



Millcreek

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MEETING MINUTE SUMMARY
MILLCREEK PLANNING COMMISSION MEETING
Wednesday, April 19, 2017 5:00 p.m.

****Meeting minutes approved on May 17, 2017****

Approximate meeting length: 3 hours 38 minutes
Number of public in attendance: 17
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	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
Spencer Hymas		
Todd Draper	x	x
Tom Zumbado	x	
Jeff Miller		
Max Johnson		
John Janson	*	*

PUBLIC HEARINGS

Hearings began at – 5:00 p.m.

Approval of Rules of Procedure.

Motion: To recommend approval of the Rules of Procedure to the Millcreek City Council as presented.

Motion by: Commissioner Carlson

2nd by: Commissioner Mumford

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

Commissioner LaMar arrived at 5:04pm

30278 – Steve Schaller requested a preliminary plat approval for the proposed 1 Lot A. Rose Subdivision.
Location: 735 West 4060 South. **Zone:** A-1 (Agricultural; 10,000 sq. ft. min. lot size). **Community:** Millcreek. **Planner:** Todd A. Draper, AICP.

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

Commissioner Carlson asked where is the private road and how will the applicant take care of snow removal. Mr. Draper said this is the responsibility of property owner. Commissioner Carlson asked about garbage pick-up. Mr. Draper said there will be local private garbage removal. Commissioner Carlson asked why the other property owner didn't follow through with the storm water trench. Mr. Draper said he did not know why. Commissioner Carlson asked what they will do to make sure there is follow through on the required improvements. Mr. Draper said all improvements are bondable and that they will be handled through the technical review process. Commissioner Mumford asked about erosion from storm water. Mr. Draper said the plan is to put in a retention pond with a garage in the back and driveway going down to it and it will be a private pond.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant

Name: Steve Schaller

Address: 6247 West Salto Sierra Way

Comments: Mr. Schaller said the city does provide garbage pick-up. He'll build a retention pond to control rain and storm water and will complete the rock ditch on his property. He said he had thought that this was already approved to build a home.

Commissioner Mumford asked about road. Mr. Schaller said he has a snow plow and will share the cost with the neighbors.

PUBLIC PORTION OF MEETING CLOSED

Motion: To approve application #30278 as presented with Staff Recommendations and technical review

Motion by: Commissioner Healey

2nd by: Commissioner LaMar

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

29903 – Ron Spratling III requested permission to create a 2-lot subdivision. **Parcel Area:** .52 Acre.

Location: 2368 East 3395 South. **Zone:** R-1-8. **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 Stephens said the preliminary plat wasn't approved back in September, but the exception to curb, gutter and sidewalk was approved by the County. Zumbado confirmed that this understanding is correct and will not be revisited. There was a discussion about the proposed setback.

Commissioners had a brief discussion.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant

Name: Ron Spratling III

Address: 2368 East 3395 South

Comments: Mr. Spratling said he and his daughter own this property. They've been working on this property for some time. His grandparents bought this property and many neighbors have subdivided and what they are doing is consistent with the neighborhood. They don't plan to subdivide anytime soon. They want to keep this lot within the family and have no desire to sell. They've been working with staff for some time and want to keep the current 16' setback.

Commissioner Healey asked where the second lot is. Mr. Spratling said it is located immediately to the west on lot 2 and they will keep the existing home.

PUBLIC PORTION OF MEETING CLOSED

Mr. Draper said, as respects the setback, that the average is set at the time of development under ordinance and that they would be able to go to the sixteen feet and this should not be an issue.

Motion: To approve application #29903 as presented.

Motion by: Commissioner Claerhout

2nd by: Commissioner Healey

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

30368 – David Hubbard requested a change of use at an existing vacant retail property to a new grocery pick up service business. **Location:** 3701 South Highland Drive. **Zone:** C-2z/c. **Community Council:** East Mill Creek. **Planner:** Spencer Hymas

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

Commissioner Mumford asked about access to the neighboring property. Mr. Draper said the proposal doesn't impact the access. Commissioner Stephens said he remembers the rezone application, but doesn't remember what zone it was prior to the rezone. Mr. Draper said the property remained commercial, but with less intense use, limited it to office occupancy.

Commissioners and Counsel had a brief discussion regarding zoning conditions and the use of the non-conforming use ordinance in order to allow for the proposed occupancy. Commissioner Allen asked if a Planning Commissioner could impose a zoning condition, and the answer was "yes". Commissioner Stephens questioned the use of the non-conforming use ordinance in this case, but conceded that the easiest way to approve the proposed change in use was through this mechanism and that he was willing to rely on staff's professional judgement, even though he thought that a rezone application would have been more appropriate.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant Representative

Name: Lauren Weber

Address: 201 South Main Street, Suite 1800

Comments: Ms. Weber said this is the quickest way for the applicant to open the business. The grocery pickup service will be operated on a trial basis. They didn't want to go through the rezone process. If forced to, the applicant won't use this location.

Commissioner Claerhout asked if the use was for grocery pickup only. Ms. Weber said "yes". Customers will order groceries online. The customer will not need to park and go inside, as they will call and someone will load groceries in their car. There will be no customers going in or out of the building. Commissioner Allen said once this is approved, approving for retail and any retail could happen. Mr. Draper said that is correct and that the previous occupancy was also retail. Commissioner Mumford asked how they will get the groceries to the facility. Ms. Weber said vans will come from other locations and the proposed hours will be from 8am to 8pm. Commissioner Healey asked Mr. Brems if they can grant approval of this use, a limited use, until they come back for rezone. Mr. Brems said he doesn't think so. Ms. Weber said the applicant plans to do extra landscaping. Commissioner Healey said his interest is to take the current zoning condition off and allow for a good retail use.

Speaker # 2: Citizen

Name: Kristen Ries

Address: 3670 South Millbrook Terrace

Comments: Ms. Ries said in 35 years this location has been many different things. She thinks the business sounds okay. The current site is filthy. Her concern is the signage.

Mr. Draper said the applicant will still have to go through the permitting process and would still have to comply with the ordinance.

Speaker # 3: Applicant Representative

Name: Lauren Weber

Address: 201 South Main Street, Suite 1800

Comments: Ms. Weber said her understanding is that there will not be a lighted sign.

PUBLIC PORTION OF MEETING CLOSED

Commissioners had a brief discussion regarding zoning. Mr. Brems said if this is approved, he doesn't think the decision will be challenged. Mr. Brems said that if an unhappy party challenged the decision, the applicant might have to go through the zoning process. Commissioner Stephens said that since the planning staff and zoning administrator have analyzed the non-conforming use ordinance as a means by which this new use can be granted, he will go along with staff's professional judgement, as opposed to requiring a rezone application.

Commissioners had a brief discussion regarding a long-term solution. Mr. Janson said staff has made the determination that using the non-conforming use ordinance is appropriate.

Motion: To approve application #30368 as presented with Staff Recommendations.

Motion by: Commissioner Booth

2nd by: Commissioner Carlson

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

30385 - A Public Hearing was held to consider new draft changes to the Commercial Zones "C-1, C-2, C-3" ordinances within Millcreek. No zoning boundaries will be changed. The C-1, C-2, and C-3 zones language is 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

Millcreek City contract planner John Janson provided an analysis of the draft changes, an update on the open house and on public comments and feedback.

Commissioner Claerhout asked what "general service" meant. Mr. Janson said it allows most kinds of retail, rather than limited retail. Commissioner Allen asked if general service applies to storage facilities and pawn shops. Mr. Janson said yes, subject to the draft location restrictions. Commissioner Stephens asked Mr. Janson to go through the planning staff analysis, 1-12. Mr. Janson went through each part of the staff analysis. The commissioners engaged in a discussion about the current zoning districts, how they are differentiated and about uses that some think can indicate a "decline" in the neighborhood and whether or not they should be limited or restricted.

Commissioner Stephens asked Mr. Janson what public comments he had recently received. Mr. Janson said the caller's generally wanted to know how it affected their properties. Commissioner Stephens asked for the community councils' response. Mr. Janson said that most of the conversations with the community councils dealt with maximum height, the draft prohibited / limitations schedule, mostly about self-storage unit businesses where a number of residents have expressed the feeling that Millcreek is over-represented by this type of use.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Millcreek Community Council

Name: Lynda Bagley

Address: 1250 East Manner Circle

Comments: Ms. Bagley said she didn't have anything to add to the council response.

No other member of the public came forward to offer comments.

PUBLIC PORTION OF MEETING CLOSED

Commissioners and Mr. Janson had a discussion regarding signs, residential use in commercial zones, self-storage, town centers, community centers, the pending grant application and general plan for Meadowbrook, high density residential with ground floor retail or other commercial uses, self-storage businesses.

Commissioner Booth asked if they could do a moratorium on self-storage. Mr. Brems said they just did a pending ordinance for 180 days.

The following subjects were discussed extensively: The extent to which residential use should be allowed in the commercial zones and, if so, with what conditions, maximum height of buildings, the draft prohibited / limitations list, location limitations for pawn shops, check cashing stores and similar, self-storage businesses, draft design standards, definitions, development agreement and commercial zone definitions.

It was agreed that a work session needed to be scheduled in order to discuss the above topics, as the planning commissioners were not prepared to vote on a motion to make a recommendation to the city council at this time.

Motion: To continue file #30385 to the May 17th meeting and a discussion at the Special working meeting of April 26th.

Motion by: Commissioner LaMar

2nd by: Commissioner Healey

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

30386 - A Public Hearing was held to consider eliminating the Mixed Development “MD-1” zone from the Zoning Ordinances of Millcreek. This zone has never been used in Millcreek, no properties are zoned MD-1 and will be replaced by the new MD zone ordinance language. Therefore, it is not needed to conduct City business. The current ordinance can be reviewed on the City’s website under “Zoning Ordinances” at <https://millcreekut.org/planningzoning/pending-zoning-amendment-proposals>. **Planner:** John Janson

PUBLIC PORTION OF MEETING OPENED

There was no one from the public that spoke on this application.

PUBLIC PORTION OF MEETING CLOSED

A brief discussion was conducted by commissioners.

Motion: To recommend to the city council that the MD-1 zone language be repealed from the city’s zoning ordinances.

Motion by: Commissioner Carlson

2nd by: Commissioner Healey

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

30387 - A Public Hearing was 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 and Mr. Janson had a discussion regarding additions from the special work session and the draft changes made since that time.

PUBLIC PORTION OF MEETING OPENED

There was no one from the public who spoke on this draft ordinance change.

PUBLIC PORTION OF MEETING CLOSED

A brief discussion was conducted by commissioners and it was agreed that it would be premature to make a recommendation to the city council as respects the adoption of these definitions until the planning commission had finalized its recommendations to the city council as respects the draft C-1, C-2 and C-3 language.

Motion: To continue file #30387 to the May 17th meeting in order to enable a discussion on this topic at the special working meeting on April 26th.

Motion by: Commissioner Carlson

2nd by: Commissioner Claerhout

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

30388 - A Public Hearing was held to consider amendments to the Millcreek Code of Ordinances Section 19.82.020 – Definitions- with respect to the definition of “Existing Billboards “ to change the date used to determine existing billboards from “prior to May 18, 2004,” to “existing as of December 27, 2013,” and limiting the boundaries for existing billboards to the boundaries of the city as it was incorporated and Section 19.82.185B - Off-Premises Signs— Cap on Number of Off-Premises Signs to change the date used to limit the number of off-premise signs from May 18, 2004, to December 27, 2013 and limiting the boundaries for the number of off- premise signs to the boundaries of the city as it was incorporated. The current ordinance and amendments can be reviewed on the City’s website at <https://millcreekut.org/planningzoning/pending-zoning-amendment-proposals>. **Planner:** John Janson

PUBLIC PORTION OF MEETING OPENED

No one from the public present spoke on this draft ordinance change.

PUBLIC PORTION OF MEETING CLOSED

Commissioners and Counsel had a discussion regarding why a change in circumstances (the incorporation of the city and townships) made the change in the billboard square footage bank language and dates necessary, so as to not cause Millcreek to be placed in an inequitable situation in relation to the now incorporated townships.

Motion: To recommend approval of this draft ordinance change (File #30388) to the Millcreek City Council as presented.

Motion by: Commissioner Carlson

2nd by: Commissioner Mumford

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

BUSINESS MEETING

Meeting began at – 8:35 p.m.

- 1) Approval of Minutes from the March 15, 2017 meeting.

Motion: To approve minutes from the March 15, 2017 meeting as presented

Motion by: Commissioner Healey

2nd by: Commissioner Claerhout

Vote: Commissioner LaMar abstained. All other commissioners voted in favor (of commissioners present). Motion passed unanimously.

- 2) Approval of Minutes from the April 4, 2017 working session meeting.

Motion: To approve minutes from the April 4, 2017 meeting

Motion by: Commissioner LaMar

2nd by: Commissioner Mumford

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

3) Ordinance Issues from today's meeting: none presented.

4) Other Business Items (as needed): none presented

MEETING ADJOURNED

Time Adjourned – 8:38 p.m.