



Meeting Minute Summary for:
Millcreek Planning Commission
June 18, 2009

As Approved by the Millcreek Planning Commission on July 16, 2009

In attendance: Commissioners Neil Abercrombie, Dennis Alexander, Laura Hanson, Janice Jardine, Gary Sackett, Leslie Van Frank

Absent: Commissioner Kevin Oakes

Staff: Planner Craig Hinckley, Spencer Sanders, Travis Van Ekelenburg,

Coordinator Josh Bass

Senior Planner Tom Schafer

Attorney Tom Christensen

Meeting length about: 2.5 hrs

Number of public in attendance: 16

Summary Prepared by: as approved by the Millcreek Township Planning Commission on July 16, 2009

Minutes of May will be postponed for approval until next meeting.

Chairman Sackett opened the meeting and welcomed the public.

Application #: 24624

Item Description: The Unified Fire Authority is proposing a new fire station on a 1.40 acre site located at 798 East 3900 South in R-2-10 Zone. Millcreek Community Council. Planner: Craig A. Hinckley.

Concerns Discussed: Staff reviewed the staff report; the applicant discussed the project.

Staff Presentation by Craig Hinckley

This building is very similar to the last fire station at 19 East and 33 S.

There is no specific requirement for parking with a fire station. But applicant has planned enough parking for those on shift.

There is a property along the South property line that is owned by Salt Lake County but the applicant has elected on its own to provide landscaping on that area.

Applicant Ryan Perry - Representative

Applicant is Salt Lake Valley Fire Service Area..... This area is currently being serviced by the South Salt Lake service. Applicant has met with surrounding areas and feels they have mitigated most the issues and concerns.

The hazard light would be placed upon the site by Engineering and Traffic's decision. Very few of the stations actually have them, but applicant is willing to put them on if the engineering department puts them on as stipulations. Right now it may cause more hazard than it would help. Sirens are only used to break traffic and currently 3900 South is a main route and the new station will not be imposing a new disruption to the residents.

Unified Fire Authority would like to purchase the south parcel from Salt Lake County and are working through the process to do so.

Point of clarification, the applicant is Salt Lake Valley Fire Service Area.

Community Council – Fred Anderson – Millcreek

Unanimous approval.

Public - no one spoke for or against this application.

Motion and Conditions: Approved subject to staff recommendations

by: Commissioner Van Frank

2nd by: Commissioner Jardine

Voted for motion: All members present

Voted against motion: None. No members abstained or were recused

Application #: 24708

Item Description Deanne Leatherman of Young Electric Sign Company on behalf of The Multimedia Centers (TMC) – 2870 E. 3300 S. – The applicant is requesting Conditional Use approval of an Electronic Message Center Sign. The sign is a large-screen television display. – Zone: (C-2 Community Commercial) – Community Council: East Millcreek – Planner: Spencer G. Sanders

Concerns Discussed: Staff reviewed the staff report; the applicant discussed the request.

Commissioner Van Frank recused herself from consideration of this application.

Staff Presentation by Spencer Sanders

A brief overview of the property and surrounding area and zones was given, as well as the location and design of the sign that is being proposed. The staff has recommended conditions of approval of the proposed sign so as to mitigate the impact on the surrounding neighbor. The major concern of staff was that the electronic message center portion of the illuminated sign should not run through the night, and that the hours of operation of this portion of the sign be limited.

This sign will be just under twelve (12) feet tall from the ground to the top of the sign. Both Spencer Sanders and the applicant stated that the footprint and height and of the sign will not change.

Currently the property has banner signs that would need to be approved or brought into compliance (condition #2 in the staff report).

Chairman Sackett asked why staff condition #5 is included, as it is a condition that goes with everything that the Commission approves, suggesting it would be more pertinent that the staff conditions be specific conditions for the application itself. Planner Spencer Sanders explained that it is how he was trained and that this condition is included mostly for the benefit of the applicant and not necessarily for the Commission or for staff.

The Commission wondered if there are any approved signs within the unincorporated county to compare this sign to; staff did not have any information at hand to answer the question.

Applicant Tom Perry and Scott Carleson of Young Electric Sign Company

Mr. Perry and Mr. Carleson explained that the size of the sign will be exactly the same and that they are just replacing the current sign. The footprint will be the same, and they are including with this sign an automatic dimming device so it will be dimmer during the night then during daytime.

With regard to the condition of hours of operation the applicant requested that the electronic message portion of the sign to be on an hour or two earlier and later rather than the proposed time the sign would need to be turned off which would be from 10:00 pm to 7:00 am.

The electronic message center portion of the sign is an RGB screen (TV board); it will be fixed images for promoting the applicants business as well as promoting community events.

Community Council – Blake Keithley - East Millcreek

Positive recommendation.

Public Comment

No one spoke in favor.

Opposition

Justin Reed – Is okay with the 12 foot height and limited hours, but is concerned about the brightness of sign in their bedroom windows. More concerned about winter time when the sun is down at 5:00 pm. Opposed to anything that adds more light.

Bruce Coke – Sees one sign after another going up in the air for about 400 yards on that street. Objects and feels the sign is going to be higher than 12 feet. The current size of the sign has been there for several years but can not see it at night.

Barry Short – Awkward intersection situation due to businesses on that street and the street not matching up. Concerned that any window that can see that sign will have blinking on their windows and/or blinds. Adding another visual hazard will make the street even more unsafe; is strongly against the light pollution that this sign will cause.

Commission’s Discussion.

Commissioner Hanson stated that she is sympathetic to the clutter and multitude of signs in the area and feels it degrades the quality of the community, but since the sign is already in place and functioning it would make sense to approve the proposed changes. She would also like the dimming function of the sign to be added as a condition of approval so that, during the summer months, the hours of operation be off from 10:00 pm to 7:00 am and altered for the appropriate seasons.

Commissioner Alexander suggested the condition that the proposed sign be no higher than the current sign.

Motion and Conditions: Approved as proposed by staff, with specific regard to the size and height outlined in the report and additional condition that the dimming function of the sign be imposed and enforced with all the conditions outlined in the report.

Point of clarification: the height is limited to what is stated in the staff report. (the same height and size as currently in place).

by: Commissioner Hanson

2nd by: Commissioner Alexander

Voted for motion: All members present and not recused.

Voted against motion: None. Van Frank recused

Application #: 24660

Item Description Larry Stepp – 545-547 W. 3900 S. and 539 W. Meadowbrook Expressway – The applicant is requesting approval of a Zone Change from the M-1 Manufacturing Zone (Light Industrial) and the C-1 Commercial Zone (Neighborhood Commercial) to the C-3 Commercial Zone (Commercial, Warehouse and Wholesale). The applicant is making this request in order to allow a massage therapist business in the western building and an outdoor dining area associated with the existing restaurant in the eastern building of the subject property. These uses are not allowed in the current M-1 and C-1 zones respectively – Community Council: Millcreek – Planner: Spencer G. Sanders

Concerns Discussed: Staff reviewed the staff report; the applicant discussed

Staff Presentation by Spencer Sanders

A brief overview of the property was given with specifics that the two parcels are next to each other and in different zones, M-1 and C-2, and that applicant is proposing to rezone the two parcels into a C-3 zone. Mr. Sanders then read a surrounding neighbor's emailed comment regarding their concern for whether a this rezone would open the property to large retail.

Previously, outdoor dining had taken place on the property, but it is not allowed under its current zoning. It is allowed under the C-3 zone. There has been a public concern about the music on the hi-fi system being played loudly during the day time and disrupting the neighbor.

Applicant Larry Stepp

Mr. Stepp explained that the outdoor seating would be used only during the summer time and is used to draw attention to the restaurant on the property. It has been used with outdoor seating in the past, and he was unaware that it was not allowed and that due to the zoning that no outdoor seating is taking place. He also stated that there is no manufacturing on the property, and he does not want any on his property; thus, his desire to rezone the M-1 parcel to the C-3 zoning.

Community Council - Fred Anderson – Millcreek

Council voted to have it approved and feels the C-3 would be more beneficial to the community than the current C-1 zone.

There was no one from the Public to speak for or against this application.

Motion and Conditions: Recommend to the County Council that the zone change be approved.

by: Commissioner Van Frank

2nd by: Commissioner Jardine

Voted for motion: All members present

Voted against motion: None. No members abstained or were recused

Application #: 24688

Item Description: Applicant Gary Gowers has applied for a Site Plan Amendment to a previously approved Conditional Use to add an additional accessory building to the existing car washing facility. The address is 1990 East 3300 South. The current zone for the property is C-1 (Commercial); and the property is 1.0 Acre in size. Community Council – Millcreek; Planner – Travis D. VanEkelburg

Concerns Discussed: Staff reviewed the staff report; the applicant discussed the request.

Staff Presentation by Travis Van Ekelburg

A brief overview of the property was given, with the note that a particular issue raised during the conditional use process is that the parcel to the west, which is a separate parcel currently zoned RM, is owned by the same property owner. Currently, this parcel is used as parking for employees of the car wash and is seen as part of the application and therefore has been included in the process.

No neighborhood issues or concerns have been raised, but the applicant has not yet been before the Community Council.

Applicant Gal Jones (Owner) and Gary Gowers of Beacher Walkers Architects

Mr. Jones stated that he is updating the car wash to be more eco-friendly and also to allow employees to be in an enclosed environment during the hot summer months and the cold winter months. He also hopes to reduce the current wait time. Currently the average wait time is 40-45 minutes and is hoping to reduce

the time to 20-25 minutes. This shorter wait time will also reduce the need for the limited customer parking spots that are currently available. He stated also that there will not be any reduction from the current parking they provide.

Commission Alexander raised a concern of the design of the new building. Mr. Jones clarified that the proposed additional structure will look like the current building with regard to the fact that the current building is a cement masonry building and he will be adding a “Firehouse Brand” element to the site. This proposed additional building will be a through building that is very similar to a carport.

Community Council: Brian Keithley – East Millcreek
Noted that this property is in the East Millcreek Community Council. not the Millcreek Council.

Commissioner Van Frank noted that landscaping will eliminate access from the Jiffy Lube. Mr. Jones stated he is working with the Jiffy Lube and also noted that they would like to add some self-serve vacuums along the drive and proposed landscaping next to the Jiffy Lube. There are apartments to the west and the vacuum machines will be housed inside the proposed accessory structure to minimize disturbance to the neighbors.

The employee parking has been there for some time and is unobtrusive. The Commission expressed concern that they would like to see a bicycle rack installed for employees of the car wash.

Motion and Conditions: Discussion only item

Application #: 24718

Item Description: Brad Smith of Galloway and Company on behalf of Home Depot – 3398 S. Highland Drive – The applicant is requesting Conditional Use Approval to amend the existing site plan and conditions of approval for the Home Depot site. The applicant is proposing to: 1) Add trees near the existing retention facility on the west side of the property; 2) Eliminate two parking stalls along the west side of the parking lot to convert to landscaped islands; 3) Utilize 5 parking spaces at the northeast corner of the west parking for shed display; 4) Enclose parking along the south side of the building into a fenced-in area for materials storage; 5) Expand seasonal outdoor display areas in the parking lots and in front of the building; 6) Increase delivery, site/building maintenance, and trash pick-up hours from between 7 am and 10 pm to 24 hours; and 7) Addition of light shields to certain light fixtures. Zone: C-2 – Community Council: Millcreek – Planner: Spencer G Sanders.

Concerns Discussed: Staff reviewed the staff report; the applicant discussed the application.

Staff Presentation by Spencer Sanders

Since the staff report, Brad Smith of Galloway has noted that certain items 1 and 2, have already been done and that item number 4 has been completed and was previously approved. The light shields have already been approved and installed and have just been added as an update to the site plan.

Staff Conditions 3,5 and 6 are the only items of the staff report that are currently being addressed. Currently, Home Depot is using areas that are not approved and encroaching into the drive area. The concern is that a fire truck would not be able to get through.

Commissioner Jardine added that this is one of Home Depot’s smaller lower scale neighborhood stores, and expanding into the parking is a major impact and is not what was represented in the original development. There is an impact on neighbors and the circulation as well as an impact of the parking requirements that are being taken away from the expansion of displays.

Two public comments:

Tom Jennings -- Had no issues with the proposal as far he knew. Happy with Home Depot in his neighborhood.

The second was an email handed to the Commission.

Several concerns from existing residents have been raised as to what would be the hours of operation and impacts on their quality of life from the use of this facility, i.e., deliveries, hours of operations, and lighting from the property.

Applicant's proposal is to allow them to get more products into the store before it opens so that delivery vehicles are not remaining in the parking lot or around the store. This would also minimize impact to deliveries that arrive during the time the store is open. The extension of hours would allow the employees to take deliveries, as it can be difficult to do so during hours of operation. Taking deliveries before the store opens would minimize impact to parking and storage.

Applicant Brad Smith with Galloway

1st piece to formalize onsite employees installed in 2006-07 from response of the Conditional Use at that time.

New piece is to give additional tools to operate with customer demand and expectations.

Currently, the shed displays are in front of the building, but they would like to add more display models on five parking stalls in front of the store. Even by excluding those five stalls, Home Depot will still meet the county's parking requirements. There is concern from the Commission that taking away these stalls when there already are customer and Commission concern with the parking availability, regardless of the county requirements. Also, with the garden product out as far as it is, it is very difficult to maneuver with two cars going by, let alone the possibility that an emergency apparatus may need to get by.

Note: Seasonal display of the 20 parking stalls on the South West side was previously approved.

As part as the original approval of a 7700 square foot allotment, this request will not go over the 7700 square foot allotment. Home Depot is looking to rearrange the lay out and improve the circulation pattern of the site.

At this point Commissioner Hanson excused herself from the meeting. A quorum was maintained with the remaining commissioners in attendance.

The 24 hour operation proposal would be only for deliveries and stocking of the store. Typical parking lot maintenance and trash would not be altered and the store hours would not be extended and would remain consistent with what they been approved for.

There was discussion that a sound wall be built to protect the residents surrounding the site and that the residents on 3340 South would most likely be impacted the most by the route of deliveries and that the route the delivery trucks would make should be taken under consideration.

Site pickup of trash could be too noisy during the 24 hour operation. Parking lot maintenance and street cleaners, leaf blowers could add a disruption to the surrounding residents.

Mr. Smith envisions the proposed site plan amendment is to utilize Highland Drive and Luck Lane to deliver to the store, and there would be no need to change the parking west of the building. There may be a possibility of adding a night chain on the north entrance of the site (near 3340 South), but that would have to be looked at by the Sheriff's office for security reasons, and by Traffic as well.

Commissioner Van Frank has requested the original approval and site plan along with later conditional approval be added to the documentation so that everyone is clear on what has been approved, the conditions placed upon the approvals, and the process for amending the approvals.

Staff Points:

Assistant County Attorney Tom Christensen noted the previous approval went to Utah District Court. Tom Schafer also added there is a settlement document available and expressed that staff will look for a provide everything that could be helpful for clarity.

Point of clarification: The action 3 years ago was based upon an enforcement action. Home Depot corporate offices then brought it before the Planning Commission, and those issues were addressed. Any further amendments would be brought before the Commission, which follows the directive of this process for this request. This leaves the Planning Commission with only the staff items 3, 5 and 6 to address.

Tom Schafer noted that part of what Home Depot is doing now is showing what in reality the site looks like with the inclusion of the proposed amendments. All they are doing is formally showing the changes on the plan; the Commission is not approving their location.

Community Council: Millcreek – Fred Anderson

The Council not seen this yet, but Mr. Smith plans to be on the August agenda

There were no members of the public to speak for or against this application.

Commission – no further discussion.

Motion and Conditions: Discussion Only item.

Adjournment at __:__.