

1. Planning Commission Public Hearings Notice
Millcreek, Utah
Public Hearings Notice

Notice is hereby given that the Millcreek Planning Commission will hold two public hearings at approx. 5:00 p.m. on Wednesday, November 17, 2021, at City Hall, 3330 S. 1300 E., Millcreek, Utah: 1) consideration of CU-21-012/SD-21-005, request for a 24-unit residential townhome development in the R-M zone located at approx. 4120 S. Highland Drive by applicant Garbett Homes; and 2) consideration of ZT-21-008, request for “caretaker dwelling” as a permitted use within C-2 zones by applicant Bruce Baird. A copy of the associated information for the hearings is on file for review at City Hall and on the City’s website at: <https://millcreek.us/agendacenter>. The public is invited to attend or watch the hearings and make comments. The meeting will be live streamed via the City’s website at: <https://millcreek.us/373/Meeting-Live-Stream>. Public comment can be submitted via the City’s website at: <https://millcreek.us/FormCenter/Contact-Us-5/Public-Comments-61>. In compliance with the Americans with Disabilities Act, individuals needing special accommodation during the public hearings should notify the ADA Coordinator at khansen@millcreek.us or 801-214-2751 two days prior to the meeting date.

Documents:

[ZT-21-008 COMMUNITY COUNCIL MEMO.PDF](#)



3330 South 1300 East
Millcreek, UT 84106
801-214-2700
millcreek.us

File # ZT-21-008

Staff Memorandum

Date: 27 October 2021
From: Robert May, Long Range Planning Manager
To: All Community Councils
RE: Adoption allowing a caretaker dwelling as a permitted use within commercial zones to the Zoning Ordinance
Applicant: Bruce Baird
File No.: ZT-21-008

SYNOPSIS AND SCOPE OF DECISION

The applicant Bruce Baird is petitioning City Council with a text amendment that would permit the use of a caretaker dwelling in the Commercial Zones Chapter 19.60 of the Millcreek Code. Subsequently this would also include the adoption of the definition of a "Caretaker Dwelling" in Chapter 19.04 Definitions.

The proposed text change enables the property owner whose land is located in a commercial zone to have and maintain a caretaker dwelling for the purposes of security and maintenance. The proposed text would be limited to a single dwelling that would be integrated into the commercial building. The dwelling would be under the same ownership as the property and could only be used by an employee of the commercial building.

Currently, the C-2 and C-3 zones allow a similar concept under vertically-integrated mixed use buildings and mixed use developments known as live/work units. Specific standards apply and are typically proposed as a multi-family mixed-use projects subject to a percentage of frontage being required as commercial. The proposed text amendment of a caretaker dwelling would be similar in that the dwelling would be integrated into the building.

Proposed Definition (by applicant)

Dwelling, Caretaker: Caretaker dwelling means a single Dwelling Unit that is under common ownership with and integrated into a commercial building and is used by an employee of the commercial building for security or maintenance purposes.

Amending Section of the Commercial Table of Uses

Amend Section 19.60.020 (Table of Uses):

Dwelling, Caretaker as a “Permitted Use” within C-zones.

TABLE 19.60-1

USES	C-1	C-2	C-3	SPECIFIC USE STANDARDS
Indoor or outdoor archery range		C	C	
Residential facility for the elderly or persons with a disability, assisted care facility nursing facility	P	P	P	
Hotel, Bed & Breakfast		C	C	No Hotels are allowed in the C-1 zone. Hotels must be located on development sites with at least 100 feet of frontage along a major collector, minor arterial, or other principal arterial road as identified in the Roadway Functional Classification Map of the Millcreek Transportation Master Plan.
Public, quasi-public use, and Civic uses	P	P	P	Not including private schools
Transit Station		P	P	
Hospital and all other medical, dental facilities		P	P	
School, public, charter, private	P	P	P	
Neighborhood Retail	P	P	P	No commercial building over 20,000 square feet is allowed in the C-1 zone. In addition, no business in the C-1 zone shall occupy a space greater than 5000 square feet.
General Retail and Entertainment		C	C	See table 19.60-2 for additional limitations
Retail Food Trucks, Farmers Market including vegetable stands	C	C	C	As an accessory use on private property and not within a front or side yard setback. On-street locations may be allowed on a non-UDOT street in a C-2 and C-3 zone.
Drive up uses with outside order windows or structures, such as restaurants, banks, etc.		C	C	No order window or structure is allowed within 150' of a residential use. Speakers to be oriented away from adjacent uses.
Neighborhood Service	P	P	P	See definition
General Service	P	P	P	See definition
Vehicle Service and repair		C	P	
Office	P	P	P	
Mixed Use (commercial, or office and/or residential use within the same building or located adjacent within a unified site plan)		C	C	Mixed use allowed subject to requirements of this chapter.
Commercial parking lot and/or garage		C	C	Parking garages shall include non-residential uses for at least 75% of the ground floor facing a public street.
Dwelling, Caretaker	P	P	P	Subject to standards in definition 19.04.XXX

Staff Analysis of Definition

In an attempt to distinguish the caretaker dwelling from a live/work unit and control for other possible scenarios that would result in the caretaker dwelling not being used as such, staff would recommend crafting the definition language that would specifically address these concerns.

1. Staff finds that requiring an affidavit by the property owner stating that the caretaker dwelling will not be leased, rented, or sold separately will avoid the caretaker dwelling from just being another residential unit or being used outside of the intent for a caretaker dwelling.
2. Staff finds that applying a size constraint would restrict any unnecessary or obnoxious dwelling and floor plans that could possibly be used for other uses outside of being a caretaker.
3. Staff finds that an eight-hundred (800) square foot floor plan would adequately satisfy the ability to have a housekeeping establishment with separate toilets and facilities for cooking and sleeping. **(Staff realizes that the caretaker dwelling may be occupied by a family, therefore adjusting the language in the definition regarding one caretaker).**
4. Although minimal, staff finds that the caretaker dwelling would have an impact on the project in terms of parking and will need to be adequately parked and therefore should meet the minimum requirements of the Off-Street Parking Code Section 19.80 of the Millcreek Code. In addition, staff finds that the parking spaces required for the caretaker dwelling should not be eligible to be included in any requested parking reduction. Staff’s reason is for this is similar to how the off street parking code refers to ADA parking spaces for multi-family residential developments and that the required caretaker spaces shall be provided in addition to the number of stalls required for the development.
5. Staff finds that the ability to operate a home business from the caretaker dwelling would put an unnecessary impact on the development and fall outside of the primary purpose of the caretaker use.

Proposed Definition (*by staff*)

19.04.XXX Dwelling, Caretaker: means one dwelling unit having a maximum floor area of eight-hundred square feet that is under common ownership with and integrated into the commercial use and main building and is used for the accommodation of one caretaker that is an employee of the commercial use and main building for security or maintenance purposes. A caretaker dwelling must meet the following standards:

- a. Property owner shall record an affidavit stating the caretaker dwelling will not be leased, rented, or sold separately.
- b. Shall be subject to the off-street parking requirements Chapter 19.80 of the MKZ.
- c. Parking spaces for caretaker dwelling cannot be included in any parking reduction request including shared parking.
- d. Home Business shall be prohibited

Community Council Action

As per Chapter 2.56.100 of the Millcreek City Code, staff is seeking Community Council input on the proposed text amendment to the Zoning Ordinance as described. These will go to the Planning Commission for their review and recommendation.

Applicable Links

[Chapter 19.60 Commercial Zones](#)

[Chapter 19.04 Definitions](#)

[Chapter 19.80 Off-Street Parking Code](#)

[Chapter 19.85 Home Business](#)