



Millcreek

3932 South 500 East
 Millcreek, UT 84107
 Phone: 385-468-6700
 www.millcreek.utah.gov

For information regarding Agendas, please visit: www.pwpds.slco.org

MEETING MINUTE SUMMARY
MILLCREEK PLANNING COMMISSION MEETING
Wednesday, May 17, 2017 4:00 p.m.

****Meeting minutes approved on June 21, 2017****

Approximate meeting length: 5 hours 7 minutes
Number of public in attendance: 21
Summary Prepared by: Wendy Gurr
Meeting Conducted by: Commissioner Stephens

***NOTE:** Staff Reports referenced in this document can be found on the State and County websites, or from Salt Lake County Planning & Development Services.

ATTENDANCE

Commissioners	Public Mtg	Business Mtg	Absent
Tom Stephens (Chair)	x	x	
Fred Healey (Vice Chair)	x	x	
Shawn LaMar	x	x	
David Carlson	x		
Scott Claerhout	x	x	
Mark Mumford	x	x	
Heather Wilson			x
Dave Allen	x	x	
Russ Booth			x

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Spencer Hymas	x	x
Todd Draper	x	x
Tom Zumbado	x	x
Jeff Miller	x	x
Max Johnson		
John Janson	Absent	Absent
Curtis Woodward	x	

PUBLIC HEARINGS

Hearings began at – 4:00 p.m.

30310 – Dale Bennett is requesting preliminary plat approval to create the two-lot Crestbrook Lane Estates Flag Lot Subdivision and amend the underlying Evergreen Gardens Subdivision and make a recommendation to the mayor as respects an exception to the curb, gutter and sidewalk ordinance. **Location:** 3376 South Crestbrook Lane. **Zone:** R-1-8 (Single-Family Residential). **Community:** East Mill Creek. **Planner:** Jeff Miller

Salt Lake County Planning and Development Services Planner Jeff Miller provided an analysis of the staff report.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant
Name: Lane Halverson
Address: Cottonwood Heights
Comments: Mr. Halverson said he purchased the property recently.

Mr. Miller said the neighbors are concerned that the existing home will be demolished. Mr. Halverson said they plan to keep it and that CC&Rs for the original subdivision expired some time ago.

Speaker # 2: Citizen

Name: Connie Nash

Address: 2561 East Crestbrook Lane

Comments: Ms. Nash said the concern is what will the home look like, how tall will it be and where will the driveway be. She thinks it is absurd to have a second home on the lot. How can it work without infringing on neighbors? Is it going to be taller and wants to know in what direction will it face. She requests the commissioners drive over and look at the lot.

Speaker # 3: Citizen

Name: Bryan Thomas

Address: 2550 East Crestbrook Lane

Comments: Mr. Thomas said he is concerned that it will change the nature of the neighborhood. Parking is an issue. There are often three cars on the side of the house and three in the circle.

Speaker # 4: Citizen

Name: Bryan Nash

Address: 2561 East Crestbrook Lane

Comments: Mr. Nash said he moved in 31 years ago for the larger lots, quiet neighborhood and mature trees and a good area to raise the children. The personality of the neighborhood will change. They decided to remodel their home instead of leaving because they like the neighborhood. He is against this flag lot application.

Speaker # 5: Citizen

Name: Brett Bullock

Address: 2543 East Evergreen Avenue

Comments: Mr. Bullock said he's an architect and sees this type of situation often. One should have a reverence for what is existing and fit the character of the neighborhood and be done in a manner that is respectful of the neighborhood. Two major issues, first how does anyone know this meeting is taking place, and is someone trying to sneak this application through the process. There's no indication how they will access the back lot. Are they going down the south side and is the garage being torn down and is there a new driveway?

Mr. Bullock feels this application should be tabled for the moment in order to allow time for the neighbors to weigh in.

Speaker # 6: Citizen

Name: Camille Bullock

Address: 2543 East Evergreen Avenue

Comments: Ms. Bullock said she didn't know enough to have a full opinion. She said not getting notice is disconcerting and hopes for more feedback. People not residing in their neighborhood are trying to take away the green neighborhood and consequently the neighbors are impacted. She requests tabling in order to get proper input.

Mr. Miller said it was not noticed, but will be noticed for the Mayor's meeting. And the one neighbor who has shown an interest was notified and told to share this information with neighbors. The private drive is twenty feet with four feet of landscaping. The homes will comply with the RCOZ ordinance. Commissioner

Allen asked about the neighborhood and said most homes are single story with basements and that two story homes are allowed. Mr. Miller said the homes will comply with the RCOZ envelope requirement.

PUBLIC PORTION OF MEETING CLOSED

Commissioners had a brief discussion regarding the motions needed for this application.

Motion: To approve application #30310 preliminary plat application, creating a two-lot Crestbrook Lane Estates Flag Lot Subdivision.

Motion by: Commissioner Carlson

2nd by: Commissioner LaMar

Vote: Commissioner Healey voted nay, Commissioner Mumford abstained and all other commissioners voted in favor (of commissioners present). Motion passed.

Motion: To recommend approval of application #30310 to the Millcreek Mayor to amend the underlying Evergreen Gardens Subdivision.

Motion by: Commissioner Carlson

2nd by: Commissioner LaMar

Vote: Commissioners Mumford and Allen voted nay, Commissioner Claerhout abstained and all other commissioners voted in favor (of commissioners present). Motion passed.

Motion: To recommend approval of application #30310 to the Millcreek Mayor to grant an exception to roadway standards to not install curb, gutter, and sidewalk improvements.

Motion by: Commissioner Carlson

2nd by: Commissioner Claerhout

Vote: Commissioners voted unanimous in favor (of commissioners present)

30385 – (Continued from 04/19/2017) - A Public Hearing will be held to consider new draft changes to the Commercial Zones “C-1, C-2, C-3” zones within Millcreek. No zoning boundaries will be changed. The C-1, C-2, and C-3 zones are being updated and revised to reflect State Law and past issues. The proposed changes can be reviewed on the City’s web site under “Pending Zoning Amendment Proposals”: <https://millcreekut.org/planningzoning/pending-zoning-amendment-proposals>. **Planner:** John Janson

Salt Lake County Planning and Development Services Planner Spencer Hymas provided an analysis of the new draft changes. In addition, he gave a brief summary of the public process to date – community council meetings, open house, multiple planning commission public meetings, both work sessions and monthly public hearings.

Commissioner Stephens asked Mr. Hymas in the absence of Mr. Janson, to stay engaged in the conversation. Commissioners and Staff had a discussion regarding changes discussed at the work session and prior public hearing.

Commissioner Stephens asked Mr. Brems, as respects recording the consensus of planning commissioners on the various changes to the draft ordinance to be discussed, whether or not a roll call vote or formal motion will be required for each item. Mr. Brems stated that a roll call vote is adequate.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Citizen

Name: Scott Wyckoff

Address: 131 South 700 East

Comments: Mr. Wyckoff said he is in the self-storage business. He understands cities don't like self-storage. His concern is he cannot find any other zones for self-storage. He said it is a misconception that self-storage doesn't promote economic development, as they are a significant promoter for small business as well as for individuals. Self-storage facilities are commonly used by local businesses in order to facilitate their storage needs. He asked that the planning commission reconsider the restrictions on self-storage, as the draft language will prohibit additional self-storage facilities in most of the city.

Commissioner Healey asked if storage is also allowed in the manufacturing zones. Mr. Hymas said he will check into that.

PUBLIC PORTION OF MEETING CLOSED

Commissioners discussed the edits to the ordinance draft that were discussed at the April 4 work session and that were agreed upon at the May public hearing. Briefly, the changes agreed upon dealt with the following subjects: self-storage use, residential use, mixed-use, residential density, payday loan/check cashing/title loan, use, pawn shop use, tobacco, smokeless tobacco use, greater height standard, gun range use, archery use, tattoo use, second hand, thrift use, junkyards, vehicle recycling, salvage yard uses, car sales, arterial intersection definition, light manufacturing, neighborhood retail definition. It was discussed whether or not another work session would be beneficial, and the consensus was that it was not needed. Instead, it was agreed that the edits / changes agreed upon by the planning commission should be incorporated into an undated draft and will be sent to the planning commissioners for their review and in anticipation of the June public hearing. At the June public hearing, any further changes or edits will be made at this meeting.

Motion: To continue file #30385 to the June 21st meeting.

Motion by: Commissioner Mumford

2nd by: Commissioner Healey

Vote: Commissioners voted unanimous in favor (of commissioners present)

30387 - (Continued from 04/19/2017) - A Public Hearing will be held to consider additions to the Definitions Chapter, 19.04, within Millcreek. The purpose of adding these new definitions is to further define use categories proposed as part of general ordinance updates and reformatting, occurring at this time. The ordinance can be reviewed on the City's website under "Pending Zoning Amendment Proposals" at <https://millcreekut.org/planningzoning/pending-zoning-amendment-proposals>. **Planner:** John Janson

Commissioners had a brief discussion. Mr. Janson was absent.

PUBLIC PORTION OF MEETING OPENED

No one from the public present spoke.

PUBLIC PORTION OF MEETING CLOSED

A brief discussion was held, and, with the exception of a prior recommendation made by Commissioner Allen as respects the definition for "neighborhood commercial, no edit suggestions were made by any commissioner.

Motion: To recommend approval of file #30387 to the Millcreek City Council as drafted.

Motion by: Commissioner Allen

2nd by: Commissioner Healey

Vote: Commissioners voted unanimous in favor (of commissioners present)

Commissioner Carlson excused himself at 6:22 pm

30292 – Johnny Watson is requesting approval to modify the previously approved site plan for an existing medical office in order to accommodate a building addition. **Location:** 1187 East 3900 South. **Zone:** R-M. **Community Council:** Millcreek. **Planner:** Jeff Miller

Salt Lake County Planning and Development Services Planner Jeff Miller provided an analysis of the staff report.

Commissioner LaMar asked about parking spaces. Mr. Miller said employees who work at the subject building park elsewhere. Commissioner Claerhout asked how the community council voted. Mr. Miller said he believes it was unanimous, with no major concerns. Commissioner Allen asked what uses are allowed in the R-M zone. Commissioner Mumford asked about noticing. Mr. Miller said this application was noticed. Only one tree on the north side will be removed.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant

Name: Johnny Watson

Address: 1152 Bond Avenue

Comments: Mr. Watson, the applicant, spoke. An existing six-foot masonry wall will remain. The current use is quiet and unobtrusive. the existing building is just over 5000 square feet. There will be no access to north side from the east. The tenant is a medical imaging center, and will have no more staff when the addition is completed.

No one from the public present spoke.

PUBLIC PORTION OF MEETING CLOSED

No commissioner expressed any reservations or concerns.

Motion: To approve application #30292 as presented.

Motion by: Commissioner Healey

2nd by: Commissioner Mumford

Vote: Commissioners voted unanimous in favor (of commissioners present)

28983 - AN ORDINANCE REPEALING CHAPTERS 19.72 AND 19.73 OF THE MILLCREEK CITY ORDINANCES, ENTITLED, RESPECTIVELY, "FOOTHILLS AND CANYONS OVERLAY ZONE" AND "FOOTHILLS AND CANYONS SITE DEVELOPMENT AND DESIGN STANDARDS," AND REPLACING THEM WITH A NEW CHAPTER 19.72, ENTITLED "FOOTHILLS AND CANYONS OVERLAY ZONE." THESE CHAPTERS ARE BEING REPEALED AND REPLACED TO CLARIFY AMBIGUOUS TERMS AND ELIMINATE CONFUSING TERMS, TO CLARIFY AND SIMPLIFY DEVELOPMENT AND DESIGN STANDARDS, TO CLARIFY AND SIMPLIFY THE APPLICATION PROCESS INCLUDING THE ROLES OF OTHER REGULATORY AGENCIES, TO RECONCILE

CONFLICTS WITH WILDFIRE SUPPRESSION STANDARDS, TO BRING THE CHAPTER INTO COMPLIANCE WITH OTHER RECENT LEGAL REQUIREMENTS, AND OTHER RELATED PURPOSES. CHANGES TO THE CURRENT ORDINANCE ARE IN THE FOLLOWING AREAS, AMONG OTHERS: PURPOSE STATEMENT, CLUSTERING, GRADING, TRAILS, TREE REMOVAL, STREAM SETBACKS, WILDLIFE, LIMITS OF DISTURBANCE, LOTS OF RECORD, AND DEFINITIONS. **Presenter:** Curtis Woodward

Salt Lake County Planning and Development Services Zoning Administrator Curtis Woodward provided a history of the process to update the FCOZ ordinance and an explanation of the changes he made in the FCOZ draft in order to tailor it to the needs of Millcreek City, such as substituting “city” for “county” and related wording, deleting the language related to ski resorts and their base operations, as the land within the FCOZ area in Millcreek will never be developed into a ski resort.

Mr. Woodward was asked what property in Millcreek is within the designated FCOZ area. A map was presented that shows those FCOZ areas in Millcreek.

PUBLIC PORTION OF MEETING OPENED

No one from the public spoke.

PUBLIC PORTION OF MEETING CLOSED

Planning commissioners discussed the purpose, history and recent updates to the FCOZ ordinance. It was agreed that it was beyond the planning commission’s expertise to make any substantive changes in the revised ordinance, given the intensive and time-consuming update process that has been taking place over the last few years. The planning commission decided to recommend approval to the city council, subject to the city attorney reviewing and making, at the city attorney’s discretion, any edits felt necessary in order to customize the ordinance for Millcreek.

Motion: To recommend approval of file #28983 to Millcreek City Council as presented with Mr. Brems working with staff to make appropriate changes to reflect the fact that it will be a city ordinance.

Motion by: Commissioner Healey

2nd by: Commissioner Allen

Vote: Commissioners voted unanimous in favor (of commissioners present)

29807 – William Miner – Requesting a rezone of .23 acres from R-1-8 (Single Family Residential; 8,000 sq. ft. min. lot size) to R-2-8 (Two-Family Residential; 8,000 sq. ft. min. lot size). **Location:** 1401 East Woodland Avenue. **Community Council:** Canyon Rim. **Planner:** Todd A. Draper

Salt Lake County Planning and Development Services Planner Todd Draper provided an analysis of the staff report.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant

Name: William Miner

Address: 1401 East Woodland Avenue

Comments: Mr. Miner said the plan is to demolish the current home and construct a “twin home”. Mr. Miner said a rezone is appropriate because on the west side is a parking lot for a commercial business and on the south side, across the street, is a church. He has built a masonry wall on the west side.

Commissioner Healey asked if he lives there, with the applicant saying yes, and if he plans to construct a twin home, with the existing structure being removed.

No one from the public spoke on this application.

PUBLIC PORTION OF MEETING CLOSED

Commissioners had a brief discussion and whether or not to place any conditions on its recommendation to the city council. No conditions, in addition to any staff recommendations, were proposed.

Motion: To recommend approval of file #29807 to the Millcreek City Council as presented.

Motion by: Commissioner LaMar

2nd by: Commissioner Mumford

Vote: Commissioners voted unanimous in favor (of commissioners present)

30183 – Nathan Webster is requesting a conditional use permit to construct a 9 unit apartment complex. **Parcel Area:** ≈.39 Acre. **Location:** 3575 South 900 East. **Zone:** C-2. **Community Council:** Millcreek. **Planner:** Tom C. Zumbado

Salt Lake County Planning and Development Services Planner Tom Zumbado provided an analysis of the staff report.

Commissioners and staff had a discussion regarding landscaping and elevations.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant

Name: Nathan Webster

Address: 3206 Edith Avenue

Comments: Mr. Webster said they tried to keep design at a scale to fit in with the community. Parking will be at grade level, viewed from the street it is concealed. They don't have an elevator. One accessible ground unit on east will be an ADA unit. A total of 21 parking stalls is proposed, two for each unit, plus three for visitors.

Commissioner LaMar, with the parking designed to be situated under the apartments, asked about the risk of emissions. The applicant stated that the ground level parking will have substantial ventilation due to the north and south sides of the parking area being open. Commissioner LaMar asked sealing the parking area from the living space above. Mr. Webster said construction will meet the building code.

Speaker # 2: Millcreek Community Council

Name: Lynda Bagley

Address: 1250 Manor Circle

Comments: Ms. Bagley said the community council was not fond of it being in a commercial zone, but because multi-family is allowed in the commercial zone, they approved it.

Speaker # 3: Citizen

Name: Thomas Rice

Address: 945 East Fairclough Drive

Comments: Mr. Rice said his concern is the parking, because he drives 900 East everyday and finds many cars parked on the street. In the last year, more people living in the nearby apartment complexes are using side streets as overflow parking. At certain times of the day, people are parking on 900 East, even though there are plenty of signs not permitting parking. Snowplowing is becoming difficult because of the many cars parked on the streets.

Mr. Rice said the nearby funeral home has no parking and has made arrangement with other businesses to utilize their parking spaces.

Speaker # 4: Citizen

Name: Paul Bullen

Address: 3571- 3577 South 900 East

Comments: His concern is that there will be nine units facing his property with just a six-foot fence and consequently has some privacy issues. He is concerned with just twenty 21 parking stalls proposed for the planned 18 units.

Speaker # 5: Citizen

Name: Thomas Huitt

Address: 935 East Fairclough Drive

Comments: Mr. Huitt said people are parking very close to 900 east and has called UPD and wanted to know if signs will go up, but couldn't find a government agency that knows the code as respects parking. Turning onto Fairclough, because of vegetation and fencing, forces the driver into the middle of the road causing a lot of drama. The city needs to think about parking signage.

Speaker # 1: Applicant

Name: Nathan Webster

Address: 3206 Edith Avenue

Comments: Mr. Webster said they have done their best to follow the ordinance. At the review at the technical stage they can take this issue further, the case right now is that he would have to change the design to address traffic and parking on the street. All units will be on the upstairs but one.

Commissioner Healey asked what the purpose of going with non-organic mulch. Mr. Webster likes the aesthetic of it. In addition, it has less maintenance than organic mulch.

PUBLIC PORTION OF MEETING CLOSED

Commissioners had a discussion regarding parking. Commissioner Mumford asked how one accesses upstairs units. Mr. Zumbado said access on east and west sides is by stairs. Commissioner Healey loves green scaping, but the inorganic mulch is not green and that he would like greater setbacks on the sides.

Commissioners had a discussion regarding parking and other aspects of this application.

Motion: To approve application #30183 as presented with staff recommendations and two additional conditions, being:

2. Parking: two stalls per unit, and five guest parking stalls, totaling twenty-three;
3. Provide visual barrier on north and south sides.

Motion by: Commissioner Healey

2nd by: Commissioner Mumford

Vote: Commissioners Claerhout and LaMar voted nay, with all other commissioners voted in favor (of commissioners present). Motion passed.

30184 – Nathan Webster is requesting a conditional use approval for a 7-Unit Apartment. **Location:** 3357 South 900 East. **Zone:** C-2. **Community Council:** Millcreek. **Planner:** Jeff Miller

Salt Lake County Planning and Development Services Planner Jeff Miller provided an analysis of the staff report.

Commissioner Allen said he is assuming picnic tables can be used as an amenity that reduces the required open space percentage. Mr. Miller confirmed that this is the case.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant

Name: Nathan Webster

Address: 3206 Edith Avenue

Comments: Mr. Webster said that this is a narrow site, and that the project stays within the required density and parking requirements.

Commissioner Mumford asked what is the entire length of the building. Mr. Webster said 195 feet. Commissioner Mumford asked what is the setback from the street. Mr. Webster said twenty-five feet. Commissioner Mumford asked if the fire department would just access from the front. Mr. Webster said the UFA asked them to put in a stand pipe. Commissioner LaMar asked about the narrow areas between the parking spaces. Mr. Webster said structural columns are required which in turn reduces the space available for parking. Mr. Miller said the parking ordinance, when parking stalls are adjacent to wall, requires them to be columned, eleven feet in width. Commissioner Healey asked if inorganic (rock) mulch is being proposed. Mr. Webster confirmed this is the case.

Speaker # 2: Millcreek Community Council

Name: Lynda Bagley

Address: 1250 Manor Circle

Comments: Ms. Bagley said, as with the prior application, that the community council was not happy with the C-2 zone being used for apartments and that this is a thin piece of property. Nevertheless, the community council gives this project a positive recommendation.

Ms. Bagley said they have to approve it because it is a conditional use.

PUBLIC PORTION OF MEETING CLOSED

Commissioners had a discussion regarding amenities, parking, height, and landscaping.

Motion: To approve application #30184 with Staff Recommendations and the following additional conditions:

3. Two stalls per unit, and 5 guest stalls, rounding up to the next whole number;
4. Open space must meet the ordinance requirements.
5. One additional amenity is required from the approved list.

Motion by: Commissioner Allen

2nd by: Commissioner Claerhout

Vote: Commissioners voted unanimous in favor (of commissioners present)

30293 – Gill Bearnson is asking permission to build an accessory structure greater than 1200 square feet

in his backyard. **Parcel Area:** ≈.52 Acre. **Location:** 3566 South 1100 East. **Zone:** R-1-8. **Community Council:** Millcreek. **Planner:** Tom C. Zumbado.

Salt Lake County Planning and Development Services Planner Tom Zumbado provided an analysis of the staff report.

Commissioner Stephens said he needed some clarification as respects the total proposed square footage of the structure. Commissioner Healey asked what the building height will be. Mr. Zumbado said 18 feet.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant

Name: Gill Bearnson

Address: 3566 South 1100 East

Comments: Mr. Bearnson said the structure will be for the storage of a travel trailer and boat, as he wants to park them in doors.

No one from the public spoke.

PUBLIC PORTION OF MEETING CLOSED

Motion: To approve application #30293 as presented.

Motion by: Commissioner Healey

2nd by: Commissioner Mumford

Vote: Commissioners voted unanimous in favor (of commissioners present)

BUSINESS MEETING

Meeting began at – 9:05 p.m.

- 1) Approval of Minutes from the April 19, 2017 meeting.

Motion: To approve minutes from the April 19, 2017 monthly planning commission public hearing and meeting as presented.

Motion by: Commissioner LaMar

2nd by: Commissioner Allen

Vote: Commissioners voted unanimous in favor (of commissioners present)

- 2) Approval of Minutes from the April 26, 2017 work session meeting.

Motion: To approve minutes from the April 26, 2017 meeting as presented.

Motion by: Commissioner Claerhout

2nd by: Commissioner Allen

Vote: Commissioners voted unanimous in favor (of commissioners present)

- 3) City email addresses for planning commission members – not discussed
- 4) Ordinance Issues from today's meeting -- none
- 5) Other Business Items (as needed) -- none

MEETING ADJOURNED

Time Adjourned – 9:07 p.m.