



Millcreek
 3330 South 1300 East
 Millcreek, UT 84106
 Phone: 801-214-2700
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MEETING MINUTE SUMMARY
MILLCREEK PLANNING COMMISSION MEETING
June 20th, 2018 5:00 PM
(approved July 18th, 2018)

Approximate meeting length: 4 hours

Number of public in attendance: 27 plus those who did not sign or whose names were illegible

Summary Prepared by: Alexandra Muller

Meeting Conducted by: Chairman Tom Stephens

ATTENDANCE

Commissioners	Present	Absent
Tom Stephens (Chair)		x
Fred Healey (Vice Chair)		x
David Carlson (Acting Chair)	x	
Scott Claerhout		x
Shawn LaMar	x	
Mark Mumford		x
Heather Wilson		x
Dave Allen	x	
Russ Booth	x	

Millcreek	Present	Absent
Jeff Silvestrini		x
Francis Lilly	x	
Alexandra Muller	x	
Ashley Cleveland		x
Robert May	x	
John Brems		x

Regular Meeting began at 5:01p.m.

Chairman Carlson read the opening statement.

ZM-18-008 Cyprus Credit Union requests a Removal of a Zone Condition on property in a C-2 Zone, subject to a development agreement, in order to facilitate the development of a financial institution and office use **Location:** Approximately 784 East 4500 South **Community:** Millcreek **Planner:** Robert May

Robert May presented staff report. He summarized the 8 conditions staff felt should be included and then spoke of the response by the Millcreek Community Council where it was unanimously recommended for denial due to a variety of reasons including traffic impact.

There were no questions from the Commissioners for staff so Commissioner Carlson asked the applicant to speak.

Gordon Clark, applicant

Address: 677 South 200 East

Mr. Clark explained they wanted the credit union that would offer benefits to the surrounding community, enhance the area, and would have sustainable types of materials. He explained the credit union's history and how their customers were traveling to further locations.

Commissioner Booth asked Mr. Clark whether they would build immediately?

Mr. Clark answered yes but the credit union adhered to a policy that would be followed.

Commissioner LaMar asked if there were other possible sites?

Buddy Bennett, co-applicant, answered by naming a few spots around town including a spot on 4500 South.

Commissioner Carlson reminded the public that the Planning Commission would only make a recommendation while the City Council would make the final decision.

Public comment opened at 5:41pm.

Speaker 1: Elizabeth Westin

Address: 4562 S 785 East

Ms. Westin said she was not violently opposed to the project but didn't like the way it was laid out especially where the office building was located. She spoke of the traffic impact and asked what they were going to do to alleviate the issue? She asked if the applicant had already purchased the property or whether they were waiting on the rezone?

Mr. May commented that the plans were conceptual and could still change. He explained why the building couldn't be moved over which included changing the parking and acts as a buffer.

Commissioner Carlson asked where the proposed access would go? Mr. May explained on the map.

Commissioner LaMar asked whether the limited access to 785 East was necessary?

Mr. May confirmed that it was necessary for fire access but it was something they could look further into at a later date.

Commissioner Allen said if they approved zoning change they should already be comfortable with it but that at a later stage their hands would be tied.

Speaker 2: Lynette Stanton

Address: 4523 South 785 East

Ms. Stanton expressed concerns on the negative impact of property value and increased traffic. She spoke of the landscaping and setbacks of the medical clinic which she said created a buffer that the credit union would not have. She spoke of how the community council response and commented that the planning staff did not seem to take into account the unanimous denial in their staff report.

Speaker 3: Terry Nehorai

Address: 4543 South 785 East

She said she agreed with previous comment and added that the credit union would service 7,000 people which would have great impact on the neighborhood.

Speaker 4: Byron Horrocks

Address: 4564 S 785 E

Mr. Watts spoke of the traffic issues on 4500 and said the bus stop there already bottlenecked traffic as the road became one lane. He asked how he would get to work with the added 7,000 additional credit union customers to the area?

Public comment closed at 6:04pm.

There was no representative from the community council.

Applicant Buddy Bennett 1745 Lake Run Rd South Jordan

Mr. Bennett explained how they were attempting to get people to not physically visit their bank as people were doing banking online. He added traffic had been declining every year. He said he appreciated dialogue with residents and explained why they wanted entrances at certain locations. He spoke of the reasons why the building was there and talked about landscaping, reducing carbon footprint and that they did not currently own the property but were under contract.

Commissioner LaMar asked for the proposed hours of operation?

Mr. Bennett answered their current branches were open from 9am to 6pm Monday through Friday. He said on Saturday the branches were open 9am to 3pm and closed on Sundays plus all holidays.

Commissioner Carlson opened Planning Commission up discussion and motion.

Commissioner Allen said he struggled with this one as 4500 South is main commercial street but that it connected to a small dead-end street. He added they rarely saw negative recommendation from the community council and that was compelling.

Commissioner LaMar said he had recommended the rezone for the previous project of the medical clinic because of its specific usage. His concern was for 785 East because of the narrowness of the road though he thought the credit union felt correct for the area. He said he would not to brainstorm solutions for the issues and added it would be great to have but only if it was on a different road.

Commission Booth spoke of the medical clinic that came before the Planning Commission last fall where they had worked through the issues. He was struggling with the 785 East road traffic issue and stating it was a problem that would not go away. He thought they should try harder and work with an engineer to come up with a solution.

Commissioner Carlson said there was pressure for high intensity use in that area and the people were putting a finger in dam to keep the inevitable from happening. He pointed out that the medical clinic would have had more traffic than the credit union. He said it was an extremely small road that needed to be checked out and understood the concerns of the neighborhood

people.

Mr. Lilly said he wanted on the record what led to the credit union application. He spoke of how the medical clinic changed including its size so it wasn't going to work and that he had received calls for the property. He added that many of the calls he had received were from developers who wanted to build multifamily projects. Mr. Lilly said he had wanted a similar project to previous proposal which was why credit union was before the Planning Commission. He said from the city's perspective it was commercial and therefore would have sales tax revenue which pays for vital city resources like the police. He suggested staff would go back to the city engineer and work through the issues presented. He said he was willing to take the time to do that.

Commissioner Carlson said that was a reasonable suggestion.

Motion: 6:20pm

Commissioner Allen motioned to continue when planning staff felt ready to bring it back. Commissioner Booth seconded the motion.

Commissioner Allen – Yes
Commissioner Booth – Yes
Commissioner Carlson – Yes
Commissioner LaMar- Yes

Motion passed.

CU-18-009 Kasey Kershaw requests Conditional Use Permit and Preliminary Plat Approval for a 22-unit Planned Unit Development **Location:** 1200 East 4500 South **Community:** Millcreek **Planner:** Robert May

Mr. May summarized the history and current phase of project.

Commissioner LaMar asked what the changes had occurred since March?

Kasey Kershaw, applicant

Mr. Kershaw said he appreciated the different parties that were involved in the process because the product was not better than the original. He explained the status of the project and that he was ready to move forward. He said there had been no changes except the front designs.

There was no representative from the community council.

Commissioner Carlson explained that the Planning Commission would be the final decision-making body and stated the developer had met state law ordinance.

Public hearing opened at 6:41pm.

Speaker 1: Pam Samuelson

Address: 4528 south 1200 east

Ms. Samuelson said she represented the neighbors and was looking forward to getting the development done as soon as possible. She spoke of the previous application and commented

that there were so many entrances on 4500 south that it should have been on 1200 East instead. Ms. Samuelson spoke regarding parking issues and asked who would enforce the parking?

Commissioner Carlson asked why the entrance was on 4500 South?

Mr. May said it was a Utah Department of Transportation (UDOT) decision.

Speaker 2: Linda Allen

Address: 1249 East Sophomore Circle

Ms. Allen said she was currently a teacher so she was very concerned of the numerous driveways on 12th east which could endanger the neighborhood children. She said this wasn't the original plan which had included an office building.

Speaker 3: Janice Wirthlin

Address: 4255 South 900 East

Ms. Wirthlin voiced her concerns over parking and traffic issues. She said it was hard to leave during her lunch hour and did not think Unified police would help. She asked whether it was a PUD or subdivision and what type of material would be used on building?

Mr. May explained what was PUD and a subdivision.

Speaker 4: Michael Leesburg

Address: 4585 South 225 East

He said was a counterpoint and said he did not think it was going to be worse as what was already occurring regarding the parking situation.

Speaker 5: Dave Rigby

Address: 11294 South 2700 West South Jordan

He said he felt sorry to the Planning Commission and saw the changes being made in terms of tearing homes down.

Public Hearing closed at 7:00pm.

Commissioner Carlson opened up Planning Commission to discussion and motion.

Commissioner Carlson said the project kept going forward that included the residents' feedback which had changed the original plans. He said Mr. Kershaw had listened to the residents and spoke of the challenges of the project.

Commissioner LaMar said he agreed the process was working and liked compromises and thanked Mr. Kershaw.

Commissioner Booth said it had been good process.

Motion: 7:07pm

Commissioner Booth motioned to approve #CU-18-009 that consisted of a 22 unit Planned Unit Development located at 4500 S and 1200 E subject to the approved and recorded development agreement.

Commissioner Allen seconded the motion.

Commissioner Allen – Yes
Commissioner Booth – Yes
Commissioner Carlson – Yes
Commissioner LaMar- Yes

Motion passed.

7:07pm – 7:16pm break

30042 City requests to Reconsider Conditions Imposed as part of a Nonconforming Use Declaration Issued on September 14, 2016 **Location:** 3552 South 1300 East **Community:** Millcreek **Planner:** Francis Lilly

Mr. Lilly gave a summary and the reasoning behind the application.

Motion: 7:17pm

Commissioner LaMar motioned to open up the application 30042 for reconsideration.
Commissioner Allen seconded the motion.

Commissioner Allen – Yes
Commissioner Booth – Yes
Commissioner Carlson – Yes
Commissioner LaMar- Yes

Motion passed.

Mr. Lilly explained what the Planning Commission may consider as evidence. He then spoke of the approved conditions on Sept 20, 2016 and that the applicant, Mr. Ashton, had been working with the staff to implement the requirements. Mr. Lilly commented the process was unusual.

Commissioner Allen asked if they were just addressing the tree issue?

Mr. Lilly said theoretically they could open up as broadly as possible but staff was addressing the tree issue.

Mr. Lilly explained the re-noticing and the response.

Commissioner Carlson asked whether the application had been taken to the community council?

Mr. Lilly said it was not needed.

Laird Ashton, applicant

Address: 3552 South 1300 East

Mr. Ashton said he developed the subdivision and he had been employed by the irrigation company and tried to keep things in proper area. He spoke of the neighborhood history. He voiced his concern regarding the notices by mail and signage.

Public comment opened at 7:36pm.

Speaker 1: Bill Hall

Address: 1259 Ash Tree Cove

Mr. Hall said planting trees would not affect him and but voiced concern over the location of the planted trees as some would not be able to garden beneath the shade of the trees. He wondered what type of trees would be planted?

Speaker 2: Kim Bouck

Address: 1268 Ash Tree Cove

Ms. Bouck said she had contacted Mr. Lilly and voiced concern about the new landscaping she installed as well as the ability of the neighborhood to garden. She said she did not want trees planted.

Public comment closed at 7:39pm.

Commissioner LaMar stated he remembered the 2016 application when it came around originally and gave background on the application.

Motion: 7:42pm

Commissioner LaMar motioned that #30042 to remove the condition #3 of planting trees for the non-conforming use.

Commissioner Allen seconded the motion

Commissioner Allen said he wanted the record showed that the neighbors pressed for this issue as the Planning Commission was not in the position of removing landscape requirements.

Motion: 7:42pm

Commissioner Allen – Yes

Commissioner Booth – Yes

Commissioner Carlson – Yes

Commissioner LaMar- Yes

Motion passed.

SD-18-003 Four Winds Realty LLC requests Preliminary Plat Approval for a 2-lot Single Family Residential Subdivision **Location:** 3557 South Christine Street **Community:** Millcreek **Planner:** Robert May

Mr. May presented the staff report.

Commissioner LaMar asked whether it got recorded correctly?

Mr. May answered no.

Becky Allred, Stagg Fiduciary Services, trustee of land

Address: 111 E Broadway Suite 250

Ms. Allred explained that they were going to sell the parcel at fair market value which would then be distributed to Mr. Westphal's heirs.

Public comment opened at 7:59pm.

Speaker 1: David Fantle
Address: 3558 South 1100 East

Mr. Fantle said his property was surrounded by 3 sides by the applicant's property and lived there for the past 7 years in an 1899 farmhouse. He said he had never heard home history of the property and was surprised to hear the driveway has not served any other house except his home. He was concerned privacy issues as well as the lot being subdivided and lowering property values. He said he would be interested in buying the driveway.

Public comment closed at 8:01pm.

Commissioner Carlson opened the Planning Commission to discussion and motion.

Commission Allen said he favored the project but was worried about flag lot issue but he was not sure if that was in their purview at this meeting.

Motion: 8:05pm

Commissioner LaMar recommended to approve SD- 18-003 2-lot subdivision with the staff recommended conditions.
Commissioner Allen seconded the motion.

Commissioner Allen – Yes
Commissioner Booth – Yes
Commissioner Carlson – Yes
Commissioner LaMar- Yes

Motion passed.

SD-17-001 Robert Poirier requests Preliminary Plat Approval for 2-lot Single Family Residential Subdivision, and approval of a Protection Strip Agreement **Location:** 945 East Sagehill Drive **Community:** Millcreek **Planner:** Francis Lilly

Mr. Lilly said applicant was noticed but that he was not there even though he had picked the date. He said the Planning Commission or their predecessor had dealt with the issue and explained the original plat property error.

Commissioner Allen said maybe in 10 years to use it allow prop owners access?
Mr. Lilly said yes, theoretically it could be subdivided.

Commissioner LaMar asked about price protections.
Mr. Lilly explained using the ordinance text in the staff report.

Public comment opened at 8:20pm.

Speaker 1: Janice Wirthlin
Address: 4255 South 900 East

Ms. Wirthlin voiced concern about her water rights and asked whether they would be protected?

Mr. Lilly answered water rights do not show up in the preliminary plat process but would in later stages and he would look into it.

Commissioner LaMar explained if it met the zone requirements it would not come back to the Planning Commission.

Speaker 2: Verla Christiansen

Address: 929 Garden Drive

Ms. Christiansen said she was concerned whether the cul-de-sac was large enough for the fire department to use.

Mr. Lilly said fire department wasn't thrilled but this presented a solution that he had worked with the city engineer on.

Speaker 3: David Rigby

Address: 11294 South 2700 West, South Jordan

Mr. Rigby said he had purchased a piece of property nearby. He spoke of the issues of not being able to sell the property due to an error by a senior planner at Salt Lake County. He said top Utah realtors could not sell it and so he was contemplating a lawsuit regardless of what the Planning Commission decided on the project.

Public comment closed at 8:42pm.

Commissioner Carlson opened the Planning Commission to discussion and motion.

Commissioner LMar said the project was a better solution.

Commissioner Allen said he was also in favor.

Motion: 8:45pm

Commissioner LaMar recommended to approve SD-17-001 an amendment to the V Clark Subdivision and approval of a protection strip agreement with the conditions stated in the staff report.

Commissioner Allen seconded motion.

Commissioner Allen – Yes

Commissioner Booth – Yes

Commissioner Carlson – Yes

Commissioner LaMar- Yes

Motion passed.

Commissioner Carlson opened up the business meeting.

Motion: 8:47pm

Commissioner Allen motioned to approve the minutes. Commissioner Booth seconded the motion.

Commissioner Allen – Yes

Commissioner Booth – Yes

Commissioner Carlson – Yes

Commissioner LaMar- Yes

Motion passed.

Mr. Lilly spoke of the two new planners that had been hired and that meetings would be moved to the City Hall Annex across the parking lot until the end of the year due to space constraints.

Motion to adjourn.

Commissioner Booth motioned to adjourn.

Commissioner LaMar seconded the motion.

Commissioner Allen motioned to approve the minutes.

Commissioner Booth seconded the motion.

Commissioner Allen – Yes

Commissioner Booth – Yes

Commissioner Carlson – Yes

Commissioner LaMar- Yes

Adjourned at 8:53pm.

APPROVED