



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 MANUFACTURING ZONE DRAFT WORK SESSION MEETING
July 7, 2017 8:00 AM.

Meeting minutes approved on July 19, 2017

Approximate meeting length: 2 hours
Number of public in attendance: 4
Summary Prepared by: Tom Stephens
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	Work Session	Absent
Tom Stephens (Chair)	x	
Fred Healey (Vice Chair)	x	
Shawn LaMar		x
David Carlson	x	
Scott Claerhout	x	
Mark Mumford	x	
Heather Wilson	x	
Dave Allen		x
Russ Booth	x	

Planning Staff & Attorney	Work Session	Absent
John Brems	x	
John Janson	x	
Spencer Hymas	x	
Alex Murphy	X	

PUBLIC HEARINGS

Hearings began at 8 a.m.

PUBLIC PORTION OF MEETING OPENED

John Janson briefly discussed the public noticing requirements and how the city council has instructed that both mailings to property owners and notice in a general circulation newspaper will (and has) been done in order to give the widest notice to concerned residents and property owners. As respects the manufacturing ordinance rewrite, since there is some doubt that the required notices were received by certain property owners, it has been decided to re-notice all property owners in the M1 and M2 zones.

One of the reasons for this work session is to address the concerns of some property owners, as expressed at the June public hearing and through other means, have as respects the draft non-conforming use language. John Janson gave an introduction to the differences between the existing legally non-conforming use language and the draft

language. Essentially, the existing language allows for a new non-conforming use to be substituted for the existing non-conforming use language, whereas the draft language does not, plus other differences. Commissioners Wilson and Carlson provided comments as respects the proposed language. Commissioner Healey expressed his understanding of the issues surrounding this language – that it appears to have ambiguous and restrictive elements that certain property owners do not like and that the complaints from property owners not receiving notice are reasons for this work session.

There were four members from the public attending. Although this work session was not a public hearing, upon permission from the planning commission, these four individuals were given the opportunity to express their thoughts.

Douglas Black – owner of the property at 155 West Central Ave. His tenants include a steel fabricator and waste container service. He stated that he had not received the required notice, that his tenants had been denied one or more business licenses due to a “moratorium” in the current M zones. Mr. Black was unsure how the legally non-conforming language will affect him and his tenants. One tenant wants to purchase the property, but neither Mr. Black nor the tenant understand how the proposed legally non-conforming language will affect them. Mr. Black wanted to know if the tenant can continue his business, presumed to be a legally non-conforming use, if the city adopts the ordinance draft as currently structured. He was told the answer is “yes”.

Craig Jensen representing Ash Grove Cement Co.—the property involved is a fly ash transfer facility. Mr. Jensen, on behalf of his client, had earlier submitted draft language that would make its operation a conforming, permitted use. Ash Grove has used this facility for a number of years and want to continue to do so and does not want to be a non-conforming use, as this status increases uncertainty and might prevent expansion in the future.

Tim Jones representing Robertson Construction, 176 West Central Ave. This property is used for equipment storage and repair. Robertson Construction is unsure how the change in the ordinance language will affect its operation, being mostly open storage of equipment, with some equipment repair. He asked whether or not the existing operation will be allowed to continue. He was told the answer is “yes”, whether or not this operation is deemed to be an allowed use or a legally non-conforming use.

Bob Hackworth representing Trench Shoring. Mr. Hackworth was concerned about the prospect of increasingly restrictive ordinances that create a “moving target”. He gave examples of other municipalities, where he has facilities located, that have been subject to continually changing fencing requirements. Mr. Hackworth explained how his business looks after the Ash Grove property when Ash Grove employees are not present, including the removal of junk, of every description, that is routinely illegally dumped near or on the Ash Grove property.

Public comment was closed and opened for planning commission discussion.

In response to the uncertainty as to whether or not a use is a permitted use or not allowed, Alex Murphy of the County Staff reminded those present that the planning staff routinely offers opinion letters as to whether or not a proposed use is allowed or not allowed, based upon staff’s review of the use and understanding of the zoning ordinances.

The planning commission members and Mr. Janson reviewed the differences between the existing non-conforming use language and the draft language, that a non-conforming use “runs” with the land and is not affected by a change in ownership. Commissioners Carlson and Wilson favor the current draft language, as non-conforming uses are deemed to be uses that the city wants to diminish over a period of time. The existing non-conforming language allows for a change from one non-conforming use to another, which is perceived as being detrimental to the city’s goals.

Whether or not the draft language allows a non-conforming use to be improved upon or expanded was discussed, as this too is a theme expressed by property owners. In addition, the question was posed as to whether or not a permitted use (such as an office to support a non-conforming use or perhaps an office that does not support a non-conforming use) can be constructed at the site of a non-conforming use. Given all the permutations of possible

expansions or additions to a legally non-conforming use site, it was agreed that ambiguity exists. In an effort to reduce any ambiguity, Mr. Janson was instructed to draft additional legally non-conforming language with the goal of giving more certainty as respects the aforementioned possible expansions or improvements to a legally non-conforming use site.

None of the planning commissioners expressed any opposition too or suggested specific edits to the current draft language, other than to try to lessen the ambiguities arising from expansions or improvements that an owner might want to make and as to what expansion or improvements the city will find acceptable.

Commissioner Stephens suggested that a “wholesaling” use category be specifically added to the manufacturing ordinance draft language, solely to make it clear that a “wholesale” business is a permitted use in the manufacturing zone. No objections were expressed.

Height Measurement Discussion

The existing ordinance language that deals with height measurement requires the height be measured from the original lowest natural grade to mid-way between the eve and the peak of the roof. Mr. Janson has drafted a language change that will measure from the original lowest natural grade to the peak of the roof. This is the only language change proposed. There was some discussion about measuring from the centerline of the adjacent street, as opposed to the original lowest natural grade. The pros and cons of each starting point for measurement were discussed. John Janson proposed that the original lowest natural grade starting point of measurement be kept, partly to keep the draft language simple and due to concerns, that the “centerline of the street” starting point can have unintended consequences, most notably as respects the Residential Compatibility Overlay Zone ordinance, which measures height from the original lowest natural grade. As respects RCOZ, measuring from the centerline of the street will result in taller than anticipated homes in those areas that have sloping lots. The main advantage of the “centerline of the street” starting point is that it is easy to measure with no resulting controversy. Determining the original lowest natural grade can be difficult to determine, as per the experience of planning staff.

No planning commissioner objected to or offered language changes to Mr. Janson’s draft language.

Maps

In order to give the planning commission and the city council a visual look at the geographical restrictions the planning commission is proposing to place on certain businesses, John Janson had the GIS person at the County produce maps that visually show the consequences of these restrictions. The uses mapped are massage, smoke shops, payday lenders, tattoo and self-storage facilities. These maps showed the following information:

1. The location of existing uses
2. The 300’ radius at arterial intersections
3. The required separation between each use
4. The locations of schools and churches

As respects the massage use, it was clear that the entire city, with very few exceptions, will be off-limits to additional massage as a “principle use”, as the map shows the city having many massage operations, many of which are within residential areas. When these “in-home” massage businesses are mapped with the required half mile separation, there is almost no location available for a new massage use.

Commissioner Stephens recommended that the city council be advised that only “massage as a principal use” be restricted, so as to not prevent massage services that are subordinate to another business, such as a health spa or recreation center.

All the maps were reviewed by the planning commissioners present and, with the exception of the massage use, no recommendations to the city council were made.

Meeting adjourned at approximately 9:55 AM