



**Millcreek**

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**MEETING MINUTE SUMMARY**  
**MILLCREEK PLANNING COMMISSION MEETING**  
**Wednesday, June 21, 2017 5:00 p.m.**

**\*\*Meeting minutes approved on August 16, 2017\*\***

**Approximate meeting length:** 4 hours 8 minutes  
**Number of public in attendance:** 27  
**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	x	
Scott Claerhout			x
Mark Mumford	x	x	
Heather Wilson	x		
Dave Allen	x	x	
Russ Booth	x	x	

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Max Johnson		
Jeff Miller	x	
Spencer Hymas		
Tom Zumbado	x	
Todd Draper	x	
John Brems	absent	absent

**PUBLIC HEARINGS**

**Hearings began at – 5:00 p.m.**

**30385 – (Continued from 04/19 and 05/17/2017)** - 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

*John Janson presented the Staff Analysis.*

*Commissioner Stephens asked what percentage of commercial use is being proposed for the mixed-use category. Mr. Janson said 25%. Commissioner Stephens asked about hours of operation being proposed for massage parlors. It is being proposed that smoke shops and tattoo parlors not be located on*

*prominent corners or within half mile of each other. Commissioner Healey said that the hours of operation and other conditions for the operation of massage parlors should be governed by state law. Commissioner Carlson said state law governing massage is fairly minimal and only requires massage practitioners be licensed by the state. Commissioner Carlson said they have earned a reputation. Mr. Janson asked if they should consider restricting massage parlors near schools or churches.*

### **PUBLIC PORTION OF MEETING OPENED**

*No one from the public present spoke on this topic.*

### **PUBLIC PORTION OF MEETING CLOSED**

*Commissioners and Staff had a discussion regarding retail, self-storage, retail/tobacco stores and/or smoke shop, displays, differences between C-1 and C-2 lessor square feet, outdoor entertainment, and outdoor kennels. Commissioner Mumford said one of his concerns is the distance between massage therapy and schools and churches. As respects outdoor music entertainment, Commissioner LaMar was concerned with a limitation on sound, and that it should be governed by the SLCo noise ordinance. Commissioner Healey asked about second-hand stores exceeding 10,000 square feet, and suggested that this use shouldn't have a square feet limitation in the C-3*

**Motion:** To recommend adoption of the draft ordinance as stated in file #30385 to the Millcreek City Council subject to the following:

1. Mixed use requirement – combining your two alternatives, so it should read as: A minimum of 25% of the total square footage of the entire project shall be dedicated to commercial and/or office use. In addition, commercial and / or office use is required for not less than 50% of all ground floors facing a public street. This commercial / office space shall have a minimum depth of 30' from the front of each public street facing building.
2. “Display” – define as “goods [or products]” held for sale”
3. Outdoor kennel – the distance from the nearest residential use or residential zone shall not be less than 300’.
4. Outdoor music at restaurants is an allowed activity, with no limiting language as respects the nature of the sound [acoustic or amplified], no limitation as respects distance from the nearest residential use and no limitation as respects hours of operation. 19.32.040 A.1. needs to be modified by deleting the following language that deals with the restaurant use: “”but no outdoor music or concerts, including any recorded, live, amplified or acoustic music”.
5. As a consequence of #4, above, under the “Outdoor commercial recreation, outdoor commercial amusement, or outdoor commercial entertainment” use limitation, it needs to be made clear that “this limitation does not apply to the following accessory use: outdoor music at restaurants”.
6. Not discussed at the meeting, but the following should be done: from Table 19.32.1, delete the line dealing with “self-storage facilities of all types”. The reason for doing so is that this use is a permitted or conditional use by definition and the limitations on this use are found in Table 19.32.02

The following uses remain as written:

1. Massage therapy – no hours of operation will be imposed.
2. Massage therapy – there will be no distance limitation from churches
3. Second hand stores square footage – it appeared no consensus was reached on this subject.

**Motion by:** Commissioner Healey

**2<sup>nd</sup> by:** Commissioner Mumford

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

**30385** - Recommendation to city council as respects the underlying structure for the commercial zones ordinance rewrite. A description of the structure used for the draft ordinance is included in the staff report for this meeting. The recommended structure is one where all commercial uses (but not industrial, not certain residential and other uses unrelated to “commercial”) are allowed as either a permitted or conditional use unless they are specifically limited or prohibited in the ordinance text. The traditional ordinance structure is to state that a use is allowed only if it is scheduled or listed in the ordinance. If the specific use is not listed as an allowed or conditional use in the ordinance, it is prohibited.

#### **PUBLIC PORTION OF MEETING OPENED**

*No one from the public spoke on this subject.*

#### **PUBLIC PORTION OF MEETING CLOSED**

*Commissioners had a brief discussion.*

**Motion:** To recommend to the city council that the draft ordinance format philosophy be accepted by the city council, as reflected in file #30385.

**Motion by:** Commissioner Mumford

**2<sup>nd</sup> by:** Commissioner Allen

**Vote:** Commissioners voted unanimously in favor (of commissioners present)

**30460** - A Public Hearing will be held to modify the Conditional Use Chapter, 19.84. A series of updates and modifications are proposed to the Conditional Use chapter in response to changes in State Law which requires the addition of standards for the imposition of conditions on development applications. The draft ordinance can be reviewed on the City’s website under <https://millcreekut.org/planningzoning/pending-zoning-amendment-proposals>. **Planner:** John Janson

*John Janson went through the Staff Analysis.*

#### **PUBLIC PORTION OF MEETING OPENED**

*No one from the public present spoke.*

#### **PUBLIC PORTION OF MEETING CLOSED**

Planning commission briefly discussed the adoption of this conditional use chapter draft. This subject had been a topic discussed at a public work session prior to this public hearing.

**Motion:** To recommend to the city council that the draft conditional use chapter be adopted, as represented in file #30460, Conditional Use Chapter 19.84.

**Motion by:** Commissioner Allen

**2<sup>nd</sup> by:** Commissioner Healey

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

**30459 -** A Public Hearing will be held to modify and eventually eliminate the M-1 and M-2 zoning districts, Chapters, 19.66 and 19.68, within Millcreek. The purpose of the hearing is to consider proposed Manufacturing zoning modifications to the M-1, and M-2 zoning ordinances for consolidation into one single light manufacturing zone. A new light Manufacturing Zone would replace the current M-1 and M-2 zones. No changes to zoning district boundaries are proposed. The draft ordinance can be reviewed on the City's website under <https://millcreekut.org/planningzoning/pending-zoning-amendment-proposals>.

**Planner:** John Janson

*John Janson, planner, presented the Staff Analysis.*

## **PUBLIC PORTION OF MEETING OPENED**

**Speaker # 1:** Citizen

**Name:** Brett Hilton

**Address:** 154 East Gordon Lane

**Comments:** Mr. Hilton said he is a prospective property owner. These zones have traditionally been used for manufacturing for many years. Many people have long term uses and properties in this area. The city doesn't want manufacturing and consequently he's limited to certain uses. He isn't comfortable with the idea that the city will look out for property owners. He said this public hearing should be full of people to offer testimony and he doesn't think most people understand what's going on. Who is watching out for property owners?

**Speaker # 2:** Representative for the property north of the Brickyard shopping area located in Salt Lake City

**Name:** Larry Maddocks

**Address:** 3025 South 1100 East

**Comments:** Mr. Maddocks said he wants to clarify if his property is losing rights and why does the city want to amend the M ordinances. He and others are trying to sell the property and don't want any change in the ordinance that will reduce the value of the property or the uses to which are allowed.

**Speaker # 3:** Represents a property owner.

**Name:** Bob Hackworth

**Address:** 34 West Central Avenue, 10 Exchange Place

**Comments:** Mr. Hackworth said at no point was his client notified of this proposed change in the M ordinances. The owner claims to have not received the notice. The proposed changes in the ordinance have a significant impact and his client has similar concerns. This ordinance change may not be in the best interest of the city. Can the business be continued? Is it grandfathered? Wants to make use that existing business are allowed to continue, and to make sure this is addressed. The Legal Non-Conforming Use language is of concern. His client is engaged in a number of activities outside of the building. They rent equipment, they'll spray them off, paint, and they've done this for 27 years.

*Commissioner Stephens said, if this is adopted, he will be grandfathered in and this use runs with the land, meaning that future owners of this business can continue to operate as a legal non-conforming use.*

**Speaker # 4:** Represents Ash Grove Cement

**Name:** Wade Budge

**Address:** 15 West South Temple

**Comments:** Mr. Budge said Ash Grove is the owner of four acres that will be impacted by this draft ordinance, if adopted. They have already spoken with elected city officials. They don't do manufacturing. Instead, cement material is brought in and stored at this location. The making of concrete is done at other locations. He is concerned that this use will become a legal non-conforming use and will result in negative consequences for his client. The current use is important and critical to community. This is an important, centrally located facility that will be difficult or impossible to site elsewhere. He is concerned that late operating hours will create conflict with new users in the immediate vicinity. They have provided proposed language that will make this particular use an "allowed" use. This is a very important issue and wants to continue to work with the city on this subject.

**Speaker # 5:** Citizen

**Name:** Ralph Warren

**Address:** PO Box 71005

**Comments:** Mr. Warren said he is an interested property investor. He has some concerns as do others, that generally this ordinance change is in fact a "down" zoning of this area and will have negative effects on jobs and productivity. If people have to relocate, their costs will go up. This proposed change in the ordinance is one reason why manufacturing jobs in the USA are being lost. This is an important local issue and encourages it to be revisited in order to completely understand the impacts. Valuable services are being conducted in this area and consequently the changes in the manufacturing ordinances may not be in anyone's best interest.

**Speaker # 6:** Citizen

**Name:** Dale Davis

**Address:** 145 West Central Avenue

**Comments:** Mr. Davis said he is concerned with the downgrading and didn't receive a notice, nor did he and others receive the open house notice. Morgro has been in business at this location since 1978 and understands grandfathering, but is wondering if can stay at this location for the next 50 years. They have substantial outdoor storage with many truckloads of raw material being brought in, with very substantial heavy truck traffic taking place periodically. He feels that this process does not represent very good planning and will reduce Moregro's ability to operate. He would challenge the legality of this meeting.

## **PUBLIC PORTION OF MEETING CLOSED**

*Commissioners had a discussion regarding noticing, use, restrictions, legal non-conforming uses, process and effect.*

**Motion:** to continue file #30459 to the July 19<sup>th</sup> meeting in order to have a special working meeting, to confirm notices were mailed and confirm with Mr. Brems whether or not this ordinance rewrite needs to be noticed again.

**Motion by:** Commissioner Healey

**2<sup>nd</sup> by:** Commissioner Mumford

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

**30429** – Heather Newport, on behalf of the KETM Trust – Requesting a rezone of .63 acres from C-1 (Community Commercial) zone to the C-2 (Neighborhood Commercial) zone. **Location:** 2827 South

2300 East. **Community Council:** Canyon Rim. **Planner:** Todd A. Draper, AICP

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

*Commissioner Allen asked about newly proposed zone. Mr. Draper confirmed that the building in question has a single use at 10,000 square feet. Commissioner LaMar asked if all the use is being conducted indoor. Mr. Draper confirmed. Commissioner Healey asked if possible to put a height restriction as a zoning condition. Mr. Draper said yes. Commissioner Mumford asked if they own the whole parcel. Mr. Draper said it is one parcel with one building and one owner. Commissioners expressed the concern that this area is not appropriate for more intensive commercial uses.*

### **PUBLIC PORTION OF MEETING OPENED**

**Speaker # 1:** Applicant

**Name:** Heather Newport

**Address:** 2827 South 2300 East

**Comments:** Ms. Newport said this is pretty basic and want to do dog training. Main services are doggy daycare and indoor swimming.

*No one from the public, other than the applicant, spoke.*

### **PUBLIC PORTION OF MEETING CLOSED**

*Planning Commissioners had a brief discussion regarding expansion of use, non-conforming use, neighborhood service versus general service uses and how the commercial zones ordinance draft will influence this application*

**Motion:** To recommend denial to the Millcreek City Council as respects application #30429 for the following reason: it is the planning commission's opinion that, if the Millcreek City Council adopts the C-1 ordinance, the proposed use will be a permitted use within the current C-1 zone.

**Motion by:** Commissioner Allen

**2<sup>nd</sup> by:** Commissioner Wilson

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

**29889** – Kyle Jardine is requesting approval to modify the conditions of approval for a proposed 55 Unit Group Dwelling on 1.74 acres. **Location:** 3098 South Highland Drive. **Zone:** C-3. **Community Council:** Millcreek. **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:** Kyle Jardine

**Address:** 1341 South 1400 East

**Comments:**

Mr. Jardine affirmed what Mr. Miller said – that during the technical review the architect and civil engineer found an error in the calculation as to the number of parking spaces represented. The applicant has re-stated the number of parking spaces, based upon certain redesign efforts and is asking the planning commission to accept the revised parking spaces proposed.

*The planning commissioners and Mr. Jardine discussed the revised calculations and parking study.*

*No one from the public, other than the applicant, spoke.*

### **PUBLIC PORTION OF MEETING CLOSED**

*Commissioners and staff had a discussion as respects the number of parking stalls being proposed, the methodology being used.*

### **PUBLIC PORTION OF MEETING REOPENED**

**Speaker # 2:** Architect

**Name:** Justin Heppler

**Address:** 3098 Highland Drive

**Comments:** Mr. Heppler gave an explanation of the number of handicapped and ADA stalls.

### **PUBLIC PORTION OF MEETING CLOSED**

*Commissioners had a brief discussion.*

**Motion:** To approve application #29889 as presented with Staff Recommendations.

**Motion by:** Commissioner Carlson

**2<sup>nd</sup> by:** Commissioner Wilson

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

*Commissioner Wilson excused herself at 8:21 pm*

**30411** – Mr. Ron Newton, on behalf of Ms. Li Liu, is requesting conditional use approval to allow massage therapy on site. **Parcel Area:** ≈.76 Acre. **Location:** 3211 South Highland Drive. **Zone:** C-2. **Community Council:** Canyon Rim. **Planner:** Tom C. Zumbado.

*Salt Lake County Planning and Development Services Planner Tom Zumbado provided presented the staff report.*

*Commissioner Booth asked if there is any concern with the shared drive. Mr. Zumbado said unloading is within the mini storage yard. Commissioner Mumford asked what is to the north. Mr. Zumbado confirmed an LDS church. Commissioner Stephens asked if applicant is planning to occupy the entire space.*

## PUBLIC PORTION OF MEETING OPENED

**Speaker # 1:** Applicant

**Name:** Ron Newton

**Address:** 175 North Harold Street

**Comments:** Mr. Newton said he leased this property the first of April and has been there every day and that he and others go through the storage area gate. Very few vehicles enter and exit the storage facility.

*No one from the public, other than the applicant, spoke.*

## PUBLIC PORTION OF MEETING CLOSED

*Commissioners had a brief discussion as respects this application.*

**Motion:** To approve application #30411 as presented.

**Motion by:** Commissioner LaMar

**2<sup>nd</sup> by:** Commissioner Allen

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

**30382** – Mr. Robert Doren is requesting conditional use approval to allow massage therapy on site. **Parcel Area:** ≈.43 Acre. **Location:** 1231 East 3300 South, Unit B. **Zone:** C-3. **Community Council:** Millcreek. **Planner:** Tom C. Zumbado.

*Salt Lake County Planning and Development Services Planner Tom Zumbado presented the staff report.*

*Allen asked why there were so many individual rooms. Mr. Zumbado stated that the applicant may rent out these rooms to other licensed massage therapists. Commissioner Booth asked for square footage. Commissioner Mumford asked for the name of the business. Mr. Zumbado stated, “Sun Spa”.*

## PUBLIC PORTION OF MEETING OPENED

**Speaker # 1:** Applicant

**Name:** Robert Doren

**Address:** 4263 Jummer Lane

**Comments:** Mr. Doren said he thinks Mr. Zumbado covered everything. He stated that remodel has been a long process.

**Speaker # 2:** Millcreek Community Council

**Name:** Linda Bagley

**Address:** 1250 Manner Circle

**Comments:** Ms. Bagley said the Community Council was concerned with the hours of operation, being from 10 am to 10 pm. Ms. Bagley commented that there are six massage rooms but only massage therapist. The community council recommends approval with an hours of operation limitation.

**Speaker # 3:** Applicant

**Name:** Robert Doren

**Address:** 4263 Jummer Lane

**Comments:** Mr. Doren said the reason for the rooms is that the plan is to expand when they find the licensed massage therapists. Right now, it's only one person. He stated that it is ridiculous that this type of operation is being portrayed as anything other than massage therapy. Touch therapy is therapeutic. Hours of operation will run until 10 pm.

### **PUBLIC PORTION OF MEETING CLOSED**

*Commissioners discussed hours of operation.*

**Motion:** To approve application #30382 as presented.

**Motion by:** Commissioner Allen

**2<sup>nd</sup> by:** Commissioner LaMar

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

### **BUSINESS MEETING**

**Meeting began at – 8:56 p.m.**

- 1) Approval of Minutes from the May 17, 2017 meetings.

**Motion:** To approve minutes from the May 17, 2017 meeting as presented.

**Motion by:** Commissioner Healey

**2<sup>nd</sup> by:** Commissioner Allen

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

- 2) Approval of Minutes from the June 9, 2017 manufacturing and commercial zone rewrite work session.

**Motion:** To approve minutes from the June 9, 2017 meeting as presented.

**Motion by:** Commissioner Carlson

**2<sup>nd</sup> by:** Commissioner Booth

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

- 3) Ordinance Issues from today's meeting

*Commissioner LaMar brought up the subject of amenities being required for multi-family projects. Mr. Janson stated that this will be addressed in the near future, including the current practice of allowing a reduction in the required open space through the addition of more amenities.*

### **MEETING ADJOURNED**

**Time Adjourned – 9:08 p.m.**