



Millcreek

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MEETING MINUTE SUMMARY
MILLCREEK PLANNING COMMISSION MEETING
Wednesday, August 16, 2017 5:00 p.m.

(Approved on January 17, 2018)

Approximate meeting length: 4 hours 13 minutes
Number of public in attendance: 25
Summary Prepared by: Wendy Gurr
Meeting Conducted by: Commissioner Healey

***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
Fred Healey (Vice Chair)	x	x	
Shawn LaMar	x	x	
David Carlson	x	x	
Scott Claerhout	x	x	
Mark Mumford			x
Heather Wilson			x
Dave Allen	x	x	
Russ Booth	x	x	

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Spencer Hymas	x	x
Todd Draper		
Tom Zumbado	x	
Alex Murphy	x	x
Max Johnson		

PUBLIC HEARINGS

Hearings began at – 5:00 p.m.

Commissioner Healey advised he will recuse himself from file number 30424. Commissioner Allen will act in his place.

30459 – (Continued from 06/21 and 07/19/2017) - 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 provided an analysis of changes from the last meeting and submission of letters from citizens.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Citizen, Valley Leasing

Name: Art Vanderlinden

Address: 3984 South 500 West

Comments: Mr. Vanderlin said they are against this zoning change. He believes most businesses in the area are zoned for what they are doing. If it was zoned the way that is being proposed, they wouldn't be compliant. They don't think it's right to start a new city and take away future options.

Speaker # 2: Moregro

Name: Brad Rasmussen

Address: 145 West Central Avenue

Comments: Mr. Rasmussen said this change doesn't apply is not good for the current occupants.. He believes it will create, more housing, and more people in the smaller area and try to use TRAX as a means of transportation. He doesn't believe it is working now, nor will it with more high residential density in the area. The streets are lined with traffic on both sides. The semi trucks serving the industrial users in the area already struggle with all the cars parked on the street. This zoning change will affect business for them and everyone else. People are afraid of the changes and they don't know what will move in next to them. Businesses zoned now are conforming instead of putting something else that doesn't fit the area.

Speaker # 3: Citizen

Name: Doug Black

Address: 155 West Central Avenue

Comments: Mr. Black said he has spent the last two weeks talking to all property owners. He talked to property owners that never got a notice. Consensus is they are all against the zoning change and trying to do anything to stop it.

Speaker # 4: Citizen

Name: Fred Jones

Address: 195 West 3900 South

Comments: Mr. Jones said he is opposed to the zoning change. They're against bad changes and restrictions. Many proposals can help, but this proposal is short of what they need. Nuisance ordinance poses a challenge, they were between freeway and railroad tracks when they built in the area. Mass transit zoning has strengthened residential and hurt existing tenants. Developers have kicked out current tenants from the property and came and built apartments. When manufacturing uses were first built they were in compliance with regulations. Many collect sales tax, and ask only for the opportunity to be there and not driven out, All of the existing tenants are concerned about this zoning change. The new city, doesn't want to end up in a situation with regulatory takings. They tenants want to run their businesses and create jobs and be part of the community. These are industrial buildings. and the building materials used are mostly built out of cinderblock or metal. They would have to come up with different building materials, to put 25% of the building into glass. This would change the concept to a totally different zone. This would be a hardship and an excessive expense on the business owners.

Speaker # 5: Citizen

Name: Peter Hoy

Address: 4035 South 500 West and 3960 South 500 West

Comments: Mr. Hoy said he feels like business owners will have their hands tied. Rather than impose this hardship on existing businesses, there is a natural evolution, as property values increase and it becomes feasible for existing businesses to look at other options elsewhere. He proposed that the City let it happen organically rather than being forced.

Speaker # 6: American Stone

Name: Dan Thomas

Address: 4040 South 300 West

Comments: Mr. Thomas said he built a good business and instead of limiting the zone keep it much broader and continue for the family.

Speaker # 7: Citizen

Name: Richard Brown

Address: 4015 South 300 West

Comments: Mr. Brown said he opposes the new ordinance and believes it will devalue the property.

Speaker # 8: Citizen

Name: Bruce Nelson

Address: 175 West Central Avenue

Comments: Mr. Nelson said he hasn't heard any positive comments about the proposed zoning change, and he is against this happening. He has been a thirty-year business owner in the area. He believes that the City should allow the ones that are there to continue as is. The county said one thing in the past and then the county did what they wanted. He believes that the city will do the same. He fears bullying. He and his neighbors are hard workers, and he fears that if passed the City will come back and make a more unwanted changes. He opposed to the draft ordinance.

Speaker # 9: Citizen

Name: Alan Combs

Address: 3955 South Howick Street (210 West)

Comments: Mr. Combs said they moved there 20 years ago. He continues to see the problems with parking because of residential and the traffic created by higher density. He said "This will diminish the value of our property. What's written may not hurt now but this is a trend and the start of regulations to drive them out. He believes that this is not fair. They are good citizens taking care of properties and deserve respect.

Speaker # 10: Citizen

Name: Dan Beasley

Address: 4045 and 4035 South West Temple

Comments: Mr. Beasley said he has invested in the area under county authority to upgrade his property. They made an attempt to continue business with a long term lease, because they couldn't make application they lost out and will continue to lose out on ways they can support themselves. He can't make a living, because arbitrary rules are being set. A lot of people are experiencing this and he has a problem with the mayor not being here today.

PUBLIC PORTION OF MEETING CLOSED

Commissioners had a brief discussion regarding recommendation, nuisance aspects, height, and intent to improve the area.

Motion: To recommend the adoption of file #30459 to the Millcreek City Council of the M zone draft ordinance with alternate changes proposed.

Motion by: Commissioner Allen

2nd by: Commissioner Carlson

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

Motion: To recommend adoption of file #30459 to the Millcreek City Council changing the zoning map for M-1 and M-2 to new zoning map.

Motion by: Commissioner Allen

2nd by: Commissioner Carlson

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

Motion: To recommend approval of file #30459 to the Millcreek City Council repealing the M-1 and M-2 zones.

Motion by: Commissioner Allen

2nd by: Commissioner Booth

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

30102 – Ben Olsen is seeking approval for a 3 lot subdivision. **Parcel Area:** .93 Acre. **Location:** 3036 South 2000 East. **Zone:** R-1-8. **Community:** Canyon Rim. **Planner:** Tom C. Zumbado.

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

Commissioner Healey asked what is the curb, gutter, and sidewalk situation in that area. Mr. Zumbado said there aren't any, but there is an irrigation ditch. Mr. Hymas said the exception included piping the ditch. Prior to final approval staff will make sure they receive the ditch masters signature, this is still a requirement to be enforced. Commissioner Healey asked if this was approved as a plat seven years ago. Mr. Zumbado advised that is a question for the applicant.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Son of applicant

Name: Travis Olsen

Address: 1530 East 3010 South

Comments: Mr. Olsen said the reason they never proceeded on the original application, is it came down to economic conditions. It was right at the harshest part of the down turn, In terms of the irrigation ditch, they have worked for over two years with the ditch master and could not get an official sign off and letters from the water company. They received a letter of exemption so they believed they do not have to work with the ditch company. What they are asking for is a renewal of the original subdivision and that they will cover the irrigation ditch.

PUBLIC PORTION OF MEETING CLOSED

Commissioners had a brief discussion with regards to piping the ditch, sidewalks, delay agreements, and sidewalk policy.

Motion: To approve application #30102 preliminary plat with the outcome of delay agreement.

Motion by: Commissioner LaMar

2nd by: Commissioner Booth

Vote: Commissioner Allen voted nay, all other commissioners voted in favor (of commissioners present). Motion passed.

Motion: To recommend approval of application #30102 to the Millcreek Mayor with conditions of piping of the ditch be completed and a delay agreement on the installation of curb, gutter, and sidewalk.

Motion by: Commissioner LaMar

2nd by: Commissioner Claerhout

Vote: Commissioner Allen voted nay, all other commissioners voted in favor (of commissioners present). Motion passed.

Commissioner Healey recused himself from file number 30424.

30424 – Brandon Fry is requesting to subdivide his property into 2 lots. **Parcel Area:** .53 Acre **Location:** 2125 East Millstream Lane. **Zone:** R-1-10. **Community:** East Mill Creek. **Planner:** Tom C. Zumbado.

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

Commissioner LaMar confirmed it is one piece of land with a road going through. Mr. Zumbado stated as one lot of record. Mr. Hymas said when road dedication is done, creating two different lots and is now memorializing the subdivision plat and because of road dedication it would be non-conforming. When the dedication was made there wasn't a zoning ordinance in place. It will still be able to be built on and title transfer. There remains RCOZ requirements and will make sure any home built on either property is compatible. Commissioner Allen asked about the sidewalk and if one is proposed and since they haven't requested one they have to come back. Mr. Zumbado said that is correct. Mr. Hymas said not necessarily on the plat and technical review would identify and we would want to check in to that.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant

Name: Brandon Fry

Address: Not provided

Comments: Mr. Fry said they are non-conforming because of technicalities and look forward to subdividing and building. There isn't any existing sidewalk, and a number of new structures have been built, with no curb, or sidewalk and with only half rounded gutter. He is looking for an exception on that.

PUBLIC PORTION OF MEETING CLOSED

Motion: To approve application #30424 with staff recommendations.

Motion by: Commissioner Carlson

2nd by: Commissioner Claerhout

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

Motion: To recommend approval of application #30424 to the Millcreek City Mayor for an exception to curb, gutter and sidewalk.

Motion by: Commissioner Carlson

2nd by: Commissioner Claerhout

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

Commissioner Healey returned to continue chairing the meeting.

30346 – Brian McMullin is seeking preliminary approval from the planning commission for a Development Agreement application to develop 12 townhomes on 0.85 acres. **Location:** 3360 South Ararat Street. **Zone:** R-1-6. **Community Council:** Millcreek. **Planner:** Spencer Hymas

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

Commissioner Allen said he is trying to understand the elevations and how would someone get there, seems like that is the entry door. Mr. Hymas said they could provide additional pedestrian access.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant

Name: Brian McMullin

Address: 111 West Innsbrook Lane

Comments: Mr. McMullin said Mr. Allen is correct on the entrance, as they are opposite the garages. They plan to do walking paths that make it easy getting to the porches. Mr. McMullin called his architect and engineer with regards to garages. They can make changes suggested by the planning commission. They are mostly looking for direction from the commission. These will be for sale, they tried to move further to the north, curb and gutter, and sidewalk, county wasn't sure what they need. Garbage has been included with CC&R's. Likewise the CC&R's will include ground and exterior maintenance. He would like input from the commissioners as respects fencing.

Commissioner Allen asked when you say sidewalk they mean on Ararat. Mr. McMullin said it was the engineers' concern, if they put in a curb, water will go to the south. Commissioner Booth said the units are two level, if they had an ADA convenient van, how would you get there with the garage and CC&R's would limit size of the cars, sometimes short of the width of the garage. Mr. McMullin said he would try to modify and cannot modify CC&R's. They would go to twenty-eight feet in height. Commissioner Booth asked about signage on Ararat and is there a requirement to show people where you are. Mr. Hymas said this could be resolved by the planning commission with a "development agreement" as part of the approval. Commissioner LaMar asked about access into the garage. Mr. Hymas said the applicant is proposing twenty-four feet and that's an adequate width, if they had to add additional space there is enough length for a car to back out. Commissioner LaMar asked about cars going into the garage. Mr. Hymas said the furnace and water heater will be in the garage. Mr. Janson said this is an evolving process. Mr. Brems asked the applicant if he has worked on a development agreement template. Mr. McMullin said he had. Mr. Janson said it needs to be completed before coming back to the planning commission. Mr. Hymas said he and the developer can work towards getting the associated details fleshed out. Mr. Janson said he had tried to build a template for a development agreement, but that it was an evolving process. It was recommended that the developer respond to the things mentioned to be improved and the planning commission would like to see them resolved before the applicant came back-a redesign facing Ararat, to have front door, colors and materials and a sound development agreement. Mr. Janson suggested that the developer come in for the R-M zone, when they come back. Commissioner Healey asked if those two things happen coincidentally. Commissioner Brems said the development agreement needs to be agreed to and then the zone change can be approved. Mr. Hymas also advised the developer first go to Millcreek Community Council and recommended for approval with a limitation to thirty-foot height requirement.

Speaker # 2: Millcreek Community Council

Name: Linda Bagley

Address: 1250 Manor Circle

Comments: Ms. Bagley said they approved it without seeing any paperwork. They had the understanding it had already come here.

Speaker # 3: Citizen

Name: Ray Courtney

Address: 3374 South Ararat Street

Comments: Mr. Courtney said the original was for fourteen units and now nine homes at thirty feet high. They still need to address the size of Ararat Street. If nine townhomes were brought in, there will be eighteen new cars coming up and down Ararat. He is opposed and would rather not have a picket fence looking into his yard. They propose playground right behind his house, he proposes a cinderblock wall.

PUBLIC PORTION OF MEETING CLOSED

Commissioners had a brief discussion regarding the neighborhood, garages, circulation issues, fencing, play area, orientation, and reduction of units, parking, and garbage.

PUBLIC PORTION OF MEETING REOPENED

Mr. McMullin said he can go back to the drawing board. They looked at the project with a front entry and he has a lot of direction now. If possible, he should come back with a different project. Mr. Janson said he could come back with iterations and still not be able to complete.

PUBLIC PORTION OF MEETING CLOSED

Motion: To continue, to consider feedback on application #30346 and have the applicant return with a new design.

Motion by: Commissioner Carlson

2nd by: Commissioner Booth

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

30328 – Brendon MacKay requests conditional use and preliminary plat approval for the proposed 27 lot Talo Townhomes PUD Subdivision. **Location:** 3780/3790 S Highland Drive. **Zone:** C-2. **Community Council:** Millcreek. **Planner:** Alex Murphy

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

Commissioner LaMar said it looks like the State of Utah will lose some parking stalls. Mr. Murphy said survey shows the property line.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant

Name: Brendon MacKay

Address: 2485 Haven Lane

Comments: Mr. MacKay said his objective is to improve a property that isn't serving the community interest as respects the location and size. The State of Utah does lease some spaces as well as do some nearby businesses. There is a small store on the property, with a mix of residential and commercial in the area. The developer believes that multi-family would serve the community and add new young families. He plans to build high-end townhomes. The developer feels he has proposed significant changes and has improved the flow. He has dropped several units and split buildings apart into four buildings, added sidewalk, added green space and parking. He has also made the entry from the sidewalk and added guest parking, green space on the roof deck on each unit and added three amenities. A traffic study has been performed, that looks at worst case scenarios. The trash will be resolved with individual trash collection, and may need

to drop another unit to accommodate a dumpster. Millcreek Community Council approved twenty-four units; he has to crunch the numbers to see if that will work and if not then he'll have to look at an alternative.

Commissioner LaMar asked if the proposal is for all two bedrooms. Mr. MacKay said 3-4 bedroom units might be included. They will alternate every other unit. Commissioner Booth asked for the square footage. Mr. MacKay said 2000 square feet. Commissioner LaMar said he likes the garage but asked where would the guest parking be. Mr. MacKay said bike locker and racks, and will expand other parking areas.

Speaker # 2: Millcreek Community Council

Name: Linda Bagley

Address: 1250 Manor Circle

Comments: Ms. Bagley said the motion set forth was for twenty-four units. They didn't see the traffic report study, they voted four for, three against and one abstained. Too many units, no place to turn around and no place for garbage. People don't ride bikes in the winter time.

Speaker # 3: Citizen and Member of the JACL credit union next door.

Name: Dean Hirabayash

Address: 3776 South Highland Drive

Comments: Mr. Hirabayash said there isn't any neighborhood comment because there was not adequate public notice. He received a card around the 5th. He isn't against development. He thought the proposed development has possibilities. One of his biggest concerns is the safety and security for his business and his clients. At the point of development Highland Drive angles, when you come out of his exit, abutting south of his property. It is difficult to get out of the parking lot, especially when trying to turn left. The traffic study didn't take into consideration commercial development across the street. He also believes the development should require fencing and a stronger setback, as only requiring fifteen feet makes it difficult for visibility across the street. Looking at the plans, the development is quite dense, maybe there should be fewer units and allow for more parking and provide for adequate garbage disposal. Lighting is a concern. They have an ATM next to the property and are required to have certain brightness. Landscaping is important. He isn't against the project but would like to work with the developer to work out some things.

PUBLIC PORTION OF MEETING CLOSED

Commissioners and staff had a brief discussion regarding spill over, parking, traffic, lighting, safety and clear view issue, landscaping, density. Mr. Murphy said setbacks are fifteen feet front and rear, fifteen to twenty on the side.

Motion: To continue application #30328 subject to 19.84.060(c) to no date specific.

Motion by: Commissioner LaMar

2nd by: Commissioner Claerhout

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

30372 – Robert Poirier requests a subdivision amendment proposal, preliminary plat approval for the proposed 3 lot V Clark Amended Subdivision, and a recommendation on the vacation of the cul-de-sac at the end of Sagehill Drive. This request includes a request to amend an existing subdivision plat (V Clark Minor Subdivision). **Location:** 945 East Sagehill Drive. **Zone:** R-1-8. **Community:** Millcreek. **Planner:** Alex Murphy

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

Commissioner LaMar asked about the area to the north. Mr. Murphy said that is a commons area.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Property Owner

Name: Mike Hoffman

Address: 945 East Sagehill Drive

Comments: Mr. Hoffman said the easement for the roadway is for public access, garbage and mail are on a dead end road and not sure how they would get out. They have allowed the snow easement to the north end. When you turn into the subdivision to the right are the garbage and mailboxes.

Speaker # 2: Citizen

Name: Janice Worthlin

Address: 4255 South 900 East

Comments: Ms. Worthlin said she abuts this property. She has been there for 24 years and there have been 15 people come in and propose developing this piece of property. She owned it, and she has a plat plan and there aren't three building lots. The current applicant or his hired professionals have gone through people's yards without permission while surveying. Her problem is the density, additional construction and she doesn't want her home devalued. She has irrigation water that runs through that property. She is also concerned about Garden Drive where you can barely drive two cars on that road and access will be limited, particularly in an emergency. Vehicles have to back down Sagehill now. The garbage and snow removal will be a real issue. There is no where to push the snow. These are her concerns.

Speaker # 3: Citizen

Name: Carol Stallings

Address: 4337 South Sage Circle

Comments: Ms. Stallings said the snow removal needs enforcement. Vehicles up Sagehill drive have to back down. The road is narrow. Emergency vehicles are a real issue at the turnaround. Same problem, but was resolved when Mt. Vista went in. Follow with all the documentation at the end of Sagehill, may be a sewer line or water. Other developer thought she could hook in to, but it's a dead end.

Mr. Murphy said he isn't aware of requirement for water out to 900 East. Mr. Murphy said the sewer has not been resolved.

PUBLIC PORTION OF MEETING CLOSED

Commissioners and staff had a brief discussion regarding cul-de-sac turn around and setbacks.

Motion: To deny recommendation of application #30372 to the City Council of the proposed vacation, subject to the provision of public access to the turn-around.

Motion by: Commissioner Allen

2nd by: Commissioner Claerhout

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

Motion: To deny application #30372 subdivision amendment.

Motion by: Commissioner Allen

2nd by: Commissioner Claerhout

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

BUSINESS MEETING

Meeting began at – 9:10 p.m.

- 1) Approval of Minutes from the June 21, 2017 meeting.

Motion: To approve minutes from the June 21, 2017 meeting as presented.

Motion by: Commissioner Allen

2nd by: Commissioner Healey

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

- 2) Approval of Minutes from the August 8, 2017 meeting.

Motion: To approve minutes from the August 8, 2017 meeting as presented.

Motion by: Commissioner Allen

2nd by: Commissioner Healey

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

- 3) **30520** – Fence Ordinance issues – John Janson
- 4) Ordinance Issues from today's meeting
- 5) Other Business Items (as needed)

MEETING ADJOURNED

Time Adjourned – 9:13 p.m.

APPROVED