todd Gardner (electronic), Damian Mora, Paul Gardner, Tyler Morris, Jacob Alstead, and Dave Croft

REGULAR MEETING – 5:00 p.m.

TIME COMMENCED: 5:14 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-21-012/SD-21-005, Request for a 24-Unit Residential Townhome Development in the R-M Zone Location: 4120 S. Highland Drive Applicant: Garbett Homes Planner: Naba Faizi

Brad Sanderson said the applicant was requesting preliminary approval for a conditional use permit and a planned unit development of 24-unit residential townhomes located at 4120 S. Highland Drive. Two applications were previously made for this property, both received preliminary approval from the Planning Commission under file no. CU-19-011 (38 units) in 2019 and SD-21-006 (12 units) in 2020 but the applicant(s) did not move forward with those

applications. The proposed 24-unit townhomes (4-plex, 5-plex, 7-plex, and 8-plex) would consist of 13 two-bedroom units, 2 two-bedroom units, and 9 three-bedroom units and each would have a 2-car parking space. The property is surrounded by C-2 and R-1-8 zoning. The proposed road and parking would be private. He noted the north access and parking was shared with the adjacent property, and that a fault line runs along the property which dictated the site plan. He showed the Commission the site plan, renderings, and building elevations. The building has 35-foot maximum height. Staff received public comment about the fault line, but the project would not be built on the fault line and would have to stay within the buildable area with a 20-foot setback. The fault line runs through the proposed parking and open space. The Millcreek Community Council, at their meeting on November 2, 2021, recommended approval of the application with the following conditions, the fence to the west be installed at 8 feet with a variance, and that the concern that the property owner to the north has about shared parking be resolved amongst both property owners.

Chair LaMar asked if a fence height greater than 6 feet required a variance. Sanderson said it needed a permit over 6 feet and a variance for the type due to its proximity to the canal.

Damian Mora, Garbett Homes, said Garbett Homes builds energy efficient homes. The homes would be all electric. He said the project was in the proximity of a piped canal that needed to be re-piped. Garbett would re-pipe it and remove evasive vegetation in the area. The variance for fencing would be to remove the heavy fence requirements so as to be able to maintain the canal. The neighbors to the west requested an 8-foot fence along the western property line, but Garbett did not feel an 8-foot fence was in the best interest of the development. The developers would be raising the property's grade by a foot and providing an additional two feet in the setback. He noted the intent was to install 6-foot vinyl fencing along all the west and north property boundaries, not along Highland Drive or Winder Lane.

Commissioner Claerhout asked if solar panels would be installed. Mora said it would be prewired and pre-engineered for them, but it had not yet been determined if they would be added. Commissioner Claerhout strongly suggested included solar panels.

Chair LaMar asked about the shared parking to the north in place. Mora said there was a shared parking access with the property to the north. Each property will provide up to 22 stalls for each to use during certain times of the day.

Commissioner Reid asked about the historic monument for the Old Meeting House. Mora said the details had not been worked out yet. Commissioner Reid asked if specificity could be defined by the Commission. Francis Lilly said the Millcreek Historic Preservation Committee (not yet formed) should review it. He felt by the time the monument was installed at the end of the construction, the Commission would be set up and could review it. Commissioner Reid asked if the applicant would be okay with the historic monument being reviewed and recommended for approval by the Millcreek Historic Preservation Committee. Mora said yes, as long as the Committee was established, and it did not hold up any entitlements. He asked for other models used in the city. Lilly said Gardner's Saw Mill was nearby. He said the review and approval of the monument would happen before the City issued the certificate of occupancy or released the bond. The Committee would be a recommending body and the city would have the final say. He said he would work with the developer in a collaborative process.

Chair LaMar asked about working with the property owner to the north because the property was 5 parking stalls short per the 22-stall shared agreement. Jacob Alstead, Garbett Homes, said the agreement says their site can use the shared parking after 6 p.m. and the office gets the parking from 8 a.m. to 6 p.m. Commissioner Wright said a simple solution to the historic plaque was getting input from the State Historic Preservation Office.

Sanderson brought up that the community council requested the developer include an emergency cache on site due to the site being on the fault line. Lilly said there was not a standard for this, he did not know how it would be maintained and did not recommend one. Dave Croft, site property owner, said one council member suggested the cache but the rest of the council did not think it would be good placement for a cache because of the location to the fault line.

Chair LaMar asked for clarification on the variance issue. Lilly said the code allows for a vinyl fence. If the applicant does something other than a solid precast fence, there has to be posts on 12-foot centers. A section of the property boundary shares an easement with an irrigation line, and they do not like footings in the way of their line. The variance would go to the Land Use Hearing Officer as a separate application.

Chair LaMar opened the public hearing.

Chair LaMar read a comment received online via the website from Philip Whelan, 4111 S. 1615 E. *"A storm drain is planned in the north west corner of the property being discussed. I am very concerned about drainage if that was to become clogged at any point. There is probably an 8ft elevation change between the residential properties to the west and the discussed property. I want to make the point that drainage is a serious concern here."*

Lilly said the grading and drainage plan would certify that storm water is detained on site or percolating into the storm water system at a particular rate which is certified by a stormwater engineer. Jen Smith, Staff Engineer, said the developer has planned a storm drain system for the site that will include drainage throughout. They would be using storm drainpipes and inlets.

Scot Clark, 4165 S. 1610 E., submitted a comment online via the electronic meeting. *"Has there been any kind of study, e.g. a street section, that has been done for the southernmost unit relative to Winder Lane and the homes across from it? Concern for the height proportion relative to the horizontal space off the street. I should clarify, the 3-story height unit appears to be right on the southern setback and looks like it may appear pretty looming, especially since it is immediately across from single-family homes."* Sanderson said the grading needs to stay within certain limits.

Chair LaMar closed the public hearing.

Commissioner Larsen asked about the fencing on a different project to the north. Robert May said the pillars and fence would be six feet tall on the Nathan Anderson project. Commissioner Larsen did not think a 6-foot versus an 8-foot fence would be much of a difference considering the height of the building. Commissioner Wright did not think an 8-

foot fence was necessary. Chair LaMar did not understand why the developer could not follow fencing code on the north side of the property. He said he was satisfied with the parking. Commissioner Reid noted the historic plaque and plaza needed to be figured out sooner than later. Lilly could not contemplate an absolute dimension of the plaza. Commissioner Reid pointed out the PowerPoint looked like the plaza was a significant size. Lilly said he would figure it out, but the original plan showed the plaza on the southeast corner. Sanderson pointed out that the historic monument should not be conditioned since it did not create a mitigation to a detrimental effect though the developer was amenable to review by the Historic Committee. Sanderson suggested that the plaza could be anywhere along the public right-of-way. Commissioner Wright said including the monument was important.

Chair LaMar reviewed items for the Commission to make a motion on. The monument to be approved by the Historic Preservation Committee or Francis Lilly in case they are not functioning at the time of approval and placed along the right-of-way, approval for vinyl fencing along the western property line to accommodate access to the canal, and any other fencing not along the canal would need to comply with code. Lilly said the variance to the fencing would only apply to the area with the hardship. Commissioner Claerhout asked if the developer could include solar panels. Commissioner Larsen and Sieber said requiring solar panels would be too onerous.

Commissioner Stephens, as respects to CU-21-012/SD-21-005, moved to grant preliminary approval of the proposed 24 townhomes conditional use and planned unit subdivision with the following conditions as outlined in the staff report and in addition based on the conversation this evening, that as respects the historical plaque that Francis Lilly or the Historic Preservation Committee will offer a recommendation prior to its installation and the other condition is that the shared parking agreement between the two property owners is adequately resolved. Commissioner Larsen seconded. Commissioner Reid offered a friendly amendment that the historic plaza be located along the public right-of-way. **Commissioner Stephens accepted the friendly amendment as respect to location of the plaque. Commissioner Larsen seconded the friendly amendment.**

The conditions in the staff report were:

- 1. The proposed subdivision plat must complete a final technical review that includes an engineering review to ensure that the final plat complies with all conditions of approval of the preliminary plat and to ensure that the final plat complies with the design standards, codes, and ordinances and with minimum engineering/surveying requirements, including any bonding for possible future improvements.*
- 2. All requirements found in Title 18 (Millcreek Subdivision Code) shall be met, including all applicable fees and bonding, including addressing and surveying fees.*
- 3. All accrued final technical review fees must be paid in full prior to recordation.*
- 4. 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 all Utility Companies related to this project.*
- 5. The design of the site and buildings shall comply with all applicable development standards of the Millcreek Zoning Code and any site development standards required by the Millcreek Engineer and Building Official, and Unified Fire Authority.*
- 6. The develop shall meet all requirements of Low Impact Development (LID) approach. This approach includes long-term stormwater BMPS that allow stormwater to infiltrate, evapotranspiration or harvest and reduces runoff from the site and protects water quality (MS4*

permit 4.2.5.1.3). If a LID approach is infeasible, an alternative rationale must be provided and documented showing that infiltration, evapotranspiration, and harvesting methods were used to the maximum extent feasible. Reasons for infeasibility may include the following: high ground water, drinking water source protection areas, soil conditions, slopes, accessibility, excessive costs, or others (MS4 permit 4.2.5.1.5).

- 7. Prior to receiving final plat approval, the applicant shall certify that existing utility services have the capacity to accommodate additional demand induced by the development, or that the services will be upgraded to meet the additional demand.*
- 8. Applicant will need to apply for a variance for fence and must comply with all requirements from 19.95 fencing code.*
- 9. Applicant will provide a historic plaque and plaza commemorating the Old Meeting House.*
- 10. Applicant must make best effort to address and discuss concerns with property owner to the north regarding shared parking concerns.*
- 11. Applicant must comply with 19.77 Landscaping standards.*
- 12. Applicant will comply with all the requirements of the City's Geologic Hazards Ordinance, if found applicable.*
- 13. 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.*
- 14. The applicant will comply with all requirements established through the subdivision technical review process prior to receiving final plat approval.*
- 15. All required improvements must be installed or 100% bonded for and enter into an approved bond agreement with Millcreek prior to recordation.*
- 16. The applicant will comply with all requirements of the Unified Fire Code, subject to approval by the Fire Marshal.*
- 17. All items of the Staff Report.*

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

1.2 Consideration of ZT-21-008, Request for "Caretaker Dwelling" as a Permitted Use Within C-2 Zones Applicant: Bruce Baird Planner: Robert May

Robert May said this text change would be for all commercial zones, not just C-2. He said the applicant was petitioning the City Council with a text amendment that would permit the use of a "caretaker dwelling" in the commercial zones Chapter 19.60 of the Millcreek Code. The text amendment would enable the property owner to have and maintain a caretaker dwelling for the purposes of security and maintenance. The proposal would be limited to a single dwelling that would be integrated into the commercial building. The dwelling would be under the same ownership as the property and could only be used by an employee (could also be the owner) of the commercial building. He showed the Commission a map indicating the commercial zones in the city and a map of the Light Manufacturing Zone that permits a caretaker's residence. The applicant's proposed definition of a caretaker dwelling was, "Caretaker dwelling means a single Dwelling Unit that is under common ownership with and integrated into a commercial building and is used by an employee of the commercial building for security or maintenance purposes." Staff's proposed definition was, "Caretaker dwelling means no more than one dwelling unit that is under common ownership and is attached or internal to the main building and its commercial and is used for the accommodation of an employee, business owner and person under contract of the commercial use and main building for security or maintenance purposes."

May said a caretaker dwelling would be a permitted use so applications would not come to the Planning Commission. A caretaker dwelling would meet the following specific use standards:

- a. Property owner shall record an affidavit stating the caretaker dwelling will not be leased, rented, or sold separately.
- b. Caretaker dwelling shall consist of a minimum habitable floor area of 800 square feet and not to exceed a maximum habitable floor area of 1,200 square feet.
- c. Shall be subject to the off-street parking requirements Chapter 19.80 of the MKZ.
- d. Parking spaces for caretaker dwelling cannot be included in any parking reduction request including shared parking.
- e. Home Businesses shall be prohibited

May showed a table identifying how other cities compare with caretaker dwellings. He said all the community councils felt as though the caretaker dwelling floor area could be increased but that a minimum and maximum floor area should be included in the standards, that the caretaker dwelling should be subject to the off-street parking requirements, and that parking spaces for a caretaker dwelling could not be included in any parking reduction request including shared parking, and there were no concerns about the caretaker dwelling being integrated into the main building. May wanted to have guardrails for adequate housing facilities and felt 800 square feet of living space was adequate but all the community councils felt that it should be greater. Each community council discussed the ability to have a home business in a caretaker's dwelling and were not opposed to allowing it but wanted the home business to be limited to specific standards and uses. Discussions included limiting the home business to businesses with no customer base, businesses that would have the least amount of impact to surrounding uses, and home businesses limited to office uses that only required internet and phone.

May recommended approval of the ordinance changes but noted that in an attempt to avoid confusion and remain consistent, staff suggested that changes be made to the Light Manufacturing Zone Chapter 19.66 of the Millcreek Code under the permitted and conditional uses section 19.66.020 Table 19.66-1 so that the permitted use "caretaker residence" was amended to conform with specific use standards proposed by staff.

Bruce Baird, applicant, said his friend approached him about being able to live in his business so as to afford being in Millcreek. He said the City Council and the community councils were in favor of the proposal. He suggested the Commission considering a larger unit as a maximum, such as 1500 square feet. He did not feel it would be a problem as long as the use was ancillary.

Chair LaMar opened the public hearing.

There was no comment.

Chair LaMar closed the public hearing.

Chair LaMar asked if there was a definition of home business. May said there was not a definition but a chapter with standards in code. Commissioner Larsen agreed with excluding home businesses that had a customer base and did not support increasing a minimum size

from 800 square feet but agreed with the 1,500 square foot maximum size. Commissioner Reid agreed with Commissioner Larsen and asked if detached caretaker dwellings should be allowed. May said it was discussed with the Canyon Rim Citizens Association. The standards would be limited to standards of an accessory dwelling. Chair LaMar asked about process for establishing a caretaker dwelling. May said it would be tracked through a building permit or business license. Chair LaMar brought up the minimum square footage consideration and allowing flexibility. May noted that parking for a home business may interfere with the mixed-use/commercial parking. Chair LaMar suggested allowing home businesses without a customer base. Commissioner Claerhout recommended an internal caretaker dwelling size of 500-1,000 square feet that allowed home businesses without a customer base. Commissioner Stephens noted that customer-based applied to all businesses, but the Commission should distinguish not allowing on-premises customers. He recommended avoiding a detached dwelling and suggested a size range of 500-1,200 square feet. Commissioner Sieber said the primary purpose of the caretaker dwelling was to provide a service to the primary use and advocated keeping it simple, internal, and not allowing home businesses. She brought up pets being a nuisance. Commissioner Reid saw the home business being for the benefit of a spouse. Commissioners Reid, Larsen, and Stephens were okay with a 1,500 square footage maximum. Commissioner Stephens said prohibiting home businesses would be hard to regulate.

Chair LaMar, for application ZT-21-008, moved to grant a favorable recommendation to the City Council based on the changes in the staff report with a few edits: a home business will not have any on-premises customers, that the caretaker dwelling would be an internal or attached dwelling, not a detached, the minimum-maximum would be changed from 800 to 600 (square feet) on the minimum and 1,200 to 1,500 (square feet) on the maximum, and to make it consistent with the language in the M Zone for uniformity. Commissioner Reid seconded. Chair LaMar called for the vote. All Commissioners present voted yes. The motion passed unanimously.

The Commission took a break from 7:15-7:22 p.m.

2. Continuing Business

2.1 Consideration of CU-21-018, Request for a Conditional Use Permit for a Mixed-Use Development with 7,735 Square Feet of Commercial Space and 226 Residential Units

Location: 3300 S. 1306 E. Applicant: Cottonwood Residential Planner: Robert May

Robert May said the Commission reviewed the application at the last meeting but continued it due to needing a revised parking/traffic study by Fehr & Peers. The project and proposed building, "The Hudson," would be located at the southeast corner of 1300 East and 3300 South. The project would be located in the C-2 Zone, City Center Overlay Zone (CCOZ), and Market Place District which allows a building height of 40-75 feet. He said staff uses a CCOZ code compliance matrix to ensure proposed projects meet code. He said staff wanted to look at projects in relation to others in the area, so they put together a City Center development review summary table. He noted there would be a CCOZ summary checklist in the staff report for the Commission's, applicant's, and staff's benefit on projects in the City Center. May showed the Commission the proposed site plan, landscape plan, and a graphic measuring the height of the building which is capped at 75 feet measured from existing grade. He showed the Commission the lot coverage percentages, shared parking matrix, building elevations, open space breakdown, plaza space breakdown, and building areas and

types. The parking summary presented showed 415 required parking stalls per CCOZ and 396 stalls required per the shared parking ratio. The applicant asked for an additional parking reduction to 9% or 367 stalls.

Francis Lilly discussed a cash in lieu of open space option. He said code (19.73.070) addresses an option within the CCOZ for projects along Millcreek Common or that provide pedestrian connections to the Millcreek Common wherein the City Council can authorize a payment in lieu of the open space contribution upon recommendation by the Planning Director. Ultimately the City Council gets to decide and there is no formal process for the Commission. As part of the preliminary site plan review for this project, staff and the applicant identified a deficit of 1,496 square feet of plaza area that would be required. The applicant supplied the city with an appraisal from October 2021 that valued the land at \$99.95 per square foot. Based on this appraisal, the value of the cash-in-lieu contribution would be approximately \$149,600. If an in-lieu agreement was approved by the City Council, this money could be used to enhance the southern end of Millcreek Common, including adding lighting and creating a more significant landscape buffer between the curb along 3300 South and the main pedestrian path along the southern edge of Millcreek Common. He asked if the \$150,000 was worth it in exchange for the open space. He felt the trade was fair for 1,500 square feet less of plaza space on the south side of 3300 S. by adding lighting and enhancing the landscape buffer between 3300 S. and Millcreek Common. Staff is likely to recommend to the City Council approval of an in-lieu agreement on the basis that an in-lieu contribution provides a more effective solution for open space than redesigning the project to compensate for a relatively minor reduction in the area required for plazas in the CCOZ. However, in the event that the Council rejects an in-lieu contribution, the applicant would be required to redesign the project to accommodate the shortage in plaza space.

Lilly said the Millcreek Community Council raised an issue of pedestrian safety, so the City was working with the State to use American Rescue Plan money to fund a parking structure and enhance the pedestrian connection on the intersection of 1300 E. and 3300 S. He proposed the following 3300 S. pedestrian safety enhancements: 10 foot to 12 foot shared use (cyclist and pedestrian) path on the north side of 3300 S. from 1300 E. to Millcreek Common, with an additional 6 foot buffer for street trees, 12 foot sidewalk with tree grates on the south side of 3300 South, along Hudson frontage, and colored asphalt or thermoplastic treatment at the 3300 S. 1300 E. intersection. He showed an illustration of enhancements on 3300 S. and said this solution was in keeping with the proposed Millcreek City Center cross section considered by the 3300 South Corridor Study and required a CCOZ modification through development agreement for Millcreek Common West.

Chair LaMar asked how much discretion there was for using the funds elsewhere. Lilly said the city shall be obligated in a timely manner to use the in-lieu funds within the City Center for land purchases, open space, pedestrian enhancements, and/or park related improvements. Chair LaMar asked if the Commission weighed in. Lilly said it was a code process and formally the Commission did not weigh in, however, he wanted their input. Commissioner Larsen restated that the project had a lack of 1,500 square feet of open space along 3300 S. so the developers would pay cash in lieu to improve the pedestrian experience to the north side of 3300 S. Chair LaMar confirmed the formula for the open space and plaza space requirements with May.

Christopher Bender, Fehr & Peers, described the project has having 3 driveways: a right-in - right-out access on 1300 E. (access 3), a right-in only access on 3300 S. (access 2), and a right-out only access on 3300 S. (access 1). He said the purpose of the traffic study was to look at potential traffic impacts in the immediate area, especially during morning and evening peak periods. The study areas were the intersections of 3300 S. and 1300 E. and 3300 S. and Highland Drive. He said all current intersections with and without the project operated acceptably and would for an additional five years. The hypothetical future maximum development density, the greatest impact scenario (from the Highland Drive Corridor Study), would make 3300 S. and 1300 E. exceed operation capacity (wait more than one light) in the evening peak period. He said 185 stalls would be shared and 174 would be reserved for residential use. The engineers used literature review, Millcreek zoning code, and ULI shared parking analysis to come up with their parking stall numbers. The proposed project would have 11% more parking than the other six comparable site projects had on average though it had fewer bedrooms per unit. He concluded that the proposed parking supply would adequately serve the use and meet the Millcreek code requirements.

Commissioner Reid asked if people exiting the building could go out any access they wanted. Bender said they would not be able to exit out of access two. He said there would be medians restricting left turns on 3300 S. May said there was a proposed median on 3300 S. from 1300 E. east to Luck Lane. Fred Lutze, Deputy City Engineer, said UDOT wanted a median from 1300 E. to Highland Drive regardless of development but were using it as a catalyst for making it happen. Commissioner Reid asked if all the accesses were connected internally so traffic would not be required to do a U-turn out of the building. Lutze said the hardest movement out of the building would be turning left and going south on 1300 E.

Commissioner Sieber asked about the timing of the installation of the medians on 3300 S. Lutze said it would be a condition with UDOT and their permit, so it would be a joint effort tied to the project. Commissioner Sieber asked if there would be modifications to traffic during construction and if that was factored into the traffic study. Bender said no. Lutze said it was expensive to close a lane on 3300 S. with UDOT.

Tyler Morris, Cottonwood Residential, clarified that it would challenging going west on 3300 S. and south on 1300 E. He highlighted that the comparable properties in the parking study had 2-bedrooms. He pointed out that the nearby Element 31 is a mixed-use building with 1.53 stalls per residential unit shared across the two uses. He felt the shared parking was adequate for the site.

Commissioner Reid asked how the 25-foot break in the length of the building was accounted for. Morris said the 25 feet was not counted towards the length. Commissioner Reid noted that the staff report said other utilities were being buried but not power lines. Lutze said all utilities would be buried except on the backside feed to the adjacent property. Chair LaMar noted that per code, 418 stalls were required. Bender said a portion of the retail would be office space. May said the uses were shared differently in the shared parking matrix. Commissioner Sieber asked about fire access. Morris said the space around the back of the building was open. Commissioner Reid asked what the developer would do if the additional plaza space was required. Morris said they would enlarge the proposed plaza on the west side of the project on 1300 E.

Chair LaMar read the letter the Millcreek Community Council sent to the Planning Commission for this application. The letter read, *“Dear members of the Planning Commission, In regard to Cottonwood Development’s proposal CU-21-018, the Millcreek Community Council would like you to consider the following: The Millcreek Community Council has concerns about this development bringing increased use to the City Center area by both residents and visitors patronizing the retail and office spaces but lacking safe and suitable access to them. We recommend that developers explore redesigning the development and working the developers designing on the project across 3300S to the north, create a sky bridge crossing. A safe pedestrian access across 300S is desired by our council. Planning around increased pedestrian activity is imperative for the longevity of this development and the safety of Millcreek residents.”*

Chair LaMar read a comment he received via email that day from Mary Ann Strong. *“Dear Planning Commission, Please restrict the housing density in the proposed building projects in Millcreek. In your hands lies the future serenity or overcrowding in our new city. The Hudson is too tall, too many units packed in, not enough parking. The new building on the opposite side of 3300 So. is the same. Too tall, too many stories, too many units, etc. Please keep the height to 3 stories tall. Keep the density down to reasonably sized units for 3 stories for the space with plenty of parking. Otherwise we will all be strangled by the mobs of people living and driving here. Oakley, Utah has kept from being overrun by developers wanting to expand the Park City experience. They have very strict units/acre requirements and have had great strength in holding the line. Please do the same for Millcreek. People have said, “I want to be able to live by my family here in Millcreek.” I would have liked to be able to afford to live where my parents lived after their many years of hard work, sacrifice, saving, and frugality, but I couldn't afford it. That is the reality. We cannot expect to “provide affordable housing” for all who want to live here. It is not possible and the demand will never cease or reduce. You must stay firm in holding the line. No tall 6-7 or more story apartment buildings. Keep them to three stories with adequate land around them. Please do this for all of us who have lived here and love our life in our community. Please preserve our community. Don't let the peace and enjoyment of Millcreek's space and tranquility be damaged by those who want to provide “affordable housing” for all who want to come.”*

Chair LaMar reminded the Commission that the zoning provided height guidelines that had to be adhered to. Commissioner Larsen said he was satisfied with the project and requested the cash in lieu be used to improve the pedestrian experience on the north side of 3300 S. and not elsewhere in the plaza. John Brems, City Attorney, said the Commission could suggest that, but it was outside their purview. Commissioner Reid opposed the cash in lieu of the plaza because she thought more space would visually reduce the bulk of the building. She expressed concern about the traffic in the area. Commissioner Claerhout expressed favor for the project. Commissioner Wright echoed the concern about the traffic congestion in the area. Commissioner Sieber asked that the cash in lieu directly impact the nexus of the project. Chair LaMar said the 9% parking reduction was acceptable.

Commissioner Larsen, regarding CU-21-018, moved to grant conditional use approval of that application based on staff findings and the conditions located in the staff report.

Commissioner Sieber seconded.

The conditions in the staff report were:

1. *Developments guest parking stalls within development will be available for shared parking during business hours operating hours.*
2. *Prior to receiving final subdivision plat approval, applicant shall bond for all required street improvements, including curb, gutter, sidewalk, street trees and required irrigation, required setback landscaping, streetlights, and any other improvement required by the City.*
3. *Applicant shall make best efforts to incorporate travel demand management strategies for the project, including but not limited to subsidizing the cost of transit passes for commercial and residential uses, providing safe, secure, and convenient bicycle storage beyond what is required by Millcreek code, and installing showers and locker rooms for use by commercial tenants.*
4. *The applicant will ensure that every residential unit has at least one dedicated parking space.*
5. *Applicant shall provide service availability letters from all utility providers prior to receiving final conditional use approval.*
6. *Applicant shall verify with Millcreek Engineering staff through appropriate studies as required by the City's Geological Hazards ordinance that the soils are suitable for development prior to receiving final conditional use approval.*
7. *Applicant shall install dark-sky compliant lighting, and submit a lighting and photometric plan, including for signage, for review by planning staff prior to receiving final conditional use approval.*
8. *Applicant shall comply with the materials palette presented in the application. No stucco or EIFS will be permitted on any building façade.*
9. *The applicant shall obtain preliminary plan approval from the Fire Marshal prior to receiving final conditional use approval.*
10. *Prior to receiving a certificate of occupancy, applicant shall apply an anti-graffiti material or coating on the north, west, and south building facades, and on any fencing the applicant installs on the project.*
11. *The design of the site and building shall comply with all applicable development standards, including but not limited to the City's Recreational Facility and Open Space Standards, Medium and High Density Residential Development Standards, the Millcreek Urban Forestry Standards, and any site development standard required by the City Engineer and Fire Marshal.*
12. *Prior to receiving final conditional use approval, the applicant shall certify that existing utility services have the capacity to accommodate additional demand induced by the development, or that the services will be upgraded to meet the additional demand.*
13. *Applicant will collaborate with staff through technical review to reasonably mitigate any further traffic impacts created by development.*
14. *Signs and accessory structures will require separate building permits and staff review for zoning/land use compliance.*
15. *The applicant shall provide sufficient parking-lot light illumination. 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 including the alley (ROW) of any off-street parking area as required by Section 19.80.030 of the zoning ordinance.*
16. *Any modifications to these approved plans must be approved by the Planning Department, in writing, prior to the changes being implemented in the field.*
17. *Landscaping shall be installed in compliance with Chapter 19.77 Water Efficient Landscape Design and Development Standards and as required by the City Center overlay Zone. 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 plan revisions.*
18. *The applicant will comply with all requirements established through the technical review process prior to receiving final conditional use approval.*

19. In the event that an in-lieu contribution for 1,496 sf of plaza space is not approved or executed, the applicant shall redesign the project to accommodate the required plaza space prior to receiving final Conditional Use Approval.

20. All items of the staff report.

Chair LaMar called for the vote. Commissioners Larsen, Sieber, Wright, Claerhout, and LaMar voted yes. Commissioner Reid voted no because of the cash in lieu. The motion passed.

Robert May asked the Commission if they appreciated getting a summary preview of large projects presented before the application came to them, similar to the last application. Commissioners expressed favor for it.

3. Commission Business

3.1 Approval of September 16, 2021 Special Meeting Minutes

Commissioner Larsen moved to approve the minutes of the September 16, 2021 meeting. Commissioner Reid seconded. Chair LaMar called for the vote. Commissioners Larsen, Sieber, Wright, and Reid voted yes. Commissioners Claerhout and LaMar abstained. The motion passed.

3.2 Approval of October 20, 2021 Meeting Minutes

Chair LaMar moved to approve the October 20, 2021 minutes as presented. Commissioner Claerhout seconded. Chair LaMar called for the vote. Commissioners LaMar, Claerhout, Sieber, Wright, and Reid voted yes. Commissioner Larsen abstained. The motion passed.

3.3 Updates from the Planning and Zoning Director

Francis Lilly said he sent the Commission a summary of upcoming projects and a dashboard of city center projects in a memo and asked if it was helpful. The Commission confirmed. He said the dashboard compared the greatest impact scenario against the proposed development numbers.

Lilly pointed out that the Commission would review the Millcreek Common West project (#5 on his handout) at their meeting the following month. He then briefly described it. The Millcreek Flats project by Boyer would also be coming in December (#6 on the handout), and it entirely met code without any exceptions. He then briefly described it. He said he would present the updated dashboard every month.

4. Calendar of Upcoming Meetings

- City Council Mtg., 11/22/21, 5:00 p.m.
- Mt. Olympus Community Council Mtg., 12/6/21, 6:00 p.m.
- Millcreek Community Council Mtg., 12/7/21, 6:30 p.m.
- Canyon Rim Citizens Association Mtg., 12/1/21, 7:00 p.m.
- East Mill Creek Community Council Mtg., 12/2/21, 6:30 p.m.
- City Council Mtg., 12/13/21, 7:00 p.m.
- Planning Commission Mtg., 12/15/21, 5:00 p.m.

ADJOURNED: Chair LaMar moved to adjourn the meeting at 9:30 p.m. Commissioner Claerhout seconded. Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.

APPROVED: Shawn LaMar Date 12/15/21
Shawn LaMar, Chair

Attest: Elyse Sullivan
Elyse Sullivan, City Recorder