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**MEETING MINUTE SUMMARY
 MILLCREEK PLANNING COMMISSION MEETING
 October 18, 2017 5:00 PM
 (Approved on January 17, 2018)**

Approximate meeting length: 4 hours

Number of public in attendance: 4 plus those who did not sign or whose name were not legible

Summary Prepared by: Alexandra Muller

Meeting Conducted by: Commissioner Stephens

ATTENDANCE

Commissioners	Present	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 & Mayor	Present	Absent
John Brems	x	
John Janson	x	
Alexandra Muller	x	
Francis Lilly	x	
Mayor Jeff Silvestrini	x	

Hearing began at 5:06 p.m.

PUBLIC PORTION OF MEETING OPENED

30549 (Legislative) – Erik Stuart requests a rezone from R-2-10 to C-2 (General Commercial). Location: 784 East 4500 South. Zone: R-2-10 (Duplex Zone with minimum lot sizes of 10,000 sq. ft.). Community: Millcreek. Planner: John Janson, Frank Lilly

Mr. Janson explained the land ownership on the map with applicant's property being shown and the surrounding area in terms of zoning. Across the street to the north there are multifamily residences and office uses. Additionally, there is a Smith's food store nearby and with other stores of different variety. Mr. Janson said that when the general plan discusses corridors it is usually in the context of considerable change being foreseen. He said the general plan does not recommend actual land use, but instead the degree of change. Mail outs were sent to surrounding property owners, but none attended the community council meeting. He received one phone call from a resident afterwards and said they would be at the public hearing tonight to talk. Mr. Janson stated that a favorable recommendation has been given by the community council. The community council's motion recommended the height of the building not exceed 30 feet. He said the planning staff recommendation is favorable towards this project. Mr. Janson said this project appears to be high quality. Nearby residents were concerned with the following: hours of operations, overnight stay, and traffic. Mr. Janson stated that the site consists of 3 parcels and a vacant area to the south. Mr. Janson said to remember the proposed zone is a general commercial zone and, in the absence of a required development agreement or zoning conditions, many commercial uses are allowed in the C-2 zone.

Chairman Stephens asked why a C-2 zone is being requested, as opposed to the RM zone. Mr. Janson answered that the RM zone ordinance is being revised / updated at this time and that the C-1 zone is inappropriate, as it is meant for neighborhood services and this application is for a regional facility and a more general C-3 zone is not necessary.

Commissioner Allen asked whether or not roads impacted by this development will be widened or improved. Mr. Janson stated that a traffic study for this project has not been conducted and plans for improving the impacted streets is unknown. In any event, the traffic impact from this project will be minimal, given the nature of its operation, being a joint replacement facility with a low capacity. Mr. Janson added that flaring of the intersection may be a possible improvement and worth considering when the development occurs.

Commissioner LaMar asked if 4 parcels made up the whole area. Mr. Janson said that is correct.

Commissioner Mumford asked if this project is adjacent to R-1-10. Mr. Janson said yes.

Chairman Stephens asked if the planning staff recommends a development agreement be entered into. Mr. Janson said no, as the motion can be to limit the zone change to a medical facility which in turn is a permitted use in the C-2 zone.

Applicant Greg Stuart offered comment. He said the building was going to be L shaped and approximately 18,000 square feet. It will be a joint replacement facility for knees and hips. He anticipates that at full capacity there will be 12 procedures per week. He said their staff will be 15 people full time and the traffic impact will be minimal. There will be 83 parking stalls but did not anticipate a high traffic volume, particularly with patients discharged in 2-3 days. He said caretakers/relatives can stay with the patient during their stay.

Commissioner Claerhout asked, if they didn't anticipate a high capacity or volume, why were there are so many entrances to the facility. Mr. Stuart answered that it is because the traffic flow required it. The 83 stalls are required by the off-street parking ordinance.

Chairman Stephens asked if the building will be 1 story.

Mr. Stuart said yes, and the reason they weren't going to do a 2-story building is because doing so will require hospital elevators.

Commissioner Booth asked whether he built something similar before this.

Mr. Stuart answered yes, in Austin, Texas.

Commissioner Booth asked if there will be Emergency vehicles coming to and from the facility.

Mr. Stuart answered no, there will not be. It is very unlikely that a patient will ever be brought to the facility with an emergency-type vehicle.

Co-applicant Tim Kephard said the procedures are elective which means they are non-trauma and non-acute.

Commissioner Booth asked what the general hours of operations will be.

Mr. Kephard said it will be 7am to 5pm for staff.

Commissioner Mumford asked how long will patients be at the facility.

Mr. Kephard said there will be a 48-hour observation period. They will rarely exceed that time because if there were unforeseen circumstances the patient will be transferred to a hospital or some other facility that are capable of handling such situations.

Chairman Stephens asked Mr. Janson what was the recommendation from community council.

Mr. Janson answered the recommendation was to limit it to a C-2 zone with a maximum height of 30 feet.

Public comment 5:28 pm

Jeff Hall, 2775 S 3600 E, said he has owned the property on 785 East for 35 years. He stated he didn't know about this proposal until a very short while ago. He said he may live outside the 300 feet notice radius. Mr. Hall said there was no real way to expand 4500 South and his past experience has shown him expansion will be difficult. He said a lot of people like to go to Smiths and go on to the divider in an attempt to merge into the lane, resulting in many near misses while trying to merge. He said, with this project, there will be more problems with more traffic and more people at any given time.

Lynette Staunton, 4523 S 785 E, said she wanted to thank the Planning Commission as well as stating she had submitted a letter. She said she was very encouraged by the improvement in the area with the parcels in question. She said she was concerned that a residential area would turn commercial, as well as the hours of operation, such as the weekend hours plus the additional traffic. She said 784 East is a dead-end road and is not currently marked for 2 lanes. Her house is located on the far north of the area so this development would be across the street from her home. She recommended that the driveway on to 785 East be moved further north, and away from her home. Ms. Staunton was also concerned that property values will be negatively impacted from the zone change from residential to commercial. She said she did receive the notice letter.

Mr. Lilly said he would like to enter the Shalese Montague letter into the record. As respects noticing nearby residents of an application before the planning commission, he said that the city

will not just be noticing property owners within the 300 feet parameter via letters but will also be posting visual notices around affected property.

Mr. Stuart said he feels the development will have minimal traffic impact. There will be 15 staff with 4 patients 3 times a week.

Milana Odell, 3720 Melinda Lane, said she is Ms. Montague's mother. She wants to voice her concern because her daughter could not attend. She said her daughter was concerned about the traffic and people pulling in to driveways as the roads are very narrow and private.

Public Comment closed at 5:41p.m.

Commissioner Carlson asked if there will be a traffic study.

Mr. Lilly answered "no", but one might be helpful. Mr. Lilly said he would take into account what the planning commission wants to do on his subject.

Commissioner Carlson said he appreciates public input to solve problems. The entrance was something they should look at and lined up with the residential driveway across the street and that enhanced landscaping should be used to minimize impact. While he understands residential concerns as respects increased traffic, he didn't think this project will result in a high traffic impact.

Chairman Stephens recommended that a condition be placed on the Planning Commission's recommendation for a zone change to the city council, so as to limit the uses to medical facilities to medical offices uses only.

Commissioner LaMar asked whether or not the east entrance on to 785 East can be moved north so as to not impact the residence across the street.

Mr. Lilly answered he didn't see any reason why this could not be done and has already received a positive response from the applicant.

Commissioner LaMar said he liked the Community Council's recommendation as respects limiting the use as this type of medical facility will result in a low impact on the residential neighbors.

Commissioner Mumford said he does like the concept of having reasonable limitations for future uses. He believed this developer has a reputation as being well respected and experienced enough to deal with any traffic issues.

Commissioner Wilson said she agreed with the alignment of the road. She added that limiting future use to something such as elective surgery with a 48-hour patient stay is appropriate.

Commissioner Allen said he liked this recommendation, as he was thinking of non-emergency medical care.

Chairman Stephens added the "use" should include the words "non-emergency surgical use."

Commissioner Allen thought that limiting the hours of operation will get complicated.

Commissioner Wilson said that with a non-emergency elective use, using the term “normal hours of operation” should be adequate.

Chairman Stephens said the applicant can come back later if change is needed.

Commissioner Booth asked whether a traffic study was needed.

Mr. Lilly suggested the planning commission might recommend a traffic study but said he would not make it a condition of the zoning change recommendation to the city council.

Motion: Commissioner LaMar made a motion that recommends approval of the zone change, subject to the use being limited to non-emergency elective surgery, a maximum building height of 30’ and that the ingress / egress on to 785 East be moved as far north as possible.

Commissioner Wilson seconded the motion.

No further discussion

Vote: Unanimous approval.

#30580 (Administrative with discretion) – Nicholas Wright requests a RCOZ Option C exemption to the side yard and height for property. Location: 2618 S Tanner Gardens Court Zone: R-1-8 Planner: John Janson, Frank Lilly

Mr. Janson presented the staff report explaining the current zone as R-1-8 with the applicant requesting an exception under RCOZ Option C. The lot in question is not a traditional square or rectangular lot. Instead, it is “pie” shaped and slopes to the southwest. Due to drainage issues, a berm exists on this lot on the street side. Due to the unusual lot shape, difficult terrain and drainage issues, Option C is being requested. The exception being requested is regards to the height of the structure on the northeast corner of the proposed home, where the maximum height is being exceeded at the proposed setback.

The Community Council gave a favorable recommendation, subject to drainage issues being resolved.

The drainage issue involves a ditch on the south side that drains this lot and properties to the east and south. In the past, there has been water damage to an adjacent home due to runoff that could not be contained by the ditch, the topography of the area, and inability of storm drains to handle the flow.

Commissioner Claerhout asked whether the ditch was on the left side?

Mr. Janson stated that the ditch is on the south side of the lot. In addition, the home that will be impacted by the requested additional height is on the east side.

Chairman Stephens asked why Option A or Option B are not being considered? He said in any event, the home will have to meet the minimum setbacks for this zone.

Mr. Janson stated that Alex Murphy had a number of conversations with the applicant as respects options A or B but could not make either work, so option C became the sole remaining

option. Mr. Janson commented that option C allows the planning commission wide discretion, which is normally not permitted within an administrative function. He said what was being proposed is consistent with construction in the surrounding area. The applicant plans to “pipe” the drainage ditch.

Applicant Nicholas Wright, 2807 E Hermosa S, spoke. He said he had lowered the home on the lot. The issue is not the setback but the fact that the maximum height is exceeded where the “envelope” line intersect the gabled roof.

Chairman Stephens asked what will the total height of the proposed structure be.

Mr. Wright stated that at no point on the house, except the chimney, does the height exceed 32 feet. In addition, he stated that he plans to pipe the drainage ditch, which will help residents downstream.

Commissioner LaMar asked about the length of house to the east.
Mr. Wright said he thought it was around 30 feet to the corner.

Commissioner Booth asked if the house is being lowered on the lot.
Mr. Wright answered yes, with the affect being the entire main floor will be basically level.

Chairman Stephens asked what the community council recommended.
Mr. Janson said the community council gave a favorable recommendation for the option C, subject to the drainage issue being addressed.

Public Comment opened:

Sue Hall (address not recorded) who lives immediately south and adjacent to the lot, said she had come to discuss the impact on the neighbors. She said the homes may look congruent from the front as the front looks ok but it is the back that shows the difference because the street slopes, resulting in multiple stories that dominant above her home. She said that her home has suffered water damage that arose from this development. There had been much rain, which caused an overflow of the drainage ditch, which in turn caused flood damage to her home. In addition, the sunlight reflections from the existing home above her home creates a “supernova” of bright light that is a distressing nuisance. The RCOZ ordinance will allow the proposed home to be “shoehorned into the lot.

Commissioner Allen asked whether or not piping the ditch will be helpful to Ms. Hall.
Ms. Hall said she is not sure.

Commissioner Booth asked Ms. Hall’s home is located. It location is shown on a projected map.

Commissioner Booth asked where does the drainage problem begin.

Ms. Hall said the developer needs to be asked this question and that the County had told her the problem needed to be fixed by the developer, according to county engineers.

Ms. Hall said they would have to ask the developer as the County said the developer should fix the problem. She said water was coming up from the street according to county engineers at the time.

Jeff Hall (related to Ms. Hall), 2775 S 3600 E , said he too was concerned about the drainage issues. In addition, another concern was the dominance of the homes above his home that made his home difficult to inhabit due to the sunlight reflections shining into his home. He stated that he and his neighbors have to close their drapes as a consequence. He said the overall feeling is that they cannot enjoy their property, unlike prior to the development of the home situated above.

Mr. Wright, the applicant, stated that he wants to mitigate the issues mentioned. He said he did not want to have issues with these neighbors. In addition, He said the existing culvert / ditch was in a bad location and acted like a dam when there was a large flow of water present.

Public Comment closed at 6:34p.m.

Commissioner Allen stated that the drainage issues should have been resolved by the County when they were first addressed years ago. He stated that the drainage issues are beyond the scope and expertise of the planning commission. Instead, a drainage / flood expert needs to work with the applicant and that even a smaller structure, than what is being proposed, would not mitigate the drainage issues. Commissioner Allen stated that the option C being proposed by the applicant is reasonable.

Commissioner Wilson stated that she agrees with Commissioner Allen's perspective and comments. She said she would like to see some mitigation of the sunlight reflection problem that negatively affects the neighbors to the south.

John Brems, legal counsel, for the planning commission, stated that the planning commission can impose mitigation measures, so long as the problem can be identified, in a manner that reduces the adverse effects being felt by neighbors.

Chairman Stephens asked whether or not the drainage issue is more a matter of the topography of the surrounding area and not necessarily due to the development of the specific lot in question.

Mr. Lilly, staff, prefacing his comments with the fact that he is not a hydrologist, stated that determining the all the origins of the water will be difficult. One way to view this matter is whether or not the applicant can adequately mitigate the flow of water from his specific lot alone.

Mr. Brems stated that some sort of water survey might be in order, but did not know if doing so will adequately give a basis for solving the drainage issues.

Mr. Lilly said a drainage or flood risk solution would to be based on Salt Lake County engineering standards. He said this is the reason they have experts and one of the reasons why the applicant must go through a technical review.

Commissioner Allen said, even with the applicant dealing with the drainage issues from his lot, the next issue will be having to deal with drainage issues arising from other nearby properties.

Mr. Lilly stated that the piping seems to be a good solution but the devil is in the details and needs to be dealt with by County engineers who are experts in flood and drainage measures.

Chairman Stephens stated that if the Planning Commission were not to approve the option C, the applicant would have to go back to the A or B options, but even these options don't solve the drainage issues.

Commissioner Allen stated that granting the option C, is a step forward in mitigating the issues.

Commissioner LaMar said the applicant appears amenable to improving the flow of water through his lot, even though there will be additional cost.

Motion: Commissioner Allen made a motion to approve the RCOZ option C with the following conditions: that the applicant will work with the County on drainage issues that are caused by the applicant's lot and that non-reflective glass will be used in order to mitigate the sunlight glare that can be expected to be experienced by adjacent property owners. Commissioner Wilson seconded.

Discussion of the motion: none.

Motion approved unanimously.

30553 (Legislative) (Continued from 09/27/2017) - The Millcreek Planning Commission proposes to update the RM, Residential Multifamily zone to include changes and additions to uses, certain setbacks, and to add design standards. No zoning district boundaries are proposed for changes, just the text of the RM zone. Planner: John Janson

John Janson presented most recent edits to the draft RM ordinance and recommended that this legislative application be continued as further refinements / edits in the draft ordinance are expected and will be presented at the November 2017 public hearing.

Public comments opened:

The representative from the Millcreek Community Council commented, stating that the council's recommendation is to recommend the city council adopt the draft RM ordinance.

Public comment closed.

Planning commissioners briefly discussed the draft presented this evening.

Motion: a motion was made and seconded to continue this legislative application until the November 2017 public hearing, in order to give staff adequate time to offer further refinements and edits.

Motion passed unanimously.

30520 (Legislative) (Continued from 09/27/2017) - A new ordinance concerning fencing is proposed to address materials, heights, double fencing, and front yard appearance/safety. Planner: John Janson

John Janson requested that the planning commission re-open this application, as issues were raised outside of the public hearing that questioned some of the details of the draft ordinance that the planning commission recommended for approval at a prior public hearing. There appeared not be reasonable consensus about many of the draft ordinance requirements.

Planning Commissioners briefly discussed this matter and agreed that the best course of action is to re-open deliberations once staff has had the opportunity to present a draft ordinance that is less problematic from an enforcement perspective and to allow for further refinement.

Motion: a motion was made and seconded to re-open deliberations on this draft ordinance when staff is prepared to present a new draft.

Motion passed unanimously.

BUSINESS MEETING

- 1) No draft minutes were approved.
- 2) Ordinance Issues from today's meeting
- 3) Other Business Items (as needed)

ADJOURN - **Audio recording failed for this meeting****

APPROVED